

AN ACT

relating to using county election precincts for any election held on the November uniform election date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 42.002(a), Election Code, is amended to read as follows:

(a) The county election precincts are the election precincts for the following elections:

(1) the general election for state and county officers;

(2) a special election ordered by the governor;

(3) a primary election; ~~and~~

(4) a countywide election ordered by the commissioners court, county judge, or other county authority, except an election subject to Section 42.062(2); and

(5) any other election of a political subdivision not located in a county with a population of more than 3.3 million or a county adjacent to a county with a population of more than 3.3 million held on the November uniform election date, as provided by Section 42.0621.

SECTION 2. Subchapter C, Chapter 42, Election Code, is amended by adding Section 42.0621 to read as follows:

Sec. 42.0621. PRECINCTS FOR NOVEMBER ELECTION. (a) In an election held on the November uniform election date, the

1 participating political subdivisions not located in a county with a
2 population of more than 3.3 million or a county adjacent to a county
3 with a population of more than 3.3 million shall use the regular
4 county election precincts.

5 (b) If an election precinct is not located wholly within the
6 territory of a political subdivision holding an election in the
7 precinct or a district used to elect an office at the election,
8 election officials shall take reasonable measures to ensure that a
9 voter voting at that precinct may not vote in an election in which
10 the voter is not entitled to vote.

11 (c) This section does not require a political subdivision to
12 contract with a county under Section 31.092 or hold a joint election
13 with a county under Chapter 271.

14 (d) The secretary of state shall prescribe procedures to
15 implement this section.

16 SECTION 3. Section 43.004, Election Code, is amended to
17 read as follows:

18 Sec. 43.004. DESIGNATION OF LOCATION: ELECTIONS OF OTHER
19 POLITICAL SUBDIVISIONS. (a) The governing body of each political
20 subdivision authorized to hold elections, other than a county,
21 shall designate the location of the polling place for each of its
22 election precincts.

23 (b) If a political subdivision not located in a county with
24 a population of more than 3.3 million or a county adjacent to a
25 county with a population of more than 3.3 million holds an election
26 on the November uniform election date, the political subdivision
27 shall designate as the polling places for the election the regular

1 county polling places in the county election precincts that contain
2 territory from the political subdivision.

3 SECTION 4. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 1209 was passed by the House on May 9, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1209 on May 26, 2005, by the following vote: Yeas 140, Nays 1, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1209 was passed by the Senate, with amendments, on May 23, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor