

SUBJECT: Distribution of federal funds to help Texas administer elections

COMMITTEE: Elections — favorable, with amendment

VOTE: 6 ayes — Danburg, J. Jones, Denny, Madden, Truitt, Wilson
0 nays
3 absent — Gallego, Hodge, Sadler

WITNESSES: For — *Registered but did not testify:* Donald Lee, Texas Conference of Urban Counties; Fred Lewis, Campaigns for People; Suzy Woodford, Common Cause of Texas

Against — None

BACKGROUND: Most Texas counties now use a voting method known as the optical scan. A voter marks in a circle with a pencil next to the candidate's name and a machine counts the ballot. Some counties use an electronic touch-screen voting system. Fourteen counties use punch-card ballots.

DIGEST: Under HB 2336, as amended, if Texas received federal funds to help the state administer elections, including assistance in phasing out or prohibiting punch-card ballot voting systems, the secretary of state would have to administer and distribute the federal funds in a manner that most effectively facilitated the purpose for which the funds were given. The secretary would have to prescribe any necessary rules to implement this provision.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

SUPPORTERS SAY: Florida's election debacle, which kept the presidential election in suspense for more than a month, showed that voting procedures in some parts of Texas are outdated and may be confusing to voters. Some counties need major changes to ensure that all votes are counted and that all eligible voters have a chance to cast their ballots. Though Texas has not encountered problems of the magnitude of those in Florida, punch-card voting systems need to be

phased out. HB 2336 would ensure that any federal money received for that purpose would be distributed so as to accomplish it most effectively. According to the secretary of state, phasing out punch-card voting systems could cost as much as \$25 million, so such a change should be considered only if funds are available to help counties replace those systems.

Congress is considering several proposals to reform voting practices, including giving states and localities block grants to upgrade voting technology in phases. An association of the nation's secretaries of state has recommended a list of election reforms, including federal funding. They caution, however, that any funding mechanism from the federal government should not impose a mandate on states.

OPPONENTS
SAY:

HB 2336 should make it clear that any funds for new voting technology should be distributed in a manner so as not to discriminate among electoral precincts. Such funds should be used proportionately and equitably among the precincts in which the funds would be distributed.

NOTES:

The committee amendment would delete the September 1, 2001, effective date and replace it with an emergency clause that would give the bill immediate effect.

Under HB 2923 by J. Jones, a related bill, if the design of a voting system or voting-system equipment was modified, upgraded, or otherwise enhanced by the incorporation of new technology, the new equipment would have to be distributed and used proportionately and equitably among the election precincts in which the voting system was used. HB 2923 passed the House on the Local, Consent, and Resolutions Calendar on April 20 and has been referred to the Senate State Affairs Committee.