

BILL ANALYSIS

Senate Research Center
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H.B. 2465
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State Affairs
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The Texas Election Code currently sets forth provisions relating to the process by which the secretary of state approves voting systems for use in the state. This statutory process includes an examination of each proposed voting system by a group of appointed examiners. Currently, the examinations of the voting systems are not subject to the Open Meetings Act because the examiners are not a governmental body and because the meetings can include detailed discussion of the machines, which may reveal trade secrets. In spite of this, some assert that the process of voting system certification should be more transparent and open to the public. H.B. 2465 attempts to do this by including a public hearing on each proposed voting system before the secretary of state makes a decision on the system's certification for use.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 122, Election Code, by adding Section 122.0371, as follows:

Sec. 122.0371. PUBLIC HEARING REQUIRED. (a) Requires the secretary of state, after the delivery of the examiners' reports and before the determination of whether the voting system or voting system equipment for which an application has been submitted satisfies the applicable requirements for approval, to conduct a public hearing to provide interested persons an opportunity to express their views for or against the approval of the voting system or voting system equipment being considered.

(b) Provides that notice of the hearing is given in the manner provided by Chapter 551 (Open Meetings), Government Code.

(c) Authorizes persons attending the hearing to express their views for or against the approval of the voting system or voting system equipment either orally, in writing, or both.

(d) Requires the hearing to be conducted in accordance with rules adopted by the secretary of state.

SECTION 2. Amends Section 122.038(a), Election Code, to make a conforming change.

SECTION 3. Amends Subchapter C, Chapter 122, Election Code, by adding Section 122.0691, as follows:

Sec. 122.0691. PUBLIC HEARING REQUIRED. (a) Provides that this section applies only if an examination of the modified design by independent examiners was conducted.

(b) Requires the secretary of state, after the delivery of the examiners' reports and before the determination of whether the modified design satisfies the applicable requirements for approval, to conduct a public hearing in the same manner as for the initial approval of a system or equipment.

SECTION 4. Amends Section 122.070(a), Election Code, to make a conforming change.

SECTION 5. Amends Subchapter D, Chapter 122, Election Code, by adding Section 122.0941, as follows:

Sec. 122.0941. PUBLIC HEARING REQUIRED. Requires the secretary of state, after the delivery of the examiners' reports and before the determination of whether the reexamined voting system or voting system equipment satisfies the applicable requirements for approval, to conduct a public hearing in the same manner as for the initial approval of a system or equipment.

SECTION 6. Amends Section 122.095(a), Election Code, to make a conforming change.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Provides that an examination conducted or determination made under Chapter 122, Election Code, before or after the amendments made by this Act, was and continues to be not subject to Chapter 551, Government Code.

SECTION 9. Effective date: September 1, 2005.