

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

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

1 replace 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 or city is eligible to receive a grant
4 equal to 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 and cities;

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

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

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

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

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

1 (b) The application must describe:

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

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

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

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

13 (c) The secretary of state shall establish:

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

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

16 and

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

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

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

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

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