

By: Duncan

S.B. No. 1355

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to allowing for countywide polling places as an  
3 alternative election system.

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

5 SECTION 1. Section 43.007, Election Code, is amended to  
6 read as follows:

7 Sec. 43.007. COUNTYWIDE POLLING PLACE; ALTERNATIVE  
8 ELECTION SYSTEM [~~PROGRAM~~]. (a) A county may conduct its elections  
9 under this section as an alternative to the general election  
10 provisions of this chapter.

11 (b) The secretary of state shall establish rules for  
12 counties [~~implement a program~~] to allow a each commissioners  
13 court [~~participating in the program~~] to eliminate county election  
14 precinct polling places and establish countywide polling places  
15 for:

16 (1) each general election for state and county  
17 officers;

18 (2) each countywide election held on the uniform  
19 election date in May;

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

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

1           (c) [~~(b)~~] The commissioners court of a county that desires  
2 to use countywide polling places as an alternative election system  
3 [~~participate in the program authorized by this section~~] shall hold  
4 a public hearing on the proposed election system change [~~county's~~  
5 ~~participation in the program~~]. The county shall make a reasonable  
6 effort to provide notice of the hearing to other political  
7 subdivisions within the jurisdiction of the county [~~commissioners~~  
8 ~~court shall submit a transcript or electronic recording of the~~  
9 ~~public comments made at the hearing to the secretary of state~~]. A  
10 county that has previously used countywide polling places as an  
11 alternative election system [~~participated in a similar program~~] and  
12 held a public hearing on the county's use of that system  
13 [~~participation in that program~~] is not required to hold a hearing  
14 under this subsection.

15           (d) The [~~(c)~~ ~~In conducting the program, the~~] secretary of  
16 state shall provide for an audit of the direct recording electronic  
17 voting units before and after the election, and during the election  
18 to the extent such an audit is practicable.

19           (e) [~~(d)~~] The secretary of state by rule shall require a  
20 [~~select to participate in the program each~~] county that desires to  
21 use countywide polling places as an alternative election system to:

22                   (1) implement [~~has held a public hearing under~~  
23 ~~Subsection (b),~~

24                   [~~(2) has submitted documentation listing the steps~~  
25 ~~taken to solicit input on participating in the program by~~  
26 ~~organizations or persons who represent the interests of voters,~~

27                   [~~(3) has implemented~~] a computerized voter

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

4 (2) use [~~(4) uses~~] direct recording electronic voting  
5 machines or other state-certified voting equipment that has the  
6 appropriate capabilities to permit the use of countywide polling  
7 places; and

8 (3) document that the county possesses [~~(5) is~~  
9 ~~determined by the secretary of state to have~~] the appropriate  
10 technological capabilities as determined by the secretary of state.

11 (f) [~~(e)~~] Each countywide polling place must allow a voter  
12 to vote in the same elections in which the voter would be entitled  
13 to vote in the county election precinct in which the voter resides.

14 (g) [~~(f)~~] In selecting countywide polling places, a county  
15 must adopt a methodology for determining where each polling place  
16 will be located. The total number of countywide polling places may  
17 not be less than [~~+~~

18 [~~(1) except as provided by Subdivision (2),~~] 50  
19 percent of the number of precinct polling places that would  
20 otherwise be located in the county for that election [~~+~~ ~~or~~

21 [~~(2) for an election held in the first year in which~~  
22 ~~the county participates in the program, 65 percent of the number of~~  
23 ~~precinct polling places that would otherwise be located in the~~  
24 ~~county for that election].~~

25 (h) [~~(g)~~] A county opting to use countywide polling places  
26 as an alternative election system for the first time [~~participating~~  
27 ~~in the program~~] must establish a plan to provide notice informing

1 voters of the changes made to the locations of polling places under  
2 the system [~~program~~]. The plan must require that notice of the  
3 location of the nearest countywide polling place be posted on  
4 election day at each polling place used in the previous general  
5 election for state and county officers that is not used as a  
6 countywide polling place.

7 (i) [~~(h)~~] In adopting a methodology under Subsection (g)  
8 [~~(f)~~] or creating the plan under Subsection (h) [~~(g)~~], the county  
9 shall solicit input from organizations or persons located within  
10 the county who represent minority voters.

11 [~~(i) The secretary of state may only select to participate~~  
12 ~~in the program three counties with a population of 100,000 or more~~  
13 ~~and two counties with a population of less than 100,000.~~

14 [~~(j) Not later than January 1 of each odd-numbered year, the~~  
15 ~~secretary of state shall file a report with the legislature. The~~  
16 ~~report must include any complaints or concerns regarding a specific~~  
17 ~~election that have been filed with the office of the secretary of~~  
18 ~~state before the preparation of the report and any available~~  
19 ~~information about voter turnout and waiting times at the polling~~  
20 ~~places. The report may include the secretary of state's~~  
21 ~~recommendations on the future use of countywide polling places and~~  
22 ~~suggestions for statutory amendment regarding the use of countywide~~  
23 ~~polling places.]~~

24 SECTION 2. This Act takes effect September 1, 2011.