

TEXAS SECRETARY of STATE
JOHN STEEN

Report to the 83rd 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 2011/2012 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 2011 and 2012 uniform election dates 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 (also known as "super precincts" or "vote centers") 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 direct recording electronic ("DRE") 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.

“Successful” Countywide Precinct Program

House Bill 2194, enacted by the 82nd Texas Legislature, created a new process for counties that have used the countywide election precinct method of voting. Prior law required counties to apply to use countywide election precincts election-by-election. The change adds 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.

Six Texas counties applied for and met the Secretary of State’s requirements for the “successful” countywide precinct polling place designation. They include Erath County, Gaines County, Galveston County, Lubbock County, Midland County and Travis County. Additional information is provided later in this report.

Implementation of Current Program

Five counties were selected for the November 8, 2011 uniform election date: Gaines, Galveston, Lubbock, Midland and Travis Counties. Five counties were also selected for the November 6, 2012 General Election date: Collin, Eastland, Floyd, Lampasas and Swisher Counties (in addition to the six “successful” counties named above). Each of these counties was required to file a report with the Office of the Secretary of State regarding the implementation in their countywide polling locations.

Countywide Precinct Polling Place Program Participants

Collin County

According to the 2010 Census, Collin County’s population is 812,226.

2011

Collin County’s initial election under the pilot program was in the November 3, 2009 Constitutional Amendment Election. In the Constitutional Amendment Election held on November 6, 2007, Collin County used 59 county election polling places. For the November 3, 2009 Constitutional Amendment Election, the county used 57 countywide election day polling places. In 2010, Collin County used 72 election day vote centers for the November 2, 2010 General and Special Election. The county used 57 election day vote centers for the November 8, 2011 Constitutional

Amendment Election and 67 election day vote centers for the November 6, 2012 General Election.

Turnout Trends

Collin County used 57 vote centers on election day for the November 8, 2011 Constitutional Amendment Election. An analysis of turnout trends for constitutional elections in 2009 and 2011 points to a stark disparity in voter turnouts for those years. This may or may not be related to the issues on the ballot. Reports indicate a 7.48% turnout of voters for 2009, compared to 3.12% in 2011 for the Constitutional Amendment Election.

Public Feedback

After the election, the county solicited feedback from election day judges and alternate judges on things that went well, things that did not, and suggestions for improvement. The election report contains emails from the judges and clerks praising the county IT Team and the addition of extra election clerks to each location. Voter emails indicated overall support for the countywide vote centers though some voters did complain that some of the locations should have been larger so that voters didn't have to wait in line so long. Several vote centers had long lines of voters waiting to vote before the polls opened and well after the 7:00PM closing time. Technicians assigned to 47 of the vote centers were kept busy at the start of the morning working electronic pollbook issues (not a vote center issue). A resolution was in place by 8:30 AM and the fix was deployed across the county by 9:00 AM. Sheriff's deputies and constables deputies were available to transport staff to locations as needed.

2012

In 2012 Collin County used 67 election day vote centers for the November 6, 2012 General Election. Feedback solicited from election judges and workers reflected their satisfaction with the vote center concept. The county added election supply cabinets to provide an additional layer of security for voting machines (DRE's) during transport and while in storage at the election facility. The cabinets also provided room to arrange election supplies for easy use by election officials. Technicians were deployed to 44 election day vote centers and additional IT support staff was available if needed. Approximate wait times were posted to the web site for each location in an effort to guide voters to locations with shorter wait times. Overall, voter responses indicated that the vote center concept adds more convenience and flexibility to the voting process.

Turnout Trends

An analysis of Collin County turnout trends for general elections in 2008 and 2012 were roughly the same for both precinct specific polling places and for vote center elections (+/- 1%). This could indicate a desire by voters for convenience and flexibility in their choice of voting locations; with no adverse effect on the use of countywide precincts.

Eastland County

According to the 2010 Census, Eastland County's population is 18,583.

2012

Eastland County's initial election under the Program was in the November 6, 2012 General

Election. The county used 9 countywide precinct polling places for the November 6, 2012 General Election. In the previous general election held on November 4, 2008, Eastland County used 9 physical election day polling places.

Turnout Trends

For the November 6, 2012 General Election Eastland County reports an overall voter turnout of 64.5%. This number is comparable to the 64.3% voter turnout for the 2008 General Election. The smaller 43.8% voter turnout for the 2010 General Election reflected trends across the state.

Public Feedback

Eastland County's 2012 post-election feedback report requests that the legislature make vote centers an option for joint primary elections when both parties hold a Joint Primary election and agree to the use of vote centers. The Eastland County countywide precinct report states that using vote centers would make less confusion on voters where to vote in all elections, including special general and primary elections.

Floyd County

According to the 2010 Census, Floyd County's population is 6,446.

2012

The November 6, 2012 General Election marks Floyd County's second time participating in the Program. The county participated in the Program for the November 8, 2011 Constitutional Amendment Election.

Turnout Trends

Floyd County had a 49% turnout of registered voters for the November 6, 2012 General Election compared to a 5.41% turnout for the November 8, 2011 Constitutional Amendment Election and a 35.6% turnout of registered voters for the November 2, 2010 General Election.

Public Feedback

Public feedback from Floyd County was limited. Positive feedback about using vote centers in the 2012 general election indicated that voters liked the flexibility that vote centers provided and that voters were receptive to the idea of using vote centers in future elections. One of the county Commissioners expressed concern about the decision to hold one of the countywide polling places at the First Baptist Church in Floydada, Texas. According to the Floyd County post-election feedback report, the Commissioner thought that using a church as a polling place would be a deterrent for some voters.

Floyd County also received a complaint from a voter who said he didn't know about the changes in voting locations, though the county feedback report indicates that changes to polling locations were advertised in the local paper and signs were hung at local businesses and at former polling locations.

Lampasas County

According to the 2010 Census, Lampasas County's population is 19, 677.

2012

The November 6, 2012 General Election was Lampasas County's first experience using vote centers. The county elections department put a lot of time and effort into preparations to ensure it was prepared for any surprises on election day. First, the county purchased a disability accessible building with improved parking across the street from the City Hall Building, which was a previously used voting site.

To publicize the use of vote centers across the county, and to encourage the use of early voting in person and the use of ballots by mail for qualified voters the county prepared articles on vote centers which were advertised in the local newspapers in Lampasas County and in surrounding counties. The Lampasas County Elections Administrator discussed the use of vote centers in public commissioners court meetings and provided county department heads with information to disseminate at local meetings. To increase visibility, the county posted 4x4 foot signs along the roads leading to the vote centers. Flyers were posted and provided to the public to provide additional information and locations of vote centers during the voter registration drive held at the Lampasas Wal-Mart in September 2012. Additionally, presentations were made to the local Kiwanis Club and Democrat and Republican Party Labor Day picnic, luncheons and leadership meetings.

The county elections department also coordinated with the county's IT tech group to test all technical and electronic aspects of each vote center location during the months of September and October. This testing revealed several important issues: all E-Pollbooks required software adjustments to enable driver's license scanners; problems with continuous internet connections at one location which were solved by placing a temporary "Hot Spot" outside the building to increase the strength of the internet signal.

Planning for equipment, staffing and anticipated crowds led to the addition of 3-4 DREs per vote center, a decrease in the number of elections clerks in each vote center, and the decision to avoid confusion at check-in by using one check-in point at each vote center instead of two.

Finally, Lampasas County employed three different kinds of training classes for election workers. One was a general training for judges, alternate judges and clerks, which included reviewing the electronic ballot on the eSlate and JBC, reviewing various voter and equipment scenarios that might happen during the election, and having each vote center judge and alternate meet with their assigned Clerks to discuss details of the duties assigned. The second training was early voting training with the elections administrator and early voting deputy clerks to discuss unique aspects of early voting and other related issues. The third training was held with vote center workers and IT tech members to review various scenarios in hands-on test situations. Trainees also practiced computer set up and take downs, setting up the e-Pollbooks, scanning voter registration certificates and driver's licenses, using labels on combination forms and forwarding labels to the JBC, common name lookups, and other check-in voter situations.

Turnout Trends

Lampasas County had a 39% voter turnout for the November 4, 2008 General Election and a 39% voter turnout for the November 6, 2012 General Election. Vote Center cross-over voting (election day voters who voted in a location other than their "assigned" precinct) revealed that 51% of the election day voters voted in other than their "assigned" precincts.

Public Feedback

Voters returned 508 of the voter surveys that were handed out as voters left the vote centers. Most of the surveys (466 or 92%) were positive to all questions asked. The voters submitting negative comments (42 or 8%) listed vote center related complaints such as voting lines were too long; sites needed more voting booths; sites should have more clerks to help check in voters, help with elderly or disabled voters and move the lines along; sites should have included more check-in tables and voting machines needed to be repositioned so voters would have more privacy.

Other vote center-related complaints included long lines in some locations; the Adamsville location dropped its internet signal at 7:00AM but was successfully reconnected within 5 minutes and retained the internet connection throughout the remainder of the day; insufficient parking at the Kempner location.

Swisher County

According to the 2010 Census, Swisher County's population is 7,854.

2012

Swisher County participated in the Program for the first time during the November 6, 2012 General Election. Prior to the November 6, 2012 election Swisher County used 8 polling locations for elections. Swisher County consolidated the 8 precincts into 5 countywide vote centers.

Turnout Trends

The election day turnout for the November 6, 2012 General Election was 29% as compared to the November 4, 2008 General Election, which had a 31% registered voter turnout.

Public Feedback

Swisher County attached the results from each vote center on a random survey that was completed by voters. A combined total of 268 voters completed the survey. One of the questions asked voters if they would like to continue the use of vote centers for future general elections. The county reports that 256 voters (95%) responded with yes. Seven voters (3%) responded no and 5 voters (2%) did not answer the question.

Swisher County reports that wait times for voters were drastically reduced by having experienced election workers and by using tablets to verify voter registrations. Only one vote center had problems getting voters signed in and ready to vote in a timely manner. No voter irregularities were reported from Swisher County for the November 6, 2012 General Election.

Report on "Successful" Countywide Precinct Program Designees

As mentioned previously, House Bill 2194 created a new process for counties that previously have used the countywide election precinct method of voting. Prior law required counties to apply every election to use countywide election precincts. The change added Section 43.007(k) (2) to the Code to allow counties to move forward in using countywide election precincts without prior approval from the Secretary of State if they are designated as "successful" by the Secretary of

State.

The Legislature did not define what constitutes prior successful participation. After reviewing reports of past elections under the program and to ensure citizens and interested groups have an opportunity to express their views on whether the county should continue to use countywide precinct polling places for its elections, the Secretary of State has created the following requirements for counties to apply for successful status:

1. The county must have held at least one election under the program and filed its post-election report with the Secretary of State.
2. The Secretary of State must have received no major complaints supported by evidence in the county's election(s) using countywide election precincts.
3. The county commissioners court must hold a public hearing on the use of countywide precincts and provide specific written notice of the hearing to all county party chairs, local political subdivisions, and affected public interest groups.
4. The county judge shall submit a letter to the Secretary of State applying for a determination of successful status, along with a recording or transcript of the public hearing.

Six Texas counties applied for and met the Secretary of State's requirements for the "successful" countywide precinct polling place designation. They include Erath County, Gaines County, Galveston County, Lubbock County, Midland County and Travis County.

Erath County

According to the 2010 Census, Erath County's population is 37,890.

2012

On July 25, 2012, Erath County was designated as having conducted a successful countywide precinct polling place program and was authorized to continue to hold its elections using countywide precinct polling places subject to the approval of the county commissioners court.

Turnout Trends

Erath County's election day voter turnouts for the November 4, 2008 and November 6, 2012 General Elections were 27.9% and 22.3%, respectively. The election day voter turnout for the November 2, 2010 General Election was 22.4%.

Public Feedback

Erath County reports that voters are happy with the convenience of using vote centers. Specifically, voters expressed delight about being able to cast their ballot in any of the eleven vote center locations within the county instead of being restricted to a single polling place.

Gaines County

According to the 2010 Census, Gaines County's population was 17, 526.

2012

Gaines County was designated a successful countywide precinct polling place program election

county on June 19, 2012 and was authorized to continue to hold its elections using countywide precinct polling places subject to the approval of the county commissioners court.

Turnout Trends

Gaines County's total voter turnout was reduced to 54.9% for the November 6, 2012 General Election as compared to the 59.3% turnout for the November 4, 2008 General Election.

Public Feedback

The Gaines County Clerk provided numerous letters of support from the local business community. The letters expressed satisfaction and support for continued use of the Program in future elections. The support letters came from local leaders such as the Gaines County Republican Party Chairman, the owner of the local funeral home, the Gaines County Veterans Service Officer, a school district superintendent, a city secretary and the Materials Management Officer of the Seminole Hospital District.

Galveston County

According to the 2010 Census, Galveston County's population is 295,747.

2011

Galveston County's initial use of countywide vote centers was in the November 3, 2009 Constitutional Amendment Election. In that election, county used 6 election day vote centers. In the course of the election, Galveston County encountered two significant issues that adversely affected the election. The first issue - a problem maintaining interconnections at each polling location arose from the County's utilization of a home grown IT program that relied heavily on connecting to the County server through the use of Internet air cards. In the November 3, 2009 Constitutional Election county elections officials did not actually go to each polling location to ensure there would be connectivity. They did so in 2011. In an effort to avoid a repeat of the connectivity issues that plagued the 2009 election Galveston County added Verizon MiFi (Internet "hot spots") to ensure sustained connectivity of all electronic poll books for the November 2011 Constitutional Amendment Election. For additional back-up, the county added a complete copy of the voter registration list which would allow election workers to process voters even if they encountered connectivity issues. The second issue that adversely impacted the County's 2009 election was the receipt of several post-election complaints from Disability Rights Texas (formerly known as Advocacy Inc.) that some of the 2009 polling locations were not in compliance with the Americans with Disabilities Act (ADA). Galveston County initially discounted the complaints because the presiding judge at one of the locations listed was wheel-chair bound but was able to enter the polling location independently. In preparation for the 2011 uniform election Galveston County elections officials invited members from Disability Rights Texas to do walk-throughs of all of their election polling locations and to make recommendations that would ensure each location was ADA compliant. The county made adjustments to make sure all ADA recommended corrections were made before the 2011 election – including choosing alternate locations when ADA requirements could not be met. As a result of the changes, Galveston County's November 2011 Constitutional Amendment Election was a success.

Turnout Trends

Galveston County's registered voter turnout for the November 8, 2011 Constitutional Amendment

election was 7.3% as compared with voter turnout of 3.2 for the November 3, 2009 Constitutional Amendment Election.

Public Feedback

The Galveston County Elections Department's post-election feedback report included accolades for the Elections Divisions' efforts and for the use of vote centers from both the Republican and the Democratic Party Chairmen, the City Secretary, the area NAACP Organization, local church leaders and election judges.

2012

Galveston County was designated a successful countywide precinct county on June 19, 2012. Despite having conducted a successful vote center election in 2011, Galveston County vote centers experienced major problems running zero-tapes at all countywide precinct locations on the morning of the November 6, 2012 election. By 8:30 AM, on election day, only 75% of polling places were up and running. The county reports that all of the 45 countywide polling place locations were up and running by noon. Closing time for locations were extended to 8:54PM to give voters who had not been able to vote in the morning hours the opportunity to vote during the extended hours. Despite complaints about long waits on election day, public support for the use of countywide precinct polling locations remains high in Galveston County, as evidenced by statements submitted with the county report.

Lubbock County

According to the 2010 Census, Lubbock County's population is 287,831.

2012

The use of countywide vote centers for the November 6, 2012 General Election represents the eighth time that vote centers have been used successfully in Lubbock County. The county was designated a successful countywide precinct polling place county on June 19, 2012. Lubbock County was the first county in Texas to seek and receive approval for use of the Program, and the county has successfully used the program in qualifying elections since 2006.

Turnout Trends

On November 6, 2012, Lubbock County 27.8% of voters cast their ballots on election day at 33 vote centers. Prior to the use of vote centers, Election Day voters in Lubbock County were assigned to one of 69 polling locations. Election day voter turnout for the November 4, 2008 election was 23.9%.

Public Feedback

The Lubbock County business community provided overwhelming feedback support for the continued use of vote centers in city and county elections. Letters addressed to the Lubbock County Elections Administrator commended the county elections office for its work making vote centers available to the voters. Most letters expressed an appreciation for the ease of use and the convenience that vote centers add to the voting process. The Secretary of State did not receive any complaints about the use of vote centers in Lubbock County.

Midland County

According to the 2010 Census, Midland County has a population of 136,872.

2012

Midland County was designated a successful countywide polling place county on July 25, 2012. Midland County used the countywide polling place program for the first time in the November 8, 2011 Constitutional Amendment Election. The November 6, 2012 General Election was Midland County's second time using the Program. While a total of 20 vote centers were used for the November 6, 2012 General Election, only 10 vote centers were used for the November 8, 2011 Constitutional Amendment Election.

Turnout Trends

Midland County's Election Day voter turnout for the November 6, 2012 General Election was 17.5% which was slightly lower than the election day turnout for the November 4, 2008 General Election.

Public Feedback

After the completion of the November 6, 2012 General Election the County Elections Administrator reports that she did not receive any negative feedback regarding the use of vote centers. Her report indicates that all of the comments received were both complimentary and positive for using the vote centers.

Travis County

According to the 2010 Census, Travis County's population is 1,024,266.

2012

Travis County was designated a successful countywide polling place county on June 19, 2012. Travis County conducted its first vote center election during the November 8, 2011 Constitutional Amendment Election. During the November 6, 2012 General Election Travis County operated 207 vote center polling places. One central Travis County site was labeled a "mega site" and offered 30 voting booths and additional staffing to reduce lines and wait times.

Turnout Trends

Travis County's election day voter turnout for the November 6, 2012 General Election was 23.9%. This is slightly lower than it was on November 4, 2008 when the election day voter turnout was 24.9%. Election day voter turnout for the November 8, 2011 Constitutional Amendment Election was 5.11% of total registered voters.

Public Feedback

Travis County received feedback from voters, election workers and representatives of local jurisdictions via phone, email and Facebook. Comments indicate that vote centers are deemed highly successful, and voters across the county expressed enthusiastic appreciation for the ability to vote in any polling location.

Recommendations to the 83rd Texas Legislature

After six cycles of the countywide polling place Program, there is still a relatively small sample size from which to make observations and recommendations.

First Recommendation

The Secretary of State notes that several of the participating counties suggested that counties be allowed to use the countywide election polling places in primary joint elections, conducted under Section 172.126 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 the primary 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 83rd Texas Legislature may wish to explore ways to extend the scope of the use of the program to include Joint Primary elections when both parties are in agreement on the use of vote centers.

Second Recommendation

The Secretary of State also suggests the Legislature examine whether to require the first election at which countywide polling places are used be an election other than the November general election for state and county officers. This change would allow county election officials, local political subdivisions within the county, and the voters of the county to become familiar with the concept and in effect run a smaller scale election with countywide election day polling places before deciding whether the county should apply to use the countywide polling places in a November General Election.

Overall Observations

For the moment, countywide polling places effects on voter turnout are difficult to gauge. However, anecdotal evidence from the participating counties, along with the turnout percentages, suggest 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.

The challenges that have arisen with countywide polling places appear to predominate in larger counties with higher turnouts. If the countywide polling place does not have sufficient equipment and personnel, delays can occur. The bottlenecks have seemed to occur not in the availability of the DRE voting systems, but at the voter qualification point, either due to the number of electronic poll books and laptops or backups for when those devices fail. As Galveston County noted in its report, this may point to the need for an increased investment in equipment. However, with the number of polling places reduced and the voting machines congregated at a countywide polling place, the counties have been able to provide an adequate number of voting systems. A larger county may need to invest in more electronic pollbooks, more backup laptops, and more election personnel at each polling place. Some of these observations may be reflective of the fact that most counties purchased DREs with their HAVA compliance funds while they acquire poll books on their own with non-federal funds.

Statutory considerations

- Explore possible ways to extend the scope of the use of the program to include Joint Primary elections conducted in accordance with Section 172.126 of the Code when both

parties are in agreement on the use of vote centers.

- ε Examine whether the elections eligible for first participation should be elections in addition to the November general election for state and county officers.

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