

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 20, 2005

TO: Honorable Mary Denny, Chair, House Committee on Elections

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

IN RE: HB459 by Dutton (Relating to the compensation of an election judge or clerk.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB459, As Introduced: a negative impact of (\$1,452,458) through the biennium ending August 31, 2007.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	(\$1,452,458)
2007	\$0
2008	(\$1,452,458)
2009	\$0
2010	(\$1,452,458)

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from GENERAL REVENUE FUND 1
2006	(\$1,452,458)
2007	\$0
2008	(\$1,452,458)
2009	\$0
2010	(\$1,452,458)

Fiscal Analysis

The bill would amend Election Code to increase the minimum hourly rate of compensation for election judges and clerks for work at precinct polling places to at least one and a half times the federal minimum hourly wage.

The bill would also increase the minimum hourly rate to \$9 for an election officer in a primary or runoff primary election who attends a certain election training program.

The bill would also set a 72-hour deadline for payment of compensation to election judges and clerks.

Methodology

This analysis reflects the cost to compensate election judges and clerks for each primary election because the state provides reimbursement for primary election workers only.

The cost to compensate primary election workers who do not attend election law and procedure training is estimated to be \$395,150. This estimate is based on the number of 2004 primary election and primary runoff election workers who did not attend training (10,940, according to the Secretary of State's Office), the number of hours worked during an election (14 hours, which according to the Secretary of State's Office assumes polling places are open for 12 hours and election workers generally beginning work one hour before the polls open and ending work one hour after they close), and the \$2.58 difference between the current hourly rate paid of \$5.15 and the proposed hourly rate of \$7.73. The estimate is based on a total of 48,701 election judges and clerks who served in the 2004 primary election cycle, 37,761 of whom attended training and of whom did not attend training, according to the Secretary of State.

The cost to compensate primary election workers who attend election law and procedure training is estimated to be \$1,057,308. This estimate is based on the number of 2004 primary election and primary runoff election workers who did attend training (37,761, according to the Secretary of State's Office), the number of hours worked during an election (14 hours, which according to the Secretary of State's Office assumes polling places are open for 12 hours and election workers generally beginning work one hour before the polls open and ending work one hour after they close), and the \$2 difference between the current hourly rate paid of \$7 and the proposed hourly rate of \$9.

Local Government Impact

The fiscal impact regarding the compensation of election judges would vary by county depending on the number of election workers and the hour rate the county currently pays the workers. Midland County reports that an extra \$25,000 to \$30,000 would be needed each fiscal year to implement the provisions of the bill relating to the increased pay per election. Bexar County reported that their compensation for election judges already is above federal minimum wage, so there would be no impact to their budget. Fort Bend County reported additional costs of \$20,000 per year for compensation of election judges.

The provisions of the bill concerning issuance of compensation within 72 hours could impose a severe financial and logistical burden to counties. Midland County reported that the 72-hour compensation rules would impose a large but unquantifiable burden on the county. Bexar County reported that it is not anticipated that their accounting office would be able to produce checks within the 72-hour turnaround time. Victoria County reported that one part-time employee would have to be hired at a cost of \$2,000 per year, and reprogramming the existing payroll system would cost an additional \$15,000. Fort Bend County reported additional costs of \$10,000 to implement a 72-hour payment turnaround; however, this estimate does not include the costs of an emergency meeting of the Commissioners Court of the county, which has to approve all bills prior to payment.

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

LBB Staff: JOB, LB, MS, NR, KJG