

# The State of Texas



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## **Report to the 88th 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 2021/2022 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 2021 and 2022 uniform election dates, the March 2022 primary election and May 2022 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 use direct recording electronic (“DRE”) voting systems, ballot-marking devices, hand-marked scannable paper ballots that are printed and scanned at the polling place, or any other type of voting system equipment that the Secretary of State determines is capable of processing votes for each type of ballot to be voted in the county. Participating counties must also 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 in the pilot program, 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, requiring 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. Lubbock and Erath Counties participated in the House Bill 3105 program.

House Bill 719, enacted by the 81st Texas Legislature, made the pilot program permanent. The bill added language requiring a county to retain sixty-five 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.)

House Bill 719 also 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 of the Program in their county, and the county reports will be available on the Secretary of State's website.

Senate Bill 578, enacted by the 83rd Texas Legislature, expanded the Program for use in each primary election and runoff primary election if the county chair or county executive committee of 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.

House Bill 3107, enacted by the 87th Texas Legislature, R.S., expanded the Program for use in any election held as part of a joint election agreement with a participating county or any election held under a contract for election services with a participating county.

Senate Bill 1, enacted by the 87th Texas Legislature, 2nd C.S., expanded the Program for use in counties that use ballot-marking devices, hand-marked scannable paper ballots that are printed and scanned at the polling place, or any other type of voting system equipment that the Secretary of State determines is capable of processing votes for each type of ballot to be voted in the county.

### **“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. House Bill 2194 added Section 43.007(k)(2) to the Code to allow counties to continue using countywide election precincts without further approval from the Secretary of State.

To date, eighty-seven Texas counties have applied for and met the Secretary of State's requirements for the “successful” countywide precinct polling place designation: Angelina County, Aransas County, Archer County, Atascosa County, Austin County, Bastrop County, Bee County, Bell County, Bexar County, Brazoria County, Brazos County, Burnet County, Callahan County, Chambers County, Collin County, Comal County, Coryell County, Dallas County, Deaf Smith County, DeWitt County, Eastland County, Ector County, Ellis County, El Paso County,

Erath County, Fisher County, Floyd County, Fort Bend County, Gaines County, Galveston County, Grayson County, Gregg County, Grimes County, Guadalupe County, Harris County, Harrison County, Hays County, Henderson County, Hidalgo County, Hood County, Hopkins County, Howard County, Jack County, Jefferson County, Jim Wells County, Jones County, Kaufman County, Kendall County, Lampasas County, Lee County, Liberty County, Lubbock County, Madison County, Marion County, McLennan County, Medina County, Midland County, Milam County, Montague County, Navarro County, Nueces County, Palo Pinto County, Parker County, Polk County, Potter County, Randall County, Rockwall County, Rusk County, San Jacinto County, San Patricio County, Scurry County, Smith County, Somervell County, Swisher County, Tarrant County, Taylor County, Throckmorton County, Tom Green County, Travis County, Upshur County, Victoria County, Walker County, Webb County, Wharton County, Wichita County, Williamson County, and Young County.

### **Implementation of Current Program**

Five counties were selected for the November 2, 2021 uniform election date: Angelina County, Chambers County, Fisher County, Polk County, and Rockwall County.

Two counties were selected for the March 1, 2022 primary election: Bastrop County and Harrison County.

Two counties were selected for the May 7, 2022 uniform election date: Austin County and Jim Wells County.

Five counties were selected for the November 8, 2022 general election: Blanco County, Bowie County, Brown County, Cherokee County, and Webb 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**

#### **A. November 2, 2021 Uniform Election**

#### **ANGELINA COUNTY**

According to the 2020 Census, Angelina County's population is 86,395.

#### **November 2, 2021**

Angelina County's initial election under the program was the November 2, 2021 Constitutional Amendment Election. Prior to participating in the program, Angelina County had 30 county election polling places. For the Constitutional Amendment Election held on November 2, 2021, the county opted to maintain those 30 county election polling places as countywide election day polling places.

#### **Turnout Trends**

An analysis of Angelina County's turnout trends for the Constitutional Amendment Election in 2021 indicate a 7.32% turnout of registered voters, compared to a 11.47% turnout for the Constitutional Amendment Election in 2019 and a 2.88% turnout for the Constitutional Amendment Election in 2017.

### **Public Feedback**

Angelina County solicited feedback from county election officials, voters, and the general public on the institution of the program in the county. All feedback received by the county was positive toward the program.

Angelina County applied for "successful" status and was designated as a "successful" county under the program on December 30, 2021.

## **CHAMBERS COUNTY**

According to the 2020 Census, Chambers County's population is 46,571.

### **November 2, 2021**

Chambers County's initial election under the program was the November 2, 2021 Constitutional Amendment Election. Prior to participating in the program, Chambers County had 14 county election polling places. For the Constitutional Amendment Election held on November 2, 2021, the county opted to maintain 9 county election polling places.

### **Turnout Trends**

An analysis of Chambers County's turnout trends for the Constitutional Amendment Election in 2021 indicate a 6.29% turnout of registered voters, compared to a 14.1% turnout for the Constitutional Amendment Election in 2019 and a 4.86% turnout for the Constitutional Amendment Election in 2017.

### **Public Feedback**

Chambers County received positive feedback from voters regarding the county's implementation of the countywide polling place program. Based on the county's report, voters approved of the county's continued use of the program.

Chambers County applied for "successful" status and was designated as a "successful" county under the program on December 23, 2021.

## **FISHER COUNTY**

According to the 2020 Census, Fisher County's population is 3,672.

### **November 2, 2021**

Fisher County's initial election under the program was the November 2, 2021 Constitutional Amendment Election. Prior to participating in the program, Fisher County had 4 county election

polling places. For the Constitutional Amendment Election held on November 2, 2021, the county opted to maintain 4 county election polling places.

### **Turnout Trends**

An analysis of Fisher County's turnout trends for the Constitutional Amendment Election in 2021 indicate a 9.49% turnout of registered voters, compared to a 14.32% turnout for the Constitutional Amendment Election in 2019 and a 2.42% turnout for the Constitutional Amendment Election in 2017.

### **Public Feedback**

Following the election, Fisher County received feedback from election workers, voters, and the general public. All comments received by the county were positive toward the program.

Fisher County applied for "successful" status and was designated as a "successful" county under the program on December 23, 2021.

## **POLK COUNTY**

According to the 2020 Census, Polk County's population is 50,123.

### **November 2, 2021**

Polk County's initial election under the program was the November 2, 2021 Constitutional Amendment Election. Prior to participating in the program, Polk County had 5 county election polling places. For the Constitutional Amendment Election held on November 2, 2021, the county opted to maintain 5 county election polling places.

### **Turnout Trends**

An analysis of Polk County's turnout trends for the Constitutional Amendment Election in 2021 indicate a 6.03% turnout of registered voters, compared to a 9.31% turnout for the Constitutional Amendment Election in 2019 and a 1.85% turnout for the Constitutional Amendment Election in 2017.

### **Public Feedback**

Polk County received positive feedback from voters regarding the county's implementation of the program. Voters expressed approval of the county's continued use of the program for future elections.

Polk County applied for "successful" status and was designated as a "successful" county under the program on January 5, 2022.

## **ROCKWALL COUNTY**

According to the 2020 Census, Rockwall County's population is 107,819.

## **November 2, 2021**

Rockwall County's initial election under the program was the November 2, 2021 Constitutional Amendment Election. Prior to participating in the program, Rockwall County had 17 county election polling places. For the Constitutional Amendment Election held on November 2, 2021, the county opted to maintain 12 county election polling places.

### **Turnout Trends**

An analysis of Rockwall County's turnout trends for the Constitutional Amendment Election in 2021 showed an increase in turnout. Reports indicate a 14.49% turnout of registered voters in 2021, compared to a 11.86% turnout for the Constitutional Amendment Election in 2019 and a 3.54% turnout for the Constitutional Amendment Election in 2017.

### **Public Feedback**

Rockwall County received positive feedback and support on its implementation of the program from election workers, party officials, members of the county government, and voters. The voters expressed appreciation for the convenience of utilizing countywide polling places on election day.

Rockwall County applied for "successful" status and was designated as a "successful" county under the program on February 2, 2022.

## **B. March 1, 2022 Primary Election**

### **BASTROP COUNTY**

According to the 2020 Census, Bastrop County's population is 97,216.

## **March 1, 2022**

Bastrop County's initial election under the program was the March 1, 2022 primary election. Prior to participating in the program, Bastrop County had 26 county election polling places. For the primary election held on March 1, 2022, the county opted to maintain 17 county election polling places.

### **Turnout Trends**

An analysis of Bastrop County's turnout trends for the primary election in 2022 indicate a 24.24% turnout of registered voters, compared to a 31.92% turnout for the primary election in 2020 and a 23.71% turnout for the primary election in 2018.

### **Public Feedback**

Feedback from voters was received by Bastrop County via phone, e-mail, and social media outreach. The county did not receive any negative feedback regarding the use of the program, and voters expressed appreciation and praise for the convenience of voting at any polling place on election day.

Bastrop County applied for “successful” status and was designated as a “successful” county under the program on March 28, 2022.

## **HARRISON COUNTY**

According to the 2020 Census, Harrison County’s population is 68,839.

### **March 1, 2022**

Harrison County’s initial election under the program was the March 1, 2022 primary election. Prior to participating in the program, Harrison County had 26 county election polling places. For the primary election held on March 1, 2022, the county opted to maintain 26 county election polling places.

### **Turnout Trends**

An analysis of Harrison County’s turnout trends for the primary election in 2022 indicate a 20.8% turnout of registered voters, compared to a 26.44% turnout for the primary election in 2020 and a 19.16% turnout for the primary election in 2018.

### **Public Feedback**

Harrison County received positive feedback from voters on the use of the countywide program. Voters expressed appreciation for the convenience to vote at any polling location.

Harrison County applied for “successful” status and was designated as a “successful” county under the program on April 18, 2022.

## **C. May 7, 2022 Constitutional Amendment Election**

## **AUSTIN COUNTY**

According to the 2020 Census, Austin County’s population is 30,167.

### **November 7, 2017**

Austin County’s initial election under the program was the May 7, 2022 Constitutional Amendment Election. Prior to participating in the program, Austin County had 15 county election polling places. For the Constitutional Amendment Election held on May 7, 2022, the county opted to maintain 10 county election polling places.

### **Turnout Trends**

An analysis of Austin County’s turnout trends for the May Constitutional Amendment Election in 2022 indicate a 12.96% turnout of registered voters, compared to a 16.83% turnout for the Constitutional Amendment Election in 2021 and a 14.92% turnout for the Constitutional Amendment Election in 2019.

### **Public Feedback**

Austin County did not receive any negative feedback regarding the county's implementation of the countywide polling place program. Voters responded positively regarding the convenience of voting at any polling location on election day.

Austin County applied for "successful" status and was designated as a "successful" county under the program on August 30, 2022.

### **JIM WELLS COUNTY**

According to the 2020 Census, Jim Wells County's population is 38,891.

#### **May 7, 2022**

Jim Wells County's initial election under the program was the May 7, 2022 Constitutional Amendment Election. Prior to participating in the program, Jim Wells County had 21 county election polling places. For the Constitutional Amendment Election held on May 7, 2022, the county opted to maintain 21 county election polling places.

#### **Turnout Trends**

An analysis of Jim Wells County's turnout trends for the May Constitutional Amendment Election in 2022 indicate a 3.15% turnout of registered voters, compared to a 5.01% turnout for the Constitutional Amendment Election in 2021 and a 4.7% turnout for the Constitutional Amendment Election in 2019.

### **Public Feedback**

Following the election, Jim Wells County received positive feedback from voters regarding the convenience of voting at any location on election day rather than being required to vote at a specific precinct. The county did not receive any negative feedback regarding the county's implementation of the program.

Jim Wells County applied for "successful" status and was designated as a "successful" county under the program on August 15, 2022.

#### **D. November 8, 2022 General Election**

### **BLANCO COUNTY**

According to the 2020 Census, Blanco County's population is 11,374.

#### **November 8, 2022**

Blanco County's initial election under the program was the November 8, 2022 general election. Prior to participating in the program, Blanco County had 6 county election polling places. For the

general election held on November 8, 2022, the county opted to maintain 5 county election polling places.

### **Turnout Trends**

An analysis of Blanco County's turnout trends for the general election in 2022 indicate a 66.82% turnout of registered voters, compared to a 79.63% turnout for the general election in 2020 and a 68.30% turnout for the general election in 2018.

### **Public Feedback**

The election report provided by Blanco County reflects that the response from voters was positive and that many voters in the county were pleased with the convenience offered by the program and the reduction in travel time to a polling location.

## **BOWIE COUNTY**

According to the 2020 Census, Bowie County's population is 92,893.

### **November 8, 2022**

Bowie County's initial election under the program was the November 8, 2022 general election. Prior to participating in the program, Bowie County had 34 county election polling places. For the general election held on November 8, 2022, the county opted to maintain 22 county election polling places.

### **Turnout Trends**

An analysis of Bowie County's turnout trends for the general election in 2022 indicate a 43.58% turnout of registered voters, compared to a 62.31% turnout for the general election in 2020 and a 47.50% turnout for the general election in 2018.

### **Public Feedback**

Following the election, Bowie County solicited feedback from voters via survey. The election report provided by Bowie County contains results from the survey which showed that voters overall were pleased with the convenience of voting at any polling location on election day and wanted to see the county continue the use of the program.

## **BROWN COUNTY**

According to the 2020 Census, Brown County's population is 38,095.

### **November 8, 2022**

Brown County's initial election under the program was the November 8, 2022 general election. Prior to participating in the program, Brown County had 18 county election polling places. For the general election held on November 8, 2022, the county opted to maintain 15 county election polling places.

### **Turnout Trends**

An analysis of Brown County's turnout trends for the general election in 2022 indicate a 64.35% turnout of registered voters, compared to a 66.75% turnout for the general election in 2020 and a 48.64% turnout for the general election in 2018.

### **Public Feedback**

The election report provided by Brown County reflects that the responses from voters were favorable to the program, citing the convenience of voting at any polling place on election day rather than having to return to a home precinct to vote.

### **CHEROKEE COUNTY**

According to the 2020 Census, Cherokee County's population is 50,412.

#### **November 8, 2022**

Cherokee County's initial election under the program was the November 8, 2022 general election. Prior to participating in the program, Cherokee County had 25 county election polling places. For the general election held on November 8, 2022, the county opted to maintain 17 county election polling places.

### **Turnout Trends**

An analysis of Cherokee County's turnout trends for the general election in 2022 indicate a 48.33% turnout of registered voters, compared to a 66.78% turnout for the general election in 2020 and a 54.63% turnout for the general election in 2018.

### **Public Feedback**

The election report provided by Cherokee County reflects that the responses from voters were favorable to the program, with the county receiving direct feedback from many voters that the program was more convenient because voters could vote at a location closer to where they work or on their travel routes. The county also received positive feedback from voters concerning the ease of accessibility of the polling locations.

### **WEBB COUNTY**

According to the 2020 Census, Webb County's population is 267,114.

#### **November 8, 2022**

Webb County's initial election under the program was the November 8, 2022 general election. Prior to participating in the program, Webb County had 78 county election polling places. For the general election held on November 8, 2022, the county opted to maintain 52 county election polling places.

## **Turnout Trends**

An analysis of Webb County's turnout trends for the general election in 2022 indicate a 32.14% turnout of registered voters, compared to a 50.65% turnout for the general election in 2020 and a 38.34% turnout for the general election in 2018.

## **Public Feedback**

The election report provided by Webb County reflects that the responses from voters were favorable to the program, citing the convenience and ease of voting at any location on election day.

Webb County applied for "successful" status and was designated as a "successful" county under the program on November 21, 2022.

## **Overall Observations**

After sixteen years of the countywide polling place program, the program continues to grow and has proven successful for participating counties. For the November 2022 general election, 91 counties participated in the program, including 86 counties previously designated as "successful." This accounts for nearly 36% of the counties in the state.

For the moment, the effect of the countywide polling place program 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 that 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, as they do 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.

## **Recommendations to the 88th Texas Legislature**

Local political subdivisions conducting elections in counties participating in the countywide polling place program have expressed concerns regarding the required use of county election precincts under the program. For example, a local political subdivision that conducts elections on the November general election date for state and county officers is required to use the county election precincts and polling places. For local political subdivisions located in counties that utilize the countywide polling place program, this means that those political subdivisions must have their ballot at every countywide polling place. For many local political subdivisions, this impacts the cost of conducting an election. Additionally, Section 31.093 of the Election Code only requires elections administrators to contract for election services with local political subdivisions located wholly or partly within the county served by the elections administrator. Elections administrators are not required to contract for election services in May of even-numbered years. County clerks,

county tax assessor-collectors, or other county officials serving as the elections officer are never required to contract for election services with local political subdivisions. Due to the increased labor and costs associated with a local political subdivision deploying ballots to every countywide polling place in a county participating in the program, the 88th Legislature may wish to consider requiring all county election officers in participating counties to contract for election services with local political subdivisions when the program is being utilized and use of county election precincts is required.