

The State of Texas



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Jane Nelson
Secretary of State

August 30, 2023

The Honorable Keith Schroeder
Burlson County Judge
100 W. Buck Street, Suite #306
Caldwell, Texas 77836

Dear Judge Schroeder:

The Secretary of State accepts Burlson County's application to participate in the countywide polling place program for the November 7, 2023 constitutional amendment election date. Pursuant to Section 43.007 of the Texas Election Code, following the November 2023 constitutional amendment election under the program, Burlson 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.

Burlson County confirmed that it has used the Hart Verity Voting system since 2021. Burlson County has also confirmed that presently using Knowink electronic poll pads computerized that allow instantaneous verification that a voter has not already voted at another polling location. It is our understanding that the county presently has sufficient equipment to conduct the general election.

Burlson County indicated that it has 13 county election precincts and plans to have 9 polling places available on election day. 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 Texas 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. Further, it is of utmost importance that Burlson County continue to prioritize staffing language interpreters in the areas where they most efficiently meet the needs of your community.

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 judge or alternate presiding judge may be selected from the same precinct to serve in polling places not located in the precinct in which the judges reside.

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 Texas Election 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.

The deadline for the elections administrator to submit a report to our office on the November 7, 2023 constitutional amendment election is Thursday, December 7, 2023. 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 concerned with 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 November 7, 2023 constitutional amendment election and the two previous constitutional amendment elections. 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,



Christina Worrell Adkins
Director of Elections

CA:AM

CC: Dorothy J. Oliver
Burleson County Elections Administrator
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Caldwell, Texas 77836