

The State of Texas



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Report to the 86th Legislature Under Section 43.007(j), Texas Election Code Relating to the Countywide Polling Place Program

Brief Overview

This report is submitted in accordance with Section 43.007(j) of the Texas Election Code, ("the Code") which requires the Secretary of State to file a report with the Texas Legislature no later than the first day of each odd-numbered year regarding specific complaints or concerns filed with the Office of the Secretary of State related to counties participating in the countywide election day polling places program ("Program") for the 2017/2018 election year cycle. Under the Program, counties were eligible to apply to use countywide voting locations (also known as "super precincts" or "vote centers") for elections held on the November 2017 and 2018 uniform election dates, the March 2018 primary election and May 2018 runoff primary election and elections held countywide on the May uniform election date, instead of providing polling places at each regular county election precinct. Participation in the Program is limited to those counties that exclusively use direct recording electronic ("DRE") voting systems and provide a computerized and linked voter registration list at each countywide polling place.

Background

House Bill 758 was enacted by the 79th Texas Legislature and required the Secretary of State to establish a pilot program in one or more counties as a test of the countywide voting location concept. Lubbock County was the only county to participate, successfully running a countywide polling place pilot for the November 2006 General Election for State and County Officers.

In the next regular legislative session, the 80th Texas Legislature enacted House Bill 3105, authorizing another pilot program for the 2008 election year. The pilot was limited to elections held countywide on the May uniform election date and the November 4, 2008 General Election for State and County Officers, excluding the March and April 2008 Primary Elections. House Bill 3105 contained a number of changes from the previous legislation. Specifically, it added language requiring the county to adopt a methodology for determining its polling place locations and limited participating counties to reducing the total number of polling places to no more than fifty percent of the number of precinct polling places that would normally be used in the county. Only Lubbock and Erath Counties participated in the House Bill 3105 program.

House Bill 719 was enacted by the 81st Texas Legislature, and it made the pilot program permanent. It added language requiring a county to retain 65 percent of the number of precinct polling places that would normally have been used in its elections in the county's first election using countywide polling places. Additionally, House Bill 719 limited the Secretary of State to choosing three counties with a population of 100,000 or more and two counties with a population of less than 100,000 for each election under the pilot program (House Bill 2194, enacted in the 82nd Legislature, increased the number of counties in the Program to six counties with populations of 100,000 or more and four counties with populations of less than 100,000). Finally, House Bill

719 required the Secretary of State to continue the countywide election day polling places program for the 2009/2010 election cycle. Under the Program, counties were eligible to apply to use countywide voting locations for elections held on the November 2009 and 2010 uniform election dates and for elections held countywide on the May uniform election date, instead of providing polling places at each regular county election precinct. Participation in the Program was limited to those counties that exclusively used voting systems and provided a computerized and linked voter registration list at each countywide polling place.

Four counties were selected for the November 3, 2009 uniform election date: Collin, Erath, Galveston, and Lubbock Counties. Four counties were selected for the November 2, 2010 General Election for State and County Officers: Collin, Erath, Lubbock and Madison Counties. Each county was required to file a report with the Secretary of State regarding the implementation in their county, and all the county reports will be available on the Secretary of State website.

Senate Bill 578 was enacted by the 83rd Texas Legislature, and expanded the program for use in each primary election and runoff primary election if the county chair or county executive for each political party participating in a joint primary election under Section 172.126 of the Texas Election Code agreed to the use of countywide polling places; or the county chair or county executive committee of each political party required to nominate candidates by primary election agreed to the use of the same countywide polling places

“Successful” Countywide Precinct Program

House Bill 2194, enacted by the 82nd Texas Legislature, created a new process for counties that had used the countywide election precinct method of voting. Prior law required counties to apply to use countywide election precincts election-by-election. The change added Section 43.007(k)(2) to the Code to allow counties to move forward in using countywide election precincts without approval from the Secretary of State.

To date, fifty-five Texas counties have applied for and met the Secretary of State’s requirements for the “successful” countywide precinct polling place designation: Aransas County, Brazoria County, Brazos County, Callahan County, Collin County, Coryell County, Deaf Smith County, DeWitt County, Eastland County, Ector County, Erath County, Floyd County, Fort Bend County, Gaines County, Galveston County, Grayson County, Gregg County, Grimes County, Guadalupe County, Hidalgo County, Hood County, Hopkins County, Jack County, Jefferson County, Kaufman County, Lampasas County, Lee County, Lubbock County, Madison County, McLennan County, Medina County, Midland County, Milam County, Montague County, Navarro County, Nueces County, Palo Pinto County, Parker County, Potter County, Randall County, Rusk County, San Jacinto County, San Patricio County, Smith County, Swisher County, Taylor County, Throckmorton County, Tom Green County, Travis County, Upshur County, Victoria County, Wharton County, Wichita County, Williamson County, and Young County.

Implementation of Current Program

Nine counties were selected for the November 7, 2017 uniform election date: DeWitt County, Gregg County, Guadalupe County, Hidalgo County, Jack County, Kaufman County, San Patricio County, Upshur County, and Wichita County. One county was selected for the March 6, 2018 primary election: Deaf Smith County. One county was selected for the November 6, 2018 general

election: Archer County. Each of these counties was required to file a report with the Office of the Secretary of State regarding the implementation of their countywide polling locations.

Countywide Precinct Polling Place Program Participants

DEWITT COUNTY

According to the 2010 Census, DeWitt County's population is 20,097.

November 7, 2017

DeWitt County's initial election under the program was the November 7, 2017 Constitutional Amendment Election. Prior to participating in the program, DeWitt County had 7 county election polling places. In the Constitutional Amendment Election held on November 7, 2017, the county opted to maintain those 7 county election polling places as countywide election day polling places.

Turnout Trends

An analysis of turnout trends for constitutional elections in 2013 and 2015 points to increased voter turnout over those years. Reports indicate a 10.6% turnout of registered voters for 2013, compared to 8.42% in 2015 for the Constitutional Amendment Election and 2.54% in 2017 for the Constitutional Amendment Election.

Public Feedback

After the election, the county solicited feedback from county election officials and voters on the institution of the program in the county. During the county's public hearing on August 22, 2018, a citizen spoke in favor of the program. No major issues were reported on the county's use of the program for the November 7, 2017 Constitutional Amendment Election.

DeWitt County applied for "successful" status and was designated as a "successful" county under the program on September 18, 2018.

GREGG COUNTY

According to the 2010 Census, Gregg County's population is 121,730.

November 7, 2017

Gregg County's initial election under the program was the November 7, 2017 Constitutional Amendment Election. Prior to participating in the program, Gregg County had 21 county election polling places. For the Constitutional Amendment Election held on November 7, 2017, the county opted to maintain 18 county election polling places.

Turnout Trends

An analysis of Gregg County's turnout trends for the Constitutional Amendment Election in 2015 showed an increase in turnout. Reports indicate a 9.77% turnout of registered voters for 2015, compared to a 4.79% turnout in 2013 for the Constitutional Amendment Election and a 3.31% turnout in 2017 for the Constitutional Amendment Election.

Public Feedback

Gregg County requested feedback from poll workers and from voters as voters left the polling place on election day. The response to the use of the program was almost exclusively positive with voters commending the county on the ease and convenience of voting at any countywide location. However, some voters did comment that they would like to see reminders regarding the use of the program on television and radio announcements prior to election day,

Gregg County applied for "successful" status and was designated as a "successful" county under the program on December 20, 2017.

GUADALUPE COUNTY

According to the 2010 Census, Guadalupe County's population is 131,533.

November 7, 2017

Guadalupe County's initial election under the program was the November 7, 2017 Constitutional Amendment Election. Prior to participating in the program, Guadalupe County had 35 county election polling places. For the Constitutional Amendment Election held on November 7, 2017, the county opted to maintain 34 county election polling places.

Turnout Trends

An analysis of Guadalupe County's turnout trends for the constitutional elections in 2013 and 2015 showed increased voter turnout in those years. Reports indicate a 14.53% turnout of registered voters for 2013, compared to a 12.48% turnout in 2015 for the Constitutional Amendment Election and a 6.98% turnout in 2017 for the Constitutional Amendment Election.

Public Feedback

Following the election, Guadalupe County solicited feedback from voters by way of a paper survey. The feedback on the county's use of the program was very positive, stating that the program offered voters convenience.

Guadalupe County applied for "successful" status and was designated as a "successful" county under the program on December 20, 2017.

HIDALGO COUNTY

According to the 2010 Census, Hidalgo County's population is 774,769.

November 7, 2017

Hidalgo County's initial election under the program was the November 7, 2017 Constitutional Amendment Election. Prior to participating in the program, Hidalgo County had 37 county election polling places. For the Constitutional Amendment Election held on November 7, 2017, the county opted to maintain 37 county election polling places.

Turnout Trends

An analysis of Hidalgo County turnout trends for the Constitutional Amendment election in 2017 showed an increase in turnout. Reports indicate a 6.84% turnout of registered voters for 2017, compared to a 5.20% turnout in 2015 for the Constitutional Amendment Election and a 6.17% turnout in 2013 for the Constitutional Amendment Election.

Public Feedback

Following the election, Hidalgo County received feedback from voters, election workers, and minority groups regarding the impact of the countywide polling place program. The feedback that the county received was very positive. The comments provided at the public hearing held by the county reflects that the countywide program was very convenient for voters.

Hidalgo County applied for "successful" status and was designated as a "successful" county under the program on January 3, 2018.

JACK COUNTY

According to the 2010 Census, Jack County's population is 9,044.

November 7, 2017

Jack County's initial election under the program was the November 7, 2017 Constitutional Amendment Election. Prior to participating in the program, Jack County had 6 county election polling places. For the Constitutional Amendment Election held on November 7, 2017, the county opted to maintain 4 county election polling places.

Turnout Trends

An analysis of Jack County's turnout trends for the Constitutional Amendment Election in 2015 showed an increase in turnout. Reports indicate a 13.13% turnout of registered voters for 2015, compared to an 8.22% turnout in 2013 for the Constitutional Amendment Election and a 7.51% turnout in 2017 for the Constitutional Amendment Election.

Public Feedback

Following Jack County's initial election under the program in November of 2017, the county participated in a public hearing of the county commissioner's court regarding continued use of the program. The overall feedback provided at the hearing was in support of the county's continued use of the program.

Jack County applied for "successful" status and was designated as a "successful" county under the program on January 3, 2018.

KAUFMAN COUNTY

According to the 2010 Census, Kaufman County's population is 103,350.

November 7, 2017

Kaufman County's initial election under the program was the November 7, 2017 Constitutional Amendment Election. Prior to participating in the program, Kaufman County had 30 county election polling places. For the Constitutional Amendment Election held on November 7, 2017, the county opted to maintain 29 county election polling places.

Turnout Trends

An analysis of Kaufman County's turnout trends for the Constitutional Amendment Election in 2015 showed an increase in turnout. Reports indicate a 9.76% turnout of registered voters for 2015, compared to an 8.09% turnout in 2013 for the Constitutional Amendment Election and a 3.83% turnout in 2017 for the Constitutional Amendment Election.

Public Feedback

Following the election, Kaufman County solicited feedback from voters using an exit survey. The feedback iterated that voters were pleased with the convenience of being able to vote at any polling location and that they would like to see the county continue the use of the program. The election report also contains emails from voters praising the institution of the program. Voter emails indicated overall support for the countywide vote centers.

Kaufman County applied for "successful" status and was designated as a "successful" county under the program on March 20, 2018.

SAN PATRICIO COUNTY

According to the 2010 Census, San Patricio County's population is 64,804.

November 7, 2017

San Patricio County's initial election under the program was the November 7, 2017 Constitutional Amendment Election. Prior to participating in the program, San Patricio County had 15 county election polling places. For the Constitutional Amendment Election held on November 7, 2017, the county opted to maintain 9 county election polling places.

Turnout Trends

An analysis of San Patricio County's turnout trends for the Constitutional Amendment Election in 2015 showed an increase in turnout. Reports indicate a 7.20% turnout of registered voters for 2015, compared to a 5.09% turnout in 2013 for the Constitutional Amendment Election and a 2.58% turnout in 2017 for the Constitutional Amendment Election. However, the Constitutional Amendment Election in 2017 occurred soon after Hurricane Harvey impacted San Patricio County.

Public Feedback

Following the election, San Patricio County solicited feedback from voters. The election report contains letters from voters and poll workers which showed that they were pleased with the convenience of being able to vote at any polling location and that they would like to see the county continue the use of the program. The election report also contains letters from party chairs praising the program, acknowledging its convenience for voters, and encouraging its continued use.

San Patricio County applied for “successful” status and was designated as a “successful” county under the program on August 10, 2018.

UPSHUR COUNTY

According to the 2010 Census, Upshur County’s population is 39,309.

November 7, 2017

Upshur County’s initial election under the program was the November 7, 2017 Constitutional Amendment Election. Prior to participating in the program, Upshur County had 16 county election polling places. For the Constitutional Amendment Election held on November 7, 2017, the county opted to maintain 16 county election polling places.

Turnout Trends

An analysis of Upshur County’s turnout trends for the Constitutional Amendment Election in 2015 showed an increase in turnout. Reports indicate a 13.26% turnout of registered voters for 2015, compared to a 12.24% turnout in 2013 for the Constitutional Amendment Election and a 5.48% turnout in 2017 for the Constitutional Amendment Election.

Public Feedback

Following the election, Upshur County solicited feedback from voters via an exit survey. The election report contains results from the survey which showed that voters were pleased with the convenience of being able to vote at any polling location and that they would like to see the county continue the use of the program.

Upshur County applied for “successful” status and was designated as a “successful” county under the program on December 7, 2017.

WICHITA COUNTY

According to the 2010 Census, Wichita County’s population is 131,500.

November 7, 2017

Wichita County’s initial election under the program was the November 7, 2017 Constitutional Amendment Election. Prior to participating in the program, Wichita County had 10 county election

polling places. For the Constitutional Amendment Election held on November 7, 2017, the county opted to maintain 10 county election polling places.

Turnout Trends

An analysis of Wichita County's turnout trends for the Constitutional Amendment Election in 2015 showed an increase in turnout. Reports indicate an 8.49% turnout of registered voters for 2015, compared to a 6.75% turnout in 2013 for the Constitutional Amendment Election and a 5.55% turnout in 2017 for the Constitutional Amendment Election.

Public Feedback

Following the election, Wichita County solicited feedback from voters via an exit survey. The election report contains results from the survey which showed that voters overall were pleased with the convenience of being able to vote at any polling location and that they would like to see the county continue the use of the program.

Wichita County applied for "successful" status and was designated as a "successful" county under the program on January 10, 2018.

DEAF SMITH COUNTY

According to the 2010 Census, Deaf Smith County's population is 19,372.

March 6, 2018

Deaf Smith County's initial election under the program was the March 6, 2018 primary election. Prior to participating in the program, Deaf Smith County had 4 county election polling places. For the primary election held on March 6, 2018, the county opted to maintain 4 county election polling places.

Turnout Trends

An analysis of Deaf Smith County's turnout trends for the primary election in 2016 showed an increase in turnout. Reports indicate a 26.62% turnout of registered voters for 2016, compared to a 17.51% turnout in 2014 for the primary election and a 24.01% turnout in 2018 for the primary election.

Public Feedback

The election report reflects that the responses from election judges and clerks were overwhelmingly positive for continued use of the program. The election report also contained emails from voters which showed that they were pleased with the convenience of being able to vote at any polling location.

Deaf Smith County applied for "successful" status and was designated as a "successful" county under the program on September 13, 2018.

ARCHER COUNTY

According to the 2010 Census, Archer County's population is 9,054.

November 6, 2018

Archer County's initial election under the program was the November 6, 2018 general election. Prior to participating in the program, Archer County had 11 county election polling places. For the general election held on November 6, 2018, the county opted to maintain 8 county election polling places.

Turnout Trends

An analysis of Archer County's turnout trends for the general election in 2016 showed an increase in turnout. Reports indicate a 67.83% turnout of registered voters for 2016, compared to a 40.08% turnout in 2014 for the general election and a 57.02% turnout in 2018 for the general election.

Public Feedback

The election report reflects that the responses from voters was favorable to the program, stating how easy it made their voting experience.

Recommendations to the 86th Texas Legislature

After thirteen cycles of the countywide polling place program, the countywide polling place program continues to grow and continues to be successful for the counties that implement the program. For the November 2018 general election, 56 counties participated in the program including the 55 counties that had previously been designated "successful". This accounts for just over 22% of the counties in the state.

First Recommendation

Section 43.007(a)(5) of the Code currently reads that the countywide polling place program can be used in an "election of a political subdivision that is held jointly" with the general election for state and county officers, an election on the uniform election date in May, a constitutional amendment election, or a joint primary or runoff primary election. The section does not distinguish if "held jointly" means a joint election agreement under Chapter 271 of the Code or if it also applies to an entity contracting for election services with the county under Chapter 31, Subchapter D of the Code. Accordingly, the 86th Legislature may wish to explicitly clarify "held jointly" in this section.

Second Recommendation

Section 43.007(m)(2) of the Code currently reads that the county must ensure that the "total number of permanent branch and temporary branch polling places open for voting in a county commissioners precinct does not exceed more than twice the number of permanent branch and

temporary branch polling places in another county commissioners precinct.” Permanent branch and temporary branch polling places are polling places which are only used during the early voting period and not on election day. Because the countywide polling place program is an election day program, the 86th Legislature may wish to clarify “permanent branch and temporary branch polling places” in this section.

Third Recommendation

The Secretary of State notes that several of the participating counties suggested that counties be allowed to use the countywide election polling places for all elections required to be conducted by a county. An example of this would be an election to fill a vacancy in the legislature under Chapter 203 of the Code. County Clerks and Elections Administrators expressed their beliefs some county voters may become confused when the county has to return to normal election day precinct procedures for a special election when the county has taken part in multiple countywide programs and worked to educate its voters on the countywide election polling place concept. Accordingly, the 86th Legislature may wish to explore ways to extend the scope of the program.

Overall Observations

For the moment, countywide polling places effects on voter turnout is difficult to gauge. However, information provided by the participating counties, including feedback from voters, election officials, and party chairs, along with the turnout percentages, suggests countywide election polling places offer a way to ensure that voters who plan to vote in the election have an increased opportunity to do so much as with early voting.

Counties have become more familiar with the program and several counties have expressed interest in implementing this program in the near future. Many concerns from voters stemmed from issues that were unrelated to the use of the program itself, such as lack of adequate signage or parking spaces or extended wait times. These are issues that should be addressed by participating counties as they move forward with the program.

Statutory Considerations

- Explicitly clarify the meaning of “held jointly” under Section 43.007(a)(5) of the Code to indicate whether this means a joint election agreement, a contract for election services or both.
- Explicitly clarify the meaning of permanent branch and temporary branch polling places under Section 43.007(m)(2) of the Code.
- Explore possible ways to extend the use of the program to include special elections conducted in accordance with Chapter 203 of the Code, including all elections required to be conducted by a county.