

SENATE AMENDMENTS

2nd Printing

By: Hilderbran

H.B. No. 556

A BILL TO BE ENTITLED

AN ACT

relating to voting station requirements for elections held by the Hickory Underground Water Conservation District No. 1.

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

SECTION 1. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8818 to read as follows:

CHAPTER 8818. HICKORY UNDERGROUND WATER CONSERVATION

DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8818.001. DEFINITION. In this chapter, "district" means the Hickory Underground Water Conservation District No. 1.

Sec. 8818.002. ELECTION PROCEDURES. (a) Notwithstanding Section 61.012, Election Code, for an election held by the district, other than an election that is held jointly with another election in which a federal office appears on the ballot, the use of a voting station that meets the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) is not required.

(b) The board of directors of the district shall notify the secretary of state if the district does not provide at least one voting station at each polling place used in the election that meets the requirements for accessibility under 42 U.S.C. Section 15481(a)(3).

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as

H.B. No. 556

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2007.

ADOPTED

MAY 23 2007

FLOOR AMENDMENT NO.

Atty Gen
Secretary of the Senate

BY:

Duncan

1 Amend H.B. No. 556 by adding the following appropriately
2 numbered SECTIONS to the bill and by renumbering the existing
3 SECTIONS as appropriate:

4 SECTION _____. The heading to Section 31.009, Election
5 Code, is amended to read as follows:

6 Sec. 31.009. DISTRIBUTION OF CERTAIN ~~FEDERAL~~ FUNDS.

7 SECTION _____. Section 31.009(a), Election Code, is amended
8 to read as follows:

9 (a) If federal funds are made available to assist the
10 state in the administration of elections, including assistance
11 for the phasing out or prohibition of the use of punch-card
12 ballot voting systems in this state, or state funds are made
13 available to reimburse political subdivisions for expenses
14 incurred in conducting a special election that is held
15 statewide, the secretary of state shall administer and
16 distribute the funds as appropriate to most effectively
17 facilitate the purposes for which the funds are made available.

18 SECTION _____. This Act takes effect immediately if it
19 receives a vote of two-thirds of all the members elected to each
20 house, as provided by Section 39, Article III, Texas
21 Constitution. If this Act does not receive the vote necessary
22 for immediate effect, this Act takes effect on the 91st day
23 after the last day of the legislative session.

ADOPTED

MAY 23 2007

Lotay Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY: Duncan

Amend H.B. No. 556 by adding the following appropriately numbered SECTIONS to the bill and by renumbering the existing SECTIONS as appropriate:

SECTION _____. It is the intent of the legislature that in creating the formula for the finding of an undue burden in Subsection (c), Section 61.013, Election Code, as added by this Act, the legislature took into account the size of the political subdivision holding the election, which affects the amount of available funds and election workforce, and the costs of voting machine systems compared to previous accommodations for voters with disabilities.

SECTION _____. Subsection (a), Section 61.012, Election Code, is amended to read as follows:

(a) Except as provided by Section 61.013 [~~Not later than January 1, 2006~~], each polling place must provide at least one voting station that:

(1) complies with:

(A) Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments;

(B) [~~and~~] Title II of the federal Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments; and

(C) the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) and its subsequent amendments; and

(2) provides a practical and effective means for voters with physical disabilities to cast a secret ballot.

SECTION _____. Subchapter A, Chapter 61, Election Code, is amended by adding Section 61.013 to read as follows:

Sec. 61.013. ACCESS BY PERSONS WITH DISABILITIES:

1 ELECTIONS OF CERTAIN POLITICAL SUBDIVISIONS. (a) For an election
2 other than an election of a political subdivision that is held
3 jointly with another election in which a federal office appears on
4 the ballot, the political subdivision is not required to meet the
5 requirements of Section 61.012(a)(1)(C) if the political
6 subdivision:

7 (1) is a county with a population of less than 2,000;

8 (2) is a county with a population of 2,000 or more but
9 less than 5,000, and the county provides at least one voting station
10 that meets the requirements for accessibility under 42 U.S.C.
11 Section 15481(a)(3) on election day;

12 (3) is a county with a population of 5,000 or more but
13 less than 10,000, and the county provides at least one voting
14 station that meets the requirements for accessibility under 42
15 U.S.C. Section 15481(a)(3) on election day and during the period
16 for early voting by personal appearance;

17 (4) is a county with a population of 10,000 or more but
18 less than 20,000, and the county:

19 (A) makes a showing in the manner provided by
20 Subsection (c) that compliance with Section 61.012(a)(1)(C)
21 constitutes an undue burden on the county;

22 (B) provides at least one voting station that
23 meets the requirements for accessibility under 42 U.S.C. Section
24 15481(a)(3) on election day and during the period for early voting
25 by personal appearance; and

26 (C) provides a mobile voting station that meets
27 the requirements for accessibility under 42 U.S.C. Section
28 15481(a)(3) that during the period for early voting by personal
29 appearance is deployed at least once at each polling place used for
30 early voting by personal appearance; or

31 (5) is located in a county described by Subdivisions

1 (1)-(4) and meets the same requirements as the county in which the
2 political subdivision is located.

3 (b) A voter with a disability that desires a reasonable
4 accommodation to vote in an election of a county described by
5 Subsection (a)(1) or a political subdivision located in that county
6 shall make a request for the accommodation with the early voting
7 clerk of the county or political subdivision not later than the 21st
8 day before the date of the election. On receipt of the request, the
9 early voting clerk shall make a reasonable accommodation to allow
10 the voter to cast a vote.

11 (c) A county or political subdivision may make a showing of
12 undue burden under Subsection (a)(4)(A) by filing an application
13 with the secretary of state not later than the 90th day before the
14 date of the election that states the reasons that compliance would
15 constitute an undue burden. A showing of an undue burden may be
16 satisfied by proof that the election costs associated with
17 compliance with Section 61.012(a)(1)(C) constitute a significant
18 expense for the county or political subdivision and reflect an
19 increase of at least 25 percent in the costs of holding an election
20 as compared to the costs of the last general election held by the
21 county or political subdivision before January 1, 2006. Not later
22 than the 20th day after the date of receiving an application under
23 this section, the secretary of state shall determine whether
24 compliance with Section 61.012(a)(1)(C) is an undue burden for the
25 county or political subdivision.

26 (d) A county or political subdivision that intends to use
27 this section to provide fewer voting stations that meet the
28 requirements for accessibility under 42 U.S.C. Section 15481(a)(3)
29 than required by Section 61.012(a)(1)(C) must:

30 (1) provide notice to the secretary of state of that
31 intent not later than the 90th day before the date of the election;

1 and

2 (2) for a county described by Subsection (a)(2), (3),
3 or (4), or a political subdivision located in such a county, publish
4 notice of the location of each voting station that meets the
5 requirements for accessibility under 42 U.S.C. Section 15481(a)(3)
6 in a newspaper of general circulation in the county or political
7 subdivision not later than the 15th day before the date of the start
8 of the period of early voting by personal appearance.

9 (e) For purposes of this section, a political subdivision
10 located in more than one county may choose:

11 (1) to be considered located in the county that
12 contains the greatest number of registered voters of the political
13 subdivision; or

14 (2) for each portion of the political subdivision
15 located in a different county, to be considered a separate
16 political subdivision.

17 (f) The secretary of state shall prescribe procedures and
18 adopt rules as necessary to implement this section.

19 SECTION _____. Subsection (b), Section 61.012, Election Code,
20 is repealed.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 11, 2007

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

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

IN RE: HB556 by Hilderbran (Relating to voting station requirements for elections held by the Hickory Underground Water Conservation District No. 1.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would allow the Hickory Underground Water Conservation District No. 1, under certain circumstances, to use a voting station that does not meet the requirements for accessibility under 42 U.S.C. Section 15481(a)(3). The board of directors would be required in that circumstance to notify the Secretary of State if the district does not provide at least one voting station at each polling place used in the election that meets the 42 U.S.C. Section 15481(a)(3) requirements.

The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2007.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies: 307 Secretary of State

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 2, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

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

IN RE: HB556 by Hilderbran (Relating to voting station requirements for elections held by the Hickory Underground Water Conservation District No. 1.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would allow the Hickory Underground Water Conservation District No. 1, under certain circumstances, to use a voting station that does not meet the requirements for accessibility under 42 U.S.C. Section 15481(a)(3). The board of directors would be required in that circumstance to notify the Secretary of State if the district does not provide at least one voting station at each polling place used in the election that meets the 42 U.S.C. Section 15481(a)(3) requirements.

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