

AN ACT

relating to filing a voting system equipment contract with the secretary of state.

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

SECTION 1. Section 123.035, Election Code, is amended to read as follows:

Sec. 123.035. VOTING SYSTEM EQUIPMENT CONTRACT. (a) A contract for the acquisition of voting system equipment under this subchapter must be in writing and be approved by the secretary of state as to compliance of the voting system and voting system equipment with the applicable requirements. The authority acquiring the equipment shall submit to the secretary of state a request for the letter and order described by this subsection accompanied by a copy of the relevant portions of the contract containing only the identifying information that the secretary needs to determine whether the version of the system and equipment being acquired under the contract complies with the applicable requirements. If the contract is approved, the secretary of state shall provide to the parties to the contract [~~incorporate before execution~~]:

(1) a letter [~~from the secretary of state~~] stating that the voting system and voting system equipment being acquired under the contract satisfy the applicable requirements for approval; and

1           (2) a certified copy of the written order issued by the  
2 secretary under Section 122.038 or 122.070 approving the voting  
3 system and voting system equipment for use in elections and, if  
4 applicable, of the written order issued under Section 122.095  
5 granting conditional approval of the system or equipment.

6           (b) A contract for the acquisition of voting system  
7 equipment under this subchapter that is not approved by the  
8 secretary of state in accordance [~~does not comply~~] with Subsection  
9 (a) is void. The contract may not be ratified by either party and a  
10 payment may not be made relating to the contract.

11           (c) A person commits an offense if the person executes a  
12 voting system equipment contract that is not approved by the  
13 secretary of state in accordance [~~does not comply~~] with Subsection  
14 (a). An offense under this subsection is a Class B misdemeanor.

15           (d) If the secretary of state does not approve a contract  
16 under this section, the secretary shall provide notice to the  
17 parties to the contract that states the reasons the contract was not  
18 approved.

19           SECTION 2. (a) This Act takes effect September 1, 2003.

20           (b) The change in law made by this Act does not affect the  
21 validity of a contract entered into in accordance with law before  
22 the effective date of this Act.

23           (c) The change in law made by this Act applies only to an  
24 offense committed on or after the effective date of this Act. For  
25 purposes of this section, an offense is committed before the  
26 effective date of this Act if any element of the offense occurs  
27 before the effective date. An offense committed before the

1 effective date of this Act is covered by the law in effect when the  
2 offense was committed, and the former law is continued in effect for  
3 that purpose.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 2153 was passed by the House on April 10, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2153 on May 30, 2003, by a non-record vote.

---

Chief Clerk of the House

I certify that H.B. No. 2153 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor