

BILL ANALYSIS

Senate Research Center

H.B. 3105
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 79th Legislature, Regular Session, 2005, created a pilot program for countywide voting. However, the countywide polling place program expired on January 2, 2007. The use of countywide polling places allows voters to vote at any of the polling places in a county. To participate in the pilot program, a county is required to file an application with the secretary of state asserting that the county has conducted a public hearing on participating in the program and is required to have the necessary technological capabilities to participate in the program, including polling places equipped with electronic voting machines and a computerized voter registration list that allows an election officer at the polling place to verify that a voter has not previously voted in the election.

H.B. 3105 re-establishes the countywide polling place program.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 43, Election Code, by adding Section 43.007, as follows:

- Sec. 43.007. COUNTYWIDE POLLING PLACE PROGRAM. (a) Requires the secretary of state to implement a program to use countywide polling places for each general election for state and county officers.
- (b) Requires the commissioners court of a county that desires to participate in such a program to hold a public hearing on such participation and to submit a transcript or electronic recording of the public comments made at the hearing to the secretary of state.
 - (c) Requires the secretary of state, in conducting the program, to provide for an audit of the direct recording electronic voting machines before, after, and to the extent it is practicable, during an election.
 - (d) Requires the secretary of state to select to participate in the program each county that meets the conditions set forth in this subsection.
 - (e) Authorizes the secretary of state to select a county for participation that has previously participated in a similar program.
 - (f) Requires a county that participates in a program under this section to establish countywide polling places at certain locations.
 - (g) Requires a county, in selecting locations under Subsection (f), to create a plan that establishes a methodology for determining where each polling place will be located. Sets forth certain requirements for the plan to follow.

- (h) Requires the county, in creating the plan under Subsection (g), to solicit input from representatives of community groups within the county.
- (i) Requires the county to make the methodology used in determining the location of a polling place under this section available to the public.
- (j) Authorizes a county that participates in a program under this section to also establish polling places for any county election precinct to serve the voters of the precinct.
- (k) Requires the secretary of state to operate the program established under Subsection (a) as a pilot program until June 1, 2009.
- (l) Requires the secretary of state to file a report with the legislature not later than January 1, 2009. Authorizes the report to include the secretary of state's recommendations on the future use of countywide polling places and suggestions for permanent statutory authority regarding countywide polling places.
- (m) Provides that this section expires June 1, 2009.

SECTION 2. Effective date: September 1, 2007.