

BILL ANALYSIS

C.S.S.B. 1310
By: Duncan
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A program to allow a county to opt for countywide voting locations in place of the traditional precinct polling place location has been in place since the legislature adopted a pilot program in 2005. Although there has been limited participation in the program, the counties that have participated have done so in a successful manner.

The use of countywide polling places allows voters to vote at any of the polling places in the county on election day.

C.S.S.B. 1310 requires the secretary of state to implement a program to allow a commissioners court to participate in the program to eliminate county election precincts and establish countywide polling places. The bill requires a county to file an application with the secretary of state asserting that the county has conducted a public hearing and has the necessary technological capabilities, including polling places equipped with electronic voting machines and 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.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1310 amends the Election Code to require the secretary of state to implement a program to allow each commissioners court participating in the countywide polling place program to eliminate county election precinct polling places and establish countywide polling places for each general election for state and county officers, each countywide election held on the uniform election date in May, each election on a proposed constitutional amendment, and each election of a political subdivision located in the county that is held jointly with such elections. The bill requires the commissioners court of a county that desires to participate in the program to hold a public hearing on the county's participation in the program. The bill requires the commissioners court to submit a transcript or electronic recording of the public comments made at the hearing to the secretary of state and specifies that 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 to participate in this program.

C.S.S.B. 1310 requires the secretary of state, in conducting the program, to 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. The bill requires the secretary of state to select to participate in the program each county that has held a public hearing, has submitted documentation listing the steps taken to solicit input on participating in the program by organizations or persons who represent the interests of voters, 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, uses direct recording electronic voting machines, and is determined by the secretary of state to have the appropriate technological capabilities. The bill requires each countywide polling place to 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.

C.S.S.B. 1310 requires a county, in selecting countywide polling places, to adopt a methodology for determining where each polling place will be located and prohibits the total number of countywide polling places from being less than 50 percent of the number of precinct polling places that would otherwise be located in the county for that election or, for an election held in the first year in which the county participates in the program, 65 percent of the number of precinct polling places that would otherwise be located in the county for that election. The bill requires a participating county to establish a plan to provide notice informing voters of the polling place location changes and requires the plan to require notice of the location of the nearest countywide polling place be posted on election day at each polling place used in the previous general election for state and county officers that is not used as a countywide polling place. The bill requires the county, in adopting the methodology or creating the plan described above, to solicit input from organizations or persons located within the county who represent minority voters. The bill authorizes the secretary of state to select only three counties with a population of 100,000 or more and two counties with a population of less than 100,000 to participate in the program.

C.S.S.B. 1310 requires the secretary of state to file a report with the legislature not later than January 1 of each odd-numbered year. The bill requires the report to include any complaints or concerns regarding a specific election that have been filed with the office of the secretary of state before the preparation of the report and any available information about voter turnout and waiting times at the polling places. The bill authorizes the report to include the secretary of state's recommendations on the future use of countywide polling places and suggestions for statutory amendment regarding the use of countywide polling places.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 1310 adds a provision not in the original that includes in the criteria for a county's selection by the secretary of state to participate in the program that the county has submitted documentation listing the steps taken to solicit input on participating in the program by organizations or persons who represent the interest of voters.

C.S.S.B. 1310 differs from the original by specifying that the prohibition against the total number of countywide polling places from being less than 50 percent of the number of precinct polling places that would otherwise be located in the county applies for that election, and adds a provision not in the original that prohibits the total number of countywide polling places, for an election held in the first year in which the county participates in the program, from being less than 65 percent of the number of precinct polling places that would otherwise be located in the county for that election.

C.S.S.B. 1310 adds language not in the original that requires the county to solicit input from organizations or persons located within the county who represent minority voters when adopting a methodology for determining where each polling place will be located. The substitute differs from the original by authorizing the secretary of state to select only three counties with a population of 100,000 or more and two counties with a population of less than 100,000 to participate in the program, whereas the original authorizes the selection of a county that has previously participated in a similar program.

C.S.S.B. 1310 adds a provision not in the original that requires the report submitted by the secretary of state to the legislature to include any complaints or concerns regarding a specific election that have been filed with the office of the secretary of state before the preparation of the report and any available information about voter turnout and waiting times at the polling places.