

**TEXAS DEMOCRATIC PARTY, et al.,
Plaintiffs**

IN THE DISTRICT COURT

and

**ZACHARY PRICE, LEAGUE OF
WOMEN VOTERS OF TEXAS,
LEAGUE OF WOMEN VOTERS
OF AUSTIN-AREA, MOVE TEXAS
ACTION FUND,
WORKERS DEFENSE
ACTION FUND,
Intervenors/Plaintiffs**

v.

TRAVIS COUNTY, TEXAS

**DANA DEBEAUVOIR IN HER
CAPACITY AS TRAVIS COUNTY
CLERK,
Defendant**

and

**STATE OF TEXAS,
Intervenor/Defendant**

201st JUDICIAL DISTRICT

ORDER MODIFYING CERTAIN EARLY VOTING PROCEDURES

On April 15, 2020, the Court considered Travis County Clerk Dana DeBeauvoir’s Counter-Petition to Modify Certain Early Voting Procedures. All parties were present and appeared through counsel of record. Having considered the pleadings, the evidence, the arguments of counsel, and the relevant law, this Court is of the opinion that the early voting periods for the special election for State Senate District No. 14 scheduled for July 14, 2020, and the primary runoff elections for candidates for the Texas Democratic Party and the Republican Party of Texas, also scheduled for Tuesday, July 14, 2020, should be aligned.

WHEREAS, on March 13, 2020, the Governor of Texas certified that the novel

coronavirus (COVID- 19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas; and

WHEREAS, the Commissioner of the Texas Department of State Health Services has determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, also on March 19, 2020 and March 31, 2020, the Governor issued executive orders in accordance with the President's Coronavirus Guidelines for America, as promulgated by President Donald Trump and the Centers for Disease Control and Prevention, and mandated certain obligations for Texans that are recommended by federal guidelines and aimed at slowing the spread of COVID-19, and additional guidance to the public has recommended use of face coverings in public settings while maintaining social distancing; and

WHEREAS, on March 16, 2020, the Governor ordered the special election for Texas State Senate District No. 14 to be held on Tuesday, July 14, 2020, for the purpose of electing a state senator to serve out the unexpired term of the Honorable Kirk Watson and indicated early voting by personal appearance in the special election for the State Senate District No. 14 should begin on Monday, June 29, 2020, in accordance with Sections 85.001(a) and (c) of the Texas Election Code; and

WHEREAS, on March 20, 2020, the Governor issued a proclamation postponing the Texas Democratic Party and Republican Party of Texas' primary runoff elections date to July 14, 2020, with early voting by personal appearance to begin on July 6, 2020, in accordance with Section 85.001(b) of the Texas Election Code; and

WHEREAS, pursuant to Section 85.001(d) of the Texas Election Code, Dana DeBeauvoir, Travis County Clerk, has the authority to determine the earliest practicable date on which the early voting by personal appearance period shall begin if it is not possible to begin on the prescribed date; and

WHEREAS, Senate District No. 14 encompasses portions of Travis and Bastrop Counties and the election officials for each County agree that aligning the in-person early voting periods for the special election for State Senate District No. 14 and the primary runoff elections for candidates for the Texas Democratic Party and the Republican Party of Texas as set forth in this order is necessary; and


WHEREAS, the parties reasonably anticipate that due to COVID-19, the associated executive orders and public health guidance issued by local, state, and federal authorities, and the difficulties of safely establishing and staffing polling locations for voting by personal appearance for an extended period of time will not be possible; and

WHEREAS, conducting multiple elections in overlapping voting precincts with the same election date but divergent early voting by personal appearance periods would likely cause voter confusion and would further require that many voters appear in person twice in order to vote, unnecessarily increasing activities contrary to the goals of Stay at Home Orders issued by the Governor, the County Judge, and the Mayor of the City of Austin; and

WHEREAS, aligning the early voting periods for the State Senate District No. 14 election and the party's respective primary runoff elections will allow individuals the right to vote by personal appearance while minimizing the risk of exposure to and spread of COVID-19 among poll workers, poll watchers, voters, and the community, conserving resources, and reducing confusion to voters.


THEREFORE, the Court hereby ORDERS that, in accordance with Section 85.001(d) of the Texas Election Code, early voting by personal appearance in the special election for the State Senate District No. 14 shall begin on Monday, July 6, 2020, and run through Friday, July 10, 2020 so that it runs concurrently with the early voting period for the parties' respective primary runoff elections.

Signed on April 15, 2020.



THE HONORABLE TIM SULAK
JUDGE PRESIDING

Agreed as to content and form:


Bryan Goertz
Bastrop County Criminal District Attorney