

SUBJECT: Electronic transmission of “motor voter” registration in larger counties

COMMITTEE: Elections — committee substitute recommended

VOTE: 6 ayes — Danburg, J. Jones, Denny, Hodge, Madden, Truitt

0 nays

3 absent — Gallego, Sadler, Wilson

WITNESSES: For — Paul Bettencourt, Harris County Tax Office; Bruce Sherbet, Dallas County; *Registered but did not testify*: Suzy Woodford, Common Cause of Texas; James Gaston, Texas Democratic Party; George Hammerlein, Harris County Tax Office

Against — None

On — Kim Smith, Texas Department of Public Safety; Ann McGeehan, Texas Secretary of State’s Office

BACKGROUND: The National Voter Registration Act of 1993 (P.L. 103-31) or “Motor Voter Act” declares that each state motor-vehicle license application or renewal application serves simultaneously as an application for voter registration with respect to federal elections, unless the applicant fails to sign the voter registration application.

The 74th Legislature adopted requirements under Election Code, chapter 20, subchapter C as to how the Department of Public Safety (DPS) must provide a voter registration application form to everyone who applies in person to obtain or renew a driver’s license or personal identification card as well as a duplicate or corrected license or card. Driver’s license or identification card renewals handled through the mail include voter registration materials.

Election Code, sec. 20.063 requires DPS to record a change of address for a driver’s license or identification card as the new address for a voter’s registration unless the person indicates that the change does not apply to voter registration. DPS also must determine if the address information is

valid and must contact the person to correct any incomplete or wrong information. Sec. 20.065 requires the manager of the DPS driver's license office to collect completed voter registration forms and address changes and to mail or deliver the information personally to the county voter registrar. That information is used to produce the voter rolls and to produce the voter's registration card.

DIGEST:

CSHB 2691 would require that DPS driver's license offices in counties with populations of more than 2.1 million (Harris and Dallas counties) record voter registration information electronically in the DPS information system rather than by filling out 4-by-6-inch paper cards. The DPS clerk would have to inform the applicant that the same electronic signature used for the driver's license or identification card would be used on the voter registration application.

DPS would have to transfer the voter registration information, including address information and electronic signature, to the county voter registrar within five days of when the person completed and electronically signed the form. The secretary of state would have to develop rules for maintaining a database of electronically transmitted voter registration forms.

Counties with populations between 400,000 and 2.1 million (Bexar, Collin, Denton, El Paso, Hidalgo, Tarrant, and Travis counties) could ask DPS to transmit voter registration information to them electronically.

CSHB 2691 would create a study committee to complete a report on the implementation of electronic transfer of voter registration information by December 1, 2002. Panel members would be appointed by the secretary of state, DPS, the lieutenant governor, and the House speaker. The committee would be abolished September 1, 2003.

This bill would take effect September 1, 2001.

**SUPPORTERS
SAY:**

CSHB 2691 would bring 21st century technology into the processing of voter registration cards collected by DPS. It would speed up voter registration, help eliminate data-entry mistakes, and reduce the number of lost and duplicate applications.

Harris County's DPS offices provided almost half of the 568,322 voter registration cards received before the 2000 presidential election. Currently, more than 250,000 of these cards must be handled manually by both DPS and Harris County Tax Office personnel. Electronic transfer would eliminate the need to process the paper cards and would end duplicate recording of the information into county files. This would save taxpayer money at both the state and county level.

DPS driver's license offices already must submit daily electronic information about driver's license and identification card applications and renewals to its central database. DPS information specialists report that only minor changes should be needed to establish "mailboxes" within the existing program to collect and submit the information to the county. Outside contractors could complete these changes at a cost of about \$84,000.

CSHB 2691 would provide a check and balance on the voter registration card system by providing another record of applications submitted daily. During physical handling of the 4-by-6-inch voter registration cards, cards are lost at DPS, U.S. Postal Service, or voter registrars' offices. The current system provides no backup information or records on the submission of voter registration forms. Voters who believe they were registered through the Motor Voter Act could discover at the polls that the application had been lost in processing. CSHB 2691 would create an electronic record of when an application was submitted.

DPS programs check to determine the validity of addresses submitted for driver's licenses and identification cards. By requiring the use of computer technology for voter registration applications, CSHB 2692 would help eliminate the need to resubmit voter applications after applications had left the DPS office to make needed corrections. This would enable the creation of more accurate voter registration lists.

CSHB 2691 would build in additional safeguards through the proposed study committee, which would monitor the bill's implementation and suggest ways to expand the program or to remedy any unintended consequences.

OPPONENTS
SAY:

Expanding the use of any governmental electronic database raises questions about unexpected expenses and potential loss of privacy. Revising the program could be more expensive than originally anticipated, and the complexity of creating mailboxes for additional counties could overwhelm the already old Unix system used by DPS. Electronic databases created even for seemingly benign purposes can be used for completely different purposes or otherwise compromised.

The current system provides a check by mailing a voter registration card to the voter. It should be the individual citizen's responsibility to check with the voter registrar's office if that card is not provided before the election.

OTHER
OPPONENTS
SAY:

CSHB 2691 unnecessarily would limit the availability of electronic data transmission to counties with populations of more than 400,000. This cutoff, which seems arbitrary, would exclude counties such as Cameron, Galveston, Jefferson, Lubbock, Montgomery, Nueces, Smith, Webb, and Williamson that handle large numbers of voter registrations and have the capacity to handle electronic data transfer. Even much smaller counties may have computer data systems that would be compatible with the DPS system.

NOTES:

HB 2691 as filed contained a population bracket that would have applied only to Harris County. The committee substitute removed the original bill's requirement that DPS use the same system to collect electronic signatures for its licenses and cards as in obtaining an electronic signature for the voter registration application. The substitute added the requirement that the DPS clerk inform the applicant that the signature would be used for submitting the voter registration information. It also added the requirement for the study committee.