

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Flynn

H.B. No. 719

A BILL TO BE ENTITLED

AN ACT

relating to certain content requirements for signs used to identify the location of a polling place during a primary election.

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

SECTION 1. Subchapter E, Chapter 172, Election Code, is amended by adding Section 172.127 to read as follows:

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

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

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

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

SECTION 2. This Act takes effect September 1, 2009.

# ADOPTED

MAY 26 2009

*Atty. Gen.*  
Secretary of the Senate

By: Duncan

H.B. No. 719

Substitute the following for H.B. No. 719:

By: Robert Duncan

C.S. H.B. No. 719

## A BILL TO BE ENTITLED

### 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

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1 secretary of state. A county that has previously participated  
2 in a 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  
6 shall provide for an audit of the direct recording electronic  
7 voting units before and after the election, and during the  
8 election to the 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  
17 verify 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  
21 the appropriate technological capabilities.

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

26 (f) In selecting countywide polling places, a county must  
27 adopt a methodology for determining where each polling place

1 will be located. The total number of countywide polling places  
2 may not be less than:

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

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

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

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

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

25 (j) Not later than January 1 of each odd-numbered year,  
26 the secretary of state shall file a report with the legislature.  
27 The report must include any complaints or concerns regarding a

1 specific election that have been filed with the office of the  
2 secretary of state before the preparation of the report and any  
3 available information about voter turnout and waiting times at  
4 the polling places. The report may include the secretary of  
5 state's recommendations on the future use of countywide polling  
6 places and suggestions for statutory amendment regarding the use  
7 of countywide polling places.

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

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

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

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

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

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

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 28, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB719** by Flynn (Relating to polling places for certain elections.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would add Section 43.007 to the Election Code to require 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 certain elections. In conducting the program, SOS would be required to provide for an audit of the direct recording electronic voting units. SOS would only select three counties with a population of 100,000 or more and two counties with a population of less than 100,000 to participate in the program. The bill would require SOS to file a report with the legislature not later than January 1 of each odd-numbered year.

The bill would add Section 172.127 to the Election Code which would specify content requirements for signs used to identify the location of a polling place during a primary election.

The bill would take effect on September 1, 2009.

It is assumed that any additional costs associated with implementation of the bill could be absorbed within existing state resources.

**Local Government Impact**

It is assumed that a commissioners court of a county would elect to participate in the countywide polling place program only if funds are available.

The bill would require signs indicating the location of a polling place holding an election for more than one political party to contain the name or symbol of all or none of the political parties; however, the costs are not anticipated to be significant.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JOB, SZ, KJG, TP, BTA, JM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 22, 2009**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB719** by Flynn (Relating to certain content requirements for signs used to identify the location of a polling place during a primary election.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Election Code related to content requirements for signs used to identify the location of a polling place during a primary election. It is assumed that any additional costs associated with implementation of the bill could be absorbed within existing state resources.

**Local Government Impact**

The bill would require signs indicating the location of a polling place holding an election for more than one political party to contain the name or symbol of all or none of the political parties; however, the costs are not anticipated to be significant.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JOB, KJG, TP, BTA, JM

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 22, 2009**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB719** by Flynn (Relating to certain content requirements for signs used to identify the location of a polling place during a primary election.), **Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would add Section 43.007 to the Election Code to require 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 certain elections. In conducting the program, SOS would be required to provide for an audit of the direct recording electronic voting units. SOS would only select three counties with a population of 100,000 or more and two counties with a population of less than 100,000 to participate in the program. The bill would require SOS to file a report with the legislature not later than January 1 of each odd-numbered year.

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**Source Agencies:** 307 Secretary of State

**LBB Staff:** JOB, KJG, TP, BTA, JM



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 22, 2009**

**TO:** Honorable Todd Smith, Chair, House Committee on Elections

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB719** by Flynn (Relating to certain content requirements for signs used to identify the location of a polling place during a primary election.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

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**Source Agencies:** 307 Secretary of State

**LBB Staff:** JOB, TP, BTA, JM