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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 may apply to
the secretary of state for a grant under this subchapter to replace

1 voting system equipment or to reimburse the replacement or
2 conversion of voting system equipment purchased on or after
3 December 1, 2016. A county is eligible to receive a grant equal to
4 not more than 50 percent of the total cost of the eligible
5 equipment.

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

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

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

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

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

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

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

23 Sec. 123.094. APPLICATION FOR GRANT; VERIFICATION OF COSTS.

24 (a) To receive a grant under Section 123.093, a county must submit
25 an application to the secretary of state. The secretary of state
26 shall prescribe a form for the application.

27 (b) The application must describe:

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

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

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

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

12 (c) The secretary of state shall establish:

13 (1) a deadline for receipt of grant applications;

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

15 and

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

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

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

27 (c) This section expires September 1, 2021.

1 SECTION 2. The secretary of state is required to implement a
2 provision of this Act only if the legislature appropriates money
3 specifically for that purpose. If the legislature does not
4 appropriate money specifically for that purpose, the secretary of
5 state may, but is not required to, implement a provision of this Act
6 using other appropriations available for that purpose.

7 SECTION 3. This Act takes effect September 1, 2019.