



THE TEXAS SECRETARY OF STATE WILL BE CLOSED MONDAY, MAY 30TH IN OBSERVANCE OF MEMORIAL DAY. HOLIDAY CLOSURE DETAILS. X

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## Countywide Polling Place Program FAQs

**To:** County Clerks/Elections Administrators in Counties Using DRE Voting Equipment

**From:** Keith Ingram, Director of Elections

A handwritten signature in black ink, appearing to read "Keith Ingram".

**Date:** January 15, 2016

**RE:** Application Deadlines for Countywide Election Precincts Polling Places in Countywide Elections Held on March 1, 2016 Primary Election Date and on May 7, 2016 and November 8, 2016 Uniform Election Dates

This memorandum is to answer general questions on the countywide election precinct polling place program ("the program").

**Background:** Under Section 43.007(j) of the Texas Election Code, the Secretary of State may select six counties with a population of 100,000 or more and four counties with a population of less than 100,000 for participation in the program for an election. The Secretary of State may determine that a county's participation in the program was "successful" following one election under the program. Once designated as "successful," that county may continue to use the program for subsequent elections. Note that counties that have previously participated in the program, but have not been formally granted a "successful" designation in writing by the Secretary of State, must reapply to use the program for each election.

Eligible counties may apply to use countywide polling places in the following elections: the primary election and run-off election, the general election for state and county officers, elections taking place on the uniform election date in May, a constitutional amendment election, and joint elections when holding any of the aforementioned elections with a local political subdivision (e.g., city, school district, etc.).

### Program FAQs

**Q: What is required to participate in the program?**

**A:** At a minimum, each county selected to participate in the program must have the following:

- Exclusive use of direct recording electronic (DRE) voting systems at all polling places;
- Implementation of a computerized voter registration list that allows instantaneous verification that a voter has not already voted at another polling place; and
- If the county has not participated in one of the previous countywide election precinct programs, it must hold a public hearing to inform and solicit opinions from voters, minority organizations, and other interested parties (e.g., political parties, political subdivisions within the county, and organizations representing voters with disabilities).

**Q: If my county meets the minimum requirements, what is the next step of the process?**

**A:** For tracking purposes, we request that counties file an intent to participate in the program with the Secretary of State's Office (PDF). However, filing an intent does not reserve a spot in the program and a full application must be received by the Secretary of State's office by 5:00pm on the deadlines provided by the Secretary of State.

**Q: What should be included in an application for participation in the program?**

**A:** An application should include the following:

- A letter, addressed to the Secretary of State, detailing specifics for the implementation of the plan (required items listed below) and requesting approval for the county to participate in the program. The letter must indicate the name and date of the election participation is being requested for; and
- A letter signed by the County Judge indicating support of the county's plan and requesting approval for the county to implement countywide polling places throughout the county.

**Q: What must the letter to the Secretary of State in the application address?**

**A:** The letter to the Secretary of State in the application must cover the following:

- The county's exclusive use of DRE voting systems. Identify the vendor, quantity of voting machines and polling places to be used and how long the county has conducted elections with exclusive use of DRE voting machines;
- The county's use of a computerized voter registration list that allows instantaneous verification that a voter has not already voted at another polling place. Identify steps taken to guarantee connectivity at each polling place and the county's plan for dealing with a loss of connectivity during an election;
- Information on the public hearing held, including date and time of the hearing, information that was provided in the hearing and feedback that was received. A video or audio copy of the hearing must be provided. If a video or audio copy of the hearing is not available, a paper transcript is acceptable;
- An explanation of the methodology that will be used to select the countywide polling locations. Include a map of the previous and new polling locations and information on the advisory committee used to select locations including names, organizations, positions and e-mail addresses;
- An explanation on the methodology used to select Election Judges and Alternate Election Judges;

- A communication plan which explains how voters will be notified of the change to countywide polling places and new polling locations;
- A statement that all joint election issues have been resolved. Because political subdivisions holding joint elections with the county must have a presence at all countywide polling locations, a county must demonstrate that issues related to joint elections have been or will be resolved; and
- Demonstration that the commissioner's court and the county chairs have resolved how polling place officials will be appointed.

**Q: Is there a notice requirement for the public hearing on use of the program?**

**A:** The hearing is held by the commissioner's court, which means that Chapter 551 of the Government Code applies. Specifically, the commissioner's court must give written notice of the date, hour, place and subject of the meeting. Notice must be provided in a place readily accessible to the general public at all times and must be provided at least 72 hours before the scheduled time of the meeting.

**Q: How many countywide polling places should my county have?**

**A:** For an election held in the first year in which the county participates in the program, the total number of countywide polling places may not be less than 65% of the number of precinct polling places that would otherwise be located in the county for that election. After this, the number drops to no less than 50% of the number of precinct polling places that would otherwise be located in the county for that election.

**Q: Who determines where the countywide polling places will be located?**

**A:** In an election under the program, a county must adopt a methodology for determining where each polling place will be located. Some factors to consider in this process include: availability of public transportation to a polling location, population size near the polling location, and availability of a suitable building for a polling place. In addition, the establishment of polling places under the program should not result in the dilution of voting strength or representation of any group covered by the federal Voting Rights Act. For this reason, the Secretary of State strongly encourages counties to form vote center advisory committees to obtain feedback on voting locations.

**Q: Who would serve on a vote center advisory committee?**

**A:** The vote center advisory committee would consist of members from local political subdivisions, precinct officials and organizations that represent minority voters and voters with disabilities.

**Q: How should my county notify voters of the change in polling locations?**

**A:** At a minimum, an election day notice indicating the location of the nearest countywide polling place must be posted at each precinct polling place that was used in the last general election for state and county officers but will not be used in the election under the program. In addition, the notice of election should identify the Election Day polling places in the county.

**Q: How are judges and clerks appointed for countywide polling locations?**

**A:** While the Election Code does not specifically direct how judges and clerks should be selected under the program, our office recommends the tracking of voting history in the program precincts and assigning judges on a proportional basis that accurately represents the voters of each particular area. For elections like November 8, 2016 where the Section 32.002 list procedure applies to county election judges and clerks, assignment under this methodology should be done according to the list procedure in Section 32.002 of the Code. For other elections, assignment can be made according to the authority ordering the election. A second option would be to assign judges and clerks to a polling place in a method similar to early voting under Section 85.009 of the Code.

**Q: If the election for my county is cancelled, does notice need to be posted at all countywide polling locations?**

**A:** Yes. Under the Election Code, if an election is not held, notice should be posted on Election Day at each polling location that would have been used for that election. Under the program, this would mean that notice would be posted at each countywide polling location on Election Day in the event the election is cancelled.

**Q: How does my county apply for “successful” status?**

**A:** Following one election under the program, a county may apply for “successful” status with the Secretary of State and continue to use countywide election precinct polling places in subsequent elections. To apply for “successful” status, the Secretary of State must not have received any complaints that have been supplemented with evidence with respect to the county using countywide precincts in an election. The county commissioner’s court must then hold a public hearing on the use of countywide precincts. Notice of the meeting must be provided to all county party chairs, local political subdivisions and affected public interest groups. A recording or transcript of the hearing must be provided to the Secretary of State. The county judge will submit a letter requesting “successful” designation to the Secretary of State along with the recording or transcript of the public hearing. The Secretary of State will review the transcript or recording as well as reports of the county’s elections using the program to confirm the county met the requirements of the Code. Voter turnout data for elections using the program will be compared with turnout in previous elections without use of the program to determine whether use of the program caused a substantial reduction in voter turnout.

If you are interested in participating in the program or need more information, please contact [Heidi Martinez](#) or call our office toll-free at 1-800-252-2216.

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