

1-1 By: Denny (Senate Sponsor - Fraser) H.B. No. 2465  
1-2 (In the Senate - Received from the House May 10, 2005;  
1-3 May 12, 2005, read first time and referred to Committee on State  
1-4 Affairs; May 17, 2005, reported favorably by the following vote:  
1-5 Yeas 8, Nays 0; May 17, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to a public hearing conducted by the secretary of state in  
1-9 regard to the question of approval of a voting system or voting  
1-10 system equipment for use in elections.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter B, Chapter 122, Election Code, is  
1-13 amended by adding Section 122.0371 to read as follows:

1-14 Sec. 122.0371. PUBLIC HEARING REQUIRED. (a) After the  
1-15 delivery of the examiners' reports and before the determination of  
1-16 whether the voting system or voting system equipment for which an  
1-17 application has been submitted satisfies the applicable  
1-18 requirements for approval, the secretary of state shall conduct a  
1-19 public hearing to provide interested persons an opportunity to  
1-20 express their views for or against the approval of the voting system  
1-21 or voting system equipment being considered.

1-22 (b) Notice of the hearing is given in the manner provided by  
1-23 Chapter 551, Government Code.

1-24 (c) Persons attending the hearing may express their views  
1-25 for or against the approval of the voting system or voting system  
1-26 equipment either orally, in writing, or both.

1-27 (d) The hearing shall be conducted in accordance with rules  
1-28 adopted by the secretary of state.

1-29 SECTION 2. Section 122.038(a), Election Code, is amended to  
1-30 read as follows:

1-31 (a) After reviewing the examiners' reports and considering  
1-32 the views expressed at the public hearing, the secretary of state  
1-33 shall determine whether the voting system or voting system  
1-34 equipment for which an application has been submitted satisfies the  
1-35 applicable requirements for approval.

1-36 SECTION 3. Subchapter C, Chapter 122, Election Code, is  
1-37 amended by adding Section 122.0691 to read as follows:

1-38 Sec. 122.0691. PUBLIC HEARING REQUIRED. (a) This section  
1-39 applies only if an examination of the modified design by  
1-40 independent examiners was conducted.

1-41 (b) After the delivery of the examiners' reports and before  
1-42 the determination of whether the modified design satisfies the  
1-43 applicable requirements for approval, the secretary of state shall  
1-44 conduct a public hearing in the same manner as for the initial  
1-45 approval of a system or equipment.

1-46 SECTION 4. Section 122.070(a), Election Code, is amended to  
1-47 read as follows:

1-48 (a) After reviewing the examiners' reports and considering  
1-49 the views expressed at the public hearing, the secretary of state  
1-50 shall determine whether the modified design satisfies the  
1-51 applicable requirements for approval.

1-52 SECTION 5. Subchapter D, Chapter 122, Election Code, is  
1-53 amended by adding Section 122.0941 to read as follows:

1-54 Sec. 122.0941. PUBLIC HEARING REQUIRED. After the delivery  
1-55 of the examiners' reports and before the determination of whether  
1-56 the reexamined voting system or voting system equipment satisfies  
1-57 the applicable requirements for approval, the secretary of state  
1-58 shall conduct a public hearing in the same manner as for the initial  
1-59 approval of a system or equipment.

1-60 SECTION 6. Section 122.095(a), Election Code, is amended to  
1-61 read as follows:

1-62 (a) After reviewing the examiners' reports and considering  
1-63 the views expressed at the public hearing, the secretary of state  
1-64 shall determine whether the voting system or voting system

2-1 equipment subject to reexamination satisfies the applicable  
2-2 requirements for approval of the system or equipment for use in  
2-3 elections.

2-4 SECTION 7. (a) The changes in law made by this Act to  
2-5 Chapter 122, Election Code, apply only to an act or proceeding  
2-6 occurring under that chapter on or after September 1, 2005, and do  
2-7 not affect the status of an examination conducted by the examiners  
2-8 or a determination made by the secretary of state under that chapter  
2-9 before September 1, 2005, in regard to approval of voting systems or  
2-10 equipment.

2-11 (b) The acts or proceedings, including all examinations  
2-12 conducted by the examiners and all determinations made by the  
2-13 secretary of state in regard to approval of voting systems or  
2-14 equipment, that occurred under Chapter 122, Election Code, before  
2-15 September 1, 2005, are validated as of the dates the acts or  
2-16 proceedings occurred.

2-17 SECTION 8. An examination conducted or determination made  
2-18 under Chapter 122, Election Code, before or after the amendments  
2-19 made by this Act, was and continues to be not subject to Chapter  
2-20 551, Government Code.

2-21 SECTION 9. This Act takes effect September 1, 2005.

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