

By: Duncan

S.B. No. 1310

Substitute the following for S.B. No. 1310:

By: Allen

C.S.S.B. No. 1310

A BILL TO BE ENTITLED

AN ACT

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

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

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 precinct polling places 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;

(3) each election on a proposed constitutional amendment; and

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

(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

1 recording of the public comments made at the hearing to the  
2 secretary of state. A county that has previously participated in a  
3 similar program and held a public hearing on the county's  
4 participation in that program is not required to hold a hearing  
5 under this subsection.

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

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

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

13 (2) has submitted documentation listing the steps  
14 taken to solicit input on participating in the program by  
15 organizations or persons who represent the interests of voters;

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

19 (4) uses direct recording electronic voting machines;

20 and

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

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

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

1 be located. The total number of countywide polling places may not  
2 be less than:

3 (1) except as provided by Subdivision (2), 50 percent  
4 of the number of precinct polling places that would otherwise be  
5 located in the county for that election; or

6 (2) for an election held in the first year in which the  
7 county participates in the program, 65 percent of the number of  
8 precinct polling places that would otherwise be located in the  
9 county for that election.

10 (g) A county participating in the program must establish a  
11 plan to provide notice informing voters of the changes made to the  
12 locations of polling places under the program. The plan must  
13 require that notice of the location of the nearest countywide  
14 polling place be posted on election day at each polling place used  
15 in the previous general election for state and county officers that  
16 is not used as a countywide polling place.

17 (h) In adopting a methodology under Subsection (f) or  
18 creating the plan under Subsection (g), the county shall solicit  
19 input from organizations or persons located within the county who  
20 represent minority voters.

21 (i) The secretary of state may only select to participate in  
22 the program three counties with a population of 100,000 or more and  
23 two counties with a population of less than 100,000.

24 (j) Not later than January 1 of each odd-numbered year, the  
25 secretary of state shall file a report with the legislature. The  
26 report must include any complaints or concerns regarding a specific  
27 election that have been filed with the office of the secretary of

1 state before the preparation of the report and any available  
2 information about voter turnout and waiting times at the polling  
3 places. The report may include the secretary of state's  
4 recommendations on the future use of countywide polling places and  
5 suggestions for statutory amendment regarding the use of countywide  
6 polling places.

7 SECTION 2. This Act takes effect September 1, 2009.