

SUBJECT: Allowing use of voter registration application receipt for voting

COMMITTEE: Elections — committee substitute recommended

VOTE: 7 ayes — Danburg, J. Jones, Denny, Hodge, Madden, Sadler, Truitt
0 nays
2 absent — Gallego, Wilson

WITNESSES: For — Kristeen Roe, Texas Assessor-Collectors Association of Texas;
Registered but did not testify: James Gaston, Texas Democratic Party;
Gerald “Buddy” Winn, Tax Assessor-Collectors Association of Texas; Suzy
Woodford, Common Cause of Texas

Against — None

On — Ann McGeehan, Secretary of State; Darryl Pool, Republican Party of
Texas

BACKGROUND: Election Code, ch. 13.040 requires a volunteer deputy registrar, on receipt
of a completed registration application, to prepare a receipt in duplicate. The
deputy registrar must give the original copy of the receipt to the applicant
and submit the duplicate copy along with the application to the voter
registrar. The receipt must include the applicant’s name and the date the
completed application is submitted. Sec. 63 governs the regular procedure
for allowing a voter to vote.

DIGEST: CSHB 2925 would amend sec. 13.040 to require a volunteer deputy registrar
to prepare a voter application receipt in triplicate. The receipt would have to
include the date, and the applicant’s name and complete address. The receipt
also would have to state that it was an official receipt of an application to
register to vote and was usable in an election that occurred at least 30 days
after the application to register was completed. The volunteer deputy would
have to keep one copy of the receipt and deliver the remaining copy to the
voter registrar along with the application.

When a voter who was *not* on the list of registered voters offered to vote and presented such a receipt, the voter would have to be allowed to vote if:

- ! the application was made at least 30 days but not more than 90 days before the election;
- ! the address on the receipt indicated that the voter was a resident of the precinct in which he or she was entitled to vote;
- ! the voter completed a voter registration application at that time; and
- ! the election judge reviewed the voter registration application

CSHB 2925 would allow a voter to vote if he or she presented a receipt when offering to vote, and the name *was* on the list of registered voters, and:

- ! the application was made at least 30 days but not more than 90 days before the date of the election; and
- ! the address on the receipt indicated that the voter was a resident of the precinct in which he or she was entitled to vote

The bill would take effect September 1, 2001.

SUPPORTERS
SAY:

CSHB 2925 is needed to ensure that people who have registered to vote are not turned away at the polls because they have not yet received their official voter registration certificate. The receipt only would be valid for voting purposes for 90 days.

In some cases, an eligible voter may not have received his or her voter registration card by the time of the election day. Sometimes volunteer deputy registrars, when helping to “get out the vote,” will register people to vote but then fail to submit the completed applications to the voter registrar. Because of the inexperience, haste or oversight of the volunteer deputy registrar, voters who assumed they were registered and eligible to vote were, in fact, not. In the past, voters who had not received their official voter registration certificates but who had their application receipts might have been allowed to vote with only their receipts, but some were not. Their only recourse has been to vote as a challenged voter.

As a challenged voter, a person must execute an affidavit and sign a sworn statement. This means that the eligibility of the person has been “challenged”

by an election officer. However, this procedure can be intimidating to some, and it is a time-consuming process. Since a receipt currently is not considered to be an official document, it basically is up to the presiding judge at the precinct.

It would be impractical to require election workers to call the voter registrar to determine if a voter who presented an application receipt and was not on the list of registered voters was otherwise eligible to vote. Not all precincts have telephones, and such a requirement would be difficult for some precincts to comply with. If the voter were not on the registered voter list, under this bill, they could fill out another registration application and have the judge review it for eligibility. If there was a discrepancy regarding a voter's eligibility, the judge could deal with it on the spot.

OPPONENTS
SAY:

CSHB 2925 is not needed because any voter who does not have their voter registration certificate can always vote as a challenged voter.

OTHER
OPPONENTS
SAY:

An instance could arise where a ineligible person who was rejected for a voter registration certificate could be allowed to vote with only an application receipt. The bill also should require an election worker who was presented with an application receipt by a voter to call the voter registrar to determine if that voter were otherwise eligible to vote. Voter registrars are available all day on election day for poll workers who need additional assistance.

NOTES:

The committee substitute modified the original bill by adding that a voter who presents with a receipt only is required to be able to vote if the application were made not more than 90 days before the election. The substitute also added that a voter who presented a receipt and whose name was not on a list of registered voters would be able to vote if the voter completed a voter registration application at the polling place and the election judge reviewed it.