

Verification of identifying information on a voter registration application

HB 1457 by Hochberg (Duncan)

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DIGEST:

HB 1457 would have required the secretary of state to adopt rules establishing a “reasonable person” standard for verifying Texas driver’s license numbers or Department of Public Safety personal identification numbers on a voter registration application submitted by a voter registrar because the applicant had not met certain requirements. If the secretary of state had been unable to verify the driver’s license or ID number on the submitted application or if the number had not been a perfect match with the personal information provided by the registrar, the secretary of state would have been required to provide to the registrar the name and birth date used in the verification process of a submitted application if that information were available.

If a governmental clerical error had been made on a voter registration record, the voter registrar would have been required to correct records and to return the corrected registration record to the secretary of state. If an application had been rejected for lack of verification, written notice from the registrar to the applicant stating the reason would have been required.

GOVERNOR’S REASON FOR VETO:

“House Bill No. 1457 would require the secretary of state to develop a system for accepting voter registration applications when the information provided by the voter does not match the identifying information for that individual in the records of the Texas Department of Public Safety (DPS) or other state agencies.

“Most significantly, this bill would put the responsibility for correcting any mistake in the wrong hands. The secretary of state does not see the application filed with the county voter registrar and therefore is not in a position to determine whether the mismatched information was due to a typographical error at the county level or to incorrect information given by the applicant. A misspelled name or incorrect date of birth on a voter registration application is a strong indication that the application was filled out by someone other than the rightful voter.

“Additionally, requiring acceptance of names on voter rolls that do not match the DPS database would impede the ability to keep the rolls accurate; voters’ names would not match other state records, which would consequently prevent them being removed from the voter rolls due to death, imprisonment or other legitimate reasons.

“While Texas should make every effort to ensure that clerical errors do not prevent legitimate voters from registering, the secretary of state is in no position to determine where the error occurred; this is best done at the county level where voter applications are received.”

RESPONSE:

Rep. Scott Hochberg, the bill’s author, said: “If Governor Perry was denied a voter registration certificate because a clerk spelled his name ‘Peiry’ instead of ‘Perry,’ we’d never hear the end of it. But that’s what happens to 70,000 Texas citizens each year who have their voter registration certificates delayed or denied because of typos or misread handwriting in county offices that cause their names or birthdates not to pass a state ‘matching’ test against the DPS driver’s license file.

“These are not mistakes made by voters who somehow forgot how to spell their names. Nor are they fraudulent applications. Rather, they represent a relatively small number of data entry errors on the hundreds of thousands of applications typed into the system each year by clerks in voter registration offices.

“There used to be even more rejections, until the secretary of state agreed to not deny applications because of differences in hyphens and other punctuation in names. This bill would have taken the next logical step, directing the secretary of state allow for minor, obvious typos when matching to the DPS file, if the rest of the information matches.

“Despite the governor’s claim to the contrary, the bill does not take counties out of the process. In fact, for every suspected typo, the bill requires the county to go back and check the actual voter registration application to confirm that it really is consistent with the information on the DPS file (See HB 1457, page 2, lines 11-18).

“This bill was the product of meetings with the secretary of state, her predecessor, and staff over the past interim, along with detailed research by my office showing that many Texans whose applications were rejected never got to vote. Even worse, our research showed that whether you are ultimately put on the rolls depends on where you live, since some counties put a higher priority on fixing their errors than do others.

“These errors have nothing to do with fraud. The governor’s argument on this point is not supported by any facts. Anyone who examines a list of the rejections sees immediately that the great majority of them are minor, innocent typos that should not interfere with a Texas citizen’s right to vote.

“Indeed, if a person wanted to register fraudulently in someone else’s name, as the governor alleges, that person could simply leave the driver’s license space blank on the application, and the registration would be issued without ever attempting to match it against the DPS driver’s license file.

“In a session where voting issues were high profile, contentious, and partisan, this bill received unanimous bipartisan votes in committee in each chamber, and was passed on House and Senate Consent calendars. A small allocation for the necessary computer changes was also included in the appropriations bill.

“The right to vote is precious and fundamental. Our current registration process allows this right to be withheld in large numbers at no fault of the citizens trying to register. Why would any elected official, charged with upholding the Constitution, not want to do everything possible to keep this from happening?”

Sen. Robert Duncan, the Senate sponsor, had no comment on the veto.

NOTES:

HB 1457 passed the House on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.