

Precincts and Polling Places for Local Political Subdivisions



Elections Division – Legal Section



Resources

- **May 6, 2023 Election Law Calendar**

<https://www.sos.state.tx.us/elections/laws/advisory2022-37.shtml>

- **Elections Forms Index**

<https://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml>

- **Conducting Your Elections Page**

<https://www.sos.state.tx.us/elections/conducting/index.shtml>

- **Texas Election Code**

<https://statutes.capitol.texas.gov/>



What is an Election Precinct?

- **County Election Precinct**
 - Created by order of commissioners court and is the basic unit of voter registration.
- **Election (Day) Precincts**
 - The area served on election day by a single polling place. It could be a single county election precinct, combined county election precinct, or consolidated county election precinct (counties); or the precincts created by a local authority (May elections).



Use of County Election Precincts

- County Election Precincts **MUST** be used for the following elections:
 - 1. General election for state and county officers; (November Election)**
 2. Special election ordered by the Governor;
 3. Primary election;
 4. Countywide election ordered by county;
 - 5. Election held by political subdivision on uniform date in November**

Sec. 42.002, Texas Election Code



Use of County Election Precincts – November Election

- Political subdivisions holding an election on the November uniform election date **must** use county election precincts and the county polling places on Election Day.
- This is the case even when the county has adopted the countywide polling place program. In that case, the entity **must** have a presence in every countywide location in the county, not just the locations physically within the territory of the political subdivision.

Secs. 42.002; 43.004; 43.007(e), TEC



Use of County Election Precincts Not Required for May Elections

- Local political subdivisions holding an election on the **May** uniform election date **are not required to** use county election precincts and the county polling places on Election Day.
- Section 42.061 allows the political subdivision to draw their own election precincts for the May Uniform election date.
- A political subdivision may establish only one election precinct if the polling place would adequately serve the voters.
 - Best practice - a voter should not have to drive more than 25 miles to get to a polling place.



Entities in More than One County

- Because entities can draw their own precinct lines for May Uniform elections, they can cross into different counties, if necessary.
 - May Election – a voter could go to any voting site run by County A, regardless of whether that site was physically located in County A or County B, and regardless of whether the voter was registered in County A or County B, as long as the individual was a registered voter of the political subdivision
 - November Election – a voter could only vote in County B, and County A would have to establish a polling place in County B



Polling Places for Joint Elections

- If an entity is holding a joint election with another entity, the entities may use a common polling place even if it is outside the territory lines of one of the political subdivisions.
- This is permissible as long as the location can adequately and conveniently serve the affected voters and will facilitate the orderly conduct of the election.
- Sec. 271.003



Polling Places



Polling Places

- **GENERAL RULE**

- Each election precinct established for an election shall be served by a single polling place located within the boundary of the precinct.

Sec. 43.001, TEC



Buildings as Polling Places

- Requirements
 - Must be located inside a building.
 - Must be a public building, if practicable.
 - May not be located at the residence of a person who is a candidate for elective office or related to the candidate.
 - Must be accessible
 - The entity that owns the public building may refuse use if more than one entity asks permission for the building and simultaneous use by several entities is impracticable.

Sec. 43.031, TEC



Public Buildings as Polling Place

- If a public building is unavailable in a county election precinct, the county commissioners may purchase or construct a building in the precinct for that purpose. (Sec. 43.032, TEC)
- There is no charge (including a charge for personnel, utilities, or other expenses incurred before or after regular business hours) for the use of a public building if the day on which the election is held, the building is **normally open for business**. (Sec. 43.033, TEC)
- If the building is not normally open for business, a charge may be made only for reimbursement for the actual expenses resulting from the use of the building in the election.



Notice Requirements



Notice at Previous Polling Place

- If the polling place that is used in an election is different from the location used in the preceding election ordered by the same authority, you must give notice of the change at the previous polling place.
- Notice Requirements
 - Notice must be posted at entrance to previous polling place
 - Notice must state the location of the new polling place

Sec. 43.062, TEC



Thank you!

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