

September 28, 2013

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Dear Commissioners:

By letter on September 16, 2013 I advised this commission about a change made during the last legislative session that could significantly affect this commission's work. This change is increasingly important now that the commission is at the point of "fine tuning" the city council districts.

House Bill 1164 (reproduced at the end of this letter) removed the requirement that city council districts cannot split election district boundaries. Until this change, Travis County was obligated to redraw county election precincts so that each precinct is wholly contained within a city ward or district. **Now, Travis County can allow some persons within an election precinct to vote in one city district while other persons in the same precinct vote in one or more other city districts.**

As a result, it is now much easier for you to split existing election precincts (by going to the block level) when necessary to meet other charter criteria because the county no longer must try subsequently to redraw election precinct boundaries to follow the new city district lines.

On a related matter, the strange looking Travis County election precincts are not because the county voter registrar enjoys bizarre lines or had too much scotch before drawing precinct boundaries. The boundaries of the precincts are the result of the interaction of all of the district (e.g. congressional, state house, state senate, county commissioner, justice of the peace, etc) lines. So often one set of district lines is drawn without attention to the other district lines being drawn by the same or another redistricting body. As a result, lines drawn near each other often leave a small strip or bubble that effectively stands alone. The poor county voter registrar is left with the problem of cleaning up the mess by drawing election precincts that stay within the various district lines and have a convenient polling place. Please do not blame the county if the resulting precincts appear strange. The change in HB1164 means that Travis County is no longer required to redraw the precincts to fit within city council districts.

As a lawyer, I continue to believe there are many reasons to adhere to county precincts (as the charter requires) whenever practicable, but now you have more flexibility than when Proposition 3 was passed.

Thank you.

Steve Bickerstaff

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House Bill 1164. In the past, state law required that election precincts must be wholly contained within city ward (district) lines. This requirement was in Section 42.005 of the Texas Election Code. However the Texas Legislature in 2013 adopted House Bill 1164 (signed by the governor in May) deleting the requirement that an election precinct may not contain territory from more than one “ward in a city with a population of 10,000 or more.” There is no indication that the change was prompted by the City of Austin election, but the change affects the city. H.B. 1164 as enacted is set out below:

H.B. No. 1164

AN ACT

relating to the territory that may be included in a single county election precinct.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 42.005, Election Code, is amended to read as follows:

Sec. 42.005. RELATIONSHIP TO [WARDS,] DISTRICTS[,] AND JUSTICE AND COMMISSIONERS PRECINCTS.

SECTION 2. Section 42.005(a), Election Code, is amended to read as follows:

(a) A county election precinct, including a consolidated precinct, may not contain territory from more than one of each of the following types of territorial units:

- (1) a commissioners precinct;
- (2) a justice precinct;
- (3) a congressional district;
- (4) a state representative district;
- (5) a state senatorial district; or
- (6) [a ward in a city with a population of 10,000 or more; or]
- [(7)] a State Board of Education district.

SECTION 3. Section 42.010(c), Election Code, is amended to read as follows:

(c) After each redistricting of a territorial unit described by Section 42.005(a)(3), (4), (5), or (6) [(7)], the commissioners court may submit recommendations to the secretary of state on changes to the territorial units to allow the county to eliminate county election precincts with no population or a substantially small population.

SECTION 4. Sections 42.005(c) and (d) and 42.010(a), Election Code, are repealed.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.