

## **BILL ANALYSIS**

H.B. 4076  
By: Hilderbran  
Elections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The purpose of the bill is to exempt the Lipan-Kickapoo Water Conservation district from the voting station requirements of Section 61.012 of the Election Code in order to allow voters to continue to vote in locations to which they are accustomed and to avoid excessively burdensome expense resulting from the non-typical district boundaries.

The Lipan-Kickapoo Water Conservation District comprises parts of Tom Green County and most of Concho and Runnels counties; however, none of the municipalities in any of these counties are included within District boundaries.

Since 1991, the water district has entered into inter-local contracts with school districts, counties, and elections administrators to hold district elections. The change in state law requiring all political subdivisions to use HAVA voting machines and requiring schools to hold their elections with either the cities or the counties resulted in the cancellation of all election contracts with the District, and therefore terminated the District's access to all our precleared polling locations. Since none of the incorporated towns or municipalities are included in the district, the Department of Justice formerly precleared those locations only because the District, school districts, and counties have overlapping boundaries and the normal polling locations for the schools are within the cities. In order to maintain the current precleared polling locations, the District has been trying to negotiate new contracts with the schools and county clerks in Concho and Runnels counties since January of 2006, but has not been able to do so.

The district board has determined that the only way to comply with state law in the forthcoming May 2007 election is to consolidate all polling locations into one location in Tom Green county and contract with the Tom Green County Elections Administrator to hold the election. Thus all voters in Concho, Runnels, and Tom Green counties must cast early votes at the election administrator's office in San Angelo (Tom Green county) and will vote on election day at the existing Tom Green county polling location in Wall.

The District will only be able to resume its previous practice of holding elections in multiple polling locations which are convenient to voters if it is exempted from the Section 61.012, Election Code requirement of a voting station at each polling location which meets accessibility requirements under 42 U.S.C. Section 15481 (a) (3).

### **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**

H.B. 4076 amends Chapter 439, Acts of the 70th Legislature, Regular Session, 1987 by adding Section 13A exempting the district from Section 61.012 of the Election Code requiring use of voting stations which meet the requirements for accessibility of 42 U.S.C. Section 15481 (a)(3), and requiring the district to inform the Secretary of State of each polling place in the district where such voting stations will not be provided.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

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