

**SUBJECT:** Requiring verification of ineligible voters on voter lists

**COMMITTEE:** Elections — favorable, without amendment

**VOTE:** 5 ayes — J. Jones, Denny, Hodge, Madden, Truitt  
0 nays  
4 absent — Danburg, Gallego, Sadler, Wilson

**WITNESSES:** For — William Harrell, American Civil Liberties Union of Texas; *Registered but did not testify*: Gary Bledsoe, Texas State Conference of National Association of Colored Persons; James Gaston, Molly Beth Malcolm, Texas Democratic Party; Bruce Sherbet; Suzy Woodford, Common Cause of Texas  
  
Against — None  
  
On — Elizabeth Hanshaw, Secretary of State

**BACKGROUND:** Election Code, ch. 18, subchapter A outlines the procedures for identifying registered voters, including requiring the voter registrar to prepare for each county election precinct a certified list of registered voters for the first election in a voting year. Currently, only Tarrant and Harris Counties contract out the purging of ineligible voters from their voter lists. The remaining counties do this in-house.

**DIGEST:** HB 2921 would add sec. 18.0121 to the Election Code to require a voter registrar to verify a list of potentially ineligible voters that was produced for a county by a private business entity. The list would have to be verified for accurate information, using available public records, before it could be made available to the public or used by the registrar.  
  
The bill would take effect September 1, 2001.

**SUPPORTERS SAY:** HB 2921 would protect voters by requiring a county registrar to verify the accuracy of voting lists before handing the list over to a private entity. Although it is not a common practice, some counties hire private companies

to purge the names of ineligible voters their voter lists. The companies cross-reference the voter lists with arrest records, death records, and other databases. However, current law does not require voter registrars to check the lists for inaccuracies before using them or making them available to the public. If the lists are not accurate, eligible voters can have their eligibility challenged, which can result in them being disenfranchised.

During the recent presidential election in Florida, one private company mistakenly removed eligible voters from a voter list. Their eligibility to vote subsequently was challenged, and they were not allowed to vote on election day because their names did not appear on the voter list. This has prompted leaders to look at voting procedures in Texas, and specifically at the accuracy of voter lists. Every effort should be made to ensure that the lists are accurate so that every registered voter who attempts to vote is able to.

Although a voter whose eligibility is challenged at the polling place can vote under current law as a challenged voter, this means the voter must complete an affidavit and sign a sworn statement. This is a time-consuming process, and if a voter had been purged wrongly from the voter list, it is quite unfair. The voter lists should be accurate, and if a county contracts out the “scrubbing” of its voter lists, the ultimate responsibility for ensuring the lists are accurate rests with the voter registrar of that county.

OPPONENTS  
SAY:

This bill would, in effect, end the practice of counties contracting with private companies to purge their voter lists. If the voter registrar were going to be required to verify all the information the company provided, the registrar might as well purge the list in-house.