

- SUBJECT:** Requiring equal partisan election officers for early voting
- COMMITTEE:** Elections — favorable, without amendment
- VOTE:** 6 ayes — Berman, Bohac, England, Burnam, Farias, C. Howard
0 nays
1 absent — Anchia
- SENATE VOTE:** On final passage, April 26 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** No public hearing
- BACKGROUND:** Election Code, ch. 85 governs the conduct of voting by personal appearance and subch. A establishes the time and place for voting.

Under sec. 85.069, the election officers serving a branch polling place must provide representation for each political party conducting a primary election in the county. For the general election for state and county officers and for a special election to fill a vacancy in an office regularly filled at the general election for state and county officers, the election officers serving a branch polling place who are not employees of the county must, to the extent practicable, provide equal representation for each political party conducting a primary election in the county.
- DIGEST:** SB 1434 would amend the Election Code, adding sec. 85.009 to require for the general election for state and county officials that the county clerk select election officers for the main early voting polling place and branch polling places, as provided by this bill, in a manner that provided equal representation to the extent possible for each political party holding a primary election in the county.

The county chair of each political party holding a primary election in the county would submit to the county clerk by July of each year a written list of names of those who were eligible to serve as election officers. The names would be listed in the order of preference and the county chair could supplement the list of names until the 20th day before early voting

began in case an appointed election officer became unable to serve. The county clerk could reject the list if the people on the list were determined not to meet the applicable eligibility requirements.

The county clerk would appoint as the presiding election officer of a polling place the first person meeting the applicable eligibility requirements from the list submitted by the party with highest number of votes in the county, and would appoint as the alternate presiding election officer of that polling place the first person meeting the eligibility requirements by the party with the second-highest number of votes in the county. The county clerk would appoint additional election officers for each polling place, providing equal representation, to the extent possible, for each political party holding a primary election in the county.

After making a reasonable effort to consult with the political parties, the county clerk could select election officers for early voting locations for which no list was submitted.

The bill would eliminate sec. 85.069, relating to the composition of election officers at a branch polling location during early voting.

The bill would take effect September 1, 2007.

**SUPPORTERS
SAY:**

SB 1434 is a bipartisan effort to solve problems county election officials often experience during early voting for the general election when the elections officials all belong to the same party. Some party chairs from both major parties feel that their respective parties often are not represented in the pool of elections workers. Because more than 50 percent of voting occurs during the early voting period, it is necessary that election officials from both parties work at the polls during early voting so that they are able to observe the electoral process in an equal and fair manner.

The bill would require county clerks to hire election workers based on political party affiliation only to the extent possible, which would provide flexibility for responding to circumstances where it might not be possible to hire an equal number of election workers from each party.

**OPPONENTS
SAY:**

The bill is not necessary because current election provisions addressing this issue are sufficient to address local concerns. County clerks already try to ensure equal party representation in all aspects of elections,

including early voting election workers. However, in a post-HAVA environment, competency should be the foremost concern, not partisanship. The bill would not address training or prior experience, and clerks need people staffing the polls who are properly trained and knowledgeable. The bill implies that these important criteria would not be as important as party affiliation.

Only counties with exactly a 50-50 percent representation of each of the two major parties would have a chance of complying with the bill's requirements. Early voting is a full-time job for at least two weeks and often counties create two shifts a day to handle the workload and avoid election worker burnout. The bill would not address the practical aspects of assigning people to multiple shifts in multiple locations. Early voting is more complicated, and early voting workers usually want to be assigned to locations convenient to their homes. This bill would make it more difficult to find enough election workers. Also, the bill would allow 20 days before the start of early voting for county chairs to provide the list of names of potential workers, which would effectively rule out any time for meaningful and effective training.

In many counties, the county clerk's office conducts early voting. The bill suggests that clerks would have to hire permanent staff on the basis of party affiliation, but asking potential hires about party affiliation would be highly inappropriate. Voters want polling places that operate smoothly and efficiently, and further politicization is not in the voters' best interests.

NOTES:

A similar bill, HB 3142 by Flynn, which would have required that, for general elections for state and county officers or a primary election conducted by a county, the composition of election officers serving the main early voting polling place, including employees of the county, provide equal representation for each political party holding a primary election in the county, was placed on the General State Calendar for May 8, but was not considered by the House.