



# Policy Perspective

## How to Ensure Fair Elections in Texas

by The Honorable  
Jess Fields

In recent years, Texas has been embroiled in a fierce debate about fair elections. The vast majority of the discussion has been over one single issue—voter-ID laws. Although an important issue, voter-ID laws do not even begin to paint a whole picture of the important public policy questions surrounding elections.

This paper will analyze another issue that is also extremely important: how and when local elections are held. While voter-ID laws have been a divisive topic, the question of how elections are actually conducted may do more to unite individuals with different views and help to bring a greater degree of fairness and justice to Texas' elections.

### Key Points

- Elections should be held in November.
- Early voting polling places should be at fixed locations.
- Financial information should be placed on the ballot.

### Recent History of Local Elections in Texas

In 2010, Congress passed, and President Obama signed, the Military and Overseas Voter Empowerment (MOVE) Act. In practice, this law requires states to amend their election procedures to provide additional time between when partisan primary elections and their subsequent runoff elections were held, so that overseas voters' absentee ballots would have enough time to be counted.

In the 82nd Legislative Session in 2011, Representative Van Taylor and Senator Leticia Van de Putte coauthored SB 100, intending to move Texas into compliance with the MOVE act by giving localities a choice as to whether or not to continue to hold their elections in May, or whether to move to November. By default, if a city or school district did nothing by December 31, 2011, its election cycle would be moved to November. Localities looking to continue to hold regular elections in May could do so by adopting an ordinance to that effect. As a result, some cities and school districts in Texas hold their elections in November, while others continue to use the May date.

### Differences in Turnout Between May and November

The difference in turnout among registered voters in May and November elections is significant. However, because different localities have adopted different election dates, it is difficult to measure precisely how much turnout varies between the two dates across the entire state.

Therefore, in order to provide an illustration of the differences in turnout, May and November election dates are contrasted for the four largest Texas counties that report election totals for both dates in Table 1.1 The important number is the voter turnout as a percentage, not necessarily the number of ballots cast, because the number of registered voters will vary according to which jurisdictions are voting.

**Table 1: Voter Turnout for Four Large Texas Counties, May Versus November 2014**

	May 2014 Registered Voters	May 2014 Total Voter Turnout	May 2014 Voter Turnout Percentage	Nov. 2014 Registered Voters	Nov. 2014 Total Voter Turnout	Nov. 2014 Voter Turnout Percentage
<b>Bexar County</b>	669,313	9,376	1.40%	959,438	303,971	31.68%
<b>Collin County</b>	236,613	16,071	6.79%	489,032	177,821	36.36%
<b>Dallas County</b>	901,265	47,532	5.27%	1,206,869	410,529	34.02%
<b>Tarrant County</b>	896,589	51,464	5.74%	1,000,426	376,101	37.59%

Sources: Bexar County Elections Department<sup>2</sup>, Collin County Elections Department<sup>3</sup>, Dallas County Elections Department<sup>4</sup>, Tarrant County Elections Department<sup>5</sup>

This comparison of election turnout in May and November 2014 in four of Texas’ largest counties makes clear that turnout for May elections is much lower than for November, ranging from 1.4 percent in Bexar County to 6.79 percent in Collin County in this comparison. Far from enabling citizen involvement, May elections choke voter turnout down to abysmal levels.

**“Rolling Polling” as Used in School Board Elections**

In addition to holding bond elections in May, some Texas school districts have also figured out that they can use exotic early voting schedules to restrict turnout and, perhaps, allow district employees to vote in such elections more easily than average voters.

The most glaring such policy is often referred to as “rolling polling.” This basically means that polling locations change day to day during early voting. In large enough school districts, this means that there is a totally unique slate every day during early voting. During the May 2014 bond elections, two notable users of rolling polling were Cy-Fair ISD in the Houston metro area, and Frisco ISD in the Dallas-Fort Worth Metroplex. Cy-Fair ISD was voting on a \$1.2 billion bond and Frisco ISD was voting on a \$775 million bond. Their rolling polling schedules are reproduced in **Table 2** below to illustrate.

**Table 2: Rolling Polling Schedules for Cy-Fair and Frisco in May 2014 Bond Elections**

	Cy-Fair ISD	Frisco ISD
<b>Monday, April 28</b>	Emmott ES, Hamilton ES, Hemmenway ES, Lamkin ES, Millsap ES, Owens ES, Swenke ES, Walker ES, Barry Center, ISC	Centennial HS, Fowler MS, Frisco HS, Heritage HS, Lone Star HS, Wakeland HS
<b>Tuesday, April 29</b>	Bang ES, Duryea ES, Fiest ES, Horne ES, Keith ES, Moore ES, M. Robinson ES, Barry Center, ISC	Cobb ES, Curtsinger ES, Elliott ES, Liberty ES, Maus ES, Pink ES, Robertson ES, Sparks ES
<b>Wednesday, April 30</b>	Andre’ ES, Ault ES, Emery ES, Francone ES, Frazier ES, Hairgrove ES, Hancock ES, Postma ES, Barry Center, ISC	Boals ES, Bright ES, Carroll ES, Comstock ES, Nichols ES, Sem ES, Smith ES
<b>Thursday, May 1</b>	Jowell ES, Lee ES, McFee ES, Rennell ES, A. Robison ES, Willbern ES, Yeager ES, Barry Center, ISC	Anderson ES, Bledsoe ES, Isbell ES, Ogle ES, Philips ES, Tadlock ES
<b>Friday, May 2</b>	Copeland ES, Farney ES, Kirk ES, Matzke ES, Post ES, Sheridan ES, Warner ES, Barry Center, ISC	Allen ES, Ashley ES, Corbell ES, Gunstream ES, Hunt EMS, Spears ES
<b>Saturday, May 3</b>	Barry Center, ISC	Griffin MS, Riddle ES, Roach MS, Scoggins MS, Vandeventer MS
<b>Monday, May 5</b>	Bane ES, Birkes ES, Black ES, Danish ES, Gleason ES, Lowery ES, Metcalf ES, Wilson ES, Barry Center, ISC	Fisher ES, Rogers ES, Shawnee Trail ES, Sonntag ES, Stafford MS, Taylor ES
<b>Tuesday, May 6</b>	Adam ES, Holbrook ES, Holmsley ES, Lieder ES, Pope ES, Reed ES, Sampson ES, Tipps ES, Barry Center, ISC	Borchardt ES, Christie ES, Clark MS, Mooneyham ES, Purefoy ES

*Sources: Cypress-Fairbanks ISD. “Inside Cypress-Fairbanks ISD.” Vol. 23, Issue 7. March 2014; and Denton and Collin Counties, Frisco Independent School District. “Order Calling a Bond Election.” March 5, 2014.*

Frisco ISD had 49 different polling locations during the early voting period, each being used for only one day, with no constant locations from day to day. Cy-Fair ISD had 52 different polling locations during the early voting period, each used for only one day, and maintained two constant early voting locations at Berry Center and ISC.

**The Lack of Transparency on Local Ballots**

Local entities seeking voter approval for their massive bond elections have a strong incentive to be coy about just what those elections mean to taxpayers. Currently, Texas law requires minimal information to be on bond election ballots, specifically the amount of the bond and a general description.<sup>6</sup> Today in Texas, voters who approach a bond proposal do so in isolation of the total existing debt situation for the local government entity, as well as apart from any consideration of the overall tax impact of the proposed bond.

Instead of keeping this vital information out of public view, the legislature should require basic information be provided on the ballot to accompany any proposed local bond. A simple solution would require that total principal and interest for all outstanding debt obligations, estimated principal and interest for the proposed bond, and esti-

mated tax impact created by repayment of the debt for the average taxpayer. This would not burden localities, but would provide a wealth of additional information to voters faced with the important decision of whether or not to approve more local debt.

### May Elections Fuel the Growing Local School Debt Problem

That May elections yield lower turnout has not been lost on Texas' localities, especially school districts, who have utilized May elections to pass enormous bond packages. In May 2014, Texas voters were asked to approve over \$6.6 billion in school bond proposals. With the notable exception of Eanes ISD, where voters turned down an \$89.5 million bond proposal, and some other smaller districts, virtually all May school bond elections passed.<sup>7</sup>

The Texas Comptroller's Office has pointed out that local school debt constitutes the largest portion of Texas' total outstanding local debt,<sup>8</sup> which has now hit \$328 billion in combined principal and interest.<sup>9</sup> When May elections are held, it takes fewer voters to approve a bond package.

### Conclusion

Local elections in Texas suffer from a lack of turnout due to May placement and rolling polling, and a lack of transparency due to minimal information provided to voters on the ballot. In order to improve the fairness of the local elections process, as well as to improve the ability of citizens to hold their governments accountable by having more information, the Legislature should enact the following three reforms for the local elections process:

#### 1) Require Regularly Held Local Elections To Take Place in November

Most local elections, with the exceptions of special elections held to replace vacancies, recall elections, or elections held due to incorporation proceedings, should be required to be held in November.

#### 2) Ban the Practice of "Rolling Polling" by Requiring Fixed Polling Places

Early voting locations should be required to be held constant throughout the early voting period, and not allowed to be changed on a day-by-day basis.

#### 3) Require Basic Information about Bond Proposals to be on Ballots

Bond proposals should appear on ballots alongside information about total outstanding local debt including principal and interest, information about how much new debt, including principal and interest, the proposal would create, as well as the estimated tax impact for repayment of the bond for the average taxpayer.

Adoption of these reforms would ensure that local elections adhere to the basic principle that government belongs to the people. Texans should not be discouraged from participating in local elections, and these reforms would ensure better access and fairness. In the interest of improving the local election process, the Texas Legislature should act during this session to institute these basic, but essential, reforms. ★

## BALLOT BOX TRANSPARENCY

### DISPLAY EXISTING DEBT INFO

Include language on the ballot that specifies the existing outstanding debt obligations, principal and interest, for the locality

### DISPLAY PROPOSED DEBT INFO

Include language on the ballot that specifies the estimated principal and interest of the proposed bond

### SHOW THE TAX IMPACT

Include language on the ballot specifying the estimated tax impact on the average taxpayer of the locality proposing the bond

## Notes

<sup>1</sup> Harris, Travis, El Paso, and Hidalgo counties do not report countywide election totals for both May and November elections, or do not report them in ways that make them clearly compared for the entire county and its constituent jurisdictions.

<sup>2</sup> May 10, 2014 Joint General, Special, and Bond Election Totals Report and November 4, 2014 Joint General, Amendment, Special, and Bond Election Totals Report, *Bexar County Elections Department*, Jacquelyn F. Callanen, Elections Administrator (Accessed Nov. 23, 2014).

<sup>3</sup> May 10, 2014 Election Summary Report and November 4, 2014 Election Summary Report, *Collin County Elections Department*, Sharon Rowe, Elections Administrator (Accessed Nov. 23, 2014).

<sup>4</sup> May 10, 2014 Joint Election Unofficial Final Cumulative Results and November 4, 2014 General and Joint Election Unofficial Final Cumulative Results, *Dallas County Elections Department*, Toni Pippins-Poole, Elections Administrator (Accessed Nov. 23, 2014).

<sup>5</sup> May 10, 2014 Joint Election Cumulative Report and November 4, 2014 Joint General and Special Elections Cumulative Report, *Tarrant County Elections Department* (Accessed Nov. 23, 2014).

<sup>6</sup> Texas law presently requires the amount proposed to be borrowed and a general description of the purpose, but nothing else. See Quintero, James, “Improving Financial Transparency at the Ballot Box,” *Texas Public Policy Foundation*. (Sept. 22, 2014).

<sup>7</sup> KXAN News. “Millions approved for several districts; Eanes ISD voters shoot down bond.” (May 10, 2014).

<sup>8</sup> Combs, Susan. “Your Money and Education Debt.” Office of the Texas Comptroller.

<sup>9</sup> Quintero, James and Ginn, Vance. “Texas’ Local Debt Hits \$328 Billion—That’s \$12,400 Per Person.” *Forbes.com* (Sept. 2, 2014).

## About the Author



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