

BILL ANALYSIS

Senate Research Center
81R7519 JRJ-D

S.B. 1310
By: Duncan
State Affairs
3/25/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1310 establishes a program to allow a county to opt for countywide voting locations in place of the traditional precinct polling place location. This program 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.

As proposed, S.B. 1310 requires the secretary of state (SOS) 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 SOS 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. The bill provides various other protections, including approval by SOS, as well as a requirement that SOS report back to the legislature on the program not later than January 1, 2011.

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. COUNTY POLLING PLACE PROGRAM. (a) Requires the secretary of state (SOS) to implement a program to allow each commissioners court participating in the program to eliminate county election precincts 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, and each election of a political subdivision located in the county that is held jointly with an election described by Subdivision (1) or (2).

(b) Requires the commissioners court of a county that desires to participate in the program authorized by this section to hold a public hearing on the county's participation in the program. Requires the commissioners court to submit a transcript or electronic recording of the public comments made at the hearing to SOS. Provides 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 under this subsection.

(c) Requires SOS, 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.

- (d) Requires SOS to select to participate in the program each county that has held a public hearing under Subsection (b), 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 SOS to have the appropriate technological capabilities.
- (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) Requires a county participating in the program to establish a plan to provide notice informing voters of the changes made to the locations of polling places under the program. Requires that the plan require that 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.
- (h) Requires the county, in creating the plan under Subsection (g), to solicit input from organizations located within the county who represent minority voters.
- (i) Authorizes SOS to select a county to participate in the program that has previously participated in a similar program.
- (j) Requires SOS, not later than January 1, 2011, to file a report with the legislature. Authorizes the report to include SOS's recommendations on the future use of countywide polling places and suggestions for statutory authority regarding the use of countywide polling places throughout the state. Provides that this subsection expires September 1, 2011.

SECTION 2. Effective date: September 1, 2009.