

The State of Texas



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Ruth R. Hughs
Secretary of State

December 27, 2019

The Honorable Ruben Becerra
Hays County Judge
111 E. San Antonio, Suite 300
San Marcos, Texas 78666

Dear Judge Becerra:

The Secretary of State has received Hays County's request to designate its participation in the countywide polling place program as "successful" under Section 43.007(k) of the Texas Election Code.

Based on our review of Hays County's reports and public comments, we hereby certify that Hays County conducted a successful countywide polling place program in the November 2019 election. As a result, Hays County is authorized to continue to hold its elections using countywide polling places subject to the approval of the county commissioners court.

The Secretary of State reserves the right to withdraw a county's "successful" status via written notification to the elections administrator and county judge, if the circumstances establish that the county's program does not comply with Section 43.007 of the Texas Election Code. Below please find additional information regarding the county's continued participation in this program.

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

Section 32.002 of the Code provides a procedure for the selection of presiding and alternate judges for a countywide polling place. Specifically, 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 or alternate judge from the same election precinct may be selected to serve on election day.

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.

Post-Election Report

The deadline for the elections administrator to submit a post-election report 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 that advocate for 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 date and the two previous 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 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.

To maintain its countywide polling place program, Hays County must show it can provide a sufficient number of voting systems and e-poll books that work efficiently, securely and in a timely

manner. Our office will continue to carefully review and consider all information received regarding Hays County's use of voting systems and e-poll book equipment as it pertains to the county's continued successful designation.

We appreciate the role Hays County has played in developing methods and procedures for conducting elections using countywide precincts. If you need any assistance or information, please feel free to contact the Elections Division toll-free at 1-800-252-2216.

Sincerely,



Keith Ingram
Director of Elections

KI:HM

CC: Ms. Jennifer Anderson
Hays County Elections Administrator
712 South Stagecoach Trail, Suite 1012
San Marcos, Texas 78666