86R21176 ATP-D

By:  Israel, Capriglione, Longoria, Klick, H.B. No. 362

     Anchia

Substitute the following for H.B. No. 362:

By:  Klick C.S.H.B. No. 362

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a fund to assist local governments with the acquisition of voting system equipment.

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

SECTION 1.  Chapter 123, Election Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. VOTING SYSTEM FUND

Sec. 123.091.  DEFINITIONS. In this subchapter:

(1)  "Eligible equipment" means voting system equipment that is certified by the United States 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.

(2)  "Fund" means the voting system fund.

Sec. 123.092.  VOTING SYSTEM FUND. (a) The voting system fund is an account in the general revenue fund.

(b)  The fund consists of money transferred to the fund at the discretion of the legislature.

(c)  Money in the fund may be appropriated only for a grant under Section 123.093.

(d)  The fund is exempt from the application of Section 403.095, Government Code.

Sec. 123.093.  GRANTS FROM FUND. (a) A county or city may apply to the secretary of state for a grant under this subchapter to replace voting system equipment or to reimburse the replacement or conversion of voting system equipment purchased on or after December 1, 2016. A county or city is eligible to receive a grant equal to not more than 50 percent of the total cost of the eligible equipment.

(b)  The secretary of state shall develop criteria for the fair and proportional distribution of grants that consider:

(1)  the number of voters likely to be served by the eligible equipment;

(2)  the age and condition of any equipment replaced, converted, or proposed for replacement or conversion;

(3)  the need for equitable distribution of grant funds to both rural and urban counties and cities;

(4)  whether the county or city governing body has adopted a reasonable long-term plan to address the maintenance, repair, and eventual replacement needs for the eligible equipment; and

(5)  any other factor considered relevant by the secretary of state.

(c)  If the total amount requested under qualifying grant applications exceeds the total amount available for the purpose of awarding grants, amounts shall be allocated using the criteria developed by the secretary of state under Subsection (b).

Sec. 123.094.  APPLICATION FOR GRANT; VERIFICATION OF COSTS. (a) To receive a grant under Section 123.093, a county or city must submit an application to the secretary of state. The secretary of state shall prescribe a form for the application.

(b)  The application must describe:

(1)  the type or types of eligible equipment purchased, leased, converted, or proposed for purchase, lease, or conversion;

(2)  the actual or expected total cost of the eligible equipment and any sources of funding used or that will be used for its purchase, lease, or conversion in addition to the grant funding provided by this subchapter;

(3)  the county's or city's plan to address the long-term maintenance, repair, and eventual replacement costs for the eligible equipment; and

(4)  any other information required by the secretary of state.

(c)  The secretary of state shall establish:

(1)  a deadline for receipt of grant applications;

(2)  a procedure for awarding and distributing grants; and

(3)  a process for verifying the proper use of the grants after distribution.

Sec. 123.095.  STUDY ON VOTING SYSTEM FUNDING. (a) The secretary of state, in cooperation with county officers who administer elections, shall conduct a study to determine the best manner in which to fund the voting system fund under this subchapter for the replacement or conversion of voting system equipment, and make recommendations based on the determinations.

(b)  Not later than December 31, 2020, the secretary of state shall report the study's findings to the committees of each house of the legislature with jurisdiction over elections.

(c)  This section expires September 1, 2021.

SECTION 2.  This Act takes effect September 1, 2019.