

HB 758
An Analysis of its Implications for
Collin County

July 4, 2006

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Co-signers

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Executive Summary

At their regular meeting on July 11, 2006, the Collin County Commissioners Court is scheduled to consider establishing a pilot program of countywide polling places for the November general election. These 30 “super-polling places” will replace 135 neighborhood precinct poll locations.

HB 758, passed in the 79th Legislature, authorized the pilot program. HB 758 was a bipartisan bill to establish a test program to evaluate the effectiveness of countywide voting. In this type of voting, every polling place becomes, in effect, a “super polling place” where any registered voter in Collin County can vote. A similar system is already in use in early voting.

The proposed plan by the Collin County Elections Department seems designed more as an experiment in cost reduction, rather than a proposal to increase voter turnout. The plan is flawed in several respects:

1. The number of polling places (30 proposed) is far too few to accommodate the expected turnout.
2. The plan provides insufficient notification to the voters. This will cause confusion on Election Day.

Additionally, the seriousness of these flaws is contingent on several variables, which the County must address. Chief among these are:

1. The number of terminals used in each polling place to query the central voter database.
2. Backup and contingency plans to be used in the event of a communications failure.
3. The criteria used to determine the location of the “super-polling place”.
4. The parking and accessibility available at the polling place.

Research and experience has shown that citizens are easily discouraged from voting. While the use of “countywide” polling centers has the potential to increase voter participation, successful implementation requires careful planning and preparation. Chief among these are site planning and voter education. We believe the Collin County plan is inadequate in both respects.

While we support HB 758 and the concept of countywide voting, we are opposed to what we have know of the current plan, unless some issues are addressed satisfactorily. Specifically, these concerns are:

1. The number of proposed “super polling places” should be at least 80 - 90.
2. Multiple voter verification terminals at each poll location.
3. Back up plans in case of communications failure.
4. Sufficient parking and access at each poll location.
5. Adequate notice to all voters of the changes in election procedures. This would have to include several mailings to all registered voters.

Background

HB758 (<http://www.capitol.state.tx.us/tlo/79R/billtext/HB00758F.HTM>) was introduced as a bipartisan effort by several members of the House Elections Committee in the 79th Legislature. Its purpose was to allow for a pilot program testing the use of countywide polling places.

The purpose of the bill is to create a “pilot program” to test the usefulness of countywide election polling places:

Sec. 43.007. COUNTYWIDE POLLING PLACE PILOT PROGRAM. (a)
The secretary of state shall implement a pilot program to evaluate the use of countywide polling places for the general election for state and county officers as an alternative to the polling place located in each county election precinct.

The bill requires that any county wanting to participate in the “pilot program” hold a public hearing and record the hearing so that the Texas Secretary of State can make the final determination of which counties will take part in the program:

(b) The commissioners court of a county that desires to participate in the pilot program authorized by this section shall hold a public hearing on the county's participation in the pilot program. The commissioners court shall submit a transcript or electronic recording of the public comments made at the hearing to the secretary of state. The secretary of state may consider the public comments when selecting counties to participate in the pilot program.

The bill limits those counties that can participate to those using DRE's, that have a countywide electronic database and the technological capabilities to carry out the program:

(d) The secretary of state shall select to participate in the program one or more counties that:

- (1) have held a public hearing under Subsection (b);
- (2) have implemented a computerized voter registration list that allows an election officer at the polling place to verify that a voter has not otherwise voted in the election;
- (3) use direct recording electronic voting machines;

and

- (4) are determined by the secretary of state to have the appropriate technological capabilities.

Finally, the bill requires an audit and report to the legislature by the Secretary of State:

(c) In conducting the pilot program, the secretary of state shall provide for an audit of the direct recording electronic voting units before and after the election, and during the election to the extent such an audit is practicable.

(e) At the conclusion of the pilot program established under Subsection (a), but not later than January 1, 2007, the secretary of state shall file a report with the legislature. The report may include the secretary of state's recommendations on the future use of

countywide polling places and suggestions for permanent statutory authority regarding countywide polling places.

The House Elections Committee staff analysis explains the rationale behind the bill:

BACKGROUND AND PURPOSE

Historically, elections have been conducted based on polling places found within particular precincts. Voters are assigned precincts according to their residence address. Although current law authorizes voters to vote at any of the confidentially located polling places during the early voting period, those voters who wish to cast their ballot in person on Election Day are required to return to their assigned polling location, within their precinct, to vote. This can often be a problem, as many individuals, especially those who work in an area different from where they live, find themselves away from their precinct, but not the county, on Election Day. With the advent of computer technology, including Direct Record Electronic voting machines and computerized voter registration databases, the administration of countywide polling locations on Election Day has become more feasible. Holding elections at countywide polling locations would not only ease the burden on voters but would potentially also reduce election costs, as well as the required number of trained poll workers. CSHB 758 requires the Secretary of State to implement a pilot program to evaluate the use of countywide polling places for the general election.

The provisions of the bill limit its applicability to general elections held between September 1, 2005 and January 1, 2007. Thus the only election that this pilot program can be used is the 2006 General Election.

The bill enjoyed wide bipartisan support. Witnesses registering for the bill included representatives from:

- The Texas Democratic Party
- Common Cause, Texas
- Advocacy Incorporated
- Harris County Tax Assessor-Collector
- Texas Conference of Urban Counties
- Glen Maxey
- Campaigns for People
- Texas AFL-CIO

The authors and co-authors of the bill were:

- Rep. Mary Denny (R)
- Rep. Eddie Rodriguez (D)
- Rep. Glenn Hegar (R)
- Rep. Garnet Coleman (D)
- Rep. Roberto Alonzo (D)
- Rep. Aaron Pena (D)

HB 758 and Collin County

At their regular meeting on July 11, 2006, the Collin County Commissioners Court is scheduled to consider establishing a pilot program of countywide polling places for the November general election.

The issues surrounding the use of this pilot program in Collin County all involve answering the question, “Will this program enhance or suppress voter turnout?”.

To implement the pilot program, the County has proposed setting up 30 “Super Polling Places” in lieu of the expected 135 local precinct polling locations. The County Elections Department claims that no voter will have to travel more than 6 miles to vote, and they believe that this plan will meet the criteria of the pilot program, enhance turnout, and save costs.

While we did publicly support HB 758, we have serious reservations about the County’s plan. The proposed plan of the Collin County Elections Department seems designed more as an experiment in cost reduction, rather than a proposal to increase voter turnout. The plan is flawed in several respects:

1. The number of polling places (30 are proposed) is too few to accommodate the expected turnout, especially given the choices of poll locations.
2. The plan provides insufficient notification to the voters. This will cause confusion on Election Day.

Additionally, the seriousness of these flaws is contingent on several variables, which the County must address. Chief among these are:

1. The number of terminals used in each polling place to query the central voter database.
2. Backup and contingency plans to be used in the event of a communications failure.
3. The criteria used to determine the location of the “super-polling place”.
4. The parking and accessibility available at the polling place.

We will address these issues beginning with the number and location of the proposed “super polling places”.

Consolidation of Precincts and Polling Locations

Collin County has frequently (and usually effectively) consolidated polling places in order to reduce costs in expected low turnout elections. And in every election, the county does consolidate some low population precincts.

This consolidation is not always in the best interests of the voters, and has, in the past, suppressed the turnout. The most recent example was in last year’s November

constitutional amendments election. In that election, with an expected (and realized) 14% turnout, the County set up 37 voting precincts.

In several of these precincts, the result was long lines, frustrated voters and exhausted election workers. In Wylie, for example, the lines formed shortly before 7:00 A.M. and during the day there was never a time a line of voters was not waiting to be qualified. At 7:00 P.M., the line was still well outside the building. The last voter did not cast his ballot until after 9:00 P.M. – 2 hours AFTER the last person was allowed in line. Many voters were angry, all of the election workers were exhausted.

Compounding the crowding in long lines was the effect of holding the election in a school during a regular school day. The school had only reserved 35 parking places for the election. People reported to the election officials that they had spent a long time circling the parking lot, trying to locate a parking space. Some voters told us of friends and neighbors driving off, after giving up any hope of finding a place to park.

Allen had similar problems with long lines, and did not vote its last voter until past 9:30 P.M.

Note that the 2005 election had 37 polling places and a 14% turnout. The 2006 general election is slated to have 7 fewer polling places than 2005 and a 45% predicted turnout. This could truly be a recipe for disaster.

A study by researchers at Stanford (<http://polmeth04.stanford.edu/Papers/heb0727.pdf>) after the California gubernatorial recall election of 2003 concluded that precinct consolidation had reduced voter turnout:

Although the 2003 consolidation of precincts is not a perfect natural experiment, it is about as close as we normally come with observational data. Consequently, it provides us with a very strong inference that consolidation in Los Angeles County reduced turnout by a substantial 1.88% in the precincts in which the polling location was changed. We also find that voting at the polling place decreases even more, by 3.05% but that an increase of absentee voting of 1.19% makes up for some of this reduction. In addition, we find that the substitution of absentee voting for a reduction in polling place voting is greatest among people of middle age and older whereas younger people are more inclined simply not vote at all.

While it is hoped that the convenience of allowing voters to vote at any polling place will offset the expected fallout from consolidation, if the polling places are crowded or otherwise perceived as inaccessible, the net effect will be to suppress the turnout.

Minority Voting Rights

The proposed consolidations will have a negative effect in minority precincts. For example, Precinct 23 in east Plano is a Black majority precinct whose voters will no longer be able to vote in their own community.

In east McKinney, voters in the Hispanic majority precinct 3 will no longer vote in their neighborhood school, but must cross Highway 5 to vote at the County Courthouse.

Notification

One of the most common voter complaints heard by election workers is the difficulty voters face in finding out where they are supposed to vote. In the 2000 General Election, there was mass confusion. Many voters told us that they were at their 3rd polling place and still were not at the right one. County election phone lines were overwhelmed, and under-trained election workers were sending voters to wrong locations.

The County Elections office took the criticisms seriously, and in 2004 following best practice guidelines (http://www.eac.gov/bp/images/eac_best_home_issues_up.jpg) used in other jurisdictions, mailed a postcard to every registered voter detailing the location of the correct polling place. The result was that in the 2004 election, there was much less voter aggravation and confusion was held to a minimum.

The proposed 2006 “pilot program” is a much larger re-engineering of the election location map, yet we have heard of no system proposed for voter notification. One can naturally expect greater confusion leading to decreased participation in the election.

Voter Verification

Early voter locations already use the “countywide polling place” concept. Each location has a terminal making a phone line connection via modem to the county elections database. We assume a similar process will be in place for the pilot program.

One thing apparent from the early voting experience is that it takes longer to locate and print a label on the modem-based system than it takes a well-qualified elections clerk to find a voter in a printed roll.

In the traditional polling place, the printed roll is usually divided into 2 or more volumes, allowing for multiple voter qualifications to occur simultaneously. Yet in the early voting locations, only one voter can be qualified at a time. This has already resulted in long lines during early voting in high turnout elections. Unless the “super polling places” are equipped with multiple terminals for voter database lookup, it can be expected that voters will bottleneck at the qualifications desk. The total number of terminals should approximately equal the total number of voter qualification stations that would be in place in the traditional neighborhood polling places.

Even more troubling is the effect of a communications breakdown. With all locations relying on the same system, the entire election process is subject to a risk of catastrophic communications failure.

Polling Place Location

A perusal of the proposed election polling places illustrates the underlying weakness in creating so few polling locations.

For example, Frisco, a city of over 75,000 people and 70 square miles of land area, has only one “super-polling place”. McKinney, only 20% larger in population and 18% smaller in land mass, has 4 polling places, a 400% advantage. Plano, 325% larger in population than Frisco, has 6 locations or 600% more.

The table shown below demonstrates the disproportionate effect of consolidation on mid-sized cities such as Allen, Frisco, Plano and Wylie. The locations in these areas can be expected to be very congested.

Proposed “Super Polling Places” by City

City	Polls	Pop.	Pop. Per poll	Land Area	mi ² per Poll
Allen	2	66,400	33,200	26	13
Anna	1	4,950	4,950	1.6	1.6
Blue Ridge	1	672	672	.6	.6
Celina	1	3,550	3,550	1.6	1.6
Dallas	1	*	*	*	*
Fairview	1	5,050	5,050	8.8	8.8
Farmersville	1	3,250	3,250	3.1	3.1
Frisco	1	73,900	73,900	70	70
Lavon	1	387	387	1.2	1.2
Lucas	1	3,700	3,700	9.2	9.2
McKinney	4	92,500	23,125	58.3	14.6
Melissa	1	2,300	2,300	4.5	4.5
Murphy	1	9,800	9,800	5.2	5.2
Nevada	1	563	563	1.1	1.1
Parker	1	2,300	2,300	5.1	5.1
Plano	6	247,000	41,166	71.5	11.9
Princeton	1	3,950	3,950	5.3	5.3
Prosper	1	3,600	3,600	4.7	4.7
Sachse	1	*	*	*	*
Weston	1	635	635	4.6	4.6
Wylie	1	29,800	29,800	33.2	33.2

Population and area data 2005 NTCOG estimates

*Most of population and land in Dallas County

Polling Place Choice

The choice of the proposed “super polling places” will have a negligible effect on rural voters, since with few exceptions, rural voters will still vote in their traditional poll locations. However, suburban precincts will feel a dramatic negative effect.

Studies (<http://www.blackwell-synergy.com/doi/abs/10.1111/j.0038-4941.2005.00316.x>) have shown that voter participation will drop relative to the distance the voter must travel to the poll. Also, the massive consolidation in suburban precincts will result in crowded polls, long lines and discouraged voters.

Polling Place Parking

The choice of the polling places, especially considering the heavy expected turnout, will also influence the ability of each location to handle the traffic and parking needs of the voters.

Of the 30 locations proposed, 20 are government buildings and 6 are schools – all expected to be open for normal business on Election Day. Most were not designed to handle the additional parking needs of a polling place for hundreds or thousands of voters. Experience has shown that when voters cannot find parking, they get discouraged and drive off.

Anticipated Turnout in Selected Consolidated Locations

Location	2005 General Actual	2006 General Anticipated	% Change
Frisco (CCCD_Preston Ridge)	3,882	15,600	402%
Wylie	3,145	9,400	299%
Murphy	1,599	3,378	211%

Larimer County, Colorado

Larimer County, Colorado is frequently mentioned as a success story in discussions on countywide voting and polling place consolidation. Larimer County successfully reduced the number of polling places from 143 to 22, while increasing voter turnout.

According to researchers at CalTech, (<http://electionupdates.caltech.edu/2005/09/debate-over-polling-places.html>) the success in Colorado is due to 2 major factors not adequately addressed in Collin County’s plan:

1. These 22 polling places are in centrally located cities that have large parking facilities and are very accessible to the disabled. In many ways, the County stole a page from the big box retailers, who have fewer "mega" locations but that are centrally located so they draw large numbers of voters.

2. The Larimer County clerk engaged in a very strong voter education program before this change was implemented... The clerk sent each voter four (4) notifications that the change would occur. It may therefore be that the turnout success in Larimer County is partially the voting centers but also partially the increased communication between election official and voter.

The problems with vote centers will likely come when counties start importing the vote center model without adopting the vote center voter education campaign that accompanied it in Larimer County.

Unless Collin County chooses polling places capable of handling large number of voters, and engages in a comprehensive voter education program that directly contacts each and every voter, we cannot hope to duplicate the results in Larimer County.

Conclusions

Research and experience has shown that citizens are easily discouraged from voting. While the use of “countywide” polling centers has the potential to increase voter participation, successful implementation requires careful planning and preparation. Chief among these are site planning and voter education. We believe the Collin County plan is inadequate in both respects.

The proposed process could and probably will result in the disenfranchisement of some voters, thereby suppressing turnout. This is unacceptable.

While we support HB 758 and the concept of countywide voting, we are opposed to what we have seen of the current plan, unless some issues are addressed satisfactorily. Specifically, these concerns are:

1. The number of proposed “super polling places” should be at least 80 - 90.
2. Multiple voter verification terminals in sufficient number must be used at each poll location.
3. There must be back-up plans in case of communications failure.
4. Sites chosen must have sufficient parking and access.
5. Adequate notice to all voters of the changes in election procedures must be given. This would have to include several mailings to all registered voters.

The primary motivation for any election reform must always be to increase voter turnout and confidence - not to save costs. We are ready and willing to assist the County in helping to plan and implement all voting reforms that enhance the voter’s experience and increase voter participation.