

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 18, 2007

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

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

IN RE: HB771 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 HB771, As Introduced: a negative impact of (\$1,685,393) through the biennium ending August 31, 2009.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	(\$1,685,393)
2009	\$0
2010	(\$1,685,393)
2011	\$0
2012	(\$1,685,393)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from GENERAL REVENUE FUND 1
2008	(\$1,685,393)
2009	\$0
2010	(\$1,685,393)
2011	\$0
2012	(\$1,685,393)

Fiscal Analysis

The bill would amend the Election Code by requiring the pay for an election judge or clerk to be at least one and one-half times the amount of the federal minimum wage (new minimum hourly rate would be \$7.725). Under current statute, the federal minimum hourly wage is the minimum pay required. Under the provisions of the bill, the minimum rate of pay in a primary or runoff primary election for an election officer who has attended a training program would be increased from \$7 per hour to \$9 per hour. The bill would also require that compensation be made to the election judge or clerk not later than 72 hours after the time the compensation statement is submitted.

The bill would also amend the Election Code to require compensation at a rate of at least one and one-half times the federal minimum wage for election judges, early voting clerks, and deputy early voting clerks in charge of early voting polling places for attending a required training program. There is no minimum rate of compensation for attending training under current statute. The applicable political subdivision would be required to provide compensation not later than 72 hours after acceptable documentation is submitted.

Methodology

The state provides compensation to election judges and clerks for primary elections only; local governments provide the compensation for all other elections. The state does not pay the expense of training election officials; that cost is the responsibility of the local government entity.

According to the Secretary of State, there were 57,755 election judges and clerks that served in the 2006 primary election cycle. Of that number there were 8,456 who did not attend training. The workers who did not attend training were paid the federal minimum wage of \$5.15 an hour; the 49,299 workers who attended training were compensated at a rate of \$7 per hour. All of the workers worked an average of 14 hours. At those rates, the compensation totaled approximately \$5.4 million $[(8,456 \times \$5.15 \times 14 \text{ hours}) + (49,299 \times \$7.00 \times 14 \text{ hours}) = \$5,440,979]$. Under the proposed increased rates, the cost to the state would have been \$7.1 million $[(8,456 \times \$7.725 \times 14 \text{ hours}) + (49,299 \times \$9.00 \times 14 \text{ hours}) = \$7,126,190]$. The proposed rate increase would increase the state's total cost by approximately \$1.7 million $(\$7,126,190 - \$5,440,797 = \$1,685,393)$.

Local Government Impact

If a political subdivision is paying election officials the current minimum amounts required, election costs and election training costs would increase. The additional costs to political subdivisions for increasing the minimum amount of compensation to election judges and clerks would vary by political subdivision and would depend on the number of election officials staffed, what the current pay to those officials is, and the number of elections held. Increases in amounts paid for training would also vary, depending on the number of officials attending training.

Local governments, especially those with numerous election precincts and workers, would incur additional costs that would significantly increase election costs for having to process election compensation within 72 hours after receiving a compensation statement. Larger counties would likely have to hire temporary payroll personnel and possibly reprogram payroll systems. In addition, the process used by most counties requires approval by the commissioners court prior to making payments; therefore, there would also be costs for calling an emergency meeting.

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

LBB Staff: JOB, DB