

SUBJECT: Requiring software in state voting systems to be sold by U.S. company

COMMITTEE: Elections — committee substitute recommended

VOTE: 5 ayes — Cain, Clardy, Jetton, Schofield, Swanson

3 nays — J. González, Bucy, Fierro

1 absent — Beckley

WITNESSES: For — Gerald Welty, Convention of States; Robert L. Green, Travis Co. Republican Party Election Integrity Committee; Laura Pressley, True Texas Elections LLC; Marcia Strickler, Wilco We Thee People; (*Registered, but did not testify*: Molly White, Conservative Republicans of Texas; Alan Vera, Harris County Republican Party Ballot Security Committee; Ruth York, Tea Party Patriots of Eastland County; Texas Family Defense Committee; Beth Biesel, Cindi Castilla, and Deana Johnston, Texas Eagle Forum; Tom Glass, Texas Election Integrity; Donald Garner, Texas Faith and Freedom Coalition; Chad Ennis, Texas Public Policy Foundation; and 27 individuals)

Against — Bryan Hoffman, Election Systems and Software; (*Registered, but did not testify*: Matt Simpson, ACLU of Texas; Stephanie Gomez, Common Cause Texas; Heather Hawthorne, County and District Clerks Association of Texas; Thamara Narvaez, Harris County Commissioners Court; Sam Derheimer, Hart InterCivic; James Slattery, Texas Civil Rights Project; Jen Ramos, Texas Democratic Party; Carisa Lopez, Texas Freedom Network; Julie Wheeler, Travis County Commissioners Court; and eight individuals)

On — Scott O'Grady, Texans for Election Integrity; Christina Adkins, Texas Secretary of State; Bill Sargent

BACKGROUND: Concerns have been raised about the vulnerability of certain components of voting systems and whether they could leave elections in Texas open to undue influence or tampering.

DIGEST: CSHB 1314 would require that all software used in a voting system be developed and operated entirely within the United States and sold by a company whose headquarters and parent company's headquarters, if applicable, were located in the United States.

All hardware used in the voting system, if manufactured outside the United States, would have to be delivered to the United States without any embedded software installed. This requirement would apply beginning September 1, 2021.

"Embedded software" would mean programmable instructions provided on software that was delivered with voting system equipment or with a replacement part for that equipment for the purpose of equipment operation, including all relevant patches and fixes made by the original equipment manufacturer of the voting system equipment or replacement part for that purpose.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.