

AN ACT

relating to a public hearing conducted by the secretary of state in regard to the question of approval of a voting system or voting system equipment for use in elections.

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

SECTION 1. Subchapter B, Chapter 122, Election Code, is amended by adding Section 122.0371 to read as follows:

Sec. 122.0371. PUBLIC HEARING REQUIRED. (a) After the delivery of the examiners' reports and before the determination of whether the voting system or voting system equipment for which an application has been submitted satisfies the applicable requirements for approval, the secretary of state shall conduct a public hearing to provide interested persons an opportunity to express their views for or against the approval of the voting system or voting system equipment being considered.

(b) Notice of the hearing is given in the manner provided by Chapter 551, Government Code.

(c) Persons attending the hearing may express their views for or against the approval of the voting system or voting system equipment either orally, in writing, or both.

(d) The hearing shall be conducted in accordance with rules adopted by the secretary of state.

SECTION 2. Section 122.038(a), Election Code, is amended to read as follows:

1 (a) After reviewing the examiners' reports and considering
2 the views expressed at the public hearing, the secretary of state
3 shall determine whether the voting system or voting system
4 equipment for which an application has been submitted satisfies the
5 applicable requirements for approval.

6 SECTION 3. Subchapter C, Chapter 122, Election Code, is
7 amended by adding Section 122.0691 to read as follows:

8 Sec. 122.0691. PUBLIC HEARING REQUIRED. (a) This section
9 applies only if an examination of the modified design by
10 independent examiners was conducted.

11 (b) After the delivery of the examiners' reports and before
12 the determination of whether the modified design satisfies the
13 applicable requirements for approval, the secretary of state shall
14 conduct a public hearing in the same manner as for the initial
15 approval of a system or equipment.

16 SECTION 4. Section 122.070(a), Election Code, is amended to
17 read as follows:

18 (a) After reviewing the examiners' reports and considering
19 the views expressed at the public hearing, the secretary of state
20 shall determine whether the modified design satisfies the
21 applicable requirements for approval.

22 SECTION 5. Subchapter D, Chapter 122, Election Code, is
23 amended by adding Section 122.0941 to read as follows:

24 Sec. 122.0941. PUBLIC HEARING REQUIRED. After the delivery
25 of the examiners' reports and before the determination of whether
26 the reexamined voting system or voting system equipment satisfies
27 the applicable requirements for approval, the secretary of state

1 shall conduct a public hearing in the same manner as for the initial
2 approval of a system or equipment.

3 SECTION 6. Section 122.095(a), Election Code, is amended to
4 read as follows:

5 (a) After reviewing the examiners' reports and considering
6 the views expressed at the public hearing, the secretary of state
7 shall determine whether the voting system or voting system
8 equipment subject to reexamination satisfies the applicable
9 requirements for approval of the system or equipment for use in
10 elections.

11 SECTION 7. (a) The changes in law made by this Act to
12 Chapter 122, Election Code, apply only to an act or proceeding
13 occurring under that chapter on or after September 1, 2005, and do
14 not affect the status of an examination conducted by the examiners
15 or a determination made by the secretary of state under that chapter
16 before September 1, 2005, in regard to approval of voting systems or
17 equipment.

18 (b) The acts or proceedings, including all examinations
19 conducted by the examiners and all determinations made by the
20 secretary of state in regard to approval of voting systems or
21 equipment, that occurred under Chapter 122, Election Code, before
22 September 1, 2005, are validated as of the dates the acts or
23 proceedings occurred.

24 SECTION 8. An examination conducted or determination made
25 under Chapter 122, Election Code, before or after the amendments
26 made by this Act, was and continues to be not subject to Chapter
27 551, Government Code.

1 SECTION 9. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 2465 was passed by the House on May 9, 2005, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 2465 on May 23, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2465 on May 29, 2005, by a non-record vote.

Chief Clerk of the House

H.B. No. 2465

I certify that H.B. No. 2465 was passed by the Senate, with amendments, on May 20, 2005, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2465 on May 27, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor