

By: Denny

H.B. No. 2153

A BILL TO BE ENTITLED

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 submitted to the secretary of state for approval. 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

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

(b) A contract for the acquisition of voting system equipment under this subchapter that is not approved by the secretary of state in accordance [~~does not comply~~] with Subsection

1 (a) is void. The contract may not be ratified by either party and a
2 payment may not be made relating to the contract.

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

7 (d) If the secretary of state does not approve a contract
8 under this section, the secretary shall provide notice to the
9 parties to the contract that states the reasons the contract was not
10 approved.

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

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

15 (c) The change in law made by this Act applies only to an
16 offense committed on or after the effective date of this Act. For
17 purposes of this section, an offense is committed before the
18 effective date of this Act if any element of the offense occurs
19 before the effective date. An offense committed before the
20 effective date of this Act is covered by the law in effect when the
21 offense was committed, and the former law is continued in effect for
22 that purpose.