

BILL ANALYSIS

C.S.H.B. 3105
By: Anchia
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 2005, the Legislature passed HB 758 to create a pilot program for countywide voting. The program allowed voters to vote at any countywide polling place on election day. Unfortunately, only one county participated in the pilot-- Lubbock County. Additionally, results from that program found that turnout decreased due to confusion over the elimination of traditional precincts for countywide precincts.

C.S.H.B. 3105 re-establishes the countywide program with the intent of increasing the prevalence of more convenient polling places in order to increase voter participation.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3105 requires the secretary of state to implement a countywide polling place program. Participating counties in the program will use countywide polling places for each general election for state and county. The commissioners court of a county that desires to participate in the program is required to hold a public hearing on the county's participation in the program and submit a transcript or electronic recording of the public comments made at the hearing to the secretary of state.

The bill provides that in conducting the program, the secretary of state is required to provide for an audit of the direct recording electronic (DRE) voting units before and after the election, and during the election to the extent such an audit is practicable.

The bill requires the secretary of state to select to participate in the program each county that has held a public hearing, has implemented a computerized voter registration list that allows an election officer to verify that a voter has not previously voted, uses DRE voting machines, and is determined by the secretary of state to have the appropriate technological capabilities. The bill authorizes the secretary of state to select a county that previously participated in a similar program.

C.S.H.B. 3105 requires counties that participate in the program to establish countywide polling places at locations in central business districts; at the location of main early voting polling place; at the location of a permanent branch polling place as established in the Election Code; at the location of a temporary branch polling place as established in the Election Code; and outside a central business district, based on geography and population to promote even distribution outside central business districts.

In selecting polling locations, counties must create a plan that establishes a methodology for determining where each polling place will be located. The plan must ensure that more countywide polling places are located in central business districts than in other areas of similar size; require the total number of polling places to be not less than 50 percent of the precinct polling places that would otherwise be located in the county; and receive the approval of each political party that nominated a candidate in the election for which the polling place will be used.

In creating the plan for locating polling locations, the bill requires the county to solicit input from representatives of community groups located within the county, including neighborhood groups and communities with a significant minority population. The bill also requires participating counties to provide the methodology used in determining the location of a countywide polling place available to the public.

The bill provides that a county that participates in the program may also establish polling places for any county election precinct to serve the voters of the precinct.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 3105 changes the introduced bill to provide that counties must create a plan that establishes a methodology for determining where each polling place will be located. The plan required by the substitute must require that the number of countywide polling places to be not less than 50 percent of the precinct polling places that would otherwise be located in the county; and receive the approval of each political party that nominated a candidate in the election for which the polling place will be used.

In creating the plan for locating polling locations, the substitute requires the county to solicit input from representatives of community groups, including neighborhood groups and communities with a significant minority population. The substitute also requires participating counties to provide the methodology used in determining the location of a countywide polling place available to the public.

C.S.H.B. 3105 adds a provision that allows a county that participates in the program created by the bill to also establish polling places for any county election precinct to serve the voters of the precinct.