

The State of Texas



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Secretary of State

June 25, 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 accepts Hays County's application to participate in the countywide precinct polling place program for the November 5, 2019 constitutional amendment election date. Pursuant to Section 43.007 of the Texas Election Code, following the November 2019 constitutional amendment election under the program, Hays 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.

Hays County has confirmed to our office that it purchased sixty Tenex touch pad e-poll book devices in 2019 and that these devices were first used during the May 2019 uniform election. The county also has indicated that it uses a computerized voter registration list that allows instantaneous verification that a voter has not already voted at another polling place. The documentation provided by the county further reflects that your polling locations are equipped with MiFi and connectivity for back up.

Section 43.007(m) of the Election Code requires a county participating in the countywide polling place program to 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. Our understanding, based on documentation provided to our office, is that Hays County plans to use the following number of polling places per commissioners court precinct on Election Day: twelve polling places in Precinct 1, twelve polling places in Precinct 2, six polling places in Precinct 3, and six polling places in Precinct 4.

The documentation provided by Hays County reflects that the county presently has five polling places established in Precinct 4 and that it plans to include an additional polling place in this precinct pursuant to Section 43.007(m) of the Election Code. We further understand that the Goforth Water Supply Building will be used as a polling place in Precinct 2 until the construction of the HCISD Transportation Building is completed, at which point, the Goforth Water Supply Building will no longer be used as a polling place. The construction of the HCISD Transportation Building is not expected to be completed until after the November 2019 election. Lastly, the documentation provided to our office reflects that the county is continuing to work

with Texas State University to determine the location of one of the twelve polling places to be used in Precinct 1.

Although changes to voting practices or procedures are no longer required to be submitted to the Department of Justice for preclearance under the federal Voting Rights Act, the county election authority is advised to consult with the County Attorney before changing polling place locations. Pursuant to Section 61.012 of the Election Code, polling places are still required to be in compliance with the Americans with Disabilities Act. County officials must remain diligent to ensure that any changes to county voting practices or procedures are consistent with federal and state law.

The deadline for the elections administrator to submit a report to our office on the November 5, 2019 constitutional election is Thursday, December 5, 2019. Please note, the county's report must include information regarding any connectivity issues or problems encountered regarding the use of voting systems and e-poll book equipment during this election. The county's continued use of the countywide polling place program, should it wish to be approved for "successful" status in the future, is based in part on the county's ability to provide a sufficient number of voting systems and e-poll books at polling locations which work efficiently and securely.

We ask that your post-election report also 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. 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 November 5, 2019 election and the two previous elections held on the November constitutional amendment 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.

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