

Chapter 606

AN ACT

relating to polling places for 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 recording of the public comments made at the hearing to the

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

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

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

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

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

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

18 (4) uses direct recording electronic voting machines;

19 and

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

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

25 (f) In selecting countywide polling places, a county must
26 adopt a methodology for determining where each polling place will
27 be located. The total number of countywide polling places may not

1 be less than:

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

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

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

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

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

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

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

6 SECTION 2. Subchapter E, Chapter 172, Election Code, is
7 amended by adding Section 172.127 to read as follows:

8 Sec. 172.127. CONTENT OF SIGN USED TO IDENTIFY POLLING
9 PLACE LOCATION. (a) This section applies only to a polling place
10 used to hold an election for more than one political party.

11 (b) A sign used to indicate the location of a polling place
12 for a primary election or a primary runoff election must either:

13 (1) not contain the name of, or symbol representing,
14 any political party that is holding an election at the polling
15 place; or

16 (2) contain each name of, or each symbol representing,
17 a political party that is holding an election at the polling place.

18 SECTION 3. This Act takes effect September 1, 2009.

David Newkirk

President of the Senate

Jim Strawn

Speaker of the House

I certify that H.B. No. 719 was passed by the House on April 15, 2009, by the following vote: Yeas 147, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 719 on May 29, 2009, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 719 was passed by the Senate, with amendments, on May 26, 2009, by the following vote: Yeas 31, Nays 0.

Daisy Spaw

Secretary of the Senate

APPROVED: 19 JAN '09

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:00 O'CLOCK

JUN 19 2009

Colby Shuter III