

The State of Texas



Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Ruth R. Hughs
Secretary of State

December 19, 2019

The Honorable Leward LaFleur
Marion County Judge
119 West Lafayette St., Suite 1
Jefferson, Texas 75657

Dear Judge LaFleur:

The Secretary of State accepts Marion County's application to participate in the countywide polling place program for the March 3, 2020 primary election date. Pursuant to Section 43.007 of the Texas Election Code, following the March 2020 primary election under the program, Marion County may apply for "successful" status with the Secretary of State to continue using the countywide polling place program in subsequent elections. Below please find additional information regarding the county's participation in this program for the upcoming election date.

DOJ Preclearance

The county and any other participating political subdivisions are no longer required to submit any changes to voting practices or procedures to the Department of Justice for preclearance under Section 5 of the federal Voting Rights Act. Nonetheless, the county election authority is advised to consult with the County Attorney before changing polling place locations. Pursuant to Section 61.012 of the Code, polling places are still required to be in compliance with the Americans with Disabilities Act. County officials must remain diligent to ensure discrimination does not occur as a result of changes in the county voting practices and procedures.

Polling Places

Pursuant to Section 43.007(m) of the Texas Election Code, counties participating in the countywide polling place program must have at least one countywide polling place in each commissioners court precinct. Additionally, the number of countywide polling places within a commissioners court precinct may not exceed more than twice the number of countywide polling places located in any other commissioners court precinct.

During the first year in which a 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, that 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.

Appointment of Judges and Clerks for Countywide Polling Locations

House Bill 1735 (85th Legislature, RS, 2017) amended Section 32.002 of the Code to provide a procedure for the selection of presiding and alternate judges for a countywide polling place. Under the amended section, the county chairs shall submit a list of names of persons eligible for appointment as election judges to the county commissioners court. The commissioners court must apportion the number of judges for countywide polling places in direct proportion to the percentage of election precincts located in each county commissioners precinct won by each party in the last gubernatorial election.

Presiding and alternate judges for countywide polling places are not required to be qualified voters of any particular election precinct, but they must be qualified voters of the county. Additionally, a presiding or alternate judge for a countywide polling place does not have to reside in the election precinct where the countywide polling place is located, and more than one presiding judge or alternate presiding judge may be selected from the same precinct to serve in polling places not located in the precinct in which the judges reside.

Surveys

The policy of our office is to permit non-disruptive exit polling within the 100-foot boundaries surrounding each early voting and election day polling place. We note that the early voting clerk or presiding judge at each polling place, as appropriate, must determine that such exit polling does not constitute either (1) "loitering" in violation of Section 61.003(a) of the Code or (2) a disruption of order or a contribution to a breach of the peace at the early voting or election day polling place in violation of Section 32.075(a) of the Code, as applicable to early voting under Section 81.002 of the Code.

Please note, counties may not distribute written surveys to voters regarding the county's use of the countywide polling place program inside the polling place or within the 100-foot boundary surrounding each early voting and election day polling place. Further, election workers should not verbally solicit feedback from voters while at the polling place or within the 100-foot boundary regarding the county's use of the program.

Final Report

The deadline for the county clerk to submit a report to our office on the March 3, 2020 primary election is Thursday, April 2, 2020. We ask that your report contain statements and opinions of interested parties, including persons who voted in the election, representatives of minority groups, and organizations concerned with persons with disabilities. Based on past elections, we would suggest that you stay in touch with these groups throughout the election process. While the county has the final word on polling place placement and the administration of the election, it is important that your local groups remain committed and involved in the countywide precinct election. If these groups have been involved in the project through the election period, it should be easier to gather their comments, complaints, and suggestions for your post-election report.

In addition to these statements, we would also request that your post-election report contain comparisons of voting patterns and turnout for the county between the March 3, 2020 primary election and their two previous years of elections held on the March primary election date. An example of a voting pattern would be persons voting at the polling place near their place of

Page 3

employment versus voting at the precinct nearest the voter's residence. Another example would be comparing early voting to election day turnout to review whether the countywide precincts had any effect on the ratio between the two voting periods.

Again, thank you very much for your participation, and we look forward to working with you to make this program a success.

Sincerely,



Keith Ingram
Director of Elections

KI:HM

CC: Ms. Vickie Smith
Marion County Clerk
119 West Lafayette, Suite 5
Jefferson, Texas 75657