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**HOUSE COMMITTEE ON ELECTIONS  
TEXAS HOUSE OF REPRESENTATIVES  
INTERIM REPORT 2002**

**A REPORT TO THE  
HOUSE OF REPRESENTATIVES  
78TH TEXAS LEGISLATURE**

**REPRESENTATIVE DEBRA DANBURG  
CHAIR**

**COMMITTEE CLERK  
PAUL S. HARRIS**

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Committee On  
Elections

December 30, 2002

Representative Debra Danburg  
Chair

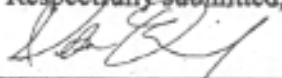
P.O. Box 2910  
Austin, Texas 78768-2910

The Honorable James E. "Pete" Laney  
Speaker, Texas House of Representatives  
Members of the Texas House of Representatives  
Texas State Capitol, Rm. 2W.13  
Austin, Texas 78701

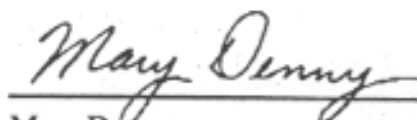
Dear Mr. Speaker and Fellow Members:

The Committee on Elections of the Seventy-Seventh Legislature hereby submits its interim report including recommendations and drafted legislation for consideration by the Seventy-Eighth Legislature.

Respectfully submitted,

  
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Debra Danburg, Chair

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Jesse Jones, Vice-Chair

  
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Mary Denny

  
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Pete Gallego

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Terri Hodge

  
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Jerry Madden

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Paul Sadler

  
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Vicki Truitt

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Ron Wilson

Jesse Jones  
Vice-Chairman

Members: Mary Denny, Pete Gallego, Terri Hodge, Jerry Madden, Paul Sadler, Vicki Truitt, Ron Wilson

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**TABLE OF CONTENTS**

|   |    |
|---|----|
| INTRODUCTION .....  | 4  |
| INTERIM STUDY CHARGES AND SUBCOMMITTEE ASSIGNMENTS .....          | 5  |
| SUBCOMMITTEE ON ELECTION DAY WORKERS .....                        | 6  |
| SUBCOMMITTEE ON VOTER REGISTRATION AND ELECTION PRECINCTS .....   | 14 |
| SUBCOMMITTEE ON JOINT ELECTIONS .....                             | 17 |
| SUBCOMMITTEE ON IMPACT OF SATURDAY MAIL DELIVERY SUSPENSION ..... | 19 |
| SUBCOMMITTEE ON BALLOT RECOUNTS .....                             | 20 |
| SUBCOMMITTEE ON OVERSIGHT JURISDICTION .....                      | 21 |
| ENDNOTES .....  | 22 |
| APPENDIX A .....  | 23 |
| APPENDIX B .....  | 24 |
| APPENDIX C .....  | 25 |
| APPENDIX D .....  | 26 |
| APPENDIX E .....  | 27 |
| APPENDIX F .....  | 28 |

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## INTRODUCTION

At the beginning of the 77th Legislature, the Honorable Pete Laney, Speaker of the Texas House of Representatives, appointed nine members to the House Committee on Elections. In addition, to Debra Danburg, Chair, the committee membership included : Jesse Jones, Vice-Chair; Mary Denny, Pete Gallego, Terri Hodge, Jerry Madden, Paul Sadler, Vicki Truitt, and Ron Wilson.

During the interim after the 77th regular Session, the committee was assigned five charges by the Speaker: Examine ways to improve the recruitment, retention and education of election day workers; reassess the procedures used for counting ballots when an error in tabulation is made by an elections' administrator or equipment; review the Election Code, Chapter 254, Political Reporting; assess whether reorganization and revision of the Chapter would improve the Chapter's ease of use, consistency, compliance and effectiveness of purpose; consider ways to increase voter participation and the efficiency of the state's election processes; and actively monitor the agency programs under the committee's oversight jurisdiction.

The Committee wishes to express appreciation to the City of Plano, the City of San Antonio, the Secretary of State's Office, the Texas Workforce Commission, the Texas Association of School Boards, the League of Women Voters, Texas Appleseed, the Republican Party of Texas, the Texas Democratic Party, representatives from the various political parties and the citizens who testified at the hearings for their time and effort.

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## HOUSE COMMITTEE ON ELECTIONS

### INTERIM STUDY CHARGES AND SUBCOMMITTEE ASSIGNMENTS

Charge #1: Examine ways to improve the recruitment, retention and education of election day workers. To the Subcommittee on Election Day Workers, the Chair of the Committee appointed the following members: Jerry Madden, Chair; Mary Denny, Terri Hodge, Jesse Jones and Vicki Truitt.

Charge #2: Reassess the procedures used for counting ballots when an error in tabulation is made by an elections' administrator or equipment. To the Subcommittee on Ballot Recounts, the Chair of the Committee appointed the following members: Jesse Jones, Chair; Mary Denny, Pete Gallego, Paul Sadler, and Ron Wilson.

Charge # 3: Review the Election Code, Chapter 254, Political Reporting. Assess whether reorganization and revision of the Chapter would improve the Chapter's ease of use, consistency, compliance and effectiveness of purpose. The Committee determined that Title 15 could not be made easier to understand and follow without a rewrite of the Election Code. No subcommittee appointments were made.

Charge #4: Consider ways to increase voter participation and the efficiency of the state's election processes including the implementation of unique, permanent voter registration numbers and a statewide system of voter registration, and to consider increasing the maximum allowable number of registered voters in election precincts. To the Subcommittee on Voter Registration and Election Precincts, the Chair of the Committee appointed Debra Danburg, Chair, Mary Denny, Pete Gallego, Terri Hodge, Jesse Jones, Jerry Madden, Paul Sadler, Vicki Truitt, and Ron Wilson.

Charge #5: Actively monitor the agency programs under the committee's oversight jurisdiction. To the Subcommittee on Oversight Jurisdiction, the Chair of the Committee appointed Terri Hodge, Chair; Debra Danburg and Vicki Truitt.

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## SUBCOMMITTEE ON ELECTION DAY WORKERS

### SUBCOMMITTEE MEMBERS

Jerry Madden, Chair;  
Mary Denny  
Terri Hodge  
Vicki Truitt

### PUBLIC HEARINGS

The House Subcommittee on Election Day Workers held three public hearings. The interim charge was to examine ways to improve the recruitment, retention and education of election day workers.

#### May 29, 2002

Carlos Aguilar (El Paso County)  
Clifford r. Borofsky (Bexar County Elections Administrator)  
Joyce Dorrycott (Northwest Democrats of Bexar county)  
Ed Garza (Mayor of San Antonio)  
Donald Hensz (Comal County Republican Chairman)  
Genny Hensz (Republican Party of Texas, Senate District 25)  
William King (Kendall County Democratic Party)  
Irene M. Kissling (Self)  
James T. "Jim" Koch (Self)  
David McQuade Leibowitz (Self)  
John McConnell (Self)  
Ann McGeehan (Secretary of State)  
Craig Pardue (Dallas County)  
Norma Rodriguez (San Antonio City Secretary)  
Phillip A. Ruiz (Caldwell County Democratic Party Chair)  
Phyllis Smith (Self)  
George West (Self)  
Elizabeth Winn (Secretary of State)

#### June 12, 2002

Harriet Armstrong, (Self)  
Becky Brakke (League of Women Voters - Dallas)  
Paulette Burks (County & District Clerks Assoc. of TX)  
Anthony L. Carr (Self)  
Janice Carroll (Self and City of Irving - City Secretary)  
Gregory Carter (Dallas County Democratic Party)  
Mary Ann Collins (Self)  
Don Alexander (Denton County Elections Administrator)  
Larry Duncan (Self)  
Mary Edwards (Self)  
Caroline Geppert (Sec. of St., Elections Division)

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Marty Hendricks (Self and City Secretary - Lewisville)  
Stephen T. Ivy (Self)  
Neal J. Katz (Self)  
Stephanie Klick (Tarrant County Republican Party)  
Dietrich Knable (Campaigns for People)  
Fred Lusk (Self)  
James Middleton (Self)  
Rick Neudorff (Collin County Republican Party)  
Gary R. Page (Self)  
Buddy Ragley (Self)  
Dotty Ragley (Self)  
June Rentmeester (Dallas County Ballot Board Judge)  
Sharon Rowe (Collin County Elections Administrator)  
Catherine Scheel (Collin County Democratic Party)  
Bruce Sherbert (Dallas County Elections Administrator)  
David M. Smith (Self and Jay Flick Campaign)  
Linda Stark (Self)  
P.D. Sterling (Self)  
Cheryl winger (Self)  
Betty Lucas Wolff (Self)  
Glenn E. Zook (Self)

August 28, 2002

J.R. Perez, (Guadalupe County Elections Administrator)  
Cathy Douglass (TX Assoc. of School Boards)  
Philip A. Ruiz (TX Democratic County Chairs Assoc.)  
Bill Fairbrother (Williamson County Republican Chairman)  
Evelyn Burleson (TX Democratic County Chair Assn.)  
Dave Smith (CIANT Corporation)  
Holly Koppe (Texas Democratic County Chairs Assoc.)  
Annetee LoVoi (Texas Appleseed)  
Diane Rath (TX Workforce Commission)  
Ben L. Stool (Criminal District Attorney's Office of Dallas County)  
Elizabeth Hanshaw Winn (Secretary of State)

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**Background:**

Election officials assert that it is increasingly difficult to properly compensate, recruit, retain and educate a pool of workers to conduct elections. The Bexar County primary election debacle of 2002 foretells what may occur regularly in future elections unless changes are made to the state's electoral system relative to election workers. While poor planning and the decision to not hold a joint primary election were contributing factors, according to officials of both major parties, a shortage of election judges was the main problem.<sup>1</sup> To protect voters from disenfranchisement, a district judge issued an emergency court order on the afternoon of the election to keep 308 precincts (175 Republican, 113 Democratic) open until 10:00 p.m. The order applied to polls lacking election judges, voter lists, ballots, and precincts that had been consolidated without notice.<sup>2</sup>

In response to the shortage of election judges, which became apparent with little response time, Democratic Party officials tried to consolidate polls on a neighborhood basis; Republicans required many voters to cast ballots at party headquarters in north San Antonio.<sup>3</sup> Polling place changes were so pervasive and ongoing that the news media could not communicate accurate information to the public.<sup>4</sup> The result was chaos. Some voters who had voted at the same polling location for years were greeted by election workers of a different political party, and others found locked doors often with no notice of changed polling location. Dozens of polls were opened without enough ballots, correct lists of registered voters or a sufficient number of poll workers.

Faced with anarchy, hundreds, perhaps thousands, of voters did not vote. It is impossible to determine how many voters were disenfranchised since there were hotly contested elections in both major party primaries which usually lead to an increased voter turnout.

**Wages:**

According to election officials, low wages are the major obstacle to recruitment and retention of election workers. Ms. Betty Lucas Wolff, Collin County Republican Party Executive Director, best described poll worker attitude about their hourly wage, "Frustration on the part of voters is directed toward the election workers who do not get paid enough to take such abuse."

(Public Hearing, Plano TX, June 12, 2002)

State law (SB 1023, 77<sup>th</sup> Legislature) mandates that poll workers be paid the federal minimum wage (no dollar figure is cited). However, local election authorities may pay more. An hourly wage of \$10 was the figure most frequently mentioned in testimony as fair compensation, perhaps, in conjunction with a graduated pay scale based on experience and time spent in election education classes. One election official claimed that paying a wage rate at \$10 per hour is excessive and could lead to bargaining by election workers that would leave some governmental entities at a disadvantage.

Other testimony recommended amending state law to allow election workers time off to work polls without loss of pay from their regular job, and encouraging the U.S. Congress to exempt poll worker wages from federal income tax. Also, subcommittee members heard complaints that some units of government require poll workers to attend election classes and seminars as a requirement to be an election judge or alternate but no compensation is offered for time spent in

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such activities.

### **Recruitment:**

Population growth brings about a proportionate increase in the number of registered voters and the need for additional poll workers to staff precincts created to accommodate new voters. As the state's overall population increases, time takes its toll on a generation that has been the foundation of our electoral system. While there are no statistics to prove it, any person who votes regularly can attest that the vast majority of poll workers are senior citizens. Most of these seniors volunteer as poll workers through a sense of community service and/or as a means to subsidize their retirement income. As this generation passes on, they leave a void that must be filled with people of the same dedication.

To meet this challenge, election officials use a variety of means to recruit new workers: posters placed in polling places and voter registration areas, notices in county and political party web sites, direct appeals to the public via radio and television community service spots, ads in community newspapers, exhibits in shopping centers and malls, community access television programs. There is no single strategy that is a panacea to the difficulty of recruitment. Each entity uses its own devices with varying degrees of success.

Subcommittee members heard three ideas with potential to increase the number of workers: recruiting high school seniors, recruiting people drawing unemployment insurance or temporary assistance, enlisting the support of corporations.

Although appointments of election judges and alternate judges are political processes, the selection of clerks is not, each judge recruits their own. Proponents of using high school seniors as clerks point to the possibility of solving staffing problems in both the short and long term. In the short term, a pool of potential workers could be created quickly. In the long term, the appeal of community service will be implanted in impressionable minds. Some of these youngsters will enjoy the exposure to the process of elections and later become judges. Students who prove to be reliable can expect numerous temporary job opportunities considering the number of elections held annually, an appealing prospect for students or others seeking to supplement income.

Opponents of the concept of allowing high school seniors to work elections fear that teens are too unreliable and immature to handle an important job requiring attention to detail. Liability of school districts and counties is another concern.

On the issue of maturity and reliability, proponents claim a requisite of employment requiring honor student status or a good grade average will serve as a filter on the theory that good students are going to be responsible people. Compulsory attendance at training sessions also will give election officials an opportunity to screen prospects.

On liability issues, like all employers, election officials must comply with child labor laws. These laws are most restrictive in the age category 14 - 16 and cover hours, working conditions and wages. A review of these laws by the TX Association of School Boards (TASB) relative to poll work disclosed one duty to be avoided: delivery of ballot boxes to the central counting

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station. Operation of a motor vehicle is classified as hazardous. TASB also cautioned that maximum allowable number of hours a minor can work be considered when planning poll activity if student clerks are 16 or younger.

In addition, TASB suggested enabling legislation be sufficiently flexible to cover all current grading systems and provide for home schooled student participation.

Ms. Diane Rath; Chair, TX Workforce Commission (Public Hearing: August 28, 2002) offered an ingenious plan to increase the pool of potential election clerks: recruitment of unemployed persons and persons enrolled in Temporary Assistance for Needy Families (TANF).

People applying for or drawing unemployment insurance or temporary assistance must register for work through a work force center or on the internet. Although federal confidentiality laws prohibit release of names of persons drawing checks, election officials can post temporary job listings for poll workers with regional work force center offices. There are 28 regional centers covering every county in the state. To make election jobs more attractive, Ms. Rath suggested state law be amended to exclude poll worker wages from formulas used to calculate benefits.

Representative Jerry Madden offered an innovative approach to recruitment: utilization of corporate personnel and resources. Representative Madden's "Adopt a Precinct" proposal envisions recruitment of corporations to pledge the support needed to run a precinct/s. Corporate personnel would be asked to volunteer as election workers, receive training and man polling locations on election day. Corporations would also be asked to provide time off for volunteers, if needed, and recognize, in some fashion, employees who participate in the effort.

Corporate recognition could extend beyond their own employees. Sponsorship of events honoring poll workers, purchase of T-shirts or other memorabilia would help boost morale among poll workers. Representative Madden also suggested government entities recognize poll workers with certificates of appreciation. The cost of the certificates would be offset by the good will generated among a group of people who are badly needed and often neglected.

### **Poll Worker Education:**

The Elections Division, Secretary of State's office (SOS) is the source of all meaningful election process education, resources and materials.

The Elections Division annually trains election officials on all aspects of the election process; one seminar is conducted for voter registrars, another for county clerks. In addition, election officials of cities, school districts and other political subdivisions are trained annually and, every other year, a seminar is held for county chairs of political parties. All seminars are held in Austin. Election schools for polling place officials are based on request and are held regionally. Training videos are lent to political subdivisions. These entities are encouraged to make copies and return the original. SOS training personnel also make presentations at conferences hosted by professional associations.<sup>5</sup> In the last three years, SOS has trained 25,217 people in 1,739 such events. A handbook is also made available, 102, 684 have been mailed out since FY 2000.<sup>6</sup>

The SOS website includes a section entitled "Conducting Your Elections," that contains laws

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and procedures relating to chairs of county political parties, election officials, and seven pamphlets, all which can be downloaded. The website also has an index of necessary forms, an election's calendar of deadlines, election law opinions and sections for candidates, military/overseas voters and information for voters.

Witnesses testimony included:

- \* One to two hours training shortly before an election does not provide the depth of instruction required.

- \* Training often does not include instruction in the type of voting equipment used in some counties.

- \* Capability of poll workers to communicate with voter registrar, E.A. and/or county clerk offices is a problem. Workers are limited to telephones available in polling place or to personal cell phones. Election officials' offices often lack sufficient lines to handle volume of incoming calls from polls.

- \* SOS should set up a training program for certification of election judges and alternate judges with requirements for hours of training received and type of training.

- \* SOS training should be standardized in qualification of voter, challenged voter procedures, mail ballot procedures and communication between election day judges and election officials.

- \* County officials should establish mentor programs in which experienced judges can provide guidance to new ones.

- \* Require statutorily that county political parties submit names of judges and clerks by a deadline. Such a requirement will enable officials to plan training.

- \* Train campaign workers engaged in voting by mail activities to sign carrier envelopes and print their street address. +

*+ Alleged voting by mail irregularities this year's Dallas City Council elections prompted an investigation by the district attorney. No one was prosecuted, but the investigation exposed vagaries in the Texas Election Code (E.C.) that impede prosecution. According to assistant district attorney Ben Stool, who led the investigation, it is difficult to prosecute such cases for three reasons: the E.C. does not define "assistance"; campaign workers providing assistance are virtually anonymous; there are no penalties in E.C. for violations of the voting by mail sections of the code.*

*A statutory definition of the word "assistance" in the E.C. is needed to clarify the difference between assisting a voter in preparation of the ballot and merely helping with mechanics of voting.*

*Campaign workers engaged in voting by mail activities may do so in anonymity and, therefore, cannot be held accountable. Should a voter have a complaint, it is impossible to determine the identity of the campaign worker. Although carrier envelopes have lines and spaces for signature and address of campaign workers*

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*providing assistance, the E.C. does not require such information be provided. Applications for voting by mail also lack such requirements.*

*Nothing in the E.C. prohibits campaign workers from gathering voting by mail ballots - usually from shut-ins, disabled and/or elderly - then selling ballots to candidates for whom the voting by mail recipients have voted. The "bribery of a voter" statute does not apply in these circumstances. In addition, if ballots are discarded, which is a crime, it is difficult to prove and prosecute.*

### **Voter Education:**

As the Subcommittee deliberations progressed it became obvious that uninformed, uneducated voters were a contributing problem to the plight of election workers. As a result, the Subcommittee took testimony and included this subject matter in its deliberations.

See Appendix C, Texas Appleseed, Make Every Vote Count, Public Voter Education in a Time of Transition.

This report is a well researched, comprehensive study of voter education in Texas. It includes sections on education efforts for new voting technologies in selected counties, bilingual voter education and voter information guides. Appendices include federal and state laws and pending legislation affecting voting and voter education in TX. ; voter registration, turnout and characteristics by county and the voter education survey form used.

**Members of the House Committee on Elections do not necessarily agree or disagree with the recommendations of the report.**

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## Recommendations

1. No change in the statutory wage for election workers. With the state facing a budget deficit of perhaps \$5 - \$12 billion dollars, no funds will be available. In addition, local governments also face large budget deficits. Increased wages for poll workers will be addressed as a priority issue of the Committee when the state economy improves.
  2. Enact a resolution memorializing the U.S. Congress to exempt wages of election workers from federal income tax. Enlist the support of the National Conference of State Legislatures for the same purpose.
  3. Enact legislation allowing high school seniors with a good grade point average and home schooled students with parental consent to serve as election clerks.
  4. Exempt wages earned as election workers from formulas calculating benefits for unemployed persons, or persons receiving temporary assistance. Encourage SOS to notify election officials to post notice of temporary job openings for election workers with TX. Workforce Commission regional offices. Also, request SOS to post a notice on its web site for people seeking temporary jobs to check with their regional office of the TX Workforce Commission.
  5. Request SOS to devise a strategy to execute the "Adopt a Precinct" plan in which corporations are asked to help recruit poll workers and provide recognition.
  6. Using federal funds made available in Help America Vote 2000, increase the number of SOS regional training events for election workers.
  7. Enact legislation requiring notice be posted of poll location changes in primary elections.
  8. Make it an affirmative duty of campaign workers who assist voters with voting by mail applications and ballots to reveal their signature, printed name, and printed address. A penalty will be provided for failure to reveal the information. Exceptions will be provided for family members who provide assistance to relatives.
  9. Criminalization of any commercial transaction with regard to carrier envelopes and/or ballots. Exceptions will be provided for legitimate contracts with a courier, and the actions required by the Elections Code to be taken by the County Clerk or Elections Administrator.
  10. Require SOS to devise a plan for voter education in consultation with interested parties, groups.
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## SUBCOMMITTEE ON VOTER REGISTRATION AND ELECTION PRECINCTS

### SUBCOMMITTEE MEMBERS

Debra Danburg, Chair

Mary Denny

Pete Gallego

Terri Hodge

Jesse Jones

Jerry Madden

Paul Sadler

Vicki Truitt

Ron Wilson

### PUBLIC HEARINGS

The Subcommittee on Voter Registration and Election Precincts held one public hearing. The interim charge was to consider ways to increase voter participation and the efficiency of the state's election processes including the implementation of unique, permanent voter registration numbers and a statewide system of voter registration, and to consider increasing the maximum allowable number of registered voters in election precincts.

The following witnesses testified:

#### October 8, 2002

Natrell Cain (Self and County & District Clerks Assoc.)

Ann McGeehan (Secretary of State)

Ann Badour (Texas Appleseed)

Joy Streator (Self and County & District Clerks Assoc.)

Sherman Krause (Self and Comal County Tax Office)

### **Permanent Voter Registration Numbers:**

The voters' registration rolls in Texas may be engorged with names of deceased persons, multiple registrations for the same person due to address changes within the same county, multiple registrations using initials rather than a given name (or vice versa), or persons who have relocated to a different county. Documenting the names of deceased persons to be deleted from the rolls is a problem in every county and a slow, time consuming process. The Secretary of State's office (SOS) pays a fee to voter registrars based on initial registrations, cancelled registrations and updates (Election Code Chap. 19.003) in an effort to keep voter rolls accurate.

Accurate voter registration rolls would save printing and mailing costs, help to eliminate voter fraud, and improve the accuracy of voting statistics.

The recently enacted federal election reform law, Help America Vote 2002, requires each state

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to provide permanent voter registration numbers. To achieve this goal, the federal law requires the sharing of data base information among the SOS, the Department of Public Safety and the Social Security Administration. At this time the form the voters' registration numbers will take is unknown. Persons without a Texas driver's license, a Texas identification card or a social security number will be issued a permanent voter registration number by SOS.

Also, according to the SOS, the current state voter registration system can meet federal standards by making a few minor modifications.

#### **Maximum Number of Registered Voters in Election Precincts:**

Section 42.006(d) of the Texas Election Code sets the number of registered voters for election precincts as follows:

- 3,000 in counties with population of 250,000 or more;
- 4,000 in counties with population of 175,000 -250,000;
- 5,000 in counties with population of less than 175,000.

Last session, HB 709, relating to the maximum number of registered voters an election precinct may contain in Harris County, increased the maximum number of registered voters from 3,000 to 5,000. The bill was intended to provide budget relief to Harris County which is experiencing population growth at a rate that is straining available resources. County officials maintain that the capped number in current law creates a proliferation of voting precincts that are too expensive to staff, supply with materials and equip with voting machines.

As the bill passed through the legislative process it became evident that other urban counties are experiencing similar problems. Several such counties asked to be included in the bill resulting in the population bracket being lowered to accommodate them.

Unfortunately, opposition to the bill developed. Critics contended that precincts with large numbers of registered voters cause overcrowding and confusion at polling places on election day. In rural counties the creation of large precincts require voters to travel great distances. The bill died in the Senate.

In the interim public hearings election officials testified on the need for increasing the number of registered voters in election precincts as a cost savings measure, asserting that 25% - 30% of voters now vote early thereby easing potential overcrowding problems on election day.

#### **Updating Addresses of Voters:**

Updating addresses of registered voters will be greatly simplified once permanent voter registration numbers become a reality.

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### Recommendations

Enact legislation increasing the number of allowable registered voters in precincts as follows:

3,000 in counties with population less than 400,000;

6,000 in counties with population more than 400,000

The bill should be permissive allowing the decision on whether or not to create larger precincts to be made by each county's commissioner court.

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## SUBCOMMITTEE ON JOINT ELECTIONS

### SUBCOMMITTEE MEMBERS

Mary Denny, Chair  
Jerry Madden  
Paul Sadler  
Jesse Jones  
Ron Wilson

### PUBLIC HEARINGS

The House Subcommittee on Joint elections held one public hearing. The interim charge was to consider the feasibility of centralizing the conduct of elections at the county level of government, designation of permanent county polling locations to reduce voter confusion, and moving filing deadlines for local elections to encourage joint elections.

The following witnesses testified:

Teresa Aguirre, TX Assn. of Counties  
Cathy Douglass, TX Assoc. of School Boards  
Beverly Kaufman, Harris Co. Clerk  
Holly Koppe, TX Democratic Party County Chair Assoc.  
Ann McGeehan, Secretary of State

Joint elections occur when officials of two or more government entities or political parties voluntarily combine efforts to hold an election on the same date sharing the same polling locations, election workers and the costs of holding the election. Typically, joint elections are conducted by the county elections officer using county voting equipment. About 34 counties have conducted joint primary elections with good results, according to the Secretary of State's office (SOS) and at least 155 independent school districts, according to the Texas Association of School Boards.<sup>7</sup>

Joint elections are popular with voters who only have to go to one poll on election day rather than several to vote in elections for different government entities. Also, joint elections in larger counties tend to be cost effective because expenses are shared.

However, there are problems associated with joint elections. The biggest problem is determining suitable polling locations. Texas has about 4,700 government entities, many of which have boundary lines that transverse the boundaries of other government entities. For example, Rains ISD boundaries overlap three cities each of which is located entirely within ISD boundaries. Alamo Heights ISD overlies four cities whose boundaries overlap the district in some fashion.<sup>8</sup> In such circumstances, which are not unusual in Texas considering the number of local government entities, joint elections become problematic.

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While costs of joint elections are generally lower in larger counties, this is not the case when a small local government entity, such as a water improvement district, contracts with an entity which is much larger geographically and which contains more voting precincts and early voting locations. In such cases the cost of the joint election exceeds the cost of the district holding its own election due to increased costs for printing, wages for poll workers and cost for polling locations.

Suggestions were made to facilitate joint elections:

1. Require voter registrars to designate each governmental entity in which a voter resides.
2. If government entities are contemplating joint elections a working group composed of each government entity should be formed to set an elections calendar for the year.

**Findings:**

Joint elections held on a voluntary basis are working well. The Subcommittee sees no need to mandate joint elections given the complexities created by the huge number of government entities in Texas, and no need to make any changes to the Elections Code relative to joint elections.

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## SUBCOMMITTEE ON IMPACT OF SATURDAY MAIL DELIVERY SUSPENSION

### SUBCOMMITTEE MEMBERS

Jerry Madden, chair

Terri Hodge

Pete Gallego

Paul Sadler

Ron Wilson

The House Subcommittee on Saturday Mail Suspension held no public hearings. The interim charge was to study implications to TX electoral system of suspension of Saturday mail delivery by U.S. Postal Service.

In the spring of 2001, the Board of Governors of the U.S. Postal Service considered suspension of mail deliveries on Saturdays as a cost savings measure. Such a change would have had considerable effects on the TX. electoral system. A subcommittee was formed to determine what changes would be needed to the E.C. to adapt to a changed postal delivery schedule.

Subcommittee Chair; Representative Jerry Madden, queried the postal service about its intent. The Postal Service responded that no change of delivery schedule is planned.<sup>9</sup>

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## **SUBCOMMITTEE ON BALLOT RECOUNTS**

### **SUBCOMMITTEE MEMBERS**

Jesse Jones, chair

Mary Denny

Pete Gallego

Vicki Truitt

Ron Wilson

The House Subcommittee on ballot Recounts held no public hearings. The interim charge was to reassess procedures used for counting ballots when an error in tabulation is made by an election administrator or equipment.

The Subcommittee was formed to produce a method for allowing re-tabulation of votes in circumstances in which election officials make an error or voting equipment malfunctions. The SOS suggested enacting legislation allowing political subdivisions to conduct re-tabulations if an incorrect counting program was used on election night or if uncounted ballots are discovered. The governing body must certify the specific nature of the error in a formal resolution and must order the re-tabulation before the seventh day after the election.

### **Recommendations**

Enact legislation as per SOS recommendation.

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## SUBCOMMITTEE ON OVERSIGHT JURISDICTION

### SUBCOMMITTEE MEMBERS

Terri Hodge, chair  
Debra Danburg  
Vicki Truitt

### PUBLIC HEARINGS

The House Subcommittee on Oversight Jurisdiction held one public hearing. The interim charge was to monitor agency programs under the Committee's jurisdiction.

The following witnesses testified:

Melinda Nickless, Secretary of State  
Elizabeth Hanshaw Wynn, Secretary of State

See Appendix C for legislative mandates to SOS from the 77<sup>th</sup> Legislature, a brief description of each and status of each mandate.<sup>10</sup>

**Findings:** The SOS has done a good job of executing mandates from the 77<sup>th</sup> Legislature.

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## ENDNOTES

1. San Antonio Express-News, March 13, 2002
  2. IBID.
  3. Houston Chronicle, April 25, 2002
  4. San Antonio Express-News, March 13, 2002
  5. See Appendix B.
  6. IBID.
  7. See Appendix D, Cathy Douglass, Texas Association of School Boards, Testimony before Subcommittee on Joint Elections, August 29, 2002, TASB Quick Poll.
  8. IBID
  9. See Appendix E, letter Leifer to Madden, July 25, 2002.
  10. See Appendix F, SOS Mandates 77th Legislature, Status Report
-

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**APPENDIX A**

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LEAGUE OF WOMEN VOTERS OF TEXAS  
EDUCATION FUND

SURVEY OF THE ELECTION  
PROCESS IN TEXAS

April 2002



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## LEAGUE OF WOMEN VOTERS OF TEXAS

### SURVEY OF THE ELECTION PROCESS IN TEXAS

#### SUMMARY FINDINGS

Since its founding in 1920, the League of Women Voters has had a continuing interest in election laws and voting rights. At all levels of government, Leagues have worked for fair and equitable election procedures along with providing unbiased, nonpartisan information about candidates and issues in order to have a better informed electorate. As a result of members' concerns about the election in November 2000, Leagues across the country have been assessing election processes and practices in their jurisdictions. Delegates at the League of Women Voters of Texas Convention, April 2001, voted to review the performance of the election process in Texas.

During the summer of 2001, we (LWV-TX) sent League of Women Voters of the United States (LWVUS) developed survey forms to local Leagues and to county clerks in counties without local Leagues. We also sent letters of inquiry to the members of the legislature and contacted several statewide organizations concerned with the voting process for information about the working of the election process. The results represent a combined total of twenty Texas local Leagues and 116 counties. These results encompass more than 50% of the counties in Texas and include a broad geographical range, as well as urban and rural jurisdictions. The League gathered additional quantitative information from the Secretary of State's web site and from interviews by League members with local officials. Qualitative assessments are based on local Leagues' experience with, and participation in, election administration in their communities as reported on the LWVUS Election Reform Survey, as well as interviews with statewide organizations and individuals concerned about equity in the voting process.

Based on the results of these surveys and interviews, the LWV-TX Election Laws and Voting Rights Committee concludes that, given that elections can be won or lost by extremely narrow margins, improvement is needed. Many of the committee's findings are consistent with the nationwide survey conducted by the League of Women Voters of the United States (LWVUS).

Highlights from the survey findings indicate a need for the following improvements to the system:

- Ensure that voter registration lists are updated regularly and in a timely fashion to avoid having voters being turned away from polling places;
- Ensure that voting machines consistently function properly;
- Take measures to ensure that voters are informed of procedures necessary to correct ballot mistakes made during the voting process;
- Consistently provide private and independent access for visually impaired voters;

- Improve training and working conditions for election workers, who often work long hours for low pay; and
- Improve communication between election officials and voters, especially regarding location changes of polling places.

The League of Women Voters of Texas continues to see a need to address the concerns and challenges confirmed by its survey findings. To ensure that voters' voices are heard, it is imperative that election administration practices be improved to make voters the central concern of the voting system. It is imperative that reforms are made that ensure that *every vote always* counts.

### **KEY FINDINGS**

The committee's survey examined processes in four key categories: Voter Access, Vote Counting, The Election Workforce, and Voter Education. The following are highlights of our findings.

#### **VOTER ACCESS**

Voters do not have consistent and reliable access to voting. Specifically, the names of citizens who register to vote through the Department of Public Safety are not consistently getting on the formal county voter registration lists in a timely manner.

Poll workers do not always have a fast and accurate way to confirm voter registration on election day. Busy phone lines on election day create a problem for poll workers checking voter registrations, sometimes resulting in voters being turned away without being able to cast their votes.

Voters sometimes have to wait in long lines to vote, and voters with disabilities do not have consistent access to private and independent voting.

Statistics indicate the following:

- About one fourth of the reporting county surveys indicate that computerized lists are compatible with Public Safety lists, while one-third report that they are not. The remainder either didn't know or did not respond.
- While 83 percent report that there is a way to verify names that do not appear on lists, about 10 percent report that there is no quick and accurate way to do so.
- Seventy percent of reporting Leagues indicate that voters "sometimes" have to wait longer than half an hour to cast their votes. No Leagues reported this to be a usual occurrence. Forty-five percent of reporting Leagues indicate that only "usually" are there sufficient numbers of machines.
- More than half (55%) of the reporting counties and Leagues indicate that their jurisdictions do not have a voting option that allows blind and visually impaired voters to vote privately and independently. Leagues participating in the survey

indicated that only 60% “always” or “usually” have technology and polling places that are accessible for the visually impaired.

- While findings show that election officials in 91% of reporting jurisdictions say there is access for voters in wheelchairs, only 65% of reporting Leagues indicate that polling places are “always” accessible for those with physical disabilities.
- Only 45% of reporting Leagues say there is “always” language assistance provided for non-English speaking voters. However, for this question, the League response was quite small. The overall survey reported non-English assistance in 75% of jurisdictions and no assistance in over 9%.
- About 11% of respondents reported that they do not have a provisional voting process for those who claim to be legally registered but are not on the voter registration lists. (Technically, Texas uses a “challenged” ballot rather than a “provisional” ballot. See Appendix A for the definitions of these terms.)

## VOTE COUNTING

Tabulation of results is not consistent and reliable. Voting machines do not always work properly, and even though there are procedures in place for allowing voters to correct ballot mistakes, voters are not always informed about them. (Forty-two percent of reporting counties use paper ballots and almost 50% use optical scan equipment. Fewer than 5% use punched card systems.)

- Consistent with the LWV nationwide survey, 35% of reporting Leagues indicate that machines “always” work properly and 40% indicate that machines “usually” work properly. The remainder did not respond.
- Although percentages are low, the Secretary of State’s “Undervote /Overvote County by County Analysis” finds that few counties which use voting machines have total accuracy. All have at least a small percentage of over and/or under votes.
- Only 16% of the surveys from jurisdictions with voting machines indicate that their jurisdictions have machines with error correction technology, although 47% of those reporting indicate that their jurisdictions do have procedures that allow a voter to correct ballot mistakes—if the voter knows to ask.
- Slightly more than half (55%) of reporting Leagues indicate that absentee ballots are “always” received by those who apply for them, while 30% report that absentee ballots are “usually” received. The balance did not respond to this question.

## ELECTION WORKFORCE

Election workers are not given the support they need to do their jobs successfully. Too often, the result is less than optimum treatment of voters. Many jurisdictions have problems recruiting election workers. The pay is low, the hours long and the training is insufficient. The election worker is a crucial interface between the voter and the election system, and worker issues need to be addressed.

- Less than half (40%) of the reporting Leagues indicate that there are “always” enough polling place workers. Forty-five percent indicate that there are “usually” enough polling place workers.
- Most surveys (73%) report that poll worker training is a one-time session, lasting for 1-3 hours.
- Only 25% of reporting Leagues feel that poll worker training is “always” sufficient while 45% believe it is “usually” sufficient. Only 45% of those counties participating in the survey indicate that jurisdictions train all poll workers before every election. Only 63% report having compulsory training for first time workers.
- Fewer than 10% of the reporting counties pay their workers more than \$6 per hour, while 48% of the reporting counties pay their workers between \$5 and \$6 per hour. Recent legislation in Texas has set the U.S. minimum wage as a floor with no maximum. Prior law had set a ceiling of \$6.00 per hour. Some jurisdictions are currently considering raising the amount they pay workers.
- Fewer than 40% of those participating in the survey indicate that jurisdictions offer split shifts for their election workers even though the polls are open for as long as 12 hours on Election Day.
- Given these conditions, it is no surprise that 55% of reporting Leagues say that there are at least “sometimes” complaints of rude, unhelpful or uncooperative poll workers.

## VOTER EDUCATION

Communication between election officials and voters is insufficient. Many voters find it difficult to participate meaningfully in the election process without receiving sample ballots before the election, instructions on how to work the voting machines, the possibility of provisional ballots, and clear and easy to understand ballots. Giving sufficient notice when polling locations have changed is critical to voter participation, also.

- Reporting counties and Leagues indicate that 74% of jurisdictions do not send out sample ballots before the election.

- Only 42% of those who participated in the survey indicate that voters are notified about the availability of provisional ballots.
- Fifty percent of reporting Leagues indicate that voters only “usually” know how to work the voting machines on election day.
- Almost half of local Leagues (45%) report that ballots are only “usually” clear and easy to understand.
- Only 20% of the reporting Leagues indicate that voters are “always” given sufficient notice when polling locations have changed.
- If there is a change in polling place location, most reporting counties say they put notification in the newspaper.
- Only 20% of reporting counties maintain a website that voters can access with information about voting in the county.
- Fifty-nine percent of the reporting counties do not maintain a dedicated election hotline for voters to get information about election day.

### *INFORMATION FROM OTHER SOURCES*

The following is a list of concerns about the voting process in Texas gathered from state organizations, including the League of United Latin American Citizens (LULAC) and the National Association for the Advancement of Colored People (NAACP), from the League of Women Voters of Dallas in its study titled “Elections and Voters’ Rights in Dallas County,” and from individuals across the state.

- Some people who felt they had registered to vote at the time they renewed their driver’s licenses found their names were not on the list of registered voters at the polls;
- Mail-in ballot abuses occurred in some precincts;
- Eligible voters were purged from the voting list;
- Voters were given inadequate notice of elections, particularly in minority languages;
- Election officials changed polling places without proper notice, changed polling places to distant sites, failed to provide directions or maps;
- Voters were not provided with information about provisional ballots when their names were not on the registration list;
- Some voters did not receive their registration cards;
- Absentee voting applications were sent back to voters;
- Election judges/workers were inadequately trained;
- Low-income minority workers were intimidated;
- Ballot issues had unclear wording;
- The challenge of “winter Texans” residency claims (domicile) and their right to vote, which, if concentrated in one jurisdiction, can skew election results.
- Confusion occurred when elections from overlapping jurisdictions are held in two or more separate places;

- A shortage of election workers for the March 2002 primary in San Antonio resulted in late opening of some polls, the need to extend voting hours, and general confusion about location polls.

### *CONCLUSION*

While 50% of local Leagues report that they believe that election administration procedures work very well in their counties, there are still many issues that need to be addressed in order to assure all Texas voters that the system is both fair and accurate.

### **RECOMMENDATIONS**

Many of the following recommendations were developed by the LWVUS based on its review of election systems across the country. Where appropriate, they have been adapted to reflect the conditions that we have found in Texas.

The League of Women Voters of Texas urges the Texas Legislature to:

- Make election funding a priority item in the budget. Consider providing funding to local election officials to upgrade voting and tabulating equipment.
- Ensure full compliance throughout the state with federal voter protection laws, including the Voting Rights Act (and its bilingual ballot provisions), the National Voter Registration Act, and the Voting Accessibility for the Elderly and Handicapped Act.
- Establish and maintain a statewide, computerized interactive database linking all relevant voter registration agencies (such as the Department of Public Safety and elections offices) as a means of assuring that each polling place has access to the official list.
- Create statewide, uniform, nondiscriminatory standards for the voting process:
  - to ensure that no eligible voter is removed erroneously from the voter registration list. Provide procedural safeguards that ensure notice and opportunity to correct errors for all voters who may be purged.
  - to ensure that no registered voter is sent away from the polls without being able to cast a vote and to ensure that the vote is counted if the person is eligible to vote. Notice should be provided to the voter on the disposition of the challenge ballot in the case of a recount. (See Appendix A)
  - to allow citizens with disabilities to vote privately and independently at each polling place.

- to allow for public and voter notification of polling place locations. Provide adequate notice of changes in polling locations with maps or directions to ensure that all voters can have an opportunity to vote.
- Ensure that each polling place:
  - has the capacity to offer its voters services equivalent to those found at all other polling places in the state.
  - has operating hours that provide every eligible voter a convenient opportunity to vote.
- Promote innovative and effective methods of poll worker recruitment and training and authorize adequate compensation for poll workers.
- Create uniform standards throughout the state for:
  - what constitutes a vote – for all of the types of voting equipment used in the state – and for counting ballots.
  - the administration and counting of absentee ballots for each kind of absentee ballot procedure used in the state.

**Other recommendations made by LWVUS that have already been adopted in Texas are:**

- Adopt the voluntary voting equipment standards established by the Federal Election Commission.
- Creating uniform standards throughout the state for recounts—for each type of voting equipment used in the state—with the specification that the vote not be certified until the required recounts have been completed.

**In addition, the League urges local and county governments to do the following:**

- Make election funding a priority item in the budget.
- Evaluate and upgrade, if necessary, maintenance and storage procedures for all types of voting equipment, as well as procedures for providing technical expertise and needed repairs on Election Day.
- Work with local disability organizations prior to Election Day to ascertain their needs and to ensure that disabled voters have full, non-discriminatory access to the ballot and to polling places.

- Upgrade training, pay, and working conditions for poll workers.
- Expand voter information activities including:
  - providing all registered voters with sample ballots before Election Day.
  - providing all voters with information regarding their appropriate polling place locations.
  - Providing public and voter notification of voters' rights at the polling place.

***"The League believes strongly that our election systems must be responsive to the needs of the voter. We must take the initiative now to improve these systems so that every citizen has the opportunity to register and to vote –and so that every voter will be assured that his or her vote is properly counted." (League of Women Voters of the United States, Fall, 2002)***



## **Appendix A**

### **Provisional and Challenged Ballots**

Many states use "Provisional" ballots for people who assert that they are registered to vote although their names do not appear on voter registration lists at the polling place. Texas uses "Challenge" ballots. Following are descriptions of the two types of ballot.

**Provisional Ballot** – A provisional ballot is provided to a voter who claims to be registered to vote. The ballot is set aside and not counted on election day but is only counted when investigation shows that the individual is registered to vote.

**Challenge Ballot** – A voter who claims to be registered signs an affidavit that says he or she is a registered voter. The ballot accompanying the affidavit is used by the voter and is then placed in the ballot box. The voter signs a stub, which is placed in an envelope and held for subsequent tracing of the ballot. Only in the event of a recount is the envelope opened to verify the voter's eligibility.



---

**APPENDIX B**

**PAUL HARRIS\_HC - FW: Training Programs - Questions from Paul Harris (BS)**

---

**From:** Barbara Strain <BStrain@sos.state.tx.us>  
**To:** "Paul.Harris\_HC@house.state.tx.us" <Paul.Harris\_HC@house.state.tx.us>  
**Date:** 12/5/2002 11:53 AM  
**Subject:** FW: Training Programs - Questions from Paul Harris (BS)  
**CC:** Ann McGeehan <AMcGeehan@sos.state.tx.us>

---

-----Original Message-----

**From:** Ann McGeehan  
**Sent:** Thursday, December 05, 2002 11:24 AM  
**To:** Barbara Strain  
**Subject:** RE: Training Programs - Questions from Paul Harris (BS)

Paul,

Questions #1 and #6 -- See attached file.  
 Questions #2 thru #5 are answered below in red.

Thanks.  
 Barb

-----Original Message-----

**From:** PAUL HARRIS\_HC [mailto:Paul.Harris\_HC@house.state.tx.us]  
**Sent:** Monday, November 25, 2002 3:49 PM  
**To:** BStrain@sos.state.tx.us  
**Subject:** Training Programs

Barbara

On Oct. 17 you were kind enough to send a spreadsheet showing breakdown of training for election officials for past three FYs. Thank you.

Now that things have cooled a bit @ SOS I'd like to ask some questions re: the information you sent.

1. I assume spread sheet numbers indicate the number of people who attended these various training sessions. If that is the case, can you provide the number of session held under each training category by FY? - See attached File
2. How do the various types of training outlined in your memo differ from one another? For example, how is a seminar different than an election school, a conference and workshop different than the satellite schools? A seminar is a conference hosted by the Secretary of State which trains election officials on all facets of elections.. Two seminars are conducted for county officials every year (one for voter registrars and one for county clerks. One seminar is conducted annually for city, schools, and other political subdivisions. Every other year, a seminar is conducted for county chairs.

An election school is also conducted by the Secretary of State and they train the polling place officials on the nuts and bolts of election day polling place procedures.

A conference is hosted by an entity other than the Secretary of State, such as a professional association of county clerks or voter registrars, in which a Secretary of State staff member

makes a presentation related to elections.

Workshops are hosted by the Secretary of State to train counties on the TVRS (Texas Voter Registration System) online system.

Satellite schools are election schools that are broadcasted remotely via satellite.

3. How does SOS determine when & where to hold these training sessions? (I'm not interested in knowing how many session held by location.) Are these sessions regularly scheduled events or in response to requests from election officials?

The seminars are regularly scheduled events held in Austin.

The election schools are conducted regionally based on local requests.

Workshops are held in Austin and also occasionally held regionally based on requests.

4. Is the training video loaned to counties or is it given to them for use?

The training video is loaned to counties and the other political subdivisions. We encourage them to make a copy and send back the original so that we can send it to another political subdivision.

5. Do political parties make use of SOS training?

County chairs extensively use our handbooks, videos, and we also conduct regional election schools for them.

6. If easily obtained, can you provide the number of handbooks mailed by FY? If not, what is your best "guesstimation"? - See Attached File

Thank you for your help. Please call if you have questions - 463-0772.

Paul

**Elections Division**

**Number of Election Authorities Trained**

|  | <u>FY 2000</u> | <u>FY 2001</u> | <u>FY 2002</u> | <u>Training Totals<br/>FY '00, '01, '02</u> |
|--|----------------|----------------|----------------|---|
| <b><u>Seminars</u></b>                     |                |                |                |   |
| # Held                                     | 4              | 3              | 3              | 10  |
| # Attended                                 | 1,710          | 1,480          | 1,275          | 4,465                                       |
| <b><u>Election Schools</u></b>             |                |                |                |   |
| # Held                                     | 23             | 10             | 37             | 70  |
| # Attended                                 | 2,237          | 880            | 1,326          | 4,443                                       |
| <b><u>Conferences/Workshops</u></b>        |                |                |                |   |
| # Held                                     | 17             | 12             | 11             | 40  |
| # Attended                                 | 2,041          | 1,210          | 1,068          | 4,319                                       |
| <b><u>Training Video Presentations</u></b> |                |                |                |   |
| # Held                                     | 410            | 654            | 555            | 1,619                                       |
| # Attended                                 | 3,670          | 2,275          | 6,045          | 11,990                                      |
| <b><u>Satellite Schools</u></b>            |                |                |                |   |
| # Held                                     | 113            | 0              | 0              | 113   |
| # Attended                                 | 1,021          | 0              | 0              | 1,021                                       |
| <b><u>Handbooks Mailed</u></b>             |                |                |                |   |
|  | 41,507         | 19,611         | 41,566         | 102,684                                     |
| <b>FY Totals # Held</b>                    |                |                |                |   |
|  | 567            | 679            | 606            | 1,852                                       |
| <b>FY Totals # Attended</b>                |                |                |                |   |
|  | 52,186         | 25,456         | 51,280         | 128,922                                     |

---

**APPENDIX C**

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**TEXAS APPESEED  
MAKE EVERY VOTE COUNT**

**PUBLIC VOTER EDUCATION IN A TIME OF TRANSITION**

December 12, 2002

A COLLABORATION OF  
TEXAS APPESEED  
AND  
THE APPESEED FOUNDATION





## ACKNOWLEDGMENTS

This report is generously supported by a grant from the Appleseed Foundation. We would also like to thank the law firm of Latham & Watkins, Washington, D.C., for their excellent research and support. We would like to specifically thank their team of attorneys who assisted us: Jim Rogers, Benjamin Longlet, Amy Oliver, and Karen Krieg. Bill Magness, of Casey & Gentz, L.L.P., Austin, Texas, provided invaluable advice and careful review of our work. The Appleseed Foundation staff was a constant source of assistance and advice. Michael Lowenberg, Chair-Elect of the Texas Appleseed board of directors, was our principal board member involved in electoral reform work and provided great support and insight. Finally, we would like to thank all of the county election staff and county clerks throughout Texas who took the time to discuss with us various aspects of voter education in their counties.

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### TEXAS APPLESEED MISSION

Texas Appleseed's mission is to promote justice for all Texans by working to give a voice to individuals and groups that are otherwise overlooked in the legal process. Texas Appleseed has worked on some of Texas' most pressing problems, primarily in the areas of justice and poverty. Our work in examining the electoral process in Texas alerted us to the need for improved voter education in Texas. We hope that this report provides a starting point for initiatives to assist harder to reach voting populations and make the voting process easier to navigate for all Texans.

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\*affiliations listed for identification purposes only

# TEXAS APPLESEED MAKE EVERY VOTE COUNT

## PUBLIC VOTER EDUCATION IN A TIME OF TRANSITION

### TABLE OF CONTENTS

|   |           |
|---|-----------|
| <b>Executive Summary</b> .....  | <b>i</b>  |
| <b>Recommendations</b> .....  | <b>ii</b> |
| <b>Background</b> .....   | <b>1</b>  |
| Introduction .....  | 1         |
| Impetus for Our Work .....  | 3         |
| <b>Strategy #1: Education Efforts for New Voting Technologies</b> .....                                       | <b>5</b>  |
| Dallas County .....   | 5         |
| El Paso County .....  | 6         |
| Upton County .....  | 7         |
| Travis County .....   | 8         |
| Tarrant County .....  | 8         |
| Harris County .....   | 9         |
| A Model Voter Education Program for New Voting Technologies .....   | 11        |
| <b>Strategy #2: Bilingual Voter Education in Texas</b> .....  | <b>14</b> |
| Legal Requirements for Bilingual Voter Education .....  | 14        |
| State Bilingual Voter Education Efforts .....   | 14        |
| County Bilingual Voter Education and Assistance .....   | 17        |
| <i>Voter Education and Assistance Initiatives</i> .....   | 18        |
| <i>Impediments Counties Face in Voter Education Efforts</i> .....   | 21        |
| <i>Model County Voter Education Programs</i> .....  | 21        |
| Ideas for Improving Existing Bilingual Voter Education in Texas .....   | 22        |
| <b>Strategy #3: Voter Information Guides</b> .....  | <b>25</b> |
| A Sample State Voter Information Guide .....  | 25        |
| A Low-cost Texas Voter Information Guide Initiative .....   | 26        |
| <b>Conclusion</b> .....   | <b>28</b> |
| <b>Appendix A: Federal and State Laws Affecting Voting and Voter Education for Non-English Speakers</b> ..... | <b>29</b> |
| <b>Appendix B: Texas Voter Registration, Turnout and Characteristics</b> .....                                | <b>34</b> |
| <b>Appendix C: County Voter Education Survey Form</b> .....   | <b>44</b> |

## EXECUTIVE SUMMARY

The recent passage and signing into law of the *Help America Vote Act of 2002* has created a unique opportunity for Texas to revisit its approach to voter education at both the State and county level. The Act mandates specific electoral reforms and it provides funding to support voter education, among other electoral reform issues.

It is easy to relegate voter education to a secondary priority, as it is a part of the election system that is rarely in the limelight. In fact, voter education is a necessary piece of any effort to increase voter participation and enfranchisement, because it makes essential information easily available. According to a recent U.S. Census study, the top three reasons why registered voters did not vote in the November 2000 election were: 1. They were too busy; 2. There was an illness or an emergency; or 3. They had a sense that their vote did not mean anything. Two of those three reasons reflect that people are not vested in the election system.

What is even clearer is that many Hispanics in Texas are not vested in the election system, and this is something that must change if the State is to have a functioning democracy in the future. In the November 2000 election, the nine of the ten Texas counties with the lowest voter turnout had a population that was at least 73% Hispanic. In counties 50% or more Hispanic, 44.6% of registered voters turned out to vote, as compared to 53.4% of all registered voters in counties that were less than 50% Hispanic. Though the recent election brought what some have called a record Hispanic voter turnout in areas of Texas, the percentage of Hispanics registered to vote remains significantly below their actual percentage of the State voting age population. These statistics are particularly concerning as Texas moves towards being majority Hispanic.

Texas Appleseed has targeted three major strategies with the goal of setting standards for and improving voter education in Texas for Hispanics and for all Texans. The first strategy is to provide a template for introducing voters to new voting technologies. The second strategy is to evaluate and suggest improvements for the existing State and county voter education initiatives. The final strategy is to examine options for implementing a State sponsored voter information guide.

Each of the strategies addresses a key facet of analyzing and improving voter education in Texas. The recommendations and examples provide a starting point in the process of rethinking how Texas looks at elections and how the State prioritizes the role of voter education. Voting is not a privilege in our society. It is a right. Therefore, making voting both accessible and meaningful to as large a segment as possible of our population is a civic obligation that the State should work to fulfill.

## RECOMMENDATIONS

The following report examines three facets of voter education in Texas. The first is the recent trend of counties adopting electronic voting systems. The second is an examination of the voter education programs that exist at the State and county level. The final facet is an examination of voter information guides and how Texas may begin the process of producing such guides.

The recommendations are organized under each of the separate facets, or strategies, of the report. What follows are the recommendations and key observations from each of the three main sections of the report.

### **Strategy #1: Education Efforts for New Voting Technologies**

#### *A Model Voter Education Program for New Voting Technologies*

There is not one optimal plan to help voters adjust to new technologies. Urban and rural counties have different needs, as do counties with differing population characteristics. However, there are five key characteristics, gleaned from examining existing county programs, which should optimally be present in any effort:

1. The voter education program should be designed to reach all of the potential voting population, including the hardest to reach (low-income and non-English speaking). Broad-based efforts designed to reach people through civic organizations and businesses should be supplemented by more personal approaches. Examples are:
  - The Harris County and Travis County bus card program;
  - The Travis and Harris County programs to include information in utility bills and county tax statements;
  - The Tarrant County program of a targeted mailing to voters affected by the new equipment changes;
  - The El Paso County and Dallas County initiative of setting up machines in a variety of public places so that passers by can try them;
  - The Upton County effort to target voters by setting up demonstrations in local post offices, which are frequented by most County residents; and
  - The Dallas and Tarrant County initiatives of posting information about the new system on 7-11 convenience store television monitors to introduce the system to passers by.

Other suggestions include:

- Making informational materials available in social service offices and community organizations that provide direct services to hard-to-reach populations. Information should be presented in displays that catch the individual's attention;

- Making materials available at all public libraries;
  - Publishing informational advertisements in community newspapers and widely distributed advertising publications; and
  - Working with local English and Spanish television and radio stations to publicize information.
2. Counties should take advantage of a broad-based voter education program to encourage people to register to vote. Data on voter behavior show that, in attempting to encourage higher turnout, getting voters registered is the most significant hurdle to overcome. A voter registration initiative should be woven into the voter outreach program, as Tarrant County did in the letters that will be sent to targeted households.
- This strategy is cost effective, because funds allocated for voter registration could be used to offset some of the costs of other areas of voter education, with legislative direction;<sup>1</sup>
  - Voter registration and education programs will benefit from being presented together because they are intrinsically connected. All those newly registered need to be educated on voting systems and the community-based education effort is a perfect way to bring in new potential voters; and
  - As part of the education effort at presentations, counties can encourage attendees to take voter registration cards and register a friend and bring them to the polls. Those hardest to reach often need a personal touch to encourage them to register and vote.
3. If a county provides Spanish language voter education information on the Internet, it should make sure that the information is easily accessible to individuals who only speak Spanish.
- It is not uncommon to see Spanish language information buried inside an English language Web page; and
  - It should be easy to get to the Spanish language information using an Internet search tool and typing in only Spanish words.

In addition, local libraries can be utilized to help introduce people to the county election Website.

- Many libraries offer training on how to use the Internet and have computers available for the public;
- Counties could work with libraries to include its election Website in Internet training programs; and
- Counties could also work with libraries to publicize the county election Website close to election times.

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<sup>1</sup> Voter registration funds have been narrowly restricted in purpose. The Legislature could improve voter education in Texas by providing more flexibility in the usage of the funds designated for voter registration.

Counties should also ensure that Internet product demonstrations are easy to use and quick to download with a variety of computer technologies, as many voters may not have the most up to date computer systems.

4. Voter education efforts should not end when the phase-in of the new voting system is complete. Counties may scale back efforts, but information and materials should remain available for new voters and those who feel they need assistance.
5. Make sure election judges/polling place personnel know how to instruct voters in using the equipment in English and in Spanish.

These five general characteristics of a voter education system would help ensure that the most voters are reached and that no particular group is left behind. These efforts would also optimize the usage of resources by folding in voter registration and ensure that existing resources for information are accessible and easy to use by the target population. Finally, the list emphasizes that voter education is an ongoing process. Its focus may shift, but there is always a need for it.

Lastly, though not directly tied to voter education, it is crucial that counties conduct a “dry run” of voting equipment with poll workers and properly train poll workers and election judges in order to ensure smooth functioning of the new technology. All the voter education efforts will be useless if people are prevented from voting due to technical or human error.

## **Strategy #2: Bilingual Voter Education in Texas**

### *Model County Voter Education Programs*

In the survey interviews, county election officials highlighted local efforts they felt to be particularly effective in reaching out to voters. These efforts could be used as examples for other counties to follow.

#### Voter Registration:

- Bexar County has a temporary voter registrar program, where they deputize large organizations for one year to register voters. The organization members target their communities and work to register as many people as they can. The program focuses on community and party organizations;
- Maverick County recently launched a community outreach program. They target senior centers, schools, centers that teach English and GED classes and people who are getting their citizenship. They teach people how to vote and distribute voter registration cards and sample ballots;
- Dallas County recently included voter registration information in utility bills in the City of Dallas. This initiative, which only cost the price of printing the materials,

brought in a good response from voters updating their registration and new voter registration applications; and

- A number of counties are working on initiatives to target young voters. Cameron County sponsors “Rock the Vote” events to try to reach younger voters. Travis County administers a “Senior Mock Election” for all high school seniors, where the students carry out their own election and vote on their own ballots.

#### Instruction on Equipment Use:

With the recent wave of transitions to electronic voting systems in Texas’ larger counties, there are a number of innovative, broad-based efforts to provide instruction on equipment use. Harris County has been particularly thorough in its efforts. Travis and Tarrant Counties also deserve recognition for their efforts in the recent move to electronic voting.

#### Other Initiatives:

- Hidalgo County has been very effective in working with various media outlets to publicize election information. Much of the media assistance is donated, giving the County more exposure to a broader audience.
- Hidalgo County is launching a new initiative to reach voters through property tax statements. The County will be disseminating election information to numerous households and will only pay the printing costs. The back of the property tax statement is usually blank, so they are using that space to reach a large number of voters.
- Travis County has an effective early voting strategy, to locate all early voting stations in retail outlets, such as malls, grocery stores, and other large commercial venues. The result of this program is that it is convenient for people to vote early and therefore Travis County has a high turnout for early voting.

#### *Ideas for Improving Existing Bilingual Voter Education in Texas*

##### State Initiatives:

At the State level, there are three simple ways that the Secretary of State’s Office could improve on its existing bilingual voter education efforts:

1. Provide a Spanish language Web page that includes links to all of the available Spanish information as well as any other supplemental information, so that it is more equivalent to the English language voter information.
2. Implement HB 59. The State of Texas currently does not distribute any candidate information to the voting public. Implementing HB59, as laid out in the bill,

could serve as a trial run for other types of information the State could produce in the future for other political races.

3. Look at ways to build on existing voter education programs, in order to use funds more efficiently. For example, the State already conducts direct mailings to Hispanic surname voters through the Secretary of State's Office Constitutional amendment information mailing. Additional voter information could be included in those mailings at little or not additional cost to the State.

An additional way to improve voter education at the procedural level is to address the most commonly asked voter question fielded by the Secretary of State's Office, as well as many county election offices: "Where do I vote?"

- The State could work with counties to develop a strategy for supplementing current information on polling locations for statewide and federal elections. An effective strategy could pay for itself by decreasing the amount of time state and county employees spend answering questions about polling locations; or
- The State could initiate a pilot project whereby a card would be sent to every registered voter two weeks before a statewide election, stating the date of the election and the polling location for Election Day. This project could be limited to a few counties and studied to determine its effectiveness. The project could be supplemented by including a sample ballot in the mailing, as many voters feel that seeing the ballot before the election increases their ability to fully participate in the voting process.<sup>2</sup>

#### County Initiatives:

County election staff had a number of recommendations on how to improve voter education. The ones most commonly repeated are:

- It would be extremely helpful to the counties to receive state guidance on best practices in the area of voter education to strategize about the best way to use resources currently available;
- Increasing the availability of publications would help counties to reach more voters;
- Having more staff available for community outreach would add a necessary personal touch to existing efforts;
- Many county officials would like to have funds to provide direct mailings of materials to voters, including sample ballots. Such programs could be initiated through coordination with voter registration activities and existing mailings such as utility and property tax mailings; and
- Having non-partisan candidate and issue information to disseminate would enhance existing programs and fill an existing gap.

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<sup>2</sup> League of Women Voters of Texas, "Survey of the Election Process in Texas," April 2002, p. 3.



Counties work on the front lines of voter education. They need support from the state to optimize the effectiveness and efficiency of their efforts.

### **Strategy #3: Voter Information Guides**

#### *A Low-cost Texas Voter Information Guide Initiative*

When embarking on a new initiative it is important to always remember that something is better than nothing. Currently, on the front of voter education on candidates and amendments, Texas has nothing that is marketed directly to voters. The California program has two main components: making non-partisan ballot information available and ensuring that it reaches every registered voter.

#### 1. Making non-partisan Ballot Information Available

- Currently, the major source of non-partisan candidate and issue information available in Texas comes from the Texas League of Women Voters. The League publishes its voters guide in both English and Spanish. The Secretary of State could provide links to this voters guide in both its English and Spanish Websites. Another option is that the State could partner with the Texas League of Women Voters to create broader distribution of the voter guide.
- The Texas Legislative Council publishes an analysis of proposed constitutional amendments. It offers pro and con arguments for each issue. This information could be translated into Spanish and made available at the Secretary of State's voter information Website. The Texas Legislative Council could also take on the role of creating broader voter guides, based on strict guidelines set by the legislature.
- The Texas League of Women Voters provides excellent candidate information; the information is structured under certain priority issues defined by the League of Women Voters. It would also be helpful to have a non-partisan source of general candidate information where each candidate could describe his or her own priorities, so that voters can be more familiar with the key issues for each candidate. This information could also include a platform from each of the political parties represented. The Secretary of State could compile such information and make it available through its Website, similar to the judicial voting guide mentioned in the previous section, at little cost. The guidelines of such a process could be determined by the legislature to ensure that every candidate gets equal representation in the guide and that each side of constitutional amendments get fair presentation.

#### 2. Ensuring that the Information Reaches Every Registered Voter

This component is more difficult to implement with limited funds. However, an effort can be made to reach as many voters as possible, including those unlikely to use the Internet.

- A limited number of the voter guides created by the Secretary of State (under the suggestions for component 1) could be distributed to public libraries and other public locations throughout the state;
- The Secretary of State could advertise that the information is available and provide the Web address, as well as a number people can call to have a copy mailed to them if they do not have access to a computer;
- The State could initiate a pilot project targeting the ten Texas counties with the lowest voter turnout. A copy of the voter guide could be mailed to every household with a registered voter in only those counties. The State could follow-up with the targeted voters to analyze the impact of the information on the decision to vote and on how informed the voters feel; and
- The Secretary of State could work with public libraries to publicize the availability of election information on the Internet. Library staff could help individuals unfamiliar with computers to access the information.

Texas should start somewhere in addressing the deficit of non-partisan candidate and issue information available to State voters, and particularly to those who do not speak English. The above suggestions are simple first steps towards the end goal of disseminating complete information to all voters.

# TEXAS APPLESEED MAKE EVERY VOTE COUNT

## PUBLIC VOTER EDUCATION IN A TIME OF TRANSITION

### Background

#### Introduction

The right to vote is one of the most important rights of citizenship in a democratic society. Studies of voting patterns have repeatedly demonstrated a strong link between a citizen's exercise of the right to vote and his or her educational attainment and English-speaking skills. Because Texas accounts for two-thirds of the U.S. border with Mexico, it must grapple with a continual influx of new immigrants, as well as the maturing of a solely Spanish speaking citizen base comprised of first and second-generation Texans. In addition, the Houston area and other parts of Southeast Texas are home to a growing Asian-American community, which adds to the linguistic diversity of the State. Because of language and education barriers, these populations face particular difficulties in learning the State's voting systems, including registering to vote and using both new and old voting technologies.

The challenge of bringing hard-to-reach populations into the voting mainstream is becoming more pronounced as several major urban counties implement electronic touch screen and touch button voting technology, and more counties shift away from antiquated punch card and paper systems. The new voting technologies present tremendous opportunities for making the voting process more efficient. New technologies promise to make vote counting more accurate, reliable and more accessible to people with disabilities. Without sufficient education about these changes, however, many Texas voters may be discouraged from voting by the unfamiliarity of the new technologies. The "digital divide" that threatens to separate many segments of our economy could similarly threaten the operation of one of our core democratic institutions.

The debacle in the 2002 Florida primary elections, which occurred even after a \$125 million statewide investment in new voting equipment shows that new technology by itself is not an answer to deficiencies in voting systems.<sup>3</sup> It demonstrates that an effective voting process is the result of a number of properly functioning systems working together. If any one system fails, it is likely that the entire system will either fail or be compromised. Currently, for Texas, voter education is one of the systems in the State voting process that needs to be evaluated and improved.

Texas Appleseed recognizes that a comprehensive voter education program consists of three areas of basic civic education: (1) content (i.e., candidate and ballot information), (2) voting logistics (i.e., when and where to vote and how to register to vote), and (3) information regarding the physical operation of voting machinery.

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<sup>3</sup> Merzer, Martin, et al., "Here we go again: Confusion reigns in sequel to 2000 election," *Miami Herald*, Wednesday, September 11, 2002, located at <http://www.miami.com/mld/miami/4047845.htm>.

Texas is beginning the transition to a new era in voting equipment. Currently, at least seven counties, comprising 41% of the State population, are using some form of electronic voting equipment. This number includes Travis County, which is phasing in electronic voting in the 2002 general election. In addition, the State plans to replace punch card systems if federal dollars become available. Currently punch card systems exist in 13 small counties with about 10% of the State population. Those voting machines will likely be replaced with electronic systems. This trend is largely a positive one: the confusion and inaccuracies of the older systems are well known, and experience thus far indicates the new systems do improve the voting and tabulation processes. Nevertheless, without sufficient voter education, these developments bring the "digital divide" into an institution that is essential to the functioning of our nation. In Texas, the population most likely to be left behind is the low-income Spanish speaking population.

According to a recent report by the U.S. Census Bureau, only 45% of eligible Hispanics actually voted in the 2000 election, as compared to 62% of Whites and 57% of Blacks.<sup>4</sup> Introducing technology into the voting process could serve to further alienate this population that already has low voter participation, as people may feel intimidated by the new system. A recent survey of Texas counties, local League of Women Voters organizations, and civil rights organizations, conducted by the Texas League of Women Voters, emphasizes this point. It states that the voting process often intimidates low-income minority voters.<sup>5</sup> This concern is especially acute where voters do not speak English and have little familiarity with using computers and other technology. The same League study points out that inadequate notice of elections was given in minority languages, emphasizing the way in which existing education programs often fail marginalized populations.<sup>6</sup>

Spanish speakers with low educational attainment and older voters with little technological experience may be especially prone to shy away from using the new systems. It is clear that Texas needs a multi-faceted voter education strategy to address this problem as well as the perennial problem of low voter participation. Texas Appleseed has formulated a three-part strategy to address public voter education with the goal of better serving the Spanish speaking population in Texas.

The first part of our strategy is to analyze the public education efforts underway to assist voters in understanding the new voting technology. We have compiled best practices from counties that have implemented electronic voting systems and supplemented their practices with our assessment of additional measures to best serve the needs of the Spanish speaking population. We assembled a public education blue print that counties can use, as more counties move towards electronic voting systems.

The second part of our strategy is to determine the availability of Spanish language voter education materials through a survey of State information and selected Texas counties. We have documented the availability of Spanish language ballots and poll staff who speak Spanish. We present best practices based on programs the counties believe to be most effective. In addition, we highlight areas the State is lagging in its efforts to make

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<sup>4</sup> U.S. Census Bureau, "Voting and Registration in the Election of November 2000," February 2002, p.3.

<sup>5</sup> League of Women Voters of Texas, "Survey of the Election Process in Texas," April 2002, p.5.

<sup>6</sup> *Id.*, p.5.

voting more accessible to Texas' Spanish speaking population and impediments to its success.

The final component of our strategy is to analyze the frequently cited California voter education model. It is unlikely that Texas would appropriate funds to support an effort like the California model. However, we will suggest certain low-cost steps as a start and a move in the right direction. As a supplement to our voter education strategy, we will incorporate low-cost voter registration outreach plans that can be folded into voter education efforts. By including voter registration efforts with other areas of voter education, we aim to develop a broad-based strategy to help Texas bring its Spanish speaking population into the voting mainstream.

### *Impetus for Our Work*

Texas Appleseed has initiated its "Make Every Vote Count" project now for three reasons. First, the transition to new voting methods, such as electronic touch screen and touch button voting has already begun. Experts in Texas elections estimate that the transition to new voting technologies will occur on a large scale in our State over the next two to three years.

Second, recently passed federal legislation provides the opportunity to fund initiatives that will ensure that the transition to new voting technologies does not create a "digital voting divide." This opportunity will not come again, and if inclusive public education is not a priority, federal funding will not be used to its best advantage.

Third, and most important, there is evidence that the existing system does not make every vote – or more precisely, every voter – count in our elections. The problems with our system could be corrected in large measure by expanded education regarding registration and voting, specifically education efforts targeted to reach non-English speaking and less educated populations in Texas.

U.S. Census data used to analyze voter participation in the 2000 general election shows an indisputable pattern. Citizens are less likely to vote if they face language or educational barriers to voting. For example, the ethnic groupings with the lowest turnout in the 2000 elections were Hispanic men and Asian women.<sup>7</sup> Both these groups face significant language barriers to voting in many American communities. As whole, Hispanic and Asian voting rates were significantly lower than those for White voters. For example, while Census data shows that 60.5% of White citizens voted, only 45.1% of Hispanic and 43.3% of Asian citizens voted.<sup>8</sup> In Texas, in the 2000 general election, nine out of the ten counties with the lowest voter turnout had a population of at least 73% Hispanic.<sup>9</sup>

Similarly, educational attainment has a substantial impact on voting behavior. Of the citizens with no high school diploma but some high school education, 38% voted in the

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<sup>7</sup> U.S. Census Bureau, "Voting and Registration in the Election of November 2000," February, 2002, p.6.

<sup>8</sup> *Id.*

<sup>9</sup> See Table 3, Appendix B.

2000 general election.<sup>10</sup> This is in stark contrast to the voter participation rate of citizens with a college degree (75.4% voted) or with advanced degrees (81.9% voted).<sup>11</sup>

There are certainly many factors that determine whether individuals exercise their right to vote. In order to maximize participation, and thereby maximize democracy, Texas should not miss its opportunity to address the factors we know we can do something about. The available data show that improving public education aimed at Spanish-speakers and those with less education will increase their participation in elections. As the State enters a new era in voting technology, voter education is key to keeping as many Texas voters as possible in the mainstream of our democratic system.

We recognize that the Legislature will face a State budget deficit when it convenes in January 2003. At the same time, federal funding to support the *Help America Vote Act of 2002* will likely be approved this year. It could provide a new funding source for voter education efforts administered by the State. Efforts undertaken sooner rather than later, using available federal money, can improve participation by Spanish speakers and voters with little education. Education during the transition to new technology will reap dividends in the future, because voters will develop a general perception that electronic voting is easy and is nothing to be afraid of. In addition, education efforts that are required to help voters understand how to use the new equipment can also be used as an opportunity to provide information on the content of the ballot and the location of polling places.

The education of election judges and governmental and social service personnel involved in the voting process, along with education efforts aimed at the general public, can all serve to increase the likelihood that voters will be more confident in going to the polls even if they face unfamiliar voting procedures and technologies. In this way, the new technology can fulfill its potential by becoming not only a tool for efficient tabulation, but also a tool for inspiring increased voter participation.

Legislation passed during the 2001 Texas legislative session explicitly mentioned replacing punch card ballots as a priority for any new federal money geared towards election reform.<sup>12</sup> The *Help America Vote Act of 2002*, which was recently signed into law, will provide at least \$5 million per state for improving voting systems. It also provides funding for election administration, which includes voter education, and covers other issues, including the mandated creation of a statewide voter registration system and poll worker education. With so many priorities competing for limited funding, it is our hope that Texas will recognize the importance of voter education and devote a portion of the expected new funds to this end. Along with devoting funds, Texas should make voter education a required activity for the State and counties.<sup>13</sup>

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<sup>10</sup> *Id.*, p. 5.

<sup>11</sup> *Id.*

<sup>12</sup> 77(R) HB 2336.

<sup>13</sup> Currently, the State provides funding to support voter registration efforts, but does not earmark general funds for other voter education programs.

## **Strategy #1: Education Efforts for New Voting Technologies**

Texas is moving towards statewide implementation of electronic voting. Currently, at least seven Texas counties have implemented or are in the process of implementing computer-based voting systems.<sup>14</sup> These counties comprise 41% of the total State population and 42% of the State's Hispanic population.<sup>15</sup>

When any change impacts voting, which is central to the functioning of our government, public education efforts are crucial. Because this particular change has the potential to intimidate and even further alienate populations that already have low voter participation (low-income, low educational attainment, and non-English speaking) a solid, broad based voter education effort is essential to the successful transition to and functioning of the new computerized systems.

The following case studies focus on six Texas counties (Dallas, El Paso, Upton, Travis, Tarrant, and Harris) that are in various stages of implementing computerized voting systems. Each of the counties has a public education effort geared towards its special situation, and each of the strategies offers creative and common sense approaches.<sup>16</sup>

### *Dallas County*

Dallas County was the first large urban county in Texas to implement an electronic voting system. The County purchased the system in 1998 and has used it in early voting for over 100 elections. Dallas County continues to use its electronic system for early voting only. There are currently no specific plans to expand the system to cover all voting.

Dallas County launched a three-part voter education effort to publicize its new voting technology:

1. A media campaign to advertise the new system;
2. Information about how to use the new voting system on the County election Website; and
3. Community outreach through product demonstrations and direct assistance at polling locations.

The County spent between \$25,000 and \$40,000 on its voter education efforts. State funding covered some of the County efforts. All efforts were coordinated and staffed by the County election staff.

The media campaign consisted of advertising the new system and teaching people how to use it through the television monitors at 7-11 convenience stores, so that people could

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<sup>14</sup> Electionline.org list as of March 8, 2002, supplemented by interviews with some county election staff. The six counties are: Dallas, El Paso, Harris, Hood, Tarrant, Travis, and Upton counties.

<sup>15</sup> U.S. Census Bureau, 2000 Census.

<sup>16</sup> The information for the case studies was compiled through county Websites and interviews with staff in the county elections offices.

learn about the system as they waited in line to make a purchase. The County also advertised the system on billboards and in local media. Trainings and demonstrations were advertised through the various community newspapers and through fliers.

The Internet based training consisted of a series of slides demonstrating how to use the voting system. The slides remained on the County election Website for a few years, but are not currently available.

The community outreach effort was the center of the Dallas County voter education effort. County staff demonstrated the new system at a variety of local events, community centers, housing projects, churches, PTA meetings, and at six area malls. At the precinct polling sites, the County made instructions and signs available. There was also someone stationed at each polling site to teach people how to use the system. The County continued this practice through one complete election cycle, covering all the various types of elections in order to reach the most voters. They also had technicians available at every polling site to ensure that the system ran smoothly.

Rolled into all of the voter education efforts was a voter registration campaign. The County took advantage of access to different communities to encourage people to register and to vote.

Based on its experience the County found that hands-on training was an effective tool of voter education and that the availability of assistance at each polling site was crucial to ensuring that each voter felt comfortable using the new system. If the County were to move to using the system for all elections, a much broader effort, with professional public relations support, would be optimal. The County would also hope to implement a direct mailing of instructions on how to use the new technology, as this is the best way to reach all voters.

### El Paso County

El Paso was the third Texas County to implement an electronic voting system. The system was first used in the November 1999 election. The County is still using the system for early voting only, but plans to expand it to all voting by May of 2003.

The first voter exposure to the new system was at the election preceding the November 1999 election. The County made the new electronic voting units available at voting stations for people to try after they had voted using the old system. They surveyed the people trying out the system, with help from the equipment vendor. The result of the survey was overwhelmingly positive and was an important factor in going ahead with the new system.

After the initial public testing and survey, the County launched a voter education effort with the assistance of the product vendor. The effort began approximately four months before the November election. The County focused its effort on a hands-on education approach:



- The County set up machines in malls, community colleges, and other public places, for those walking by to try out;
- The County hosted training sessions at community centers and senior centers. They advertised the events through the centers and in newspapers and had a good turnout at most events. The focus of the training sessions was to demonstrate the equipment and then give attendees a chance to use it themselves; and
- The County also had brochures and videos available at training events.

The County hired some community-based organizations to conduct trainings and educate voters. It selected the organizations through input from County political party officials.

The County found that allowing people to try the voting machinery prior to the election removed the mystery and increased the general comfort level with the new system.

### Upton County

Upton County was the first rural Texas County to implement electronic voting. The County Clerk implemented an electronic voting system in 1998. The County used the system successfully for four years, but is now facing an unwanted switch back to paper ballots. The product vendor did not provide the support needed for Texas Secretary of State to certify the system for the November 2002 elections, so the County is currently exploring other means to continue to use the system.<sup>17</sup>

Upton County is a very small county, with a voting population of less than 3,000 people.<sup>18</sup> The County has a large elderly population, and that population was a major focus of the voter education efforts. The County has two post offices where residents must go to collect mail, so the County Clerk set up a demonstration of the new equipment in each of the post offices for passers by to test. The County also demonstrated the system in locations serving the senior citizen community.

An exit survey after the first election showed an 85% approval rate of the system. Another 13% found the system to be adequate, and only 2% disliked the system.

Even in a small county, the benefits of an electronic system were felt, though it may be worthwhile to conduct further investigations to see how electronic voting may necessitate changes in the way elections are run in rural areas. One suggestion from the County is to decrease the number of polling locations to make it more cost-effective to have electronic systems and to make it easier for voters, as there will be less confusion regarding where people are supposed to vote.

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<sup>17</sup> Under the Texas Election Code, county voting systems must be certified by the Texas Secretary of State based on designated criteria.

<sup>18</sup> 2000 U.S. Census.

### Travis County

Travis County is currently in the process of implementing a new \$5 million electronic voting system. The system is being used for the first time in early voting for the November 2002 general election. By May 2003 it will be used for all City of Austin elections, and by November 2003, it will be used in all State and County elections. Travis County adopted the new system to serve a rapidly growing population and better serve special needs populations. A public education campaign is included in the \$5 million allocated for the system.

The product vendor and a public relations firm organized many of the materials and the outreach. The outreach program has six different components:

1. An Internet based component that has an easy-to-view video presentation and other materials describing the new system and its features. All the Internet based information is provided in English and Spanish;
2. A speaker's bureau and staff who make presentations and provide equipment demonstrations to clubs and civic organizations. Speakers are available to speak in both English and Spanish. Brochures in English and Spanish, which describe how to use the system, are available for distribution at presentations;
3. A community project that is focusing on 300 to 400 Travis County employers to participate in outreach by providing information about the new system to their employees;
4. At early voting locations, demonstration machines are available for voters to practice on prior to the actual vote; and
5. The County included a description of the new system and a picture of the machine in utility bills during October 2002, the month that early voting for the November 2002 general election takes place. The County also included information in gas bills and placed some non-operating voting machines in libraries so that people could become more familiar with the machines.
6. The County launched an advertising and general outreach campaign to familiarize voters with the new electronic voting system. The campaign included advertisements printed on grocery bags, outside and inside buses, and trainings geared for the media, to encourage the media to publicize the program. It also included product demonstrations at major community events and a six-week mall demonstration project carried out by the Urban League.

Travis County is taking a more efficient approach of focusing primarily on organizations as opposed to individuals in its outreach efforts. The main exception to this approach is the utility bill additions that are designed to reach as many voter households as possible.

### Tarrant County

Tarrant County is implementing an electronic voting system only for early voting. The County implemented the system to meet the needs of disabled voters. It opted to use the system only for early voting because of the prohibitive expense of changing the entire

system. Tarrant County spent \$777,000 for the electronic early voting system. As in Travis County, that amount includes voter education efforts.

At the heart of the Tarrant County voter education effort is a direct mailing to voters who have a history of early voting. For the November 2001 Constitutional amendment election, the first election where the new system was introduced, a letter in English and Spanish was sent to each household with a member who had voted early in the previous amendment election. For the upcoming November 2002 general election, the County will send a letter in English and Spanish to each person who early-voted in the 2000 presidential election and all individuals who have registered to vote since January 2002. The letter includes:

- A brochure about the new voting system and how to use it;
- Early voting locations and schedules; and
- An application to register to vote. They encourage individuals to register a friend who is currently not registered and bring them to vote in the upcoming election.

This mailing cost the County approximately \$45,000.

Additional efforts include:

- Internet based education efforts where individuals can see a demonstration of the electronic voting equipment and learn more about it. This service does not appear to be available in Spanish;
- Demonstration videos in English, Spanish, and Vietnamese, available for trainings and information sessions. The County has also made the videos available to local cable television stations for broadcast;
- The voting equipment is available at a central voting station where the public can come in and try it out; and
- As Election Day (November 2002) approaches, the County will be posting voter registration information and a picture of the new electronic voting system on 100 taxi cabs throughout the County. There will also be a public service message placed in the previews in five movie theaters throughout the County. The messages will include voting information and a picture of the new voting system.

Though Tarrant County has used some of the same broad-based voter education tools as Travis County, its focus has been more on individual voters, targeting those most likely to use the new system.

### Harris County

The Harris County voter education system is the most comprehensive system analyzed. There are many reasons for this, but the most important reason is the size of Harris County and the broad range of voters, both geographic and cultural, that the County must reach. The County has budgeted \$250,000 to cover outreach efforts and \$250,000 to cover publication costs.

The supplier of the electronic voting system, a public relations firm and the County Clerk's office have carried out the voter education program. The program is structured similarly to the Travis County model, but has a broader outreach strategy. The County is using a three-pronged approach to public education about the new voting system:

1. Direct voter education;
2. Distribution of publications and materials; and
3. Multimedia approaches.

The direct voter education component has two central programs. The first is a speaker's bureau with 250 volunteer voting demonstrators.

- These individuals were recruited through contacting County party chairs and are available to respond to requests by organizations to introduce and demonstrate the new system; and
- Speakers are available in Spanish to accommodate the Spanish-speaking population.

The second program is the Harris Votes! Partnership program, which encourages businesses and community organizations to participate in the outreach effort.

- Each participating organization receives information to share with its members or employees about the new voting system, including posters, videotapes, and brochures.
- The County also offers to send people to events to demonstrate the system, at the partner's request.
- Over 100 community organizations, businesses, and media outlets are currently participating in the program.

Harris County has undertaken a number of creative and far-reaching approaches in distributing publications and materials that describe how to use the new voting system.

- Advertisements inside public buses with simple instructions on how to use the system, in English, Spanish, and Vietnamese;
- Bookmarks that provide simple instructions on how to use the system are available at public libraries;
- Training videotapes are available at all public libraries;
- 1100 training videotapes were mailed to civic associations; and
- Information was distributed through utility bills.

The publication distribution outreach component works to ensure that anyone who wants to know about the system has a convenient means to find out about it. Information is also disseminated to those less likely to seek it out through programs such as the bus advertisements and bookmarks.

The Multimedia efforts provide the public with opportunities to test the new system and provide for public service announcements.

- Prior to the first early voting election in which the system was used (October 2001), the County staged a mock election so that interested individuals could try out the system.
- Students at Texas Southern University were allowed to use the equipment for their student body elections.
- In partnership with the Houston Astros, the County provided voting stations at a Houston Astros game where people could vote on items to be determined by the team.
- The County has a goal of making televisions available at every polling location, which play the training videotape, so people can learn about the system while they wait to vote.

Harris County will be using the new electronic voting system in all elections starting this November 2002. The County's approach to public education is to make the training and information materials widely available to the County's various constituencies.

#### *A Model Voter Education Program for New Voting Technologies*

Each of the counties described in the above case studies has a solid voter education approach for the new voting technology. The program differences in content and scope reflect the different goals and resources of the counties. There is not one optimal plan of voter education. Urban and rural counties have different needs, as do counties with differing population characteristics. However, there are five key characteristics, gleaned from the above county programs, which should optimally be present in any effort:

1. The voter education program should be designed to reach all of the potential voting population, including the hardest to reach (low-income and non-English speaking). Broad-based efforts designed to reach people through civic organizations and businesses should be supplemented by more personal approaches. Examples are:
  - The Harris County and Travis County bus card program;
  - The Travis and Harris County programs to include information in utility bills and county tax statements;
  - The Tarrant County program of a targeted mailing to voters affected by the new equipment changes;
  - The El Paso County and Dallas County initiative of setting up machines in a variety of public places so that passers by can try them;
  - The Upton County effort to target voters by setting up demonstrations in local post offices, which are frequented by most County residents; and
  - The Dallas and Tarrant County initiatives of posting information about the new system on 7-11 convenience store television monitors to introduce the system to passers by.

Other suggestions include:

- Making informational materials available in social service offices and community organizations that provide direct services to hard-to-reach

populations. Information should be presented in displays that catch the individual's attention;

- Making materials available at all public libraries;
  - Publishing informational advertisements in community newspapers and widely distributed advertising publications; and
  - Working with local English and Spanish television and radio stations to publicize information.
2. Counties should take advantage of a broad-based voter education program to encourage people to register to vote. Data on voter behavior show that, in attempting to encourage higher turnout, getting voters registered is the most significant hurdle to overcome. A voter registration initiative should be woven into the voter outreach program, as Tarrant County did in the letters that will be sent to targeted households.
- This strategy is cost effective, because funds allocated for voter registration could be used to offset some of the costs of other areas of voter education, with legislative direction;<sup>19</sup>
  - Voter registration and education programs will benefit from being presented together because they are intrinsically connected. All those newly registered need to be educated on voting systems and the community-based education effort is a perfect way to bring in new potential voters.
  - As part of the education effort at presentations, counties can encourage attendees to take voter registration cards and register a friend and bring them to the polls. Those hardest to reach often need a personal touch to encourage them to register and vote.
3. If a county provides Spanish language voter education information on the Internet, it should make sure that the information is easily accessible to individuals who only speak Spanish.
- It is not uncommon to see Spanish language information buried inside an English language Web page; and
  - It should be easy to get to the Spanish language information using an Internet search tool and typing in only Spanish words.

In addition, local libraries can be utilized to help introduce people to the county election Website.

- Many libraries offer training on how to use the Internet and have computers available for the public;
- Counties could work with libraries to include its election Website in Internet training programs; and

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<sup>19</sup> Voter registration funds have been narrowly restricted in purpose. The legislature could improve voter education in Texas by providing more flexibility in the usage of the funds designated for voter registration.

- Counties could also work with libraries to publicize the county election Website close to election times.

Counties should also ensure that Internet product demonstrations are easy to use and quick to download with a variety of computer technologies, as many voters may not have the most up to date computer systems.

4. Voter education efforts should not end when the phase-in of the new voting system is complete. Counties may scale back efforts, but information and materials should remain available for new voters and those who feel they need assistance.
5. Make sure election judges/polling place personnel know how to instruct voters in using the equipment in English and in Spanish.

These five general characteristics of a voter education system would help ensure that the most voters are reached and that no particular group is left behind. These efforts would also optimize the usage of resources by folding in voter registration and ensure that existing resources for information are accessible and easy to use by the target population. Finally, the list emphasizes that voter education is an ongoing process. Its focus may shift, but there is always a need for it.

Lastly, though not directly tied to voter education, it is crucial that counties conduct a "dry run" of voting equipment with poll workers and properly train poll workers and election judges in order to ensure smooth functioning of the new technology. All the voter education efforts will be useless if people are prevented from voting due to technical or human error.

## Strategy #2: Bilingual Voter Education in Texas

Educating voters about using voting equipment is a crucial and necessary part of voter education, but it is not an end in itself. There are two additional elements of a comprehensive voter education program, including (1) candidate and ballot information, and (2) voting logistics (e.g., when and where to vote). There are also federal and state statutory requirements governing obligations to translate materials into other languages, depending on certain characteristics of the state and counties.

### Legal Requirements for Bilingual Voter Education

According to the federal *Voting Rights Act of 1965*, the *Voting Rights Act Amendments of 1992*<sup>20</sup>, and the Texas Election Code, the State and many Texas counties are required to publish all voter education and voter information materials in English and Spanish, and in certain counties, Vietnamese and Native American languages.<sup>21</sup> The federal law does not require any specific materials to be produced, but if any covered state or political subdivision<sup>22</sup> provides “registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots,” it must also provide the materials in the language of the applicable minority group. The Texas Election Code requires Spanish language voting instructions,<sup>23</sup> Spanish-language ballots and registration materials,<sup>24</sup> and Spanish-speaking poll workers.<sup>25</sup> It does not specifically mention other language groups. However, counties must comply with minority language requirements under the federal law, which applies to languages other than Spanish.

### State Bilingual Voter Education Efforts

Voter education at the State level is administered through the Office of the Texas Secretary of State. There is no statutory requirement for the Secretary of State to provide voter education and no funding allocated for this purpose. Because of the lack of funding, the Secretary of State’s Office promotes voter education primarily through its Website, which carries only a small cost. The Texas Secretary of State also sponsors a program called “Project V.O.T. E.” (Voters of Tomorrow through Education), which is geared towards educating school aged children about voting and is largely funded through private donations. In addition, there is a toll free number, with assistance in both English and Spanish, for people to call statewide with questions regarding voter registration and other election matters.

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<sup>20</sup> The *Voting Rights Act Amendments of 1992* extended the minority language assistance provision to August 6, 2007.

<sup>21</sup> See Appendix A for further details.

<sup>22</sup> The definition of “political subdivision” under this section is “any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.” 28 C.F.R. 55.

<sup>23</sup> See Tex. Elec. Code Ann. § 272.005.

<sup>24</sup> *Id.* §§ 272.006, 272.007.

<sup>25</sup> *Id.* § 272.009.



One initiative exists that is geared specifically to Texas registered voters with Hispanic surnames. In order to promote understanding in the Hispanic community of Constitutional amendments, the Secretary of State mails a Spanish language explanation of Constitutional amendments on the ballot to every registered voter in Texas with a Hispanic surname. This is an interesting initiative and could serve as a starting point for future efforts to target individual voters directly.

The Website for the Texas Secretary of State offers basic information on the voting process. However, there is a definite discrepancy between the information offered in English and that offered in Spanish. The English voter information page has many options for information on the voting process, county election officials, ballot information, and useful election related links. The Spanish page has only three links, one to a voter information pamphlet, another regarding how to vote by mail, and a third regarding how to register to vote. The Spanish and English voter information pages are shown on the following pages.

It is interesting to note that there are some documents on the English voter education page that are translated into Spanish, but have no link on the Spanish language page. As a result, a Spanish speaker using the Internet would have to speak English well enough to navigate the English language Web pages to find all relevant Spanish information. In addition, even with finding all the Spanish information, the individual would need to speak English to get the most complete information. Even basic information, such as contact telephone numbers in one's county of residence to find out polling place locations and ballot and election date information, is available only through the English language information site.

In the 77<sup>th</sup> Regular Session of the Texas Legislature, the Secretary of State was authorized in House Bill 59 to undertake a new voter education effort: a voter information guide for judicial elections. The guide, which was determined to have no significant fiscal implication to the State,<sup>26</sup> is not mandated, but the parameters for compiling it are detailed in the law.<sup>27</sup> No such guide was created for the November 2002 general election. Instead, the Secretary of State provides links to judicial candidate Websites if they are available. The information is not presented as a judicial voter information guide and is not advertised on the Website in any way, to guide people to the information.

**Texas Secretary of State Website  
Spanish Language Information:<sup>28</sup>**

**Información Para Votantes  
Solicite una Aplicación de Registro del Votante**

- [Texas Votar Una Guía Completa Para Votar](#)
- [Solicitud De Papeleta Federal Por Tarjeta Postal](#)

<sup>26</sup> Fiscal Note, 77<sup>th</sup> Regular Session In Re. HB 59.

<sup>27</sup> 77(R) HB 59 Enrolled Version.

<sup>28</sup> <http://www.sos.state.tx.us/elections/voter/informacionparavotantes.shtml>.

## English Language Information:<sup>29</sup>

### Voter Information

- [Early Voting Clerks for State and County Elections](#)
- [Frequently Asked Questions Regarding The Census and Redistricting](#)
  - [Military/Overseas Voters](#)
  - [Frequently Asked Questions](#)
- [Request a Voter Registration Application \(En Español\)](#)
  - [List of Voter Registrars by County](#)
    - [Registration Certificate](#)
    - [Where do I Vote?](#)
  - [Informational Pamphlets](#)
    - [Special Forms of Early Voting](#)
      - [Candidate's Guide](#)
    - [Texas Voting \(Votando en Texas\)](#)
  - [Volunteer Deputy Registrar Guide \(Guía Para El Registrador Adjunto Voluntario De Texas\)](#)
  - [Services Available to Voters With Special Needs \(Servicios Disponibles Para Votantes Con Necesidades Especiales En Texas\)](#)
  - [Early Voting In Texas \(Votación Anticipada En Texas\)](#)
    - [What's my District?](#)
    - [Election Officials and Officeholders](#)
- [Upcoming Elections \(by calendar year\) - 2002](#)
  - [Early Voting](#)
  - [What's on the Ballot?](#)
    - [Student Voters](#)
    - [Links of Interest](#)

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<sup>29</sup> <http://www.sos.state.tx.us/elections/voter/index.shtml>.

Two factors that have held back the development of the voting guide are: (1) no money was appropriated to translate the document into Spanish, and (2) difficulty in establishing parameters for the type of information candidates may submit. These two issues could be resolved with relative ease through a small appropriation from the legislature to produce the guide and some study of other state practices that already produce such guides. Based on the 22 candidates on the ballot for the November 2002 judicial elections, and using the guideline of 250 words per candidate, the cost of translation would be close to \$1,500. With other extraneous text added in, the total translation is likely to cost between \$2,000 and \$2,500. In establishing parameters for candidate information, the guidelines use by the State of California provide an idea as to how one state, with a long history of publishing voter information guides, addresses candidate statements.<sup>30</sup>

- The statement shall not, in any way, make reference to other candidates for office or to another candidate's qualifications, character, or activities. Moreover, the statement shall not contain any demonstrable false, slanderous, or libelous statements nor any obscene or profane language, statements or insinuations;
- The statement shall be written in the first person and limited to a recitation of the candidate's own personal background and qualifications; and
- The statement shall be accompanied by a declaration executed under penalty of perjury declaring that the information contained therein is true and correct.

It is clear that obstacles to publishing the guide could be overcome. Though the guide is yet to be created in its intended form, the legislation is a positive step forward in Texas voter education. It moves voter education to a new level, from basic procedural information to information to help people make the most of their votes.

#### County Bilingual Voter Education and Assistance

In order to study county bilingual voter education, Texas Appleseed surveyed sixteen Texas counties, the seven most populous counties and nine additional Texas counties with a Hispanic population of at least 75 percent.<sup>31</sup> This sample was selected to obtain a picture of voter education for a large segment of the Hispanic population in Texas. The sample includes 53% of all Texans and 68% of all Hispanic Texans.

The survey covers existing voter education initiatives, impediments to more effective voter education efforts, and model programs. The survey was conducted between October 11 and October 31, 2002.

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<sup>30</sup> "Guidelines, California General Election Voter Information Guide", November 5, 2002.

<sup>31</sup> Please see Appendix C for the survey text.

### *Voter Education and Assistance Initiatives*

The Texas Appleseed survey of 16 Texas counties brought to light a number of strengths in voter education.

- All of the counties provided some voter registration information, usually information provided to them from the Secretary of State's Office;
- All but one county produced a sample ballot;
- All of the counties with electronic or optical scan voting systems had some form of instruction on how to use the equipment;
- All of the counties advertised polling locations in a local newspaper, if available; and
- All of the counties made voter education materials available in both English and Spanish.

In short, the counties generally complied with basic voter education standards. The counties put forth a good faith effort to provide voter education within the confines of the resources available.

In addition to highlighting strengths in the current voter education systems, the survey brought to light some areas that could reflect potential weaknesses in the voter education systems as they stand, particularly with regard to Hispanics in Texas.

- Based on this survey, voter registration efforts do not appear to be particularly aggressive. It is possible that the survey did not record all efforts underway, but the results do at least indicate that the issue should be further explored.
- Though almost all of the counties produce sample ballots, the ballots do not appear to be widely available to the voting public. Most counties that have Websites seem to depend largely on the Internet for distribution. With the exception of the few counties that publish the ballots in local newspapers and distribute them in public places, voters must positively seek out a sample ballot to obtain one.
- Only five of the 16 counties advertised polling place locations in Spanish language newspapers, making the information difficult to obtain for the Spanish-speaking community of eligible voters.
- Most counties in the survey do have or require at least one Spanish-speaking poll worker in every precinct. However, the finding that five counties do not have such a requirement is cause for concern.
- A survey of county Websites found a great source of valuable information in English, but the Spanish language information was difficult to find and to navigate. In most cases, a person would have to speak English in order to find the county

election Website and to locate all of the Spanish language voter education information. There was also important information, such as polling place location, which often did not have a Spanish language link to access it.

### Counties Surveyed

| Location        | Total Population <sup>1</sup> | Hispanic or Latino <sup>1</sup> | Voter Turnout (As a percent of registered voters in the 2000 General Election) <sup>2</sup> | Percent of the population that is Hispanic <sup>1</sup> |
|-----------------|-------------------------------|---------------------------------|---|---|
| Texas           | 20,851,820                    | 6,669,666                       | 51.8%   | 32.0%   |
| Harris County   | 3,400,578                     | 1,119,751                       | 51.7%   | 32.9%   |
| Dallas County   | 2,218,899                     | 662,729                         | 49.1%   | 29.9%   |
| Tarrant County  | 1,446,219                     | 285,290                         | 55.5%   | 19.7%   |
| Bexar County    | 1,392,931                     | 757,033                         | 47.3%   | 54.3%   |
| Travis County   | 812,280                       | 229,048                         | 52.6%   | 28.2%   |
| El Paso County  | 679,622                       | 531,654                         | 41.2%   | 78.2%   |
| Hidalgo County  | 569,463                       | 503,100                         | 41.3%   | 88.3%   |
| Cameron County  | 335,227                       | 282,736                         | 41.7%   | 84.3%   |
| Starr County    | 53,597                        | 52,278                          | 32.6%   | 97.5%   |
| Maverick County | 47,297                        | 44,938                          | 42.4%   | 95.0%   |
| Duval County    | 13,120                        | 11,544                          | 48.0%   | 88.0%   |
| Dimmit County   | 10,248                        | 8,708                           | 45.2%   | 85.0%   |
| Brooks County   | 7,976                         | 7,304                           | 34.7%   | 91.6%   |
| Presidio County | 7,304                         | 6,162                           | 41.6%   | 84.4%   |
| Jim Hogg County | 5,281                         | 4,752                           | 52.0%   | 90.0%   |
| Kenedy County   | 414                           | 327                             | 57.3%   | 79.0%   |

<sup>1</sup>U.S. Census 2000.

<sup>2</sup>Texas Secretary of State Website, County Election Information.

The Texas League of Women Voters surveyed 116 Texas counties and 20 local Texas leagues in the summer of 2001 and found evidence that corroborates the above survey results. According to the survey, only 45% of Leagues reported that there is always language assistance provided at polling locations for non-English speaking voters.<sup>32</sup> The survey found insufficient communication between election officials and voters, noting particularly that sufficient notice was not always given for changes in polling locations, and the importance to many voters of seeing a sample ballot prior to the election.<sup>33</sup>

A League survey of Texas civil rights organizations found that voters were given inadequate notice of elections in minority languages and that the voting process intimidated low-income minority voters.<sup>34</sup>

<sup>32</sup> League of Women Voters of Texas, "Survey of the Election Process in Texas Summary Findings," April 2002, p.3.

<sup>33</sup> *Id.*, p.4.

<sup>34</sup> *Id.*, p.5.

**Survey Results: Summary Table of the 16 Texas Counties**

| Voter Education Components:  | Number of Counties that Provide the Voter Education Service: |
|--|--|
| <i>Voter Registration Information:</i>                               |  |
| Disseminate in Public Offices/Libraries                              | 3  |
| Community Speeches   | 2  |
| Registration Drives  | 3  |
| On Request   | 16   |
| Media  | 3  |
| Internet   | 7  |
| <i>Instruction on Equipment Use:</i>                                 |  |
| Polling Place  | 12   |
| Community Outreach   | 4  |
| Publications   | 3  |
| Direct Mail  | 3  |
| Internet   | 6  |
| Video  | 3  |
| None   | 3  |
| <i>Sample Ballot:</i>  |  |
| Polling Place/On Request   | 15   |
| Libraries/County Buildings   | 1  |
| Newspaper  | 5  |
| Community Outreach   | 1  |
| Internet   | 6  |
| None   | 1  |
| <i>Polling Place Location:</i>                                       |  |
| English Language Newspaper   | 16   |
| Spanish Language Newspaper   | 5  |
| Television/Radio-English   | 7  |
| Television/Radio-Spanish   | 4  |
| Advertised Telephone Number  | 10   |
| Posted in Public Place   | 4  |
| Internet   | 6  |
| <i>Requirement of Spanish Speaking Poll Worker in Each Precinct:</i> |  |
| Required/Most Workers Bilingual                                      | 10   |
| Sometimes Required   | 1  |
| Not Required   | 5  |
| <i>Non-Partisan Candidate Information:</i>                           |  |
| Provided   | 0  |
| Not Provided   | 16   |
| <i>Ballot Available in Spanish:</i>                                  |  |
| Yes  | 16   |
| No   | 0  |

### *Impediments Counties Face in Voter Education Efforts*

In the survey interviews, county officials highlighted three major impediments to improving voter education:

1. The lack of funding and staffing resources;
2. Inconsistent levels of media participation in providing election information as a public service; and
3. The lack of a coordinated system to guide counties on how to best expend voter education resources.

As the environment currently exists, Texas has a unique opportunity to address these issues. The *Help America Vote Act of 2002* provides funding to support voter education. There is consensus among election officials that community outreach and publications are effective methods for reaching voters. However, not all counties have the staff and resources to pursue such programs. Though there will be other State election priorities competing with voter education for the available funds, it is important that voter education not be brushed aside as a secondary priority. The State already allocates funds for voter registration activities. The other aspects of voter education described in this report are equally important and should be part of a *funded* mandate for counties.

The second and third impediments can be addressed through a coordinated effort at the State level to provide guidance to counties on how to best use existing and supplemented resources. The State could also become involved in preparing media outreach materials and seminars to assist counties in obtaining more effective media participation and work through existing media relationships to encourage media to donate more time to serve voter education.

### *Model County Voter Education Programs*

In the survey interviews, county election officials highlighted local efforts they felt to be particularly effective in reaching out to voters. These efforts could be used as examples for other counties to follow.

#### Voter Registration:

- Bexar County has a temporary voter registrar program, where they deputize large organizations for one year to register voters. The organization members target their communities and work to register as many people as they can. The program focuses on community and party organizations;
- Maverick County recently launched a community outreach program. They target senior centers, schools, centers that teach English and GED classes and people who are getting their citizenship. They teach people how to vote and distribute voter registration cards and sample ballots;

- Dallas County recently included voter registration information in utility bills in the City of Dallas. This initiative, which only cost the price of printing the materials, brought in a good response from voters updating their registration and new voter registration applications; and
- A number of counties are working on initiatives to target young voters. Cameron County sponsors “Rock the Vote” events to try to reach younger voters. Travis County administers a “Senior Mock Election” for all high school seniors, where the students carry out their own election and vote on their own ballots

#### Instruction on Equipment Use:

With the recent wave of transitions to electronic voting systems in Texas’ larger counties, there are a number of innovative, broad-based efforts to provide instruction on equipment use. Harris County has been particularly thorough in its efforts. Travis and Tarrant Counties also deserve recognition for their efforts in the recent move to electronic voting. Please see Strategy #1 for more details on these different programs.

#### Other Initiatives:

- Hidalgo County has been very effective in working with various media outlets to publicize election information. Much of the media assistance is donated, giving the County more exposure to a broader audience; and
- Hidalgo County is launching a new initiative to reach voters through property tax statements. The County will be disseminating election information to numerous households and will only pay the printing costs. The back of the property tax statement is usually blank, so they are using that space to reach a large number of voters.
- Travis County has an effective early voting strategy, to locate all early voting stations in retail outlets, such as malls, grocery stores, and other large commercial venues. The result of this program is that it is convenient for people to vote early and therefore Travis County has a high turnout for early voting.

#### *Ideas for Improving Existing Bilingual Voter Education in Texas*

##### State Initiatives:

At the State level, there are three simple ways that the Secretary of State’s Office could improve on its existing bilingual voter education efforts:

1. Provide a Spanish language Web page that includes links to all of the available Spanish information as well as any other supplemental information, so that it is more equivalent to the English language voter information.



2. Implement HB 59. The State of Texas currently does not distribute any candidate information to the voting public. Implementing HB59, as laid out in the bill, could serve as a trial run for other types of information the State could produce in the future for other political races.
3. Look at ways to build on existing voter education programs, in order to use funds more efficiently. For example, the State already conducts direct mailings to Hispanic surname voters through the Secretary of State's Office Constitutional amendment information mailing. Additional voter information could be included in those mailings at little or not additional cost to the State.

An additional way to improve voter education at the procedural level is to address the most commonly asked voter question fielded by the Secretary of State's Office, as well as many county election offices: "Where do I vote?"

- The State could work with counties to develop a strategy for supplementing current information on polling locations for statewide and federal elections. An effective strategy could pay for itself by decreasing the amount of time State and county employees spend answering questions about polling locations; or
- The State could initiate a pilot project whereby a card would be sent to every registered voter two weeks before a statewide election, stating the date of the election and the polling location for Election Day. This project could be limited to a few counties and studied to determine its effectiveness. The project could be supplemented by including a sample ballot in the mailing, as many voters feel that seeing the ballot before the election increases their ability to fully participate in the voting process.<sup>35</sup>

#### County Initiatives:

County election staff had a number of recommendations on how to improve voter education. The ones most commonly repeated are:

- It would be extremely helpful to the counties to receive State guidance on best practices in the area of voter education to strategize about the best way to use resources currently available;
- Increasing the availability of publications would help counties to reach more voters.
- Having more staff available for community outreach would add a necessary personal touch to existing efforts;
- Many county officials would like to have funds to provide direct mailings of materials to voters, including sample ballots. Such programs could be initiated through coordination with voter registration activities and existing mailings such as utility and property tax mailings; and

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<sup>35</sup> League of Women Voters of Texas, "Survey of the Election Process in Texas," April 2002, p. 3.

- Having non-partisan candidate and issue information to disseminate would enhance existing programs and fill an existing gap.

Counties work on the front lines of voter education. They need support from the State to optimize the effectiveness and efficiency of their efforts.

### Strategy #3: Voter Information Guides

The mention of the voter education program in California brings the typical response of, "It is too expensive." The California program is expensive, but it is a model worth examining. The program does not have to be adopted in its entirety, but it is important to examine how California approaches voter education and extract less costly components that could be implemented in Texas. This section will focus specifically on the voter information guides published and distributed by the California Secretary of State.

#### A Sample State Voter Information Guide

California voter information guides have existed since the early 1900's, but took their current form in 1974.<sup>36</sup> A newspaper like publication is sent to every household with at least one registered voter. Included in the publication is an overview, legislative analysis and for and against opinions on all propositions on the ballot, and a paragraph on each candidate running for statewide office. It also includes information on registering to vote, polling place locations and a reminder of all election related dates and deadlines.

The guide is published in seven different languages, in compliance with the *Voting Rights Act*.<sup>37</sup> Each household is sent an English version of the information. The brochures in other languages are sent out to voters who choose a non-English language preference when registering to vote. Voter guides are also sent to public libraries, high schools, colleges, and certain elected officials. In addition to the voting guide, each voting household also receives a sample ballot, which the counties send out. Though the State of California has not conducted studies regarding how this method of voter education affects voter turnout or voter registration, it has been documented that the voter information guides are the primary source of candidate and issue information for California voters.

California annually budgets between \$7 million and \$8 million to cover the printing and postage costs of the voter guide. The cost is approximately \$50,000 per page. It is clear that Texas is not currently in a position to expend this amount of money on voter education. However, Texas need not recreate the entire program to derive some benefit from the idea of having non-partisan information easily available to voters.

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<sup>36</sup> The information about the California voter information guides is based on interviews with staff of the California Secretary of State Elections Department and on the Website of the California Secretary of State (<http://www.ss.ca.gov>).

<sup>37</sup> The languages are: English, Spanish, Japanese, Chinese, Tagalog, Vietnamese, and Korean.

### *A Low-cost Texas Voter Information Guide Initiative*

When embarking on a new initiative it is important to always remember that something is better than nothing. Currently, on the front of voter education on candidates and amendments, Texas has nothing that is marketed directly to voters. The California program has two main components: making non-partisan ballot information available and ensuring that it reaches every registered voter.

#### 1. Making non-partisan Ballot Information Available

- Currently, the major source of non-partisan candidate and issue information available in Texas comes from the Texas League of Women Voters. The League publishes its voters guide in both English and Spanish. The Secretary of State could provide links to this voters guide in both its English and Spanish Websites. Another option is that the State could partner with the Texas League of Women Voters to create broader distribution of the voter guide.
- The Texas Legislative Council publishes an analysis of proposed constitutional amendments. It offers pro and con arguments for each issue. This information could be translated into Spanish and made available at the Secretary of State's voter information Website. The Texas Legislative Council could also take on the role of creating broader voter guides, based on strict guidelines set by the legislature.
- The Texas League of Women Voters provides excellent candidate information; the information is structured under certain priority issues defined by the League of Women Voters. It would also be helpful to have a non-partisan source of general candidate information where each candidate could describe his or her own priorities, so that voters can be more familiar with the key issues for each candidate. This information could also include a platform from each of the political parties represented. The Secretary of State could compile such information and make it available through its Website, similar to the judicial voting guide mentioned in the previous section, at little cost. The guidelines of such a process could be determined by the legislature to ensure that every candidate gets equal representation in the guide and that each side of constitutional amendments get fair presentation.

#### 2. Ensuring that the Information Reaches Every Registered Voter

This component is more difficult to implement with limited funds. However, an effort can be made to reach as many voters as possible, including those unlikely to use the Internet.

- A limited number of the voter guides created by the Secretary of State (under the suggestions for component 1) could be distributed to public libraries and other public locations throughout the State;

- The Secretary of State could advertise that the information is available and provide the web address, as well as a number people can call to have a copy mailed to them if they do not have access to a computer;
- The State could initiate a pilot project targeting the ten Texas counties with the lowest voter turnout. A copy of the voter guide could be mailed to every household with a registered voter in only those counties. The State could follow-up with the targeted voters to analyze the impact of the information on the decision to vote and on how informed the voters feel; and
- The Secretary of State could work with public libraries to publicize the availability of election information on the Internet. Library staff could help individuals unfamiliar with computers to access the information.

Texas should start somewhere in addressing the deficit of non-partisan candidate and issue information available to State voters, and particularly to those who do not speak English. The above suggestions are simple first steps towards the end goal of disseminating complete information to all voters.

## **Conclusion**

Texas is currently at a crucial cross road in the area of voter education. The *Help America Vote Act of 2002* has provided a unique opportunity to reevaluate and improve voter education in the State. It is clear that Hispanic voters, and particularly Spanish-speaking voters, are being left behind and something must be done sooner, rather than later, to remedy this problem. The longer Texas waits, the more difficult and more expensive it will be to reach out to this rapidly growing segment of the Texas voting population.

This report does not provide all of the answers regarding how the State should proceed, but it does provide a starting point, with numerous suggestions and approaches. Voting is not a privilege in our society. It is a right. Therefore, making voting both accessible and meaningful to as large a segment as possible of our population is a civic obligation of the State. We are not asking for full implementation of a broad and costly voter education effort. We are only asking that there be a beginning, that Texas use the special opportunity at hand to make positive strides towards the end goal of a comprehensive State voter education program.

## Appendix A: Federal and State Laws Affecting Voting and Voter Education for Non-English Speakers

### The United States Constitution

The Fifteenth Amendment states “the right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude” and “the Congress shall have power to enforce this article by appropriate legislation.” U.S. Const. amend. XV, §§ 1-2. To that end, Congress passed the Voting Rights Act of 1965 (VRA), and therein prohibited a broad range of discriminatory election practices nationwide.

### The Voting Rights Act of 1965

Section 4 of the VRA requires certain “covered jurisdictions” to provide bilingual voting and registration materials to their residents, based upon Congressional findings that “through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process.” 42 U.S.C. § 1973aa-1a(a) (2002). Many counties in Texas are “covered” by (i.e., required to comply with) one or both of the following statutory sections:<sup>38</sup>

#### *42 U.S.C. §1973aa-1a*

Per section 1973aa-1a, whenever any covered state or political subdivision<sup>39</sup> provides “registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots,” it must also provide the materials in the language of the applicable minority group. *Id.* § 1973aa-1a(c). For the purposes of this section, “language minority group” means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage. *Id.* § 1973aa-1a(e).

To be covered, a jurisdiction must meet the following conditions: (1) more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and are limited-English proficient; more than 10,000 of the citizens of voting age of such political subdivision are members of a single language minority and are limited- English proficient; in the case of a political subdivision that contains all or any part of an Indian reservation, more than 5 percent of the American Indian or Alaska Native citizens of voting age within the Indian reservation are members of a single language minority and are limited-English proficient; and (2) the illiteracy rate of the

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<sup>38</sup> See Appendix B, Table 2.

<sup>39</sup> The definition of “political subdivision” under this section is “any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.” 28 C.F.R. 55.

citizens in the language minority as a group is higher than the national illiteracy rate. *Id.* § 1973aa-1a(b)(2)(A).<sup>40</sup>

#### *42 U.S.C. §1973b(f)(4)*

Per section 1973b(f)(4), whenever a covered jurisdiction provides “any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots,” it shall provide the materials in the language of the applicable language minority group as well as English (which, as U.S. Department of Justice regulations state, is essentially the same requirement as in the previous section).<sup>41</sup> *See* 28 C.F.R. 55.8(a); *Id.* The only difference between this section and section 1973aa-1a, therefore, is the coverage formula (in other words, jurisdictions may be covered under this section that are not covered under the previous section, and vice versa).

To be covered under this section, jurisdictions must have historically employed voting “tests or devices,” which include “providing any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language, where the Director of the Census determines that more than five per centum of the citizens of voting age residing in such State or political subdivision are members of a single language minority.” *Id.* § 1973b(f)(3). Additionally, less than 50% of the jurisdiction’s voting-age citizens must have historically been registered to vote. *Id.* § 1973b(b).

#### *Texas Statutory Requirements for Bilingual Voter Education*

The Texas Election Code also requires the Texas Secretary of State and local election precincts to provide a broad range of bilingual (i.e., Spanish) voting and registration information. *See generally* Tex. Elec. Code Ann. § 272 (2002) (the “Code”). For example, the Code requires Spanish language voting instructions,<sup>42</sup> Spanish-language ballots and registration materials,<sup>43</sup> and Spanish-speaking poll workers.<sup>44</sup> It appears that the Texas legislature has taken the task upon itself to ensure that individual counties comply with the VRA provisions, based upon the similarities between the Texas and VRA requirements.

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<sup>40</sup> The prohibitions of this subsection do not apply in any political subdivision that has less than 5 percent voting age limited-English proficient citizens of each language minority which comprises over 5 percent of the statewide limited-English proficient population of voting age citizens, unless the political subdivision is a covered political subdivision independently from its State. *Id.* § 1973aa-1a(b)(2)(B).

<sup>41</sup> Although “language minority group” is not defined in this section, the U.S. Department of Justice regulations apply the definition used in section 1973aa-1a (i.e., persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage). 28 C.F.R. 55.1.

<sup>42</sup> *See* Tex. Elec. Code Ann. § 272.005.

<sup>43</sup> *See id.* §§ 272.006, 272.007.

<sup>44</sup> *See id.* § 272.009.



Notwithstanding the broad Spanish language requirements contained in the Texas statutes, however, the fact remains that the VRA minority language requirements also apply to other language minorities, such as Asian Americans. Furthermore, the VRA contains extremely broad language, and in that regard could apply to a particular election practice or procedure not specifically covered by the Code. Compliance with the Code, therefore, will not automatically ensure a particular county's compliance with the VRA.

### Recent Texas Legislation and Funding Implications

The legislature passed HB 2336 during the 2001 legislative session to address questions about funding of the administration of elections in Texas. The bill states that federal funds, when and if they become available, will be used to assist the state in its efforts to phase out the use of punch-card ballot voting systems. The bill also includes a provision that ensures that the Secretary of State will have the discretion to administer and distribute the funds for the purposes for which they were provided. The legislature passed two bills, HB 1856 and HB 2923, to authorize the use of new voting methods in order to phase out punch-card ballots. Both bills authorize the Secretary of State to prescribe the procedures to implement the bill; however, funding is specifically not mentioned.<sup>45</sup>

### The Help America Vote Act (H.R. 3295)

The *Help America Vote Act* seeks to ensure that states meet minimum standards when conducting elections, in order to ensure that states ultimately conduct fair elections.

If the Act receives funding, it would provide more than \$3.5 billion in assistance to the states for voter education, improvement and upgrading of election equipment, improved access to polling places for those with disabilities, and various other provisions aimed at improving voter turnout and exploring new and improved ways of reaching out to potential voters.

It is important to note that the Act does not contain the authority to actually fund the programs described herein. The Congress must still approve any appropriations that would be used for the Act.

### **Funding Provisions**

Nine titles compose the Act. The *Help America Vote Act* appropriates funds in the following manner:

1. Each state will receive at a minimum \$5 million for buying-out punch card and lever voting machines, and for improving election administration. The bill states that payment to the States or the local government under this title would be equal to the

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<sup>45</sup> See 77(R) HB 2336 Enrolled Version; 77(R) HB 1856 Enrolled Version; 77(R) HB 2923 Enrolled Version.

per-precinct matching rate of the cost to the State or unit to replace the punch card voting systems.

- The funding rate shall be determined by totaling the number of voting precincts administered by the state or local government that uses punch-card voting machines times \$6,000. The per precinct matching rate is defined as ninety percent, or in the case of low-income areas as ninety-five percent (precinct must be within the lowest quartile of average per capita income).
2. Total funding for the buy out provision and improving election administration is \$650 million, split evenly between the two provisions.
  3. \$3 billion of the total funding will be appropriated to provide training for poll workers, provide voter education, and improve the administration of elections.
    - States will receive payments based upon a formula defined as the quotient (as a percentage) that tallies the voting age population of the state and the total voting age population of all States.
    - States must provide certification that they have established, or are in the process of establishing, a statewide voter registration system, as well as certify that funds are being used for voter education, poll worker training, and disability access to polling places.
  2. Grant funding, totaling \$170 million, is available to increase polling place access for disabled voters (\$100 million), research and development of voting technology (\$20 million), pilot programs testing new voting systems (\$10 million), and funding for state protection and advocacy systems (\$40 million).

The Help America Vote College Program would receive \$5 million in funding under the bill as passed. The program hopes to increase student participation in the political process.

The Help America Vote Foundation would also receive \$5 million to promote high school student participation in elections.

### **Requirements**

For each state to receive the funds that are available, they must submit a state plan for how they plan to use those federal funds. Some of the mandatory provisions that states must adhere to include:

- Each state must provide voters the opportunity to check and correct their ballot for errors;
- Each state must ensure that the voting system has a manual audit capacity;

- Each state must provide at least one voting machine per precinct that is accessible to the disabled;
- Each state must provide alternative language accessibility;
- Each state must provide provisional ballots;
- Error rates must be in compliance with existing error rates established by the Federal Election Commission Office of Election Administration;
- Each state must define what constitutes a legal vote for the type of voting machine used;
- Each state must implement a uniform, centralized computerized statewide voter registration database;
- Voters must provide a driver's license number or the last four digits of their Social Security number when registering to vote. If they are unable to provide the information, the voter will be assigned a unique identifier; and
- First-time voters who register by mail will be required to present identification when they cast their vote.

#### **Miscellaneous**

- Other provisions and titles of the Act would improve ballot access for military and overseas voters.
- The Act also establishes the Election Assistance Commission, which has no rulemaking authority, but will issue voluntary guidelines for voting systems and requirements. The commission will also be responsible for the certification and testing of voting systems, as well as conducting studies of election issues.

## Appendix B: Texas Voter Registration, Turnout and Characteristics

Table 1: General Voting Statistics for Texas and Texas Counties

| County           | Voting Age Population <sup>1</sup> | Percent of Voting Age Population Registered to Vote <sup>2</sup> | Voter Turnout (As a percent of registered voters in 2000 general election) <sup>3</sup> | Percent of Total Population that is Hispanic <sup>1</sup> | Voting System <sup>4</sup> |
|------------------|------------------------------------|--|---|---|----------------------------|
| <b>Texas</b>     | <b>14,965,061</b>                  | <b>83%</b>   | <b>52%</b>  | <b>32%</b>  |                            |
| Anderson County  | 43,678                             | 64%  | 54%   | 12%   | Optical Scan               |
| Andrews County   | 8,903                              | 89%  | 51%   | 40%   | Optical Scan               |
| Angelina County  | 57,974                             | 85%  | 54%   | 14%   | Optical Scan               |
| Aransas County   | 17,151                             | 83%  | 58%   | 20%   | Optical Scan               |
| Archer County    | 6,358                              | 102%*  | 62%   | 5%  | Optical Scan               |
| Armstrong County | 1,589                              | 91%  | 65%   | 5%  | Paper                      |
| Atascosa County  | 26,373                             | 89%  | 46%   | 59%   | Optical Scan               |
| Austin County    | 17,215                             | 87%  | 62%   | 16%   | Optical Scan               |
| Bailey County    | 4,597                              | 83%  | 55%   | 47%   | Paper                      |
| Bandera County   | 13,292                             | 88%  | 62%   | 14%   | Optical Scan               |
| Bastrop County   | 41,589                             | 77%  | 57%   | 24%   | Optical Scan               |
| Baylor County    | 3,135                              | 98%  | 65%   | 9%  | Paper                      |
| Bee County       | 24,794                             | 67%  | 50%   | 54%   | Optical Scan               |
| Bell County      | 169,236                            | 84%  | 44%   | 17%   | Lever and Optical Scan     |
| Bexar County     | 996,458                            | 87%  | 47%   | 54%   | Optical Scan               |
| Blanco County    | 6,368                              | 94%  | 63%   | 15%   | Paper                      |
| Borden County    | 550                                | 90%  | 72%   | 12%   | Paper                      |
| Bosque County    | 13,003                             | 80%  | 65%   | 12%   | Optical Scan               |
| Bowie County     | 67,135                             | 81%  | 56%   | 4%  | Optical Scan               |
| Brazoria County  | 172,664                            | 86%  | 54%   | 23%   | Punch Card                 |
| Brazos County    | 119,680                            | 67%  | 59%   | 18%   | Punch Card                 |
| Brewster County  | 6,902                              | 89%  | 58%   | 44%   | Paper                      |
| Briscoe County   | 1,305                              | 100%   | 59%   | 23%   | Paper                      |
| Brooks County    | 5,459                              | 129%*  | 35%   | 92%   | Optical Scan               |
| Brown County     | 27,943                             | 85%  | 54%   | 15%   | Optical Scan               |
| Burleson County  | 12,047                             | 86%  | 56%   | 15%   | Optical Scan               |
| Burnet County    | 25,779                             | 87%  | 59%   | 15%   | Optical Scan               |
| Caldwell County  | 23,068                             | 88%  | 47%   | 40%   | Optical Scan               |
| Calhoun County   | 14,767                             | 92%  | 48%   | 41%   | Optical Scan               |
| Callahan County  | 9,527                              | 95%  | 54%   | 6%  | Optical Scan               |
| Cameron County   | 221,932                            | 67%  | 42%   | 84%   | Optical Scan               |
| Camp County      | 8,447                              | 75%  | 59%   | 15%   | Paper                      |
| Carson County    | 4,700                              | 101%*  | 58%   | 7%  | Paper                      |
| Cass County      | 22,869                             | 84%  | 57%   | 2%  | Optical Scan               |
| Castro County    | 5,541                              | 89%  | 48%   | 52%   | Paper                      |

| County               | Voting Age Population <sup>1</sup> | Percent of Voting Age Population Registered to Vote <sup>2</sup> | Voter Turnout (As a percent of registered voters in 2000 general election) <sup>3</sup> | Percent of Total Population that is Hispanic <sup>1</sup> | Voting System <sup>4</sup> |
|----------------------|------------------------------------|--|---|---|----------------------------|
| Chambers County      | 18,507                             | 94%  | 56%   | 11%   | Punch Card                 |
| Cherokee County      | 34,383                             | 81%  | 52%   | 13%   | Optical Scan               |
| Childress County     | 5,989                              | 67%  | 53%   | 20%   | Paper                      |
| Clay County          | 8,271                              | 87%  | 64%   | 4%  | Paper                      |
| Cochran County       | 2,554                              | 90%  | 51%   | 44%   | Paper                      |
| Coke County          | 2,922                              | 86%  | 60%   | 17%   | Paper                      |
| Coleman County       | 7,053                              | 96%  | 53%   | 14%   | Paper                      |
| Collin County        | 350,368                            | 84%  | 59%   | 10%   | Punch Card                 |
| Collingsworth County | 2,360                              | 100%   | 60%   | 20%   | Paper                      |
| Colorado County      | 15,171                             | 79%  | 60%   | 20%   | Optical Scan               |
| Comal County         | 58,107                             | 96%  | 58%   | 23%   | Optical Scan               |
| Comanche County      | 10,475                             | 82%  | 58%   | 21%   | Paper                      |
| Concho County        | 3,328                              | 58%  | 57%   | 41%   | Paper                      |
| Cooke County         | 26,421                             | 91%  | 56%   | 10%   | Optical Scan               |
| Coryell County       | 55,305                             | 65%  | 42%   | 13%   | Optical Scan               |
| Cottle County        | 1,448                              | 106%*  | 49%   | 19%   | Paper                      |
| Crane County         | 2,722                              | 103%*  | 59%   | 44%   | Paper                      |
| Crockett County      | 2,914                              | 93%  | 52%   | 55%   | Paper                      |
| Crosby County        | 4,898                              | 87%  | 47%   | 49%   | Paper                      |
| Culberson County     | 2,018                              | 107%*  | 47%   | 72%   | Paper                      |
| Dallam County        | 4,244                              | 68%  | 60%   | 28%   | Paper                      |
| Dallas County        | 1,599,868                          | 78%  | 49%   | 30%   | DRE                        |
| Dawson County        | 11,148                             | 78%  | 55%   | 48%   | Paper                      |
| Deaf Smith County    | 12,380                             | 84%  | 48%   | 57%   | Optical Scan               |
| Delta County         | 3,964                              | 81%  | 59%   | 3%  | Paper                      |
| Denton County        | 312,866                            | 88%  | 54%   | 12%   | Optical Scan               |
| DeWitt County        | 15,253                             | 81%  | 50%   | 27%   | Paper                      |
| Dickens County       | 2,250                              | 71%  | 55%   | 24%   | Paper                      |
| Dimmit County        | 6,847                              | 121%*  | 45%   | 85%   | Optical Scan               |
| Donley County        | 2,972                              | 88%  | 66%   | 6%  | Paper                      |
| Duval County         | 9,252                              | 113%*  | 48%   | 88%   | Optical Scan               |
| Eastland County      | 14,050                             | 79%  | 58%   | 11%   | Optical Scan               |
| Ector County         | 84,303                             | 82%  | 48%   | 42%   | Punch Card                 |
| Edwards County       | 1,546                              | 95%  | 64%   | 45%   | Paper                      |
| El Paso County       | 462,199                            | 76%  | 41%   | 78%   | DRE                        |
| Ellis County         | 77,716                             | 88%  | 55%   | 18%   | Optical Scan               |
| Erath County         | 24,889                             | 77%  | 58%   | 15%   | Optical Scan               |
| Falls County         | 13,440                             | 75%  | 56%   | 16%   | Paper                      |
| Fannin County        | 23,992                             | 73%  | 59%   | 6%  | Optical Scan               |
| Fayette County       | 16,747                             | 80%  | 70%   | 13%   | Optical Scan               |
| Fisher County        | 3,304                              | 89%  | 64%   | 21%   | Paper                      |
| Floyd County         | 5,332                              | 87%  | 52%   | 46%   | Paper                      |

| County            | Voting Age Population <sup>1</sup> | Percent of Voting Age Population Registered to Vote <sup>2</sup> | Voter Turnout (As a percent of registered voters in 2000 general election) <sup>3</sup> | Percent of Total Population that is Hispanic <sup>1</sup> | Voting System <sup>4</sup> |
|-------------------|------------------------------------|--|---|---|----------------------------|
| Foard County      | 1,203                              | 95%  | 49%   | 16%   | Paper                      |
| Fort Bend County  | 240,980                            | 84%  | 61%   | 21%   | Optical Scan               |
| Franklin County   | 7,159                              | 79%  | 62%   | 9%  | Paper                      |
| Freestone County  | 13,645                             | 78%  | 63%   | 8%  | Optical Scan               |
| Frio County       | 11,592                             | 90%  | 40%   | 74%   | Optical Scan               |
| Gaines County     | 9,402                              | 72%  | 51%   | 36%   | Optical Scan               |
| Galveston County  | 183,289                            | 96%  | 53%   | 18%   | Optical Scan               |
| Garza County      | 3,506                              | 87%  | 58%   | 37%   | Paper                      |
| Gillespie County  | 16,327                             | 90%  | 68%   | 16%   | Optical Scan               |
| Glasscock County  | 935                                | 84%  | 73%   | 30%   | Paper                      |
| Goliad County     | 5,135                              | 98%  | 67%   | 35%   | Optical Scan               |
| Gonzales County   | 13,421                             | 96%  | 47%   | 40%   | Optical Scan               |
| Gray County       | 17,282                             | 90%  | 52%   | 13%   | Optical Scan               |
| Grayson County    | 82,620                             | 89%  | 54%   | 7%  | Optical Scan               |
| Gregg County      | 81,588                             | 96%  | 49%   | 9%  | Optical Scan               |
| Grimes County     | 17,715                             | 70%  | 55%   | 16%   | Optical Scan               |
| Guadalupe County  | 63,693                             | 84%  | 57%   | 33%   | Optical Scan               |
| Hale County       | 25,532                             | 82%  | 43%   | 48%   | Optical Scan               |
| Hall County       | 2,753                              | 85%  | 62%   | 27%   | Paper                      |
| Hamilton County   | 6,270                              | 84%  | 64%   | 7%  | Optical Scan               |
| Hansford County   | 3,795                              | 88%  | 63%   | 31%   | Paper                      |
| Hardeman County   | 3,526                              | 83%  | 53%   | 15%   | Paper                      |
| Hardin County     | 34,715                             | 96%  | 54%   | 3%  | Optical Scan               |
| Harris County     | 2,416,022                          | 78%  | 52%   | 33%   | DRE                        |
| Harrison County   | 45,441                             | 94%  | 54%   | 5%  | Optical Scan               |
| Hartley County    | 4,385                              | 70%  | 66%   | 14%   | Paper                      |
| Haskell County    | 4,646                              | 106%*  | 60%   | 20%   | Paper                      |
| Hays County       | 73,683                             | 90%  | 52%   | 30%   | Punch Card                 |
| Hemphill County   | 2,412                              | 97%  | 63%   | 16%   | Paper                      |
| Henderson County  | 55,426                             | 82%  | 56%   | 7%  | Optical Scan               |
| Hidalgo County    | 368,461                            | 67%  | 41%   | 88%   | Optical Scan               |
| Hill County       | 23,961                             | 79%  | 29%   | 13%   | Optical Scan               |
| Hockley County    | 16,098                             | 89%  | 47%   | 37%   | Optical Scan               |
| Hood County       | 31,407                             | 92%  | 60%   | 7%  | DRE                        |
| Hopkins County    | 23,605                             | 78%  | 59%   | 9%  | Optical Scan               |
| Houston County    | 17,807                             | 83%  | 56%   | 8%  | Optical Scan               |
| Howard County     | 25,488                             | 77%  | 49%   | 37%   | Punch Card                 |
| Hudspeth County   | 2,203                              | 76%  | 55%   | 75%   | Paper                      |
| Hunt County       | 56,268                             | 85%  | 51%   | 8%  | Optical Scan               |
| Hutchinson County | 17,310                             | 103%*  | 53%   | 15%   | Optical Scan               |
| Irion County      | 1,298                              | 98%  | 62%   | 25%   | Paper                      |
| Jack County       | 6,712                              | 76%  | 59%   | 8%  | Paper                      |

| County            | Voting Age Population <sup>1</sup> | Percent of Voting Age Population Registered to Vote <sup>2</sup> | Voter Turnout (As a percent of registered voters in 2000 general election) <sup>3</sup> | Percent of Total Population that is Hispanic <sup>1</sup> | Voting System <sup>4</sup> |
|-------------------|------------------------------------|--|---|---|----------------------------|
| Jackson County    | 10,448                             | 91%  | 51%   | 25%   | Paper                      |
| Jasper County     | 26,165                             | 83%  | 54%   | 4%  | Optical Scan               |
| Jeff Davis County | 1,668                              | 100%   | 64%   | 35%   | Paper                      |
| Jefferson County  | 186,727                            | 89%  | 52%   | 11%   | Punch Card                 |
| Jim Hogg County   | 3,613                              | 115%   | 52%   | 90%   | Optical Scan               |
| Jim Wells County  | 26,975                             | 96%  | 46%   | 76%   | Optical Scan               |
| Johnson County    | 90,294                             | 79%  | 54%   | 12%   | Optical Scan               |
| Jones County      | 16,111                             | 66%  | 57%   | 21%   | Optical Scan               |
| Karnes County     | 12,081                             | 71%  | 50%   | 47%   | Optical Scan               |
| Kaufman County    | 50,486                             | 88%  | 52%   | 11%   | Punch Card                 |
| Kendall County    | 17,277                             | 103%   | 62%   | 18%   | Optical Scan               |
| Kenedy County     | 293                                | 136%   | 57%   | 79%   | Optical Scan               |
| Kent County       | 682                                | 121%   | 65%   | 9%  | Paper                      |
| Kerr County       | 33,760                             | 95%  | 60%   | 19%   | Optical Scan               |
| Kimble County     | 3,412                              | 86%  | 57%   | 21%   | Paper                      |
| King County       | 236                                | 88%  | 66%   | 10%   | Paper                      |
| Kinney County     | 2,511                              | 100%   | 58%   | 51%   | Paper                      |
| Kleberg County    | 22,949                             | 83%  | 49%   | 65%   | Optical Scan               |
| Knox County       | 3,073                              | 98%  | 52%   | 25%   | Paper                      |
| La Salle County   | 4,143                              | 105%   | 47%   | 77%   | Optical Scan               |
| Lamar County      | 35,831                             | 85%  | 50%   | 3%  | Optical Scan               |
| Lamb County       | 10,353                             | 90%  | 49%   | 43%   | Paper                      |
| Lampasas County   | 12,864                             | 81%  | 60%   | 15%   | Optical Scan               |
| Lavaca County     | 14,562                             | 90%  | 58%   | 11%   | Optical Scan               |
| Lee County        | 11,148                             | 77%  | 64%   | 18%   | Paper                      |
| Leon County       | 11,610                             | 91%  | 60%   | 8%  | Optical Scan               |
| Liberty County    | 50,777                             | 83%  | 48%   | 11%   | Optical Scan               |
| Limestone County  | 16,451                             | 82%  | 53%   | 13%   | Optical Scan               |
| Lipscomb County   | 2,214                              | 92%  | 63%   | 21%   | Paper                      |
| Live Oak County   | 9,570                              | 78%  | 54%   | 38%   | Paper                      |
| Llano County      | 14,333                             | 90%  | 67%   | 5%  | Optical Scan               |
| Loving County     | 54                                 | 391%   | 74%   | 10%   | Paper                      |
| Lubbock County    | 180,367                            | 85%  | 49%   | 27%   | Optical Scan               |
| Lynn County       | 4,506                              | 97%  | 48%   | 45%   | Paper                      |
| Madison County    | 10,207                             | 68%  | 52%   | 16%   | Optical Scan               |
| Marion County     | 8,496                              | 92%  | 51%   | 2%  | Paper                      |
| Martin County     | 3,136                              | 97%  | 64%   | 41%   | Paper                      |
| Mason County      | 2,902                              | 91%  | 68%   | 21%   | Optical Scan               |
| Matagorda County  | 26,575                             | 87%  | 54%   | 31%   | Optical Scan               |
| Maverick County   | 29,838                             | 73%  | 42%   | 95%   | Optical Scan               |
| McCulloch County  | 6,019                              | 94%  | 52%   | 27%   | Paper                      |
| McLennan County   | 156,687                            | 81%  | 54%   | 18%   | Optical Scan               |

| County               | Voting Age Population <sup>1</sup> | Percent of Voting Age Population Registered to Vote <sup>2</sup> | Voter Turnout (As a percent of registered voters in 2000 general election) <sup>3</sup> | Percent of Total Population that is Hispanic <sup>1</sup> | Voting System <sup>4</sup> |
|----------------------|------------------------------------|--|---|---|----------------------------|
| McMullen County      | 652                                | 105%   | 64%   | 33%   | Paper                      |
| Medina County        | 27,925                             | 81%  | 57%   | 45%   | Optical Scan               |
| Menard County        | 1,788                              | 103%   | 54%   | 32%   | Paper                      |
| Midland County       | 80,975                             | 89%  | 56%   | 29%   | Optical Scan               |
| Milam County         | 17,582                             | 83%  | 57%   | 19%   | Optical Scan               |
| Mills County         | 3,835                              | 83%  | 73%   | 13%   | Paper                      |
| Mitchell County      | 7,777                              | 70%  | 48%   | 31%   | Paper                      |
| Montague County      | 14,528                             | 87%  | 58%   | 5%  | Optical Scan               |
| Montgomery County    | 207,036                            | 89%  | 58%   | 13%   | Optical Scan               |
| Moore County         | 13,368                             | 75%  | 53%   | 48%   | Optical Scan               |
| Morris County        | 9,759                              | 89%  | 56%   | 4%  | Optical Scan               |
| Motley County        | 1,084                              | 90%  | 66%   | 12%   | Paper                      |
| Nacogdoches County   | 44,995                             | 78%  | 56%   | 11%   | Optical Scan               |
| Navarro County       | 32,830                             | 83%  | 51%   | 16%   | Optical Scan               |
| Newton County        | 11,127                             | 86%  | 52%   | 4%  | Optical Scan               |
| Nolan County         | 11,521                             | 93%  | 50%   | 28%   | Optical Scan               |
| Nueces County        | 224,528                            | 90%  | 48%   | 56%   | Optical Scan               |
| Ochiltree County     | 6,254                              | 81%  | 58%   | 32%   | Paper                      |
| Oldham County        | 1,420                              | 114%   | 48%   | 11%   | Paper                      |
| Orange County        | 61,783                             | 90%  | 53%   | 4%  | Optical Scan               |
| Palo Pinto County    | 20,004                             | 88%  | 52%   | 14%   | Optical Scan               |
| Panola County        | 17,015                             | 90%  | 59%   | 4%  | Optical Scan               |
| Parker County        | 64,139                             | 89%  | 58%   | 7%  | Optical Scan               |
| Parmer County        | 6,721                              | 72%  | 57%   | 49%   | Optical Scan               |
| Pecos County         | 12,160                             | 68%  | 52%   | 61%   | Optical Scan               |
| Polk County          | 31,698                             | 120%   | 50%   | 9%  | Optical Scan               |
| Potter County        | 81,747                             | 71%  | 44%   | 28%   | Optical Scan               |
| Presidio County      | 4,915                              | 86%  | 42%   | 84%   | Paper                      |
| Rains County         | 6,968                              | 81%  | 59%   | 6%  | Paper                      |
| Randall County       | 77,100                             | 96%  | 57%   | 10%   | Optical Scan               |
| Reagan County        | 2,189                              | 92%  | 63%   | 49%   | Paper                      |
| Real County          | 2,333                              | 108%   | 59%   | 23%   | Paper                      |
| Red River County     | 10,900                             | 80%  | 59%   | 5%  | Paper                      |
| Reeves County        | 9,214                              | 85%  | 40%   | 73%   | Punch Card                 |
| Refugio County       | 5,784                              | 100%   | 51%   | 45%   | Optical Scan               |
| Roberts County       | 665                                | 125%   | 66%   | 3%  | Paper                      |
| Robertson County     | 11,485                             | 95%  | 58%   | 15%   | Optical Scan               |
| Rockwall County      | 30,127                             | 98%  | 60%   | 11%   | Optical Scan               |
| Runnels County       | 8,398                              | 87%  | 56%   | 29%   | Paper                      |
| Rusk County          | 35,581                             | 86%  | 54%   | 8%  | Optical Scan               |
| Sabine County        | 8,258                              | 97%  | 57%   | 2%  | Optical Scan               |
| San Augustine County | 6,822                              | 99%  | 56%   | 4%  | Optical Scan               |



| County              | Voting Age Population <sup>1</sup> | Percent of Voting Age Population Registered to Vote <sup>2</sup> | Voter Turnout (As a percent of registered voters in 2000 general election) <sup>3</sup> | Percent of Total Population that is Hispanic <sup>1</sup> | Voting System <sup>4</sup> |
|---------------------|------------------------------------|--|---|---|----------------------------|
| San Jacinto County  | 16,647                             | 89%  | 52%   | 5%  | Optical Scan               |
| San Patricio County | 46,260                             | 97%  | 42%   | 49%   | Optical Scan               |
| San Saba County     | 4,460                              | 84%  | 62%   | 22%   | Optical Scan               |
| Schleicher County   | 2,115                              | 87%  | 64%   | 44%   | Paper                      |
| Scurry County       | 12,245                             | 93%  | 47%   | 28%   | Optical Scan               |
| Shackelford County  | 2,421                              | 103%   | 54%   | 8%  | Paper                      |
| Shelby County       | 18,518                             | 85%  | 57%   | 10%   | Optical Scan               |
| Sherman County      | 2,186                              | 81%  | 66%   | 27%   | Paper                      |
| Smith County        | 128,208                            | 79%  | 60%   | 11%   | Punch Card                 |
| Somervell County    | 4,874                              | 100%   | 60%   | 13%   | Paper                      |
| Starr County        | 33,555                             | 77%  | 33%   | 98%   | Optical Scan               |
| Stephens County     | 7,313                              | 81%  | 56%   | 15%   | Optical Scan               |
| Sterling County     | 993                                | 106%   | 62%   | 31%   | Paper                      |
| Stonewall County    | 1,307                              | 102%   | 60%   | 12%   | Paper                      |
| Sutton County       | 2,904                              | 89%  | 59%   | 52%   | Paper                      |
| Swisher County      | 6,040                              | 89%  | 47%   | 35%   | Paper                      |
| Tarrant County      | 1,039,747                          | 82%  | 56%   | 20%   | DRE                        |
| Taylor County       | 92,895                             | 89%  | 52%   | 18%   | Punch Card                 |
| Terrell County      | 794                                | 100%   | 60%   | 49%   | Paper                      |
| Terry County        | 9,143                              | 89%  | 50%   | 44%   | Optical Scan               |
| Throckmorton County | 1,384                              | 96%  | 64%   | 9%  | Paper                      |
| Titus County        | 19,600                             | 76%  | 54%   | 28%   | Optical Scan               |
| Tom Green County    | 76,879                             | 84%  | 54%   | 31%   | Optical Scan               |
| Travis County       | 619,336                            | 93%  | 53%   | 28%   | DRE                        |
| Trinity County      | 10,625                             | 108%   | 46%   | 5%  | Optical Scan               |
| Tyler County        | 16,034                             | 84%  | 53%   | 4%  | Optical Scan               |
| Upshur County       | 25,771                             | 91%  | 55%   | 4%  | Optical Scan               |
| Upton County        | 2,406                              | 100%   | 53%   | 43%   | DRE                        |
| Uvalde County       | 17,795                             | 93%  | 51%   | 66%   | Optical Scan               |
| Val Verde County    | 30,474                             | 81%  | 46%   | 75%   | Optical Scan               |
| Van Zandt County    | 35,841                             | 89%  | 56%   | 7%  | Optical Scan               |
| Victoria County     | 59,586                             | 93%  | 50%   | 39%   | Lever and Optical Scan     |
| Walker County       | 50,642                             | 58%  | 49%   | 14%   | Optical Scan               |
| Waller County       | 24,277                             | 83%  | 54%   | 19%   | Optical Scan               |
| Ward County         | 7,573                              | 93%  | 55%   | 42%   | Optical Scan               |
| Washington County   | 22,868                             | 84%  | 61%   | 9%  | Optical Scan               |
| Webb County         | 123,255                            | 71%  | 36%   | 94%   | Optical Scan               |
| Wharton County      | 29,351                             | 77%  | 59%   | 31%   | Optical Scan               |
| Wheeler County      | 3,969                              | 98%  | 61%   | 13%   | Paper                      |
| Wichita County      | 98,544                             | 82%  | 53%   | 12%   | Punch Card                 |
| Wilbarger County    | 10,582                             | 83%  | 52%   | 21%   | Paper                      |

| County            | Voting Age Population <sup>1</sup> | Percent of Voting Age Population Registered to Vote <sup>2</sup> | Voter Turnout (As a percent of registered voters in 2000 general election) <sup>3</sup> | Percent of Total Population that is Hispanic <sup>1</sup> | Voting System <sup>4</sup> |
|-------------------|------------------------------------|--|---|---|----------------------------|
| Willacy County    | 13,730                             | 80%  | 46%   | 86%   | Optical Scan               |
| Williamson County | 175,065                            | 92%  | 59%   | 17%   | Optical Scan               |
| Wilson County     | 22,956                             | 89%  | 57%   | 37%   | Optical Scan               |
| Winkler County    | 5,033                              | 89%  | 45%   | 44%   | Optical Scan               |
| Wise County       | 34,990                             | 86%  | 55%   | 11%   | Optical Scan               |
| Wood County       | 28,725                             | 73%  | 66%   | 6%  | Optical Scan               |
| Yoakum County     | 4,972                              | 95%  | 52%   | 46%   | Optical Scan               |
| Young County      | 13,458                             | 90%  | 48%   | 11%   | Paper                      |
| Zapata County     | 8,157                              | 80%  | 40%   | 85%   | Optical Scan               |
| Zavala County     | 7,644                              | 114%   | 39%   | 91%   | Optical Scan               |

<sup>1</sup>Census 2000.

<sup>2</sup>Texas Secretary of State Website, County Election Information and the U.S. Census 2000.

<sup>3</sup>Texas Secretary of State Website, County Election Information.

<sup>4</sup>electionline.org and county interviews.

Numbers over 100% indicate that there are more people registered to vote than the voting age population. This generally is the result of errors in the county voter registration database. Numbers close to 100% are also likely to have errors, as the voting age population number is higher than the actual number of eligible voters, as it includes both citizens and non-citizens.

Table 2: Texas Counties Required to Have Multi-Lingual Voting Materials Under the Voting Rights Act

| County            | Percent of Total Population that is Hispanic <sup>1</sup> | Covered Area Under the <i>Voting Rights Act</i> <sup>2</sup> |
|-------------------|---|--|
| Andrews County    | 40.0%   | Hispanic   |
| Atascosa County   | 58.6%   | Hispanic   |
| Bailey County     | 47.3%   | Hispanic   |
| Bee County        | 53.9%   | Hispanic   |
| Bexar County      | 54.3%   | Hispanic   |
| Borden County     | 11.9%   | Hispanic   |
| Brewster County   | 43.6%   | Hispanic   |
| Brooks County     | 91.6%   | Hispanic   |
| Caldwell County   | 40.4%   | Hispanic   |
| Calhoun County    | 40.9%   | Hispanic   |
| Cameron County    | 84.3%   | Hispanic   |
| Castro County     | 51.6%   | Hispanic   |
| Cochran County    | 44.1%   | Hispanic   |
| Concho County     | 41.3%   | Hispanic   |
| Crane County      | 43.9%   | Hispanic   |
| Crockett County   | 54.7%   | Hispanic   |
| Crosby County     | 48.9%   | Hispanic   |
| Culberson County  | 72.2%   | Hispanic   |
| Dallas County     | 29.9%   | Hispanic   |
| Dawson County     | 48.2%   | Hispanic   |
| Deaf Smith County | 57.4%   | Hispanic   |
| DeWitt County     | 27.2%   | Hispanic   |
| Dimmit County     | 85.0%   | Hispanic   |
| Duval County      | 88.0%   | Hispanic   |
| Ector County      | 42.4%   | Hispanic   |
| Edwards County    | 45.1%   | Hispanic   |
| El Paso County    | 78.2%   | Hispanic, Pueblo   |
| Fisher County     | 21.4%   | Hispanic   |
| Floyd County      | 45.9%   | Hispanic   |
| Frio County       | 73.8%   | Hispanic   |
| Gaines County     | 35.8%   | Hispanic   |
| Garza County      | 37.2%   | Hispanic   |
| Glasscock County  | 29.9%   | Hispanic   |
| Goliad County     | 35.2%   | Hispanic   |
| Gonzales County   | 39.6%   | Hispanic   |
| Guadalupe County  | 33.2%   | Hispanic   |
| Hale County       | 47.9%   | Hispanic   |
| Hall County       | 27.5%   | Hispanic   |
| Hansford County   | 31.5%   | Hispanic   |
| Harris County     | 32.9%   | Hispanic, Vietnamese   |
| Hidalgo County    | 88.3%   | Hispanic   |
| Hockley County    | 37.2%   | Hispanic   |
| Howard County     | 37.5%   | Hispanic   |

| County              | Percent of Total Population that is Hispanic <sup>1</sup> | Covered Area Under the <i>Voting Rights Act</i> <sup>2</sup> |
|---------------------|---|--|
| Hudspeth County     | 75.0%   | Hispanic   |
| Irion County        | 24.6%   | Hispanic   |
| Jeff Davis County   | 35.5%   | Hispanic   |
| Jim Hogg County     | 90.0%   | Hispanic   |
| Jim Wells County    | 75.7%   | Hispanic   |
| Karnes County       | 47.4%   | Hispanic   |
| Kenedy County       | 79.0%   | Hispanic   |
| Kinney County       | 50.5%   | Hispanic   |
| Kleberg County      | 65.4%   | Hispanic   |
| Knox County         | 25.1%   | Hispanic   |
| La Salle County     | 77%   | Hispanic   |
| Lamb County         | 43.0%   | Hispanic   |
| Live Oak County     | 38.0%   | Hispanic   |
| Loving County       | 10.4%   | Hispanic   |
| Lubbock County      | 27.5%   | Hispanic   |
| Lynn County         | 44.6%   | Hispanic   |
| Madison County      | 15.8%   | Hispanic   |
| Martin County       | 40.6%   | Hispanic   |
| Matagorda County    | 31.3%   | Hispanic   |
| Maverick County     | 95.0%   | Hispanic, Other Tribes Specified                             |
| McMullen County     | 33.1%   | Hispanic   |
| Medina County       | 45.5%   | Hispanic   |
| Menard County       | 31.7%   | Hispanic   |
| Midland County      | 29.0%   | Hispanic   |
| Mitchell County     | 31.0%   | Hispanic   |
| Moore County        | 47.5%   | Hispanic   |
| Nolan County        | 28.0%   | Hispanic   |
| Nueces County       | 55.8%   | Hispanic   |
| Parmer County       | 49.2%   | Hispanic   |
| Pecos County        | 61.1%   | Hispanic   |
| Presidio County     | 84.4%   | Hispanic   |
| Reagan County       | 49.5%   | Hispanic   |
| Reeves County       | 73.4%   | Hispanic   |
| Refugio County      | 44.6%   | Hispanic   |
| Runnels County      | 29.3%   | Hispanic   |
| San Patricio County | 49.4%   | Hispanic   |
| Schleicher County   | 43.5%   | Hispanic   |
| Scurry County       | 27.8%   | Hispanic   |
| Starr County        | 97.5%   | Hispanic   |
| Sterling County     | 31.0%   | Hispanic   |
| Sutton County       | 51.7%   | Hispanic   |
| Swisher County      | 35.2%   | Hispanic   |
| Tarrant County      | 19.7%   | Hispanic   |
| Terrell County      | 48.6%   | Hispanic   |
| Terry County        | 44.1%   | Hispanic   |

| County           | Percent of Total Population that is Hispanic <sup>1</sup> | Covered Area Under the Voting Rights Act <sup>2</sup> |
|------------------|---|---|
| Titus County     | 28.3%   | Hispanic  |
| Tom Green County | 30.7%   | Hispanic  |
| Travis County    | 28.2%   | Hispanic  |
| Upton County     | 42.6%   | Hispanic  |
| Uvalde County    | 65.9%   | Hispanic  |
| Val Verde County | 75.5%   | Hispanic  |
| Victoria County  | 39.2%   | Hispanic  |
| Ward County      | 42.0%   | Hispanic  |
| Webb County      | 94.3%   | Hispanic  |
| Wharton County   | 31.3%   | Hispanic  |
| Willacy County   | 85.7%   | Hispanic  |
| Wilson County    | 36.5%   | Hispanic  |
| Winkler County   | 44.0%   | Hispanic  |
| Yoakum County    | 45.9%   | Hispanic  |
| Zapata County    | 84.8%   | Hispanic  |
| Zavala County    | 91.2%   | Hispanic  |

<sup>1</sup>U.S. Census 2000

<sup>2</sup>*Federal Register*, Vol.67, No.144, Friday, July 26, 2002, pp.48876-48877,

Table 3: The Ten Texas Counties with the Lowest Voter Turnout

| County              | Number of Registered Voters as of the November 2000 General Election <sup>1</sup> | Voter Turnout (As a percent of registered voters in the 2000 general election) <sup>1</sup> | Percent of the Total Population that is Hispanic <sup>2</sup> |
|---------------------|---|---|---|
| <b>Texas</b>        | <b>12,365,235</b>   | <b>51.8%</b>  | <b>32.0%</b>  |
| Starr County        | 25,984  | 32.6%   | 97.5%   |
| Brooks County       | 7,013   | 34.7%   | 91.6%   |
| Webb County         | 88,029  | 35.9%   | 94.3%   |
| Zavala County       | 8,726   | 38.9%   | 91.2%   |
| Frio County         | 10,415  | 39.6%   | 73.8%   |
| Zapata County       | 6,566   | 39.8%   | 84.8%   |
| Reeves County       | 7,854   | 40.4%   | 73.4%   |
| El Paso County      | 352,359   | 41.2%   | 78.2%   |
| Hidalgo County      | 244,668   | 41.3%   | 88.3%   |
| San Patricio County | 44,969  | 41.6%   | 49.4%   |

<sup>1</sup>Texas Secretary of State Website.

<sup>2</sup>U.S. Census 2000.

## Appendix C: County Voter Education Survey Form

### SURVEY OF TEXAS COUNTIES

County: \_\_\_\_\_

Name of Person Completing the Survey: \_\_\_\_\_

Position: \_\_\_\_\_

Phone Number: \_\_\_\_\_

#### Voter Education

1. Does your county produce or distribute voter education information

a. On how to register to vote?

|     |  |
|-----|--|
| Yes |  |
| No  |  |

b. On how to operate voting equipment?

|     |  |
|-----|--|
| Yes |  |
| No  |  |

c. Non-partisan information on candidates and issues in an election?

|     |  |
|-----|--|
| Yes |  |
| No  |  |

d. Sample Ballots?

|     |  |
|-----|--|
| Yes |  |
| No  |  |

2. How does your county distribute voter education materials?

3. Are the voter education materials produced in both English and Spanish?

|  |  |
|--|--|
| Yes, all materials are in both languages |  |
| No, only English materials               |  |
| Some are in Spanish (please specify)     |  |
|  |  |
|  |  |

4. How does your county publicize the location of polling places? (You may select more than one option.)

|   |                          |
|---|--------------------------|
| In the local newspaper on election day  | <input type="checkbox"/> |
| In the local newspaper prior to election day (please specify when)                  | <input type="checkbox"/> |
| In the local Spanish language newspaper on election day                             | <input type="checkbox"/> |
| In the local Spanish language newspaper prior to election day (please specify when) | <input type="checkbox"/> |
| On local television stations  | <input type="checkbox"/> |
| Advertising, in English, a phone number to call for voting location                 | <input type="checkbox"/> |
| Advertising, in Spanish, a phone number to call for voting location                 | <input type="checkbox"/> |
| Other (please explain)  | <input type="checkbox"/> |
|   |                          |
|   |                          |
|   |                          |
|   |                          |

5. Does your county have any other public education initiatives related to voting that are not covered in the above questions?
6. Does your county have any voter education initiatives or approaches that you feel are particularly effective?
7. Does your county have any materials to assist poll workers who do not speak Spanish in addressing questions by Spanish speaking voters?

|     |                          |
|-----|--------------------------|
| Yes | <input type="checkbox"/> |
| No  | <input type="checkbox"/> |

8. Do ballots in your county include a Spanish translation of all the information?

|     |                          |
|-----|--------------------------|
| Yes | <input type="checkbox"/> |
| No  | <input type="checkbox"/> |

9. Are there any factors that limit your county's ability to provide voter education services?

10. If you were to choose the one most effective way to supplement your county voter education efforts, what would be your county priority?



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**APPENDIX D**

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**Cathy Douglass**  
**Texas Association of School Boards**  
**Director, Governmental Relations**

**Testimony before the House Subcommittee on Joint Elections**  
**August 29, 2002**

The Texas Association of School Boards (TASB) and its members appreciate the opportunity to provide testimony to the House Elections Subcommittee examining joint elections.

TASB hopes that we may provide any information to help the committee in its consideration of the joint elections issues and any other election matters.

Each year, TASB surveys all of its 1,045 member school districts to determine each board's elective structure such as an at-large system or a single-member district plan. In response to legislative interest on several election issues, TASB has used a web based "quick poll" to ask these questions:

1. What type of voting format does the district use: majority, plurality, cumulative voting, or some other format?
2. If other, please indicate whether such format is pursuant to a court or settlement order.
3. Does the district hold joint elections with another governmental entity?
4. If you answered yes to the question above, with whom do you joint elections?

The results of the quick poll are attached to this document. TASB's "quick poll" is not scientific and reflects only those visitors to the TASB website who have chosen to participate in the poll. We have also incorporated these questions into our annual member survey but the results are not yet available. When we have that data, we will share it with the committee.

The first question is in response to legislation filed providing for different methods of voting such as the "preferential voting" legislation filed by Representative Maxey in 1999.

The third question is in response to legislative interest in the holding of joint elections by local governments.

In the past, TASB's members have appreciated the opportunity to provide input on the issue of joint elections. Currently, school districts may voluntarily contract with another governmental entity to hold a joint election. A number of districts already hold joint

elections. Often school districts enter into these agreements based on a cost-savings to the district or a system that increases voter convenience.

However, sometimes the cost of a joint election greatly exceeds the cost of the district holding the election. These costs include the cost of providing a ballot at every early voting location if the district contracts with a governmental entity much larger in geographic size or with many more regular and early voting precincts. Other costs that may increase include the cost of ballot printing when a joint election results in a much longer ballot.

Also, when officials weigh whether to enter into a joint election agreement they must consider the cost of legal assistance in obtaining Department of Justice (DOJ) preclearance when the election agreement will lead to a change requiring DOJ preclearance. A common example of a change that requires preclearance is the elimination or a change in location of a precinct. Similar costs arise when districts are sued for making such changes. Specifically, elimination or changing the location of a precinct may lead to federal Voting Rights Act litigation. Even legally precleared changes or changes that endure legal challenge may lead to intangible costs such as voter distrust of their locally elected officials and voters' election-day frustration at finding their polling places.

Any legislation mandating joint elections should give adequate guidance and attention to the details to avoid unintended consequences. Details would include just which governmental entity a school district must enter into an agreement with to conduct the elections. Examples of districts that would need such direction include Rains ISD which overlaps with three cities, each of which is located entirely within its boundaries and Alamo Heights ISD which overlies four cities, with all four cities' boundaries overlapping the district in some manner.

A perpetual challenge in election law is to determine the boundaries of individual precincts within the bounds of the governmental entities holding the election. Districts and other governmental entities face this challenge in other areas such as reporting overlapping debt percentages. The task of calculating those percentages must be left to financial analysts. Likewise, in the case of mandated joint elections, demographers and lawyers will be in high demand to assist districts, cities and counties in crafting legally acceptable precinct boundaries.

Unintended consequences with mandated elections could include giving one governmental body a stronger bargaining position over another and unfortunately result in higher costs for an entity that MUST enter into a contract. Other "fairness" issues might include the need to require county election administrators to include all entities' elections on the ballot. Recent news reports of the rare case when a school district is told the ballot is "simply too long already" to include the district's election should be considered a forewarning and this result should be avoided. For example, the Dallas Morning News recently reported court testimony of a Dallas County elections administrator that including Dallas ISD (DISD) on the November ballot would cause

problems due to ballot length and voter confusion. In the end, the court ordered DISD to hold its election on an alternative date.

Finally, last session, legislators considered mandating joint elections. In addition to the considerations above, TASB provided a list of the approximately 130 single-member district school boards that had to determine whether or not they were required to redistrict after the 2000 census. TASB's member districts with single-member district plans greatly appreciated the House and Senate's considerations of the difficulty in complying with such a mandate when a school district simultaneously was required to redistrict. TASB urges the legislature to continue to consider any affect legislation mandating joint elections may have on single-member districts.

Again, thank you for considering these preliminary issues related to joint elections. If TASB can provide further information on election issues or in any other area, please do not hesitate to contact me at (800) 580-4885 or [cathy.douglass@tasb.org](mailto:cathy.douglass@tasb.org).

What type of voting format does your district use?

Count

Majority



193

Plurality



125

Cumulative



26

Other



3

Total votes: 347

If you selected "Other" above, is your election format pursuant to a court or settlement order?

Count

Yes



4

No



25

Total votes: 29

Does your district hold joint elections with another governmental entity?

Count

Yes



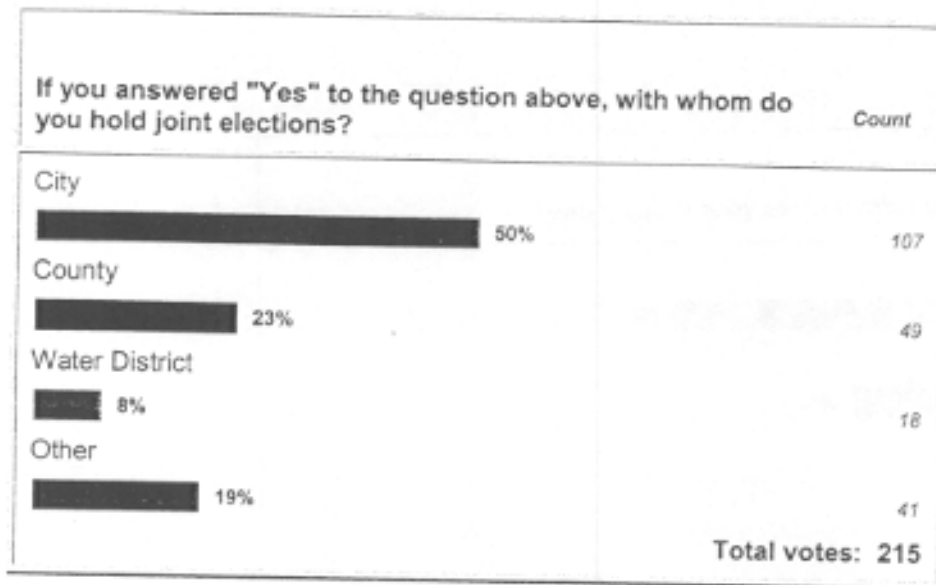
155

No



193

Total votes: 348



TASB Quick Poll is not scientific and reflects the opinions of only those visitors to the TASB web site who have chosen to participate in the poll. The results should not be assumed to represent the opinions of TASB or its members.

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**APPENDIX E**

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July 25, 2002

Honorable Jerry A. Madden  
Texas State House of Representatives  
Post Office Box 2910  
Austin, TX 78768-2910

Dear Mr. Madden

This is in response to your July 2 letter to Postmaster General John E. Potter, regarding of Saturday mail delivery.

I appreciate your interest in this issue and want you to know that our delivery schedule has been reviewed on many different occasions. We revisited the issue last year when the U.S. Postal Service Board of Governors (BOG), faced with a large projected deficit and prevented from initiating prompt revenue producing actions by an antiquated rate-setting structure, requested a study of the costs associated with reducing the number of delivery days.

Further review of this option was ended when it was determined that our mailers and other business customers rely heavily on the six-day delivery the Postal Service currently provides. Additionally, in its annual appropriations legislation through which Congress reimburses us for required handling of Free Matter for the Blind and Severely Handicapped and Absentee Ballots from American citizens abroad, it regularly includes language requiring the Postal Service to continue its normal six-day delivery week. There are currently no planned changes to this operation.

I hope this information is helpful to you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deborah D. Leifer".

Deborah D. Leifer  
Manager, Government Relations Response



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## APPENDIX F

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## SOS MANDATES 77<sup>TH</sup> LEGISLATURE

| LEGISLATIVE MANDATES   | BRIEF DESCRIPTION  | STATUS   |
|--|--|--|
| <p>HB 59 Authorizes the SOS to post an Internet Judicial Candidates Voters Guide.</p>  | <p>SOS agreed to link to web sites of Supreme Court, Court of Criminal Appeals and Court of Appeals candidates as a pilot project since there was no funding.</p>  | <p>Complete. Links have been established from our web site for those candidates that responded.</p>  |
| <p>HB 831 Enabling legislation to HJR 47, which would allow the SOS to cancel legislative vacancy elections if (1) a candidate is unopposed; (2) there is no proposition on the ballot; and (3) no candidate applied as a declared write-in.</p>   | <p>Allows SOS to declare candidates elected without an election if the candidate is unopposed.</p>   | <p>SOS has already implemented this law by issuing certificates of election to candidates for the May elections to fill legislative vacancies in Senate District 22, State Rep. District 150 and State Rep. District 56.</p> |
| <p>HB 1419 SOS must review all voting systems used in the state. SOS must make a recommendation regarding the feasibility of a uniform voting system for the state, and must study new voting system technologies. Lastly, the SOS must file a report with the Legislature summarizing its findings and recommendations.</p>   | <p>SOS conducted reexaminations of all voting systems currently in use throughout the state. SOS mailed out a feasibility study to CC/EA's and voting system vendors.</p>  | <p>Voting system review is almost complete. Feasibility study is in progress – questionnaire has been sent to counties and voting system vendors. Final report is in progress.</p>   |
| <p>HB 1820 Requires the SOS to collect information from county commissioners regarding oddly shaped and populated county election precincts. The SOS will compile the data and forward to the Legislature to enable them to make necessary districting changes.</p>  | <p>SOS will be mailing out a questionnaire to county commissioners.</p>  | <p>Pending. Questionnaire to counties is being revised based on communications with the Texas Legislative Council.</p>   |
| <p>HB 1856 Prohibits a voting system that uses a punch-card ballot or similar form of tabulating card from being adopted (or an existing contract from being executed or renewed) for use in elections on or after September 1, 2001. In addition to other procedural changes implemented to minimize problems with use of the punch card ballot. Provides that the order of the candidates' and propositions' punch-hole spaces and corresponding numbers on the ballot label must be in the same manner as they appear on a ballot under the provisions for ballot form, content, and preparation. Prohibits the "butterfly" punch card layout. Provides that the custodian of the election records implement procedures for testing the direct recording electronic voting machine devices (DRE) and conduct a daily audit of the</p> | <p>Prohibits the new purchase and substantive modification of a punch-card voting system. Prohibits use of the butterfly ballot and requires electronic ballots that will be centrally counted to be pre-locked and pre-sealed so that the election workers will not have access to the ballots during the polling hours. Adds new procedures for entities using DREs.</p> | <p>SOS has sent out memos to counties reminding them of these legislative changes, the audit requirement and procedures for testing the DRE system.</p>  |

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| <p>machines during the early voting period. Requires SOS to prescribe procedures necessary to implement the DRE procedures.</p>  |  |   |
| <p>HB 2336 The Secretary of State will have the responsibility of distributing any federal funds that may be authorized to assist political subdivisions in phasing out their punch-card voting systems and in the administration of elections. The Secretary of State would have authority to prescribe rules as necessary to implement the distribution of funds.</p>  | <p>If and when federal funds are made available, the SOS will prescribe rules to implement the distribution of such funds.</p>                                 | <p>SOS is awaiting the passage of federal legislation for such federal funding.</p>   |
| <p>HB 2691 Requires the SOS to prescribe rules regarding DPS sending voter registration applications electronically to counties with a population of 2.1 million or higher.</p>  | <p>SOS will monitor Harris County's and the DPS's progress on creating this system.</p>  | <p>Letter recently sent to DPS requesting their status on project.</p>  |
| <p>HB 2780 Provides that a candidate may not qualify for an office involved in a recount before completion of the recount. This section does not affect a candidate who has received a certificate of election and qualified for an office before the submission of a recount petition involving the office. This delay would also apply when a candidate has been elected to an unexpired term.</p>   | <p>Prevents a newly elected candidate from being sworn into office if a recount request is pending.</p>  | <p>SOS has sent out explanatory and reminder memos to local political subdivisions regarding this change in the law. SOS has determined that it is unnecessary to adopt administrative rules for implementation of this change.</p> |
| <p>HB 2922 Requires the SOS to establish a toll-free number for citizens to report voting rights abuses. The number must be posted in a prominent location at each polling place during the early voting period and on election day for each election held on a uniform election date.</p>   | <p>SOS developed a poster for displaying in every polling place. It contains our toll-free number for reporting voting irregularities.</p>                     | <p>Complete. And the notices have been mailed to each political subdivision in the state of Texas. Also, we staff the toll-free line on every uniform election date from 6:00 a.m. to 8:00 p.m.</p>                                 |
| <p>HB 2923 provides that if the design of a voting system or equipment is modified, upgraded, "or otherwise enhanced by the incorporation of new technology," the equipment must be distributed and used proportionately among the election precincts in which it is used. This applies to voting systems adopted for use in an election ordered by the governor, primary election, or a county authority. The Secretary of State shall prescribe procedures to implement the change in a way that preserves voters' rights.</p> | <p>The intent of this legislation is to make sure newly-adopted voting systems are distributed uniformly amongst the precincts in the governmental entity.</p> | <p>SOS has determined that the adoption of administrative rules is not necessary at this time. SOS has sent reminders to counties and other local governmental entities reminding them of this new requirement.</p>                 |

## SOS MANDATES 77<sup>TH</sup> LEGISLATURE

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| <p>HB 3181 Requires the Secretary of State, in conjunction with the Department of Information Resources, to conduct a study to determine the feasibility of allowing voters to correct voter registration information by digital transmission to the registrar. If feasible, the Secretary of State is required to adopt rules to approve technologies for submitting changes of registration information by digital transmission under this section and prescribe additional procedures as necessary to implement a system for the digital transmission of changes in registration information. Provides that counties, who have not contracted with the state, must update weekly, instead of four times a year, voter registration information, including new voters, changes and cancellations. The Secretary of State is required to use this information to update the state master file and to identify voters who may be deceased, duplicated, or ineligible due to felony conviction, and notify the applicable county voter registrar of this information. The Secretary of State is authorized to transfer surplus computers to counties to help them comply with the weekly updates. In addition, the Secretary of State may transfer lapsed Chapter 19 funds to a needy county to help that county comply with the weekly updates.</p> | <p>Feasibility study – working with the SOS IT department, and DIR, to determine whether we can implement a system that allows voters to change their information on-line.</p> <p>Requires non-TVRS counties to update to SOS on a weekly basis to SOS of voter registration information including new voters changes and cancellations.</p> <p>SOS is required to notify non-TVRS counties of these updates and changes on a weekly basis.</p> <p>SOS distribution of SOS's equipment surplus to needy counties for compliance.</p> | <p>Currently, there are ongoing meetings being held regarding the implementations.</p> <p>Completed. Non-TVRS counties are currently updating weekly, via a web browser.</p> <p>Completed. SOS is providing these weekly updates on the web server to which counties have direct access.</p> <p>Completed. Developed administrative rules for the distribution of computers: 53 computers have been distributed to date and 17 are left to distribute.</p> |
|   | <p>SOS distribution of lapsed chapter 19 funds to needy counties for compliance.</p>   | <p>Waiting on certification of any lapsed funds by Texas Comptroller; anticipating response in October 2002.</p>   |

Id:\tr\letters\2002\77<sup>th</sup> Legislature Mandates.doc