

Other items:

#### COSA resolution

Voters are very confused about where they go to vote, in part because of the agreement made with the City of San Angelo to continue conducting their elections in even numbered years. Would like consideration of a resolution advising the City, Veribest and Wall ISD of the difficulty and confusion caused by the continuance of conducting their elections in even-numbered years.

#### Poll worker appointments

Poll worker appointments were made in August. These poll workers will be the first utilized for any elections that are conducted. Some have resigned and some spots were not filled at the time of appointment. The Election Code spells out the procedures for appointment of poll workers for the primary. It is extremely difficult to have all poll workers in place for the election because they will call and say they cannot work the election, become ill, etc. There is a provision that says the party chairs may fill any open positions until 20 days before the general election. It is imperative that once we have reached this deadline, the election office be free to recruit poll workers to fill any open positions without the interference of the party chairs.

#### Polling places

It seems that the polling places have been approached and conduct of elections at their locations was discussed with them. This has impacted use of their facilities (we can no longer hold at some of the locations) and, in some cases, misrepresented the desire of the election office. For example, somehow Wesley United Methodist Church, where the soup kitchen is located, has decided that it is in our best interest to close the soup kitchen on election day. We never made this request nor do we agree that it is in the community's best interest to have the soup kitchen closed on election day. It is best that the election office be responsible for working with the facilities, unless the parties are recruiting the location for a primary election that they alone are conducting.

#### Precinct conventions (how to plan paperwork)

Another thing to consider is how each party plans to handle precinct conventions. HB3102 was passed in the last legislative session. It discusses party business including the ability to hold precinct conventions on the same day and at the same place as the county convention. This may be contingent on what the state party adopts in its rules. Further, if the plans are to conduct the precinct conventions on the day of the primary, it is imperative that the parties understand the rules governing precinct conventions and the end of the conduct of the election. Persons may not be granted access to the room where voting is being conducted until the election business is concluded. It is also imperative that the attendees of the convention respect the facility and do not interfere with their business nor damage their facility or property.

#### Vote Centers

Information on vote center voting has been sent to the Election Administrator. Vote Center voting requires becoming totally electronic but allows voters to go to any Election Day polling place to vote. We currently have 34 precincts voting in 26 polling places. The first year that vote centers are used, the county could reduce the number of polling places to 17 and from then on only 13 would be required. An application would have to be made to the Secretary of State (SOS), public hearings would have to be conducted, a committee would need to be formed to determine where the polling places would be, work would need to be done with community groups and all would be presented to the SOS and their approval be granted. One concern would be having enough electronic voting equipment to facilitate voters in this environment. Reduction from 26 to fewer will help with this some.

RE: 2014 Primary Options

There are three options for conducting the primary/primary runoff elections.

First: contract utilizing a formal joint election. In this scenario, poll workers, polling places, and equipment are shared. Normally, each polling place has the Judge and Alternate Judge appointed under the same format as the appointment procedure (based on turnout for Governor) and at least one clerk from each party.

Second: An informal joint election. In this format, the equipment and polling place are shared but each party appoints three poll workers for each location.

Third: Party conducts their own election. If you wish to conduct your own election, you will need to consider the following. HART is our voting equipment vendor. They do not lease equipment but can provide a turnkey election. I believe the party still has to provide their own equipment. Other vendors may have this option and/or possibly lease equipment. Their services should include programming the ballot, printing ballots, and tallying results.

I do not know what the vendor does about ballot boxes, voter check in, supplies, etc. Hart has an electronic poll book option but I believe the party would have to buy its own laptops and peripheral equipment to utilize them. The commissioner's court could be approached about setting lease prices for ballot boxes and other miscellaneous items. A paper copy of the poll book can be provided for manual check-in of voters. The party(s) will be responsible for recruiting and training their own poll workers and for making arrangements for use of county assigned polling places or they can even find their own polling places. Since you would not be contracting, per se, with the county for the conduct of your election in this option, you would have to investigate how ballot by mail would be handled.

In the past, the state has encouraged formal joint elections.

In all the options, both parties have to agree on the polling places that are open. The county bears the cost for early voting. The commissioner's court will decide what early voting location(s) will be open. It will be important to consider what polls will be open in the event of a runoff election as well. There are 34 precincts currently and 26 Election Day polling places. These are normally the polling places used in the primary election and, historically, precincts are combined for the runoff election. We have just enough equipment to cover the normal polling places.

If parties want to lease county-owned equipment, laptops and peripherals, etc. I anticipate that the two parties would have to agree to combine polling places so that the equipment could be split. In other words, the 34 precincts, 26 polling places, would have to be combined in such a way as to facilitate equipment being available for half, or 13, polling places for each party. The county would have to assign equipment for 13 Democrat polling places and 13 Republican polling places (or rooms if the same polling place is used). This would allow each party to use different polling places as well.

#### Other Primary facts

The county bears the cost for early voting and all training, even though everyone is required to attend training. Parties can help with training and their help would be appreciated. The rate for poll workers is \$8.00 an hour. For normal county elections the rate of pay is: Judge/\$9 per hour, Alternate Judge/\$8.50 per hour, and Clerks/\$8 per hour. In a formal joint election, there will be 2 co-judges and 2 clerks, no alternate judges. Some polls will have more than 2 clerks. It is intended that no poll have an odd number of workers to facilitate having equal party representation.

The SOS reimburses \$5 per unit of voting equipment used.

The Early Voting Ballot Board may include members of the Libertarian Party if they appoint someone to participate.

## Student Workers

We can utilize student workers for this election both in early voting and on election day. No party affiliation will be known on these students and they will need to count as one of the poll workers. Could offset need for even number of clerks because of lack of party affiliation, i.e., if poll needs extra clerk, rather than hire 2 – one from each party - 1 student worker could be added and cost split between parties.

Sec. 32.006. JUDGES FOR PRIMARY ELECTIONS. (a) The county chair of a political party holding a primary election shall appoint for each primary, with the approval of the county executive committee, the judges for each precinct in which the election will be held in the county.

(b) If a vacancy in the positions of both the presiding judge and the alternate judge arises after the appointments are approved and the county executive committee is not scheduled to meet before the election for which the appointments are made, the county chair may fill the vacancies without the approval of the committee.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 864, Sec. 22, eff. Sept. 1, 1997.

Sec. 32.007. EMERGENCY APPOINTMENT. (a) If neither the presiding judge nor the alternate presiding judge can serve in an election and their inability to serve is discovered after the 20th day before a general election or the 15th day before a special election, the presiding officer of the appointing authority or the authority if a single officer shall appoint a replacement judge to preside at the election, subject to Subsection (f). If the appointing authority is unavailable, the authority responsible for distributing the supplies for the election shall appoint the replacement judge.

(b) If a person authorized to act as presiding judge is not present at the polling place at the time for opening the polls, on receiving information of the absence, the authority authorized to appoint a replacement under Subsection (a) shall investigate the absence and appoint a replacement judge, subject to Subsection (f), unless the authority learns that a previously appointed judge will immediately report for duty.

(c) The appointing authority shall promptly give notice of the emergency appointment to the authority responsible for distributing the supplies for the election. As soon as practicable but not later than the time for closing the polls for the election, the appointing authority shall prepare a written memorandum of the appointment and deliver a signed copy to the presiding officer of the local canvassing authority and to the general custodian of election records. The copies shall be preserved for the period for preserving the precinct election records.

(d) A judge appointed under this section serves only for the election for which the appointment is made.

(e) In this chapter, "emergency appointment" means an appointment made under this section.

(f) A person who is appointed as a replacement for a judge originally appointed under Section 32.002 must be affiliated or aligned with the same political party as was the original judge, if possible, and the appointing authority shall make a reasonable effort to consult with the party chair of the appropriate political party before making an appointment under this section.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 1349, Sec. 10, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 89, Sec. 2, eff. September 1, 2005.

Sec. 172.126. JOINT PRIMARIES AUTHORIZED. (a) The primary elections in a county may be conducted jointly at the regular polling places designated for the general election for state and county officers. The county clerk shall supervise the overall conduct of the joint primary elections. This section applies to the conduct of joint primary elections notwithstanding and in addition to other applicable provisions of this code. The decision to conduct a joint general primary election or runoff primary election, as applicable, must be made by majority vote of the full membership of the commissioners court and with the unanimous approval of the county clerk and the county chair of each political party required to nominate candidates by primary election.

(b) The county clerk shall determine whether to consolidate election precincts under Section 42.009 and shall designate the location of the polling place in a consolidated precinct. To the extent possible, a polling place shall be designated that will accommodate the precinct conventions of each political party. If a polling place, whether for a regular or consolidated precinct, is not suitable for more than one precinct convention, the polling place may be used by the party whose candidate for governor received the most votes in the county in the most recent gubernatorial general election.

(c) One set of election officers shall conduct the primary elections at each polling place. Not later than the second Monday in December preceding the primary elections, each county chair shall deliver to the county clerk a list of the names of the election judges and clerks for that party. The presiding judge of each party, or alternate judge if applicable, serves as a co-judge for the precinct. If an eligible presiding co-judge and alternate co-judge cannot be found to serve for a particular party in a precinct, a joint primary may not be conducted in that precinct, and that precinct must be consolidated with another precinct that has an eligible presiding co-judge and alternate co-judge to serve for each party. The county clerk shall appoint the election clerks in accordance with rules prescribed by the secretary of state. The secretary of state shall prescribe the maximum number of clerks that may be appointed for each precinct. The early voting ballot board and any central counting station shall also be composed of and administered by one set of election officers that provides representation for each party, and the secretary of state by rule shall prescribe procedures consistent with this subsection for the appointment of those officers.

## Student Election Clerk FAQs

### **Q: What are student election clerks?**

**A:** The 81st Texas Legislature passed Senate Bill 1134 (effective on September 1, 2009), which allows high school students 16 years of age and older to serve as election clerks in Texas elections. The purpose is two-fold: 1) to introduce students to the electoral process and inspire them with an interest in their government, and 2) to provide election authorities with an additional resource of persons who can serve at the polls.

### **Q: What are the requirements for a student to serve as an election clerk?**

**A:** The student must be 16 years old or older on Election Day; enrolled in a public, private, or qualified home school; and a U.S. citizen. The student must also have consent of his/her parent or legal guardian and his/her school principal (or parent/legal guardian for home-schooled students) to work in an election. The [application form \(PDF, 30k\)](#) contains the necessary consent forms to be signed by the parents and principal. The student must also attend an election worker training program for poll workers prior to Election Day.

### **Q: Can a student election worker serve as an interpreter?**

**A:** Yes. When election workers are communicating with a voter who cannot communicate in English, a student election worker may communicate with the voter in a language the voter and the clerk understands.

### **Q: Since the Presiding Judge selects their clerks except the alternate judge, how will the judge know which students are interested and available or how to even contact them?**

**A:** The Secretary of State's office has an [\[application\]](#) form posted on its website that political subdivisions can use for students to apply to be election clerks. The students can fill out the application, get the required signatures, and send the form to the election administrators who serve the election in which the student wishes to serve. The elections administrator will provide each judge with a list of all eligible student election workers.

### **Q: Do the school authorities send the election officials student names, addresses, and phone numbers directly? Can the school give out this information without a written approval notice from a parent/legal guardian of the students?**

**A:** The student will provide all required information directly to the election officials. The [Student Election Worker Application and Permission Slip \(PDF, 30k\)](#) for students to complete and send to their local elections officials includes a consent section for both parent/guardian and the appropriate school official. The student will be responsible for obtaining the principal's consent to serve as an election clerk. The student (not the school) provides the information directly to the election officials. The school will not need to contact the election officials. In addition, the student must obtain parental or legal guardian consent on the same application before the student can serve as an election clerk.

### **Q: How will the election officials inform the school that the student actually worked on Election Day?**

**A:** Serving as an election clerk is now included in the Texas Education Code's definition of "excused absence." Student election clerks are entitled to compensation in the same manner as other election clerks. The election official should give each student worker documentation in the form of a time sheet, pay stub, or other letter or form showing that the student served as an election worker and the hours worked. Ultimately, however, it is up to the student to ensure that the school is given the proper documentation in order to have an excused absence.

### **Q: Are there any labor laws about how many hours a student can work during a school day?**

**A:** Under the Texas Labor Code, the employment hours of persons 16 or older are not restricted by state law. Persons 16 or 17 years of age have no restrictions on the number of hours or times of day they may work.

### **Q: Are there any curfew laws that the student could run afoul of if they were out late due to extended voting hours?**

**A:** There are no state law curfews in Texas. However, some municipalities and perhaps counties have curfews by local ordinance; therefore, the answers would vary depending on the details of any applicable local ordinance. It is likely that most local curfew ordinances give exceptions for school or work-related activities, under which this would likely qualify. Also, the student will not be in violation of the compulsory attendance law for schools because, again, the legislation provides for an excused absence when serving as an election clerk.

### **Q: How many student election clerks can serve at each polling place?**

**A:** Not more than two student election clerks may serve at a polling place, except that not more than four student election clerks may serve at any countywide polling place.

### **Q: What do we do with multiple student requests from a single precinct? Can they work outside of their home precinct?**

**A:** Students can work outside of their home precinct because election clerks are not limited to working only in their own precincts. The positions in each precinct should be filled in the order in which the students apply, assuming they meet all the requirements. Any extra student applicants for a given precinct may work in another precinct that does not already have its authorized number of student election clerk positions filled.

### **Q: What if the parents and student give their general consent, then the student is later assigned to a polling place or time that he or she does not want to work?**

**A:** The student clerk may simply turn down the assignment (just like any other voluntary election clerk offered an assignment that presents a conflict).