

BILL ANALYSIS

H.B. 2153
By: Denny
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a political subdivision that has signed a contract for the acquisition of a voting system is required to attach a letter from the secretary of state's office to the contract stating that the system and its equipment have been certified. The secretary of state's office monitors which voting systems and which versions of voting systems are in use throughout the state. Requiring the political subdivision to forward a copy of the contract to the secretary of state with a request that the appropriate certification be attached and returned would be another method for the secretary of state to monitor the use of voting systems. House Bill 2153 requires that contracts be submitted to the secretary of state for approval prior to execution.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 2153 amends the Election Code by providing that a contract for the acquisition of voting equipment must be submitted to the secretary of state for approval. The bill requires the secretary of state, if the contract is approved, to provide to the parties a letter stating that the voting system and voting system equipment satisfy the applicable requirements for approval and a certified copy of the written order issued by the secretary of state approving or conditionally approving the voting system and voting system equipment for use. The bill requires the secretary of state, if the contract is not approved, to provide notice to the parties to the contract that states the reasons the contract was not approved.

The bill provides that a contract that is not approved by the secretary of state is void. The bill provides that a person who executes a voting system equipment contract that is not approved by the secretary of state commits a Class B misdemeanor.

EFFECTIVE DATE

September 1, 2003.