

SENATE AMENDMENTS

2nd Printing

By: Anchia

H.B. No. 3105

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a program allowing for countywide voting locations in
3 certain elections.

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

5 SECTION 1. Subchapter A, Chapter 43, Election Code, is
6 amended by adding Section 43.007 to read as follows:

7 Sec. 43.007. COUNTYWIDE POLLING PLACE PROGRAM. (a) The
8 secretary of state shall implement a program to use countywide
9 polling places for each general election for state and county
10 officers.

11 (b) The commissioners court of a county that desires to
12 participate in the program authorized by this section shall hold a
13 public hearing on the county's participation in the program. The
14 commissioners court shall submit a transcript or electronic
15 recording of the public comments made at the hearing to the
16 secretary of state.

17 (c) In conducting the program, the secretary of state shall
18 provide for an audit of the direct recording electronic voting
19 units before and after the election, and during the election to the
20 extent such an audit is practicable.

21 (d) The secretary of state shall select to participate in
22 the program each county that:

23 (1) has held a public hearing under Subsection (b);

24 (2) has implemented a computerized voter registration

1 list that allows an election officer at the polling place to verify
2 that a voter has not previously voted in the election;

3 (3) uses direct recording electronic voting machines;
4 and

5 (4) is determined by the secretary of state to have the
6 appropriate technological capabilities.

7 (e) The secretary of state may select a county to
8 participate in the program that has previously participated in a
9 similar program.

10 (f) A county that participates in a program under this
11 section shall establish countywide polling places:

12 (1) at locations in central business districts;
13 (2) at the location of the main early voting polling
14 place;

15 (3) at the location of a permanent branch polling
16 place established under Section 85.061;

17 (4) at the location of a temporary branch polling
18 place established under Section 85.062; and

19 (5) outside a central business district, based on
20 geography and population to promote even distribution outside
21 central business districts.

22 (g) In selecting locations under Subsection (f), a county
23 must create a plan that establishes a methodology for determining
24 where each polling place will be located. The plan must:

25 (1) ensure that more countywide polling places are
26 located in central business districts than in other areas of
27 similar size;

1 (2) require the total number of polling places
2 established for the election to be not less than 50 percent of the
3 number of precinct polling places that would otherwise be located
4 in the county; and

5 (3) receive the approval of each political party that
6 nominated a candidate in the election for which the polling places
7 will be used.

8 (h) In creating the plan under Subsection (g), the county
9 shall solicit input from representatives of community groups
10 located within the county, including neighborhood groups and
11 communities with a significant minority population.

12 (i) The county shall make the methodology used in
13 determining the location of a countywide polling place under this
14 section available to the public.

15 (j) A county that participates in a program under this
16 section may also establish polling places for any county election
17 precinct to serve the voters of the precinct.

18 (k) The secretary of state shall operate the program
19 established under Subsection (a) as a pilot program until June 1,
20 2009.

21 (l) Not later than January 1, 2009, the secretary of state
22 shall file a report with the legislature. The report may include
23 the secretary of state's recommendations on the future use of
24 countywide polling places and suggestions for permanent statutory
25 authority regarding countywide polling places.

26 (m) This section expires June 1, 2009.

27 SECTION 2. This Act takes effect September 1, 2007.

ADOPTED

MAY 18 2007

Leroy Spaul
Secretary of the Senate

By: *Amehia*

H.B. No. 3105

Substitute the following for H.B. No. 3105:

By: *Dum*

C.S. H.B. No. 3105

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a program allowing for countywide voting locations
3 in certain elections

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

5 SECTION 1. Subchapter A, Chapter 43, Election Code,
6 is amended by adding Section 43.007 to read as follows:

7 Sec. 43.007. COUNTYWIDE POLLING PLACE PROGRAM. (a) The
8 secretary of state shall implement a program to allow each
9 commissioners court participating in the program to eliminate
10 county election precincts and establish countywide polling
11 places for:

12 (1) each general election for state and county
13 officers;

14 (2) each countywide election held on the uniform
15 election date in May; and

16 (3) each election of a political subdivision located
17 in the county that is held jointly with an election described by
18 subdivision (1) or (2).

19 (b) The commissioners court of a county that desires to

1 participate in the program authorized by this section shall hold
2 a public hearing on the county's participation in the program.
3 The commissioners court shall submit a transcript or electronic
4 recording of the public comments made at the hearing to the
5 secretary of state. A county that has previously participated
6 in a similar program and held a public hearing on the county's
7 participation in that program is not required to hold a hearing
8 under this subsection.

9 (c) In conducting the program, the secretary of state
10 shall provide for an audit of the direct recording electronic
11 voting units before and after the election, and during the
12 election to the extent such an audit is practicable.

13 (d) The secretary of state shall select to participate in
14 the program each county that:

15 (1) has held a public hearing under Subsection (b);

16 (2) has implemented a computerized voter registration
17 list that allows an election officer at the polling place to
18 verify that a voter has not previously voted in the election;

19 (3) uses direct recording electronic voting machines;

20 and

21 (4) is determined by the secretary of state to have
22 the appropriate technological capabilities.

23 (e) Each countywide polling place must allow a voter to
24 vote in the same elections in which the voter would be entitled

1 to vote in the county election precinct in which the voter
2 resides.

3 (f) In selecting countywide polling places, a county must
4 adopt a methodology for determining where each polling place
5 will be located. The total number of countywide polling places
6 may not be less than 50 percent of the number of precinct
7 polling places that would otherwise be located in the county.

8 (g) The secretary of state may select a county to
9 participate in the program that has previously participated in a
10 similar program.

11 (h) The secretary of state shall operate the program
12 established under Subsection (a) as a pilot program until June
13 1, 2009.

14 (i) At the conclusion of the pilot program established
15 under Subsection (a), but not later than January 1, 2009, the
16 secretary of state shall file a report with the legislature.
17 The report may include the secretary of state's recommendations
18 on the future use of countywide polling places and suggestions
19 for permanent statutory authority regarding countywide polling
20 places.

21 (j) This section expires June 1, 2009.

22 SECTION 2. This Act takes effect immediately if it
23 receives a vote of two-thirds of all the members elected to each
24 house, as provided by Section 39, Article III, Texas

1 Constitution. If this Act does not receive the vote necessary
2 for immediate effect, this Act takes effect September 1, 2007.

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 15, 2007

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

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

IN RE: HB3105 by Anchia (Relating to a program allowing for countywide voting locations in certain elections.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would allow for countywide voting locations in certain elections. The secretary of state would be responsible for implementing a program to allow a commissioners court to participate in a countywide voting program; auditing the direct recording devices used during the elections; and selecting the counties eligible to participate based on criteria established in the bill. The program would be a pilot program until June 1, 2009, at which time the secretary of state would file a report with the legislature that contains recommendations and suggestions for permanent statutory authority regarding countywide polling places.

The bill would be effective upon a two-thirds vote of each house. Otherwise the bill would be effective September 1, 2007.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. It is assumed that a commissioners court of a county would elect to participate in the countywide polling place program only if funds are available.

Source Agencies: 307 Secretary of State

LBB Staff: JOB, MS, KJG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 14, 2007

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

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

IN RE: HB3105 by Anchia (Relating to a program allowing for countywide voting locations in certain elections.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code to require the Secretary of State to implement a program to use countywide voting locations for each general election for state and county officers. The program would be a pilot program until June 1, 2009, at which time the secretary of state would file a report with the legislature that contains recommendations and suggestions for permanent statutory authority regarding countywide polling places.

It is anticipated that any additional cost to the state would be absorbed within current resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. It is assumed that a commissioners court of a county would elect to participate in the countywide polling place program only if funds are available.

Source Agencies: 307 Secretary of State

LBB Staff: JOB, KJG, MN, MS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 16, 2007

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

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

IN RE: **HB3105** by Anchia (Relating to a program allowing for countywide voting locations in certain elections.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code to provide for countywide voting locations in certain elections. It is anticipated that any additional cost to the state would be absorbed within current resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. It is assumed that a commissioners court of a county would elect to participate in the countywide polling place program only if funds are available.

Source Agencies: 307 Secretary of State

LBB Staff: JOB, MN, MS, KJG

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 2, 2007

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

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

IN RE: **HB3105** by Anchia (Relating to a program allowing for countywide voting locations in certain elections.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code to provide for countywide voting locations in certain elections. It is anticipated that any additional cost to the state would be absorbed within current resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. It is assumed that a commissioners court of a county would elect to participate in the countywide polling place program only if funds are available.

Source Agencies: 307 Secretary of State

LBB Staff: JOB, MN, MS, KJG

