

# Elections Advisory Committee

To the Secretary of State, Texas

September 4, 2007

To: Rick Perry, Governor  
David Dewhurst, Lieutenant Governor  
Tom Craddick, Speaker of the House  
Phil Wilson, Secretary of State

Fr: Micheal Hodges  
Texas Press Association  
Election Night Observer



## Observer's Report for Texas: May 12, 2007 Constitutional Amendments Special Election

It is my pleasure to submit this report summarizing the May 12, 2007 tabulation of votes for the Constitutional Amendment Election. The tabulation is done in the James Earl Rudder Building on East 11<sup>th</sup> Street at Brazos in downtown Austin.



### Results

At the time of the election, Roger Williams was serving as Secretary of State and, as chief election officer for Texas, was responsible for overseeing the counting of votes in all of Texas 254 counties.

### New Secretary Announced

On July 18, 2007 Phil Wilson was sworn in by Governor Rick Perry as the 106<sup>th</sup> Texas Secretary of State. He had been working as Deputy Chief of Staff for the governor at the time of his



appointment. Secretary Wilson, in his new role is committed to fair elections, increasing voter registration and participation, promoting a vibrant Texas economy, and fostering strategic relationships between Texas and the international community.

There were 13,074,279 registered voters in the state's 6,176 precincts in May and this election witnessed a low voter turnout of 7.07 percent. The ballot was dominated by local city and county races which meant voter turnout varied in each precinct depending on contested races and controversial ballot issues. The state's last Constitutional Amendment Election on Nov. 8, 2005 produced an 18 percent turnout, but that election included nine propositions. On May 12 there was just a single proposition for consideration.

A total of 924,577 votes were cast in the election. The proposition was approved with 810,843 votes in favor and 113,734 votes against. Almost 48 percent (441,036) were early votes.

The largest voter turnout in a county was in Dallas County with 115,738 votes (9.66 percent of registered voters). The highest percentage turnout was in small-population counties: King 43.4 percent, Andrews 38.7 percent and Sherman 36.1 percent. The lowest voter turnout was also in small-population counties: Starr 0.69 percent, Cochran 0.92 percent and Duval 1.30 percent.

For counties with 500,000 or more registered voters the turnout was: Bexar 9.4 percent, Dallas 9.66 percent, Harris 3.79 percent, Tarrant 6.37 percent and Travis 5.87 percent.

## Targets

The Secretary of State's responsibility is to gather and report the voting results as accurately and quickly as possible.

On election night, vote totals were reported steadily throughout the early evening. At 8:45 p.m. 38 percent of precincts had reported (51 percent of counties) with 88 percent of the vote in favor of the proposition. An hour later 83 percent of precinct totals were reported (84 percent of counties). By 10:30 p.m. 93 percent of precincts were completed (95 percent of counties). Throughout the night the vote remained near 88 percent favoring the Constitutional Amendment.

## The Issue

The following proposition appeared on the ballot: "The constitutional amendment authorizing the legislature to provide for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for public school purposes on the residence homesteads of the elderly or disabled to reflect any reduction in the rate of those taxes for the 2006 and 2007 tax years.

Under Texas Constitution, Art. 8, sec. 1- b(d), the amount of property taxes imposed by a school district on the residence homestead of a person who is age 65 or older or disabled may not be increased while the property remains the residence homestead of the person or the person's spouse.

In its third called session in 2006, the 79th Legislature enacted HB-1 which provided state aid to school districts and reduced school property taxes by 11.3

percent in tax year 2006 and 33.3 percent afterward.

Proposition 1 would specify, for homeowners who were age 65 or older or disabled and received a limitation on school property taxes in the 2007 tax year, that the Legislature could provide for a reduction in the limitation amount to reflect a reduction in the tax rate from tax year 2006. The Legislature also could provide for a reduction in the limitation amount to reflect a rate reduction that occurred between tax year 2005 and tax year 2006 and the Legislature could provide for the continuation of the limitation amount until the limitation expired.

In a nutshell this amendment provides tax relief to those whose school taxes had been frozen. It allows the amount to be reduced proportionally to reflect school tax reductions granted by the Legislature for all other property owners.

## The Process

Each county provides its own vote totals by electronic transfer or by telephone. Prior to electronic transfer all vote totals were reported by telephone, a process that required a much larger staff on election night. Two floors of the James Earl Rudder Building were needed with 35-40 Secretary-of-State employees manning the phones. On May 12, 2007 there were just 10 people taking calls since 193 counties now report directly through the Secretary of State's secure web server. Only 61 counties still call in their vote totals.

Votes were posted and displayed in the Secretary of State's the computer system and on the web site ([www.sos.state.tx.us/elections](http://www.sos.state.tx.us/elections)) after 7 p.m. when polls closed for all counties in the Central Time Zone. El Paso is in Mountain Standard Time, so polls in the western edge of the state closed one hour later.

The Secretary of State's Election Night Returns operation is made available to the media of Texas. The system is accessed by subscription and provides immediate computer-based vote totals as they are uploaded throughout election night. Subscribers



use either the Remote Access Option or the News Wire Datafeed Transfer Option. The election returns are also made available online for the general public at no charge, although posting of this information results in a brief delay. For the May 12, 2007 election there were no media subscribers for the ENR system. Data logs show 48,787 hits on the Secretary of State's web site between 7:00 p.m. and midnight.

### **Election Night Problems**

The Election Night Return System is not new. It has been used many times and is a solid performer. The only bump in the road on election night was early in the evening. At about 7:20 p.m. access to the website became unavailable for users. But once the web servers were rebooted the system worked flawlessly.

### **Provisional Ballots**

There were 671 provisional ballots submitted during the election. These are ballots of voters who were not shown on the county's list of registered voters. These ballots are set aside and verified within the week following the election.

### **Elections Advisory Committee**

The purpose of the Elections Advisory Committee is to evaluate the process of tabulation of election night voting, make recommendations it considers appropriate and submit a report to the secretary of state, governor, lieutenant governor and speaker of the house (Elections Code 68.055). The committee is made up of six people appointed by the secretary of state, six by the lieutenant governor and six by the speaker of the house. Several additional members are designated by statute.

A meeting of the Elections Advisory Committee was held on April 19, 2007. The committee approved the Secretary's operations plan and set the fees that news media would be charged for the May 12 election. The committee also said farewell to its long-time chairman John Cranfill. Cranfill chaired the Elections Advisory Committee since its establishment 25 years ago in 1982.

### **Observers**

Micheal Hodges of Texas Press Association and Michael Schneider of Texas Association of Broadcasters served as observers representing the Elections Advisory Committee. We were present in the Rudder building on election night to gather data and write a report of how the process of tabulating the votes proceeded as required by the Texas Election Code.

### **Ahead**

The Elections Advisory Committee will meet on Sept. 4, 2007 to review the May 12 election, approve the operations plan for the upcoming election and to set fees for direct access to the Election Night Reporting System. There are 16 propositions that will be considered by voters on Nov. 6, 2007. Last month Secretary Wilson conducted a random drawing of the propositions to determine the order in which they will appear on the ballot.



Since it was enacted in 1876, the Texas State Constitution has been amended more than 400 times. Proposed constitutional amendments must pass by a two-thirds vote in both houses of the state legislature to be considered on the ballot. These sixteen amendments were approved for consideration by the 80th Legislature and will require a majority vote on Nov. 6 to be amended to the constitution.

Respectfully submitted,

A handwritten signature in cursive script that reads "Micheal Hodges". The signature is written in black ink and is positioned above a horizontal line.

Micheal Hodges, Sept. 4, 2007

