

**House Bill 556**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

No equivalent provision.

No equivalent provision.

SENATE VERSION

SECTION \_\_. The heading to Section 31.009, Election Code, is amended to read as follows:

Sec. 31.009. DISTRIBUTION OF CERTAIN  
~~[FEDERAL]~~ FUNDS.

SECTION \_\_. Section 31.009(a), Election Code, is amended to read as follows:

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

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.

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No equivalent provision.

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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.

CONFERENCE

No equivalent provision.

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: ELECTIONS OF CERTAIN POLITICAL SUBDIVISIONS. (a) 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, the political subdivision is not required to meet the requirements of Section 61.012(a)(1)(C) if the political subdivision:  
(1) is a county with a population of less than 2,000;

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

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

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

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

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

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

(5) is located in a county described by Subdivisions (1)-(4) and meets the same requirements as the county in which the political subdivision is located.

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

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

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

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must:  
(1) provide notice to the secretary of state of that intent not later than the 90th day before the date of the election;  
and  
(2) for a county described by Subsection (a)(2), (3), or (4), or a political subdivision located in such a county, publish notice of the location of each voting station that meets the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) in a newspaper of general circulation in the county or political subdivision not later than the 15th day before the date of the start of the period of early voting by personal appearance.  
(e) For purposes of this section, a political subdivision located in more than one county may choose:  
(1) to be considered located in the county that contains the greatest number of registered voters of the political subdivision; or  
(2) for each portion of the political subdivision located in a different county, to be considered a separate political subdivision.  
(f) The secretary of state shall prescribe procedures and adopt rules as necessary to implement this section.

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

Same as House version.

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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).

No equivalent provision.

No equivalent provision.

SENATE VERSION

SECTION \_\_. Subsection (b), Section 61.012, Election Code, is repealed.

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

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SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

SENATE VERSION

Same as House version.

CONFERENCE