

LEAGUE OF WOMEN VOTERS OF TEXAS
SURVEY OF THE ELECTION PROCESS IN TEXAS

SUMMARY FINDINGS

Since its founding in 1920, the League of Women Voters has had a continuing interest in election laws and voting rights. At all levels of government, Leagues have worked for fair and equitable election procedures along with providing unbiased, nonpartisan information about candidates and issues in order to have a better informed electorate. As a result of members' concerns about the election in November 2000, Leagues across the country have been assessing election processes and practices in their jurisdictions. Delegates at the League of Women Voters of Texas Convention, April 2001, voted to review the performance of the election process in Texas.

During the summer of 2001, we (LWV-TX) sent League of Women Voters of the United States (LWVUS) developed survey forms to local Leagues and to county clerks in counties without local Leagues. We also sent letters of inquiry to the members of the legislature and contacted several statewide organizations concerned with the voting process for information about the working of the election process. The results represent a combined total of twenty Texas local Leagues and 116 counties. These results encompass more than 50% of the counties in Texas and include a broad geographical range, as well as urban and rural jurisdictions. The League gathered additional quantitative information from the Secretary of State's web site and from interviews by League members with local officials. Qualitative assessments are based on local Leagues' experience with, and participation in, election administration in their communities as reported on the LWVUS Election Reform Survey, as well as interviews with statewide organizations and individuals concerned about equity in the voting process.

Based on the results of these surveys and interviews, the LWV-TX Election Laws and Voting Rights Committee concludes that, given that elections can be won or lost by extremely narrow margins, improvement is needed. Many of the committee's findings are consistent with the nationwide survey conducted by the League of Women Voters of the United States (LWVUS).

Highlights from the survey findings indicate a need for the following improvements to the system:

- Ensure that voter registration lists are updated regularly and in a timely fashion to avoid having voters being turned away from polling places;
- Ensure that voting machines consistently function properly;
- Take measures to ensure that voters are informed of procedures necessary to correct ballot mistakes made during the voting process;
- Consistently provide private and independent access for visually impaired voters;

- Improve training and working conditions for election workers, who often work long hours for low pay; and
- Improve communication between election officials and voters, especially regarding location changes of polling places.

The League of Women Voters of Texas continues to see a need to address the concerns and challenges confirmed by its survey findings. To ensure that voters' voices are heard, it is imperative that election administration practices be improved to make voters the central concern of the voting system. It is imperative that reforms are made that ensure that *every* vote *always* counts.

KEY FINDINGS

The committee's survey examined processes in four key categories: Voter Access, Vote Counting, The Election Workforce, and Voter Education. The following are highlights of our findings.

VOTER ACCESS

Voters do not have consistent and reliable access to voting. Specifically, the names of citizens who register to vote through the Department of Public Safety are not consistently getting on the formal county voter registration lists in a timely manner.

Poll workers do not always have a fast and accurate way to confirm voter registration on election day. Busy phone lines on election day create a problem for poll workers checking voter registrations, sometimes resulting in voters being turned away without being able to cast their votes.

Voters sometimes have to wait in long lines to vote, and voters with disabilities do not have consistent access to private and independent voting.

Statistics indicate the following:

- About one fourth of the reporting county surveys indicate that computerized lists are compatible with Public Safety lists, while one-third report that they are not. The remainder either didn't know or did not respond.
- While 83 percent report that there is a way to verify names that do not appear on lists, about 10 percent report that there is no quick and accurate way to do so.
- Seventy percent of reporting Leagues indicate that voters “sometimes” have to wait longer than half an hour to cast their votes. No Leagues reported this to be a usual occurrence. Forty-five percent of reporting Leagues indicate that only “usually” are there sufficient numbers of machines.
- More than half (55%) of the reporting counties and Leagues indicate that their jurisdictions do not have a voting option that allows blind and visually impaired voters to vote privately and independently. Leagues participating in the survey

- indicated that only 60% “always” or “usually” have technology and polling places that are accessible for the visually impaired.
- While findings show that election officials in 91% of reporting jurisdictions say there is access for voters in wheelchairs, only 65% of reporting Leagues indicate that polling places are "always" accessible for those with physical disabilities.
 - Only 45% of reporting Leagues say there is “always” language assistance provided for non-English speaking voters. However, for this question, the League response was quite small. The overall survey reported non-English assistance in 75% of jurisdictions and no assistance in over 9%.
 - About 11% of respondents reported that they do not have a provisional voting process for those who claim to be legally registered but are not on the voter registration lists. (Technically, Texas uses a "challenged" ballot rather than a "provisional" ballot. See Appendix A for the definitions of these terms.)

VOTE COUNTING

Tabulation of results is not consistent and reliable. Voting machines do not always work properly, and even though there are procedures in place for allowing voters to correct ballot mistakes, voters are not always informed about them. (Forty-two percent of reporting counties use paper ballots and almost 50% use optical scan equipment. Fewer than 5% use punched card systems.)

- Consistent with the LWV nationwide survey, 35% of reporting Leagues indicate that machines “always” work properly and 40% indicate that machines “usually” work properly. The remainder did not respond.
- Although percentages are low, the Secretary of State’s “Undervote /Overvote County by County Analysis” finds that few counties which use voting machines have total accuracy. All have at least a small percentage of over and/or under votes.
- Only 16% of the surveys from jurisdictions with voting machines indicate that their jurisdictions have machines with error correction technology, although 47% of those reporting indicate that their jurisdictions do have procedures that allow a voter to correct ballot mistakes—if the voter knows to ask.
- Slightly more than half (55%) of reporting Leagues indicate that absentee ballots are "always" received by those who apply for them, while 30% report that absentee ballots are “usually” received. The balance did not respond to this question.

ELECTION WORKFORCE

Election workers are not given the support they need to do their jobs successfully. Too often, the result is less than optimum treatment of voters. Many jurisdictions have problems recruiting election workers. The pay is low, the hours long and the training is insufficient. The election worker is a crucial interface between the voter and the election system, and worker issues need to be addressed.

- Less than half (40%) of the reporting Leagues indicate that there are “always” enough polling place workers. Forty-five percent indicate that there are “usually” enough polling place workers.
- Most surveys (73%) report that poll worker training is a one-time session, lasting for 1-3 hours.
- Only 25% of reporting Leagues feel that poll worker training is "always" sufficient while 45% believe it is "usually" sufficient. Only 45% of those counties participating in the survey indicate that jurisdictions train all poll workers before every election. Only 63% report having compulsory training for first time workers.
- Fewer than 10% of the reporting counties pay their workers more than \$6 per hour, while 48% of the reporting counties pay their workers between \$5 and \$6 per hour. Recent legislation in Texas has set the U.S. minimum wage as a floor with no maximum. Prior law had set a ceiling of \$6.00 per hour. Some jurisdictions are currently considering raising the amount they pay workers.
- Fewer than 40% of those participating in the survey indicate that jurisdictions offer split shifts for their election workers even though the polls are open for as long as 12 hours on Election Day.
- Given these conditions, it is no surprise that 55% of reporting Leagues say that there are at least “sometimes” complaints of rude, unhelpful or uncooperative poll workers.

VOTER EDUCATION

Communication between election officials and voters is insufficient. Many voters find it difficult to participate meaningfully in the election process without receiving sample ballots before the election, instructions on how to work the voting machines, the possibility of provisional ballots, and clear and easy to understand ballots. Giving sufficient notice when polling locations have changed is critical to voter participation, also.

- Reporting counties and Leagues indicate that 74% of jurisdictions do not send out sample ballots before the election.

- Only 42% of those who participated in the survey indicate that voters are notified about the availability of provisional ballots.
- Fifty percent of reporting Leagues indicate that voters only “usually” know how to work the voting machines on election day.
- Almost half of local Leagues (45%) report that ballots are only “usually” clear and easy to understand.
- Only 20% of the reporting Leagues indicate that voters are “always” given sufficient notice when polling locations have changed.
- If there is a change in polling place location, most reporting counties say they put notification in the newspaper.
- Only 20% of reporting counties maintain a website that voters can access with information about voting in the county.
- Fifty-nine percent of the reporting counties do not maintain a dedicated election hotline for voters to get information about election day.

INFORMATION FROM OTHER SOURCES

The following is a list of concerns about the voting process in Texas gathered from state organizations, including the League of United Latin American Citizens (LULAC) and the National Association for the Advancement of Colored People (NAACP), from the League of Women Voters of Dallas in its study titled “Elections and Voters’ Rights in Dallas County,” and from individuals across the state.

- Some people who felt they had registered to vote at the time they renewed their driver’s licenses found their names were not on the list of registered voters at the polls;
- Mail-in ballot abuses occurred in some precincts;
- Eligible voters were purged from the voting list;
- Voters were given inadequate notice of elections, particularly in minority languages;
- Election officials changed polling places without proper notice, changed polling places to distant sites, failed to provide directions or maps;
- Voters were not provided with information about provisional ballots when their names were not on the registration list;
- Some voters did not receive their registration cards;
- Absentee voting applications were sent back to voters;
- Election judges/workers were inadequately trained;
- Low-income minority workers were intimidated;
- Ballot issues had unclear wording;
- The challenge of "winter Texans" residency claims (domicile) and their right to vote, which, if concentrated in one jurisdiction, can skew election results.
- Confusion occurred when elections from overlapping jurisdictions are held in two or more separate places;

- A shortage of election workers for the March 2002 primary in San Antonio resulted in late opening of some polls, the need to extend voting hours, and general confusion about location polls.

CONCLUSION

While 50% of local Leagues report that they believe that election administration procedures work very well in their counties, there are still many issues that need to be addressed in order to assure all Texas voters that the system is both fair and accurate.

RECOMMENDATIONS

Many of the following recommendations were developed by the LWVUS based on its review of election systems across the country. Where appropriate, they have been adapted to reflect the conditions that we have found in Texas.

The League of Women Voters of Texas urges the Texas Legislature to:

- Make election funding a priority item in the budget. Consider providing funding to local election officials to upgrade voting and tabulating equipment.
- Ensure full compliance throughout the state with federal voter protection laws, including the Voting Rights Act (and its bilingual ballot provisions), the National Voter Registration Act, and the Voting Accessibility for the Elderly and Handicapped Act.
- Establish and maintain a statewide, computerized interactive database linking all relevant voter registration agencies (such as the Department of Public Safety and elections offices) as a means of assuring that each polling place has access to the official list.
- Create statewide, uniform, nondiscriminatory standards for the voting process:
 - to ensure that no eligible voter is removed erroneously from the voter registration list. Provide procedural safeguards that ensure notice and opportunity to correct errors for all voters who may be purged.
 - to ensure that no registered voter is sent away from the polls without being able to cast a vote and to ensure that the vote is counted if the person is eligible to vote. Notice should be provided to the voter on the disposition of the challenge ballot in the case of a recount. (See Appendix A)
 - to allow citizens with disabilities to vote privately and independently at each polling place.

- to allow for public and voter notification of polling place locations. Provide adequate notice of changes in polling locations with maps or directions to ensure that all voters can have an opportunity to vote.
- Ensure that each polling place:
 - has the capacity to offer its voters services equivalent to those found at all other polling places in the state.
 - has operating hours that provide every eligible voter a convenient opportunity to vote.
- Promote innovative and effective methods of poll worker recruitment and training and authorize adequate compensation for poll workers.
- Create uniform standards throughout the state for:
 - what constitutes a vote – for all of the types of voting equipment used in the state – and for counting ballots.
 - the administration and counting of absentee ballots for each kind of absentee ballot procedure used in the state.

Other recommendations made by LWVUS that have already been adopted in Texas are:

- Adopt the voluntary voting equipment standards established by the Federal Election Commission.
- Creating uniform standards throughout the state for recounts—for each type of voting equipment used in the state—with the specification that the vote not be certified until the required recounts have been completed.

In addition, the League urges local and county governments to do the following:

- Make election funding a priority item in the budget.
- Evaluate and upgrade, if necessary, maintenance and storage procedures for all types of voting equipment, as well as procedures for providing technical expertise and needed repairs on Election Day.
- Work with local disability organizations prior to Election Day to ascertain their needs and to ensure that disabled voters have full, non-discriminatory access to the ballot and to polling places.

- Upgrade training, pay, and working conditions for poll workers.
- Expand voter information activities including:
 - providing all registered voters with sample ballots before Election Day.
 - providing all voters with information regarding their appropriate polling place locations.
 - Providing public and voter notification of voters' rights at the polling place.

"The League believes strongly that our election systems must be responsive to the needs of the voter. We must take the initiative now to improve these systems so that every citizen has the opportunity to register and to vote –and so that every voter will be assured that his or her vote is properly counted." (League of Women Voters of the United States, Fall, 2002)

Appendix A

Provisional and Challenged Ballots

Many states use "Provisional" ballots for people who assert that they are registered to vote although their names do not appear on voter registration lists at the polling place. Texas uses "Challenge" ballots. Following are descriptions of the two types of ballot.

Provisional Ballot – A provisional ballot is provided to a voter who claims to be registered to vote. The ballot is set aside and not counted on election day but is only counted when investigation shows that the individual is registered to vote.

Challenge Ballot – A voter who claims to be registered signs an affidavit that says he or she is a registered voter. The ballot accompanying the affidavit is used by the voter and is then placed in the ballot box. The voter signs a stub, which is placed in an envelope and held for subsequent tracing of the ballot. Only in the event of a recount is the envelope opened to verify the voter's eligibility.