

House Bill 3105
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subchapter A, Chapter 43, Election Code, is amended by adding Section 43.007 to read as follows:
Sec. 43.007. COUNTYWIDE POLLING PLACE PROGRAM. (a) The secretary of state shall implement a program to use countywide polling places for each general election for state and county officers.

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

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

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

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SECTION 1. Subchapter A, Chapter 43, Election Code, is amended by adding Section 43.007 to read as follows:
Sec. 43.007. COUNTYWIDE POLLING PLACE PROGRAM. (a) The secretary of state shall implement a program to allow each commissioners court participating in the program to eliminate county election precincts and establish countywide polling places for:
(1) each general election for state and county officers;
(2) each countywide election held on the uniform election date in May; and
(3) each election of a political subdivision located in the county that is held jointly with an election described by Subdivision (1) or (2).

(b) The commissioners court of a county that desires to participate in the program authorized by this section shall hold a public hearing on the county's participation in the program. The commissioners court shall submit a transcript or electronic recording of the public comments made at the hearing to the secretary of state. A county that has previously participated in a similar program and held a public hearing on the county's participation in that program is not required to hold a hearing under this subsection.

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

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

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(1) has held a public hearing under Subsection (b);
(2) has implemented a computerized voter registration list that allows an election officer at the polling place to verify that a voter has not previously voted in the election;

(3) uses direct recording electronic voting machines; and
(4) is determined by the secretary of state to have the appropriate technological capabilities.

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

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

- (1) at locations in central business districts;
- (2) at the location of the main early voting polling place;
- (3) at the location of a permanent branch polling place established under Section 85.061;
- (4) at the location of a temporary branch polling place established under Section 85.062; and
- (5) outside a central business district, based on geography and population to promote even distribution outside central business districts.

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

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(1) has held a public hearing under Subsection (b);
(2) has implemented a computerized voter registration list that allows an election officer at the polling place to verify that a voter has not previously voted in the election;

(3) uses direct recording electronic voting machines; and
(4) is determined by the secretary of state to have the appropriate technological capabilities.

(e) Each countywide polling place must allow a voter to vote in the same elections in which the voter would be entitled to vote in the county election precinct in which the voter resides.

(f) In selecting countywide polling places, a county must adopt a methodology for determining where each polling place will be located.

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

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

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

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

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

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

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

(l) Not later than January 1, 2009, the secretary of state shall file a report with the legislature. The report may

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The total number of countywide polling places may not be less than 50 percent of the number of precinct polling places that would otherwise be located in the county.

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

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

(i) At the conclusion of the pilot program established under Subsection (a), but not later than January 1, 2009, the secretary of state shall file a report with the

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include the secretary of state's recommendations on the future use of countywide polling places and suggestions for permanent statutory authority regarding countywide polling places.

(m) This section expires June 1, 2009.

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

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legislature. The report may include the secretary of state's recommendations on the future use of countywide polling places and suggestions for permanent statutory authority regarding countywide polling places.

(j) This section expires June 1, 2009.

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.

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