

1-1 By: Denny (Senate Sponsor - Staples) H.B. No. 2153  
1-2 (In the Senate - Received from the House April 14, 2003;  
1-3 April 15, 2003, read first time and referred to Committee on State  
1-4 Affairs; May 21, 2003, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
1-6 May 21, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2153 By: Staples

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to filing a voting system equipment contract with the  
1-11 secretary of state.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 123.035, Election Code, is amended to  
1-14 read as follows:

1-15 Sec. 123.035. VOTING SYSTEM EQUIPMENT CONTRACT. (a) A  
1-16 contract for the acquisition of voting system equipment under this  
1-17 subchapter must be in writing and be approved by the secretary of  
1-18 state as to compliance of the voting system and voting system  
1-19 equipment with the applicable requirements. The authority  
1-20 acquiring the equipment shall submit to the secretary of state a  
1-21 request for the letter and order described by this subsection  
1-22 accompanied by a copy of the relevant portions of the contract  
1-23 containing only the identifying information that the secretary  
1-24 needs to determine whether the version of the system and equipment  
1-25 being acquired under the contract complies with the applicable  
1-26 requirements. If the contract is approved, the secretary of state  
1-27 shall provide to the parties to the contract [~~incorporate before~~  
1-28 execution]:

1-29 (1) a letter [~~from the secretary of state~~] stating  
1-30 that the voting system and voting system equipment being acquired  
1-31 under the contract satisfy the applicable requirements for  
1-32 approval; and

1-33 (2) a certified copy of the written order issued by the  
1-34 secretary under Section 122.038 or 122.070 approving the voting  
1-35 system and voting system equipment for use in elections and, if  
1-36 applicable, of the written order issued under Section 122.095  
1-37 granting conditional approval of the system or equipment.

1-38 (b) A contract for the acquisition of voting system  
1-39 equipment under this subchapter that is not approved by the  
1-40 secretary of state in accordance [~~does not comply~~] with Subsection  
1-41 (a) is void. The contract may not be ratified by either party and a  
1-42 payment may not be made relating to the contract.

1-43 (c) A person commits an offense if the person executes a  
1-44 voting system equipment contract that is not approved by the  
1-45 secretary of state in accordance [~~does not comply~~] with Subsection  
1-46 (a). An offense under this subsection is a Class B misdemeanor.

1-47 (d) If the secretary of state does not approve a contract  
1-48 under this section, the secretary shall provide notice to the  
1-49 parties to the contract that states the reasons the contract was not  
1-50 approved.

1-51 SECTION 2. (a) This Act takes effect September 1, 2003.

1-52 (b) The change in law made by this Act does not affect the  
1-53 validity of a contract entered into in accordance with law before  
1-54 the effective date of this Act.

1-55 (c) The change in law made by this Act applies only to an  
1-56 offense committed on or after the effective date of this Act. For  
1-57 purposes of this section, an offense is committed before the  
1-58 effective date of this Act if any element of the offense occurs  
1-59 before the effective date. An offense committed before the  
1-60 effective date of this Act is covered by the law in effect when the  
1-61 offense was committed, and the former law is continued in effect for  
1-62 that purpose.

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