1-1 By: Flynn (Senate Sponsor - Duncan)   H.B. No. 719
1-2   (In the Senate - Received from the House April 16, 2009;
1-3 April 27, 2009, read first time and referred to Committee on State
1-4 Affairs; May 23, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 719   By: Duncan

1-8   A BILL TO BE ENTITLED
1-9   AN ACT

1-10 relating to polling places for certain elections.
1-11   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12   SECTION 1. Subchapter A, Chapter 43, Election Code, is
1-13 amended by adding Section 43.007 to read as follows:
1-14   Sec. 43.007. COUNTYWIDE POLLING PLACE PROGRAM. (a) The
1-15 secretary of state shall implement a program to allow each
1-16 commissioners court participating in the program to eliminate
1-17 county election precinct polling places and establish countywide
1-18 polling places for:
1-19   (1) each general election for state and county
1-20 officers;
1-21   (2) each countywide election held on the uniform
1-22 election date in May;
1-23   (3) each election on a proposed constitutional
1-24 amendment; and
1-25   (4) each election of a political subdivision located
1-26 in the county that is held jointly with an election described by
1-27 Subdivision (1), (2), or (3).
1-28   (b) The commissioners court of a county that desires to
1-29 participate in the program authorized by this section shall hold a
1-30 public hearing on the county's participation in the program. The
1-31 commissioners court shall submit a transcript or electronic
1-32 recording of the public comments made at the hearing to the
1-33 secretary of state. A county that has previously participated in a
1-34 similar program and held a public hearing on the county's
1-35 participation in that program is not required to hold a hearing
1-36 under this subsection.
1-37   (c) In conducting the program, the secretary of state shall
1-38 provide for an audit of the direct recording electronic voting
1-39 units before and after the election, and during the election to the
1-40 extent such an audit is practicable.
1-41   (d) The secretary of state shall select to participate in
1-42 the program each county that:
1-43   (1) has held a public hearing under Subsection (b);
1-44   (2) has submitted documentation listing the steps
1-45 taken to solicit input on participating in the program by
1-46 organizations or persons who represent the interests of voters;
1-47   (3) has implemented a computerized voter registration
1-48 list that allows an election officer at the polling place to verify
1-49 that a voter has not previously voted in the election;
1-50   (4) uses direct recording electronic voting machines;
1-51 and
1-52   (5) is determined by the secretary of state to have the
1-53 appropriate technological capabilities.
1-54   (e) Each countywide polling place must allow a voter to vote
1-55 in the same elections in which the voter would be entitled to vote
1-56 in the county election precinct in which the voter resides.
1-57   (f) In selecting countywide polling places, a county must
1-58 adopt a methodology for determining where each polling place will
1-59 be located. The total number of countywide polling places may not
1-60 be less than:
1-61   (1) except as provided by Subdivision (2), 50 percent
1-62 of the number of precinct polling places that would otherwise be
1-63 located in the county for that election; or

2-1   (2) for an election held in the first year in which the
2-2 county participates in the program, 65 percent of the number of
2-3 precinct polling places that would otherwise be located in the
2-4 county for that election.
2-5   (g) A county participating in the program must establish a
2-6 plan to provide notice informing voters of the changes made to the
2-7 locations of polling places under the program. The plan must
2-8 require that notice of the location of the nearest countywide
2-9 polling place be posted on election day at each polling place used
2-10 in the previous general election for state and county officers that
2-11 is not used as a countywide polling place.
2-12   (h) In adopting a methodology under Subsection (f) or
2-13 creating the plan under Subsection (g), the county shall solicit
2-14 input from organizations or persons located within the county who
2-15 represent minority voters.
2-16   (i) The secretary of state may only select
2-17 to participate in the program three counties with a population of
2-18 100,000 or more and two counties with a population of less than
2-19 100,000.
2-20   (j) Not later than January 1 of each odd-numbered year, the
2-21 secretary of state shall file a report with the legislature. The
2-22 report must include any complaints or concerns regarding a specific
2-23 election that have been filed with the office of the secretary of
2-24 state before the preparation of the report and any available
2-25 information about voter turnout and waiting times at the polling
2-26 places. The report may include the secretary of state's
2-27 recommendations on the future use of countywide polling places and
2-28 suggestions for statutory amendment regarding the use of countywide
2-29 polling places.
2-30   SECTION 2. Subchapter E, Chapter 172, Election Code, is
2-31 amended by adding Section 172.127 to read as follows:
2-32   Sec. 172.127. CONTENT OF SIGN USED TO IDENTIFY POLLING
2-33 PLACE LOCATION. (a) This section applies only to a polling place
2-34 used to hold an election for more than one political party.
2-35   (b) A sign used to indicate the location of a polling place
2-36 for a primary election or a primary runoff election must either:
2-37   (1) not contain the name of, or symbol representing,
2-38 any political party that is holding an election at the polling
2-39 place; or
2-40   (2) contain each name of, or each symbol representing,
2-41 a political party that is holding an election at the polling place.
2-42   SECTION 3. This Act takes effect September 1, 2009.

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