

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 27, 2009

TO: Honorable Todd Smith, Chair, House Committee on Elections

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4653 by Howard, Donna (Relating to certain election practices and procedures relating to the conduct of elections; providing penalties.), **As Introduced**

The impact to the state cannot be estimated; however, based on analysis by the Secretary of State, it is assumed the costs could be significant.

The bill would amend the Election Code to change certain practices and procedures relating to the conduct of elections. It would require the Secretary of State to prescribe procedures necessary to implement the changes that would be required by the bill.

The bill would require provisional ballots to be certified and posted and to be video recorded; require each polling place to provide at least one voting station for voters with disabilities; and require that the provisional ballot is in compliance with federal Help American Vote Act. The bill would require the addition of two more poll workers to the counting team and require the county election commission to consider implementing alternative hand-counted ballot voting materials if electronic voting systems are used. The bill would establish the length of time posted precinct returns must be posted and would provide that a violation of the requirement would be a state jail felony. The bill would allow specific precinct records to become public information when the returns are posted.

The bill would take effect September 1, 2009.

According to analysis by the Secretary of State (SOS), additional polling places would be required because of the requirement for smaller county election precincts, thus requiring additional staff. The primary fund would also have to reimburse the additional costs for videotaping each polling place and for providing water proof sleeves to post the election returns. Each precinct would need to be equipped with an electronic ballot-marking device, and the agency assumes it is likely that counties would not have been able to purchase such equipment before the date of the March 2010 primary, which would require leasing the equipment. The SOS indicated there would be a significant increase in costs for the state and for counties; however, the costs would depend on how many additional precincts would be needed. The SOS did not have sufficient data on which to make a projection regarding the increase in number of polling places, but reported that if they assumed a 20 percent increase in the number of polling places, the state could incur costs of up to \$32.4 million to reimburse counties. The impact to the state cannot be estimated; however, based on analysis by the Secretary of State, it is assumed the costs could be significant.

Local Government Impact

The Legislative Budget Board and the Comptroller of Public Accounts each contacted local government officials regarding the fiscal impact of the bill.

The Travis County Clerk's office assumes that the bill would remove electronic means for counting ballots and compiling the results of a hand-count, paper-ballot voting system. Travis County has 200 voting precincts and about 600,000 registered voters. Travis County's calculation is based on averaging a low and high turnout for a November election. The county estimates one-time costs of between \$372,000 and \$840,000. The on-going new costs per election were estimated at between \$1,150,000 and \$1,402,000.

The Bowie County Elections Administrator assumes provisions of the bill would result in the county adding 10 precincts. Costs for staff and equipment would be between \$320,000 and \$400,000 in fiscal year 2010 and an increase in costs of \$85,000 each election year thereafter. The county's overall budget is only \$185,000 per year.

The Dallas County Budget Office estimates the number of additional precincts the county would be required to establish would be between 670 and 922. The county estimates the costs for staff and equipment under provisions of the bill would total more than \$3.6 million.

Tarrant County's Budget Office estimates the county would have to increase the number of precincts from 400 to 720. Costs are estimated at more than \$6.2 million in fiscal year 2010, and nearly \$1.4 million in 2012 and 2014.

Tom Green County was uncertain of the number of additional precincts the county would need, but assumes a conservative estimate for costs for equipment alone for each new precinct would be \$15,000.

Ector County does anticipate added administrative costs if they are to add more precincts by reducing the number of registered voters in a voting precinct. The bill would require that precinct lines be changed by a demographer, as well as printing voter certificates and requiring a mailing fee. The bill would require hiring additional clerks to help during the process. Ector County anticipates a possible loss in revenue to implement the bill unless the state changes or adds the amount that is charged to a political party for the amount of deposit and the rate of pay for the election judges.

The Baylor County Clerk's office indicated that there would be no significant fiscal impact to implement the bill. Baylor County does not anticipate any added administrative cost or start up cost or staff to implement the bill.

The fiscal impact would vary by county, depending in part on how many (if any) additional precincts would be required, as well as the costs for implementing other provisions of the bill. Based on responses from a sampling of counties, those costs could be significant to units of local government.

Source Agencies: 304 Comptroller of Public Accounts, 307 Secretary of State

LBB Staff: JOB, TP, MS, DB