

BILL ANALYSIS

C.S.H.B. 362
By: Israel
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that many voting systems and technologies in Texas are outdated and in need of replacement. C.S.H.B. 362 seeks to modernize voting system equipment by creating a voting system fund from which the secretary of state may award grants to counties and cities in Texas.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 362 amends the Election Code to establish the voting system fund as an account in the general revenue fund consisting of money transferred to the fund at the discretion of the legislature. The bill authorizes a county or city to apply to the secretary of state for a grant from the fund to replace voting system equipment or to reimburse the replacement or conversion of voting system equipment purchased on or after December 1, 2016, in an amount equal to not more than 50 percent of the total cost of the eligible equipment, defined by the bill as voting system equipment that is certified by the U.S. Election Assistance Commission and the secretary of state on the date it is acquired and that uses or produces a paper ballot by which a voter can verify that the voter's selections are accurately reflected. Money in the fund may be appropriated only for such a grant and is exempt from the application of statutory provisions governing the use of dedicated revenue. The bill requires the secretary of state to develop criteria for the fair and proportional distribution of grants that consider criteria set out by the bill. The bill requires grant amounts to be allocated using the criteria if the total amount requested under qualifying grant applications exceeds the total amount available for the purpose of awarding grants.

C.S.H.B. 362 requires a county or city, to receive a grant from the fund, to submit to the secretary of state a grant application that describes information set out by the bill. The bill requires the secretary of state to prescribe a form for the application and to establish a deadline for receipt of grant applications, a procedure for awarding and distributing grants, and a process for verifying the proper use of the grants after distribution.

C.S.H.B. 362 requires the secretary of state, in cooperation with county officers who administer elections, to conduct a study to determine the best manner in which to fund the voting system fund for the replacement or conversion of voting system equipment and to make recommendations based on the determinations. The bill requires the secretary of state, not later than December 31, 2020, to report the study's findings to the committees of each house of the legislature with jurisdiction over elections. These provisions expire September 1, 2021.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 362 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the definition of "eligible equipment." The substitute includes an authorization for a request for reimbursement from the fund to be for replacing or converting certain voting system equipment, including certain voting equipment that is already purchased.

The substitute includes a temporary provision requiring the secretary of state to:

- conduct a study in cooperation with county officers who administer elections;
- make recommendations based on the determinations of the study; and
- report the findings of the study.