

By: Schofield

H.B. No. 3124

A BILL TO BE ENTITLED

AN ACT

relating to the use of voting stations accessible to persons with disabilities in certain elections.

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

SECTION 1. Sections 61.013(a), (c), and (d), Election Code, are amended to read as follows:

(a) For an election other than an election held on the date of the general election for state and county officers or a special election to fill a vacancy in Congress ~~[of a political subdivision that is held jointly with another election in which a federal office appears on the ballot]~~, a [the] political subdivision is not required to meet the requirements of Section 61.012(a)(1)(C) if the political subdivision:

(1) is a county with a population of less than 2,000;

(2) is a county with a population of 2,000 or more but less than 5,000, and the county provides at least one voting station that meets the requirements for accessibility under 52 U.S.C. Section 21081(a)(3) ~~[42 U.S.C. Section 15481(a)(3)]~~ on election day;

(3) is a county with a population of 5,000 or more but less than 10,000, and the county provides at least one voting station that meets the requirements for accessibility under 52 U.S.C. Section 21081(a)(3) ~~[42 U.S.C. Section 15481(a)(3)]~~ on election day and during the period for early voting by personal

1 appearance;

2 (4) is a county with a population of 10,000 or more but  
3 less than 20,000, and the county:

4 (A) makes a showing in the manner provided by  
5 Subsection (c) that compliance with Section 61.012(a)(1)(C)  
6 constitutes an undue burden on the county;

7 (B) provides at least one voting station that  
8 meets the requirements for accessibility under 52 U.S.C. Section  
9 21081(a)(3) [~~42 U.S.C. Section 15481(a)(3)~~] on election day and  
10 during the period for early voting by personal appearance; and

11 (C) provides a mobile voting station that meets  
12 the requirements for accessibility under 52 U.S.C. Section  
13 21081(a)(3) [~~42 U.S.C. Section 15481(a)(3)~~] that during the period  
14 for early voting by personal appearance is deployed at least once at  
15 each polling place used for early voting by personal appearance; or

16 (5) is located in a county described by Subdivisions  
17 (1)-(4) and meets the same requirements as the county in which the  
18 political subdivision is located.

19 (c) A county or political subdivision may make a showing of  
20 undue burden under Subsection (a)(4)(A) by filing an application  
21 with the secretary of state not later than the 10th day after the  
22 date an election is ordered [~~90th day before the date of the~~  
23 ~~election~~] that states the reasons that compliance would constitute  
24 an undue burden. A showing of an undue burden may be satisfied by  
25 proof that the election costs associated with compliance with  
26 Section 61.012(a)(1)(C) constitute a significant expense for the  
27 county or political subdivision and reflect an increase of at least

1 25 percent in the costs of holding an election as compared to the  
2 costs of the last general election held by the county or political  
3 subdivision before January 1, 2006. Not later than the 20th day  
4 after the date of receiving an application under this section, the  
5 secretary of state shall determine whether compliance with Section  
6 61.012(a)(1)(C) is an undue burden for the county or political  
7 subdivision.

8 (d) A county or political subdivision that intends to use  
9 this section to provide fewer voting stations that meet the  
10 requirements for accessibility under 52 U.S.C. Section 21081(a)(3)  
11 [~~42 U.S.C. Section 15481(a)(3)~~] than required by Section  
12 61.012(a)(1)(C) must:

13 (1) provide notice to the secretary of state of that  
14 intent not later than the 10th day after the date an election is  
15 ordered [~~90th day before the date of the election~~]; and

16 (2) for a county described by Subsection (a)(2), (3),  
17 or (4), or a political subdivision located in such a county, publish  
18 notice of the location of each voting station that meets the  
19 requirements for accessibility under 52 U.S.C. Section 21081(a)(3)  
20 [~~42 U.S.C. Section 15481(a)(3)~~] in a newspaper of general  
21 circulation in the county or political subdivision not later than  
22 the 15th day before the date of the start of the period of early  
23 voting by personal appearance.

24 SECTION 2. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2015.