

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 2353  
By: Hall  
State Affairs  
4/5/2019  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

- Many Texas voting systems and technologies were purchased with federal funds through the 2002 Help America Vote Act. Systems sold by the major election system vendors in Texas are not meant to last for more than 10 to 15 years, yet many of them will have to because federal funds are no longer available to help pay for new voting systems.
- This bill would create the "Voting System Fund" (VSF), which will allow the secretary of state (SOS) to provide matching funds to counties for voting equipment. The state fund will be used at the discretion of the Office of the Secretary of State to grant up to 50 percent of the total cost of new voting equipment to qualifying Texas counties.
- The fund will be financed by a lump sum appropriation. In the future, the legislature may make appropriation as needed and new sources of funding may be studied.

This bill would:

- Require SOS to establish a deadline for the receipt of grant applications, a procedure for awarding and distributing grants, and a process for verifying the proper use of the grants after distribution. SOS shall prescribe a form for this purpose. The counties' applications must describe:
  - the type or types of equipment proposed for purchase or lease;
  - the expected total cost of the equipment, and sources of funding that will be used for the purchase or lease in addition to the grant funding provided by this section;
  - the county's or municipality's plan to address the long-term maintenance, repair, and eventual replacement costs for the equipment; and
  - any other information required by SOS.
- Specify that if the total amount of qualifying grant applications from all counties exceeds the total amount appropriated for the purpose of awarding grants, SOS must develop criteria for the fair, proportional distribution of grants that considers the following factors:
  - the number of voters likely to be served by the equipment;
  - the age and condition of any equipment proposed for replacement;
  - the need for equitable distribution of grant funds to both rural and urban counties; and
  - whether the county or municipal governing body has adopted a reasonable long-term plan to address the maintenance, repair, and eventual replacement needs for the equipment. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2353 amends current law relating to the creation of a fund to assist local governments with the acquisition of voting system equipment.

### **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 Chapter 123, Election Code, by adding Subchapter D, as follows:

## SUBCHAPTER D. VOTING SYSTEM FUND

Sec. 123.091. DEFINITIONS. Defines "eligible equipment" and "fund."

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

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

(c) Authorizes money in the fund to be appropriated only for a grant under Section 123.093.

(d) Exempts the fund from the application of Section 403.095 (Use of Dedicated Revenue), Government Code.

Sec. 123.093. GRANTS FROM FUND. (a) Authorizes a county or city to apply to the secretary of state (SOS) for a grant under this subchapter to replace voting system equipment. Provides that 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) Requires SOS to 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 proposed for replacement;

(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 SOS.

(c) Requires amounts to be allocated using the criteria developed by SOS under Subsection (b) if the total amount requested under qualifying grant applications exceeds the total amount available for the purpose of awarding grants.

Sec. 123.094. APPLICATION FOR GRANT; CERTIFICATION OF COSTS. (a) Requires a county or city, to receive a grant under Section 123.093, to submit an application to SOS. Requires SOS to prescribe a form for the application.

(b) Requires the application to describe:

(1) the type or types of eligible equipment proposed for purchase or lease;

(2) the expected total cost of the eligible equipment and any sources of funding that will be used for its purchase or lease 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 SOS.

(c) Requires SOS to 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.

SECTION 2. Requires SOS to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, SOS to implement a provision of this Act using other appropriations available for that purpose if the legislature does not appropriate money specifically for that purpose.

SECTION 3. Effective date: September 1, 2019.