

SUBJECT: Establishing a pilot program for countywide voting locations

COMMITTEE: Elections — committee substitute recommended

VOTE: 6 ayes — Denny, Anchia, Anderson, Hughes, J. Jones, T. Smith
0 nays
1 absent — Bohac

WITNESSES: For — George Hammerlein, Harris County Tax Assessor-Collector's Office; Donald Lee, Texas Conference of Urban Counties; Laurie Vanhoose, Advocacy Incorporated; Suzy Woodford, Common Cause of Texas; Glen Maxey; (*Registered, but did not testify*: Fred Lewis, Campaigns for People)

Against — None

On — Elizabeth Winn, Office of the Secretary of State

BACKGROUND: Election Code, ch. 43 requires that each election precinct be served by a single polling place located within the boundary of the precinct. Voters are assigned a precinct based on their residence. Ch. 82 authorizes qualified voters to vote early by mail if they are going to be absent from the county on election day, are ill or disabled, are more than 65 years old, or are confined in jail. Any qualified voter can vote early in person during the early voting period.

DIGEST: CSHB 758 would require the secretary of state to implement a pilot project to evaluate the use of countywide polling places as an alternative to precinct-specific polling places in general elections for state and county officers.

A county commissioners court that wished to participate in the pilot program would have to hold a public hearing on the county's participation. The court would be required to submit a transcript or recording of public comments made at the hearing to the secretary of state, who could take the comments into consideration when selecting counties to participate in the pilot program.

The secretary of state would have to select one or more counties to participate in the program. In order to be selected, a county would be required:

- already to have held the public hearing;
- to have implemented a computerized voter registration list enabling elections officers at the polling place to verify that each voter had not already voted in the election;
- to use direct recording electronic voting machines; and
- to possess the appropriate technological capabilities, as determined by the secretary of state.

The secretary of state would have to file a report with the Legislature upon conclusion of the program, or no later than January 1, 2007, containing recommendations on whether or not to use countywide polling places in the future and suggestions for permanent statutory authority regarding countywide polling places. The requirements of the bill would expire on January 2, 2007.

The bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

CSHB 758 would allow the state to decide whether the adoption of countywide polling places would serve the best interests of Texans. Early voting has become very popular, especially in larger counties, because the early voting locations are conveniently located in places such as malls and grocery stores. However, voters who want to cast their ballot on election day are required to vote in their assigned polling locations. This often can be a burden because many individuals, especially those who work far from home, must return to their precincts to vote on election day. The bill would help determine whether the many advantages of the early-voting process could be applied to the polls on election day.

In participating counties, the election day polling places at each precinct would be replaced with countywide polling places. Concerns about reducing the overall number of polling places are unfounded because voters would have many convenient voting locations distributed countywide from which to choose. Only counties that had the appropriate technological capabilities would be eligible to participate in the pilot program. This potentially could reduce the number of voters who voted in the wrong precinct and whose ballots were not counted because the

election workers could not verify that these voters were qualified to vote in that county.

Even without a public hearing, commissioners courts currently have the authority to structure elections to make them more efficient, including consolidating precincts, reconfiguring precincts, or moving polling places. The public hearing required by this bill would be an additional tool to enable a commissioners court to meet the needs of the voters and possibly increase voter turnout. Besides, the secretary of state would be able to consider public comments from the hearing when deciding whether or not to select a county for the pilot program. If voters presented substantial arguments for not having countywide voting locations, the secretary of state could consider this information.

Elections are becoming more difficult and expensive for counties to administer. Election workers are harder to find, and voting technology is getting more expensive. CSHB 758 would be a cost-saver because reducing the number of polling places would mean that fewer election workers and voting machines would be needed. Securing polling places that comply with the Americans with Disabilities Act also is becoming more difficult. This bill would make voting more convenient because it would establish polling places that qualified voters could use no matter what precinct they lived in and were registered to vote in, just like during the early voting period.

**OPPONENTS
SAY:**

Voting is not supposed to be easy — it is an obligation and a privilege that many people take very seriously. Many voters want to vote on election day at the precinct polling place where they are accustomed to voting. This bill could make it very confusing for some voters, especially the elderly and minority voters, who want to vote at their neighborhood school or church. Low-income voters might find it harder to vote if they were not able to vote in their neighborhood and as a result could be discouraged from voting.

Even though the commissioners court would have to hold a public hearing before a county could be considered for the pilot program, there still are many voters who would not like the idea but would have no recourse if the commissioners court decided to seek participation in the pilot program anyway.

NOTES:

The committee substitute differs from the original bill in that it would require the secretary of state to select counties to participate in the pilot program, rather than limiting the program to one county. It would require commissioners courts of counties that wanted to participate to hold a public hearing and to possess the appropriate technological capabilities, as determined by the secretary of state.

A related bill, HB 758 by Alonzo, which would allow election authorities that use an electronic system to verify whether a person has voted to establish an election-day polling place in addition to precinct polling places, is scheduled for a public hearing in the Elections Committee on April 20.