

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 11, 2007

TO: Honorable Leo Berman, Chair, House Committee on Elections

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

IN RE: SB1776 by Duncan (Relating to the requirements for accessibility to voting equipment by persons with disabilities in certain elections.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code to remove the January 1, 2006 deadline reference for polling places to provide at least one voting station to accommodate persons with disabilities. The bill would add to the accommodations for which at least one station must comply, accessibility under 42 U.S.C. Section 15481(a)(3) and its subsequent amendments.

Section 61.013 would be added to the Election Code to provide that for an election other than an election of a political subdivision that is held jointly with another election in which a federal office appears on the ballot, certain political subdivisions would not be required to provide at least one voting station that complies with various listed federal laws regarding accommodations for persons with disabilities. The exception would be applied based on population criteria or on proof the accommodation would create an undue burden. The political subdivision would be required to file an application with the Secretary of State not later than 90 days before the election to seek the exception. The Secretary of State would be required to make a determination within 20 days after receipt of the application.

For the purposes of Section 61.013, a political subdivision that is located in more than one county would be allowed to choose to be considered located in the county that contains the greatest number of registered voters of the political subdivision or for each portion of the political subdivision located in a different county, to be considered a separate political subdivision.

The Secretary of State would be required to prescribe procedures and adopt rules as necessary to implement Section 61.013.

The bill would repeal the stipulation that the only polling places required to accommodate voters with disabilities would be those that use an electronic voting system.

The bill would take effect September 1, 2007.

Based on analysis from the Secretary of State, requirements under the bill could be achieved utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: JOB, MN, KJG, DB