BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 79th Legislature, Regular Session, 2005, created a pilot program for countywide voting. However, the countywide polling place program expired on January 2, 2007. The use of countywide polling places allows voters to vote at any of the polling places in a county. To participate in the pilot program, a county is required to file an application with the secretary of state asserting that the county has conducted a public hearing on participating in the program and is required to have the necessary technological capabilities to participate in the program, 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.

C.S.H.B. 3105 re-establishes the countywide polling place program.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 43, Election Code, by adding Section 43.007, as follows:

Sec. 43.007. COUNTYWIDE POLLING PLACE PROGRAM. (a) Requires the secretary of state to implement a program to allow each commissioners court participating in the program to eliminate county election precincts and establish countywide polling places for certain elections.

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

(c) Requires the secretary of state, in conducting the program, to provide for an audit of the direct recording electronic voting machines before, after, and to the extent it is practicable, during an election.

(d) Requires the secretary of state to select to participate in the program each county that meets the conditions set forth in this subsection.

(e) 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.

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

(g) Authorizes the secretary of state to select a county for participation that has previously participated in a similar program.

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

(i) Requires the secretary of state to file a report with the legislature at the conclusion of the pilot program established under Subsection (a), but not later than January 1, 2009. Authorizes the report to 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) Provides that this section expires June 1, 2009.

SECTION 2. Effective date: upon passage or September 1, 2007.