

SUBJECT: Creating a fund to help local governments upgrade voting equipment

COMMITTEE: Elections — committee substitute recommended

VOTE: 8 ayes — Klick, Cortez, Bucy, Burrows, Cain, Fierro, Israel, Middleton

1 nay — Swanson

WITNESSES: For — Sabra Srader, Texas Association of Elections Administrators (TAEA); (*Registered, but did not testify*: Chase Bearden and Dennis Borel, Coalition of Texans with Disabilities; Amanda Gnaedinger, Common Cause Texas; Joanne Richards, Common Ground for Texans; Heather Hawthorne, County and District Clerks' Association of Texas; Jim Allison, County Judges and Commissioners Association of Texas; Charles Reed, Dallas County Commissioners Court; Daniel Greer, Direct Action Texas; Molly Broadway, Disability Rights Texas; Cinde Weatherby, League of Women Voters of Texas; Lon Burnam, Public Citizen; Russell Schaffner, Tarrant County; Nanette Forbes, Texas Association of Counties; Jenifer Favreau, Texas Association of Elections Administrators; Windy Johnson, Texas Conference of Urban Counties; Glen Maxey, Texas Democratic Party; Shanna Igo, Texas Municipal League; Aryn James, Travis County Commissioners Court; Karen Collins; Julie Gilberg; Idona Griffith; Elisa Saslavsky; Arthur Simon)

Against — Ed Johnson; Kay Tyner; (*Registered, but did not testify*: Alan Vera, Harris County Republican Party Ballot Security Committee; Kathaleen Wall, Republican Party of Texas State Republican Executive Committee Election Integrity Working Group; Bill Sargent)

On — Christina Adkins, Texas Secretary of State; Brandon Moore

DIGEST: CSHB 362 would create a voting system fund administered by the secretary of state from which counties and cities could receive grants to update their voting system equipment. Money in the fund could be appropriated only for such a grant.

The voting system fund, established as an account in the general revenue fund, would consist of money transferred to the fund at the discretion of the Legislature.

Grants. CSHB 362 would allow counties and cities to apply to the secretary of state for grants from the voting system fund to replace their voting system equipment or to reimburse the replacement or conversion of voting system equipment purchased on or after December 1, 2016. Counties and cities could receive grants to cover up to 50 percent of the total cost of the eligible equipment. "Eligible equipment" would be defined in the bill as voting system equipment that was certified by the U.S. Election Assistance Commission and the secretary of state on the date it was acquired and that used or produced a paper ballot by which a voter could verify that the voter's selections were accurately reflected.

In an application to the secretary of state, counties and cities would have to describe:

- the type of eligible equipment purchased, leased, converted, or proposed for purchase, lease, or conversion;
- the actual or expected total cost of the eligible equipment and any sources of funding used or planned to be used for its purchase, lease, or conversion, in addition to grant funding;
- the county's or city's plan to address the long-term maintenance, repair, and eventual replacement costs of the eligible equipment; and
- any other information required by the secretary of state.

The secretary of state would be required to establish deadlines for receiving the grant applications, procedures for awarding and distributing the grants, and processes for verifying the proper use of the grants after distribution.

If the total amount requested by counties and cities exceeded the total amount available for awarding grants, amounts would be allocated using criteria developed by the secretary of state for the fair and proportional

distribution of grants that considered:

- the number of voters likely to be served by the eligible equipment;
- the age and condition of any equipment replaced, converted, or proposed for replacement or conversion;
- the need for equitable distribution of grant funds to both rural and urban counties and cities;
- whether the governing body of a city or county had adopted a reasonable long-term plan to address the maintenance, repair, and eventual replacement needs for the eligible equipment; and
- any other relevant factors.

Study. The bill would require the secretary of state, in cooperation with county officers who administered elections, to conduct a study to determine the best way to fund the voting system fund and make recommendations based on the determinations. The secretary of state would be required to report the study's findings to the committees of each house of the Legislature with jurisdiction over elections by December 31, 2020. This requirement would expire September 1, 2021.

The bill would take effect September 1, 2019.

SUPPORTERS
SAY:

CSHB 362 would create a fund from which counties and cities could receive grants to defer some of the costs of replacing outdated voting system equipment.

While the state's election infrastructure is believed to be secure, it is old and in need of replacement. However, many local governments do not have the money to replace their voting machines. Grants issued under the bill would help local governments afford these necessary replacements. The bill also would increase election accountability by requiring that all machines purchased or reimbursed under the created grant program had a verifiable paper trail component. There are not significant cost differences between machines with verifiable paper trail components and those without paper trail components.

The bill would require the secretary of state to consider many different factors when distributing grant funding to counties and cities, allowing for the fair and proportional distribution of funds. The office of the secretary of state also has experience in grant management and fund distribution, as shown by the office's distribution of federal money associated with the Help America Vote Act to counties in the early 2000s.

**OPPONENTS
SAY:**

CSHB 362 would require the state to spend too much money to update voting system equipment. Many counties already have the funds to update this equipment and do not require state assistance. The bill also would require unnecessary extra spending on machines that produced verifiable paper trails, which cost significantly more than direct electronic recording machines because they require paper and other supplies. The bill also would give too much discretion to the secretary of state to manage the voting system fund and distribute grant money.