

Fw: LEGAL QUESTION (EI Response)

Daryl Melton <daryl.melton@co.sabine.tx.us>

Thu 9/7/2023 12:30 PM

To:RD Griffin <rd.griffin@yahoo.com>;Stanley R. Jacks <srjacks@co.sabine.tx.us>

Cc:Jamie Clark <countyclerk@co.sabine.tx.us>

Please check email below. We now have an email in writing from the Election Attorney with Sec of State. From email you will see that they have had to correct some information that was told to Jamie verbally yesterday about us being able to consolidate as we did. Consolidation can be done, just not the way it has been done in the past. Glad to have this in writing to clarify crossing over into different voting pct.

We will have consolidation of polling places back on the agenda at CC Monday. An explanation of the of the issue will be discussed and then a motion to rescind previous action on consolidation of said polling will be made. Then a new recommendation will be made - I believe Jamie [per her and my conservation] will be making the recommendation to open all 8 polling places - them a motion will be entertained with a second and then vote.

Daryl

From: Jamie Clark <countyclerk@co.sabine.tx.us>
Sent: Thursday, September 7, 2023 11:08 AM
To: Daryl Melton <daryl.melton@co.sabine.tx.us>
Subject: Fw: LEGAL QUESTION (EI Response)

Jamie Clark
Sabine County Clerk
280 Main St. Suite 100
Hemphill, Texas 75948
409-787-3786
409-220-8353

From: Jacee Ebarb <jacee.ebarb@co.sabine.tx.us>
Sent: Thursday, September 7, 2023 10:45 AM
To: Jamie Clark <countyclerk@co.sabine.tx.us>
Subject: FW: LEGAL QUESTION (EI Response)

From: Andre Montgomery <ATMontgomery@sos.texas.gov>
Sent: Thursday, September 7, 2023 9:05 AM
To: Jacee Ebarb <jacee.ebarb@co.sabine.tx.us>
Cc: Elections Internet <Elections@sos.texas.gov>
Subject: RE: LEGAL QUESTION (EI Response)

Good morning.

This email is a follow up to our telephone conversation from yesterday. As we discussed over the phone, you may consolidate county election precincts for the upcoming November constitutional amendment election (under Section 42.008 of the Election Code) as well as potentially in the March primary election next year (under Section 42.009 of the Code). You will not, however, be permitted to consolidate county election precincts for the general election for state and county officers next November.

If you consolidate a precinct, that consolidated precinct is subject to some of the same requirements as a regular county election precinct. This includes the rule under Section 42.005 that a county election precinct, including a consolidated precinct, may not contain territory for more than one of several types of territorial units. One of those types of territorial units is a county commissioners court precinct.

Relating to this point, I need to correct some information that we discussed yesterday. The provisions of Section 42.005 would apply for this election, meaning that you cannot consolidate precincts that are from different commissioners court or justice of the peace precincts. Therefore, you would **NOT** be permitted to consolidate precincts 3, 4 and 5 into one election precinct because they contain different commissioners court precincts (3 is in commissioners court precinct #2 while 4 and 5 are in commissioners court precinct #3). Additionally, you would not be able to consolidate precincts 6 and 8 into one because those two election precincts are in different justice of the peace precincts. However, you would be able to consolidate precincts within the same territorial units. For example, you could combine election precincts 4, 5 and 8 since they are in the same commissioners court and justice of the peace precincts.

Please feel free to contact our office if you have any additional questions.

Thank you.

Andre Montgomery

Attorney – Elections Division

Office of the Texas Secretary of State

1019 Brazos Street | Rudder Building, 2nd Floor | Austin, Texas 78701

1.800.252.VOTE (8683)

elections@sos.texas.gov | www.sos.texas.gov

For Voter Related Information, please visit:

VOTETEXAS.GOV
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The information contained in this email is intended to provide advice and assistance in election matters per §31.004 of the Texas Election Code. It is not intended to serve as a legal opinion for any matter. Please review the law yourself, and consult with an attorney when your legal rights are involved.

Sec. 42.005. RELATIONSHIP TO DISTRICTS AND JUSTICE AND COMMISSIONERS PRECINCTS.

(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;

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- (3) a congressional district;
- (4) a state representative district;
- (5) a state senatorial district; or
- (6) a State Board of Education district.

(b) If application of this section conflicts with application of Section 42.006, this section prevails.

(c) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 143, Sec. 4, eff. May 24, 2013.

(d) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 143, Sec. 4, eff. May 24, 2013.

From: Jacee Ebarb <jacee.ebarb@co.sabine.tx.us>
Sent: Tuesday, August 29, 2023 2:46 PM
To: Elections Internet <Elections@sos.texas.gov>
Cc: Jamie Clark <countyclerk@co.sabine.tx.us>
Subject: FW: LEGAL QUESTION

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From: Jacee Ebarb
Sent: Tuesday, August 29, 2023 11:03 AM
To: Elections Internet <Elections@sos.texas.gov>
Subject: LEGAL QUESTION

Good morning,

I have attached a screen shot below of our commissioners and voting precincts. Will we be able to consolidate voting precincts 3, 4 & 5 and then 6 & 8 together for the November election?

County - SABINE

District Code	Name	Precinct
US CONGRESS		
1	U.S. CONGRESSIONAL DISTRICT 1	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
STATE SENATE		
3	STATE SENATE DISTRICT 3	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
STATE REPRESENTATIVE		
11	STATE REPRESENTATIVE DISTRICT 11	1, 2, 3, 4, 5, 6, 7, 8, 9, 10
COUNTY COMMISSIONER		
1	COMMISSIONER 1	1
2	COMMISSIONER 2	2, 3
3	COMMISSIONER 3	4, 5, 8, 9, 10
4	COMMISSIONER 4	6, 7
JUSTICE OF THE PEACE		
1	JUSTICE OF THE PEACE 1	1, 6, 7
2	JUSTICE OF THE PEACE 2	2, 3, 4, 5, 8, 9, 10
CITY		
BRON	BRONSON CITY	BRON
BROO	BROOKELAND	4
HEMP	HEMPHILL	1
PINE	PINELAND	3, 5
SCHOOL		
BISD	BROOKELAND ISD	2, 3, 4, 5
HISD	HEMPHILL ISD	1, 2, 3, 4, 5, 6, 7, 8
SISD	SHELBYVILLE ISD	6
WISD	WEST SABINE ISD	1, 3, 4, 5, 8
FRESH WATER SUPPLY		
BRO	BROOKELAND FRESH WATER SUPPLY DISTRICT	2, 3, 4, 5
GM	GM WATER DISTRICT	1, 2, 3, 4, 5, 6
HC	HEMPHILL CITY WATER	1

Jacee Ebarb, Chief Deputy & Elections

Sabine County Clerk's Office
 280 Main Street, Suite 100
 Hemphill, Texas 75948
 Phone: 409-787-5265