SUBJECT: Implementation of a statewide voter registration system

COMMITTEE: Elections — favorable, without amendment

VOTE: 6 ayes — Denny, Bohac, Anderson, Hughes, J. Jones, T. Smith

                0 nays

                1 absent — Anchia

WITNESSES: For — *(Registered, but did not testify:* Dana DeBeauvoir, Texas County
                and Districts Clerks Association; George Hammerlein, Harris County Tax
                Assessor-Collector; Suzy Woodford, Common Cause Texas)

                Against — None

                On — Ann McGeehan, Secretary of State; *(Registered, but did not testify:*
                Germaine Martinez, Department of Public Safety)

BACKGROUND: Two years after controversies surrounding the 2000 presidential election,
                Congress enacted the Help America Vote Act (HAVA) of 2002. It
                established a program to provide funds to states to replace punch card
                voting systems and to provide assistance with the administration of
                election laws and programs. It also established minimum election
                administration standards. The guidelines are voluntary, but if a state
                chooses to accept the money that is available under the act, the state must
                follow the provisions outlined by HAVA. The 78th Legislature in 2003
                enacted HB 1549 by Denny, authorizing the implementation of the
                requirements of HAVA.

                One of the mandates is a single, uniform, official, centralized interactive
                computerized statewide voter registration list that is maintained and
                administered by the Secretary of State's Office. The list must contain the
                name and registration information of each legally registered voter in the
                state, and each voter must be assigned a unique identifier number.

DIGEST: HB 2280 would require a voter registrar to approve a voter registration
                application if the registrar determined the application complied with
                current requirements and the applicant was eligible to register. The

registrar would verify with the secretary of state the applicant's Texas driver's license number, the personal identification card number issued by the DPS, or the last four digits of the person's social security number unless the applicant had furnished a statement affirming that the person had not been issued a Texas driver's license number or personal identification card or did not have a social security number.

The voter registrar no longer would be required to assign a registration number for every person applying to register. Instead, the secretary of state would prescribe a uniform system for assigning voter registration numbers.

If a voter discovered incorrect information on a registration card, or if any of the information changed and the voter continued to live in the county in which the voter was registered, the voter could correct the information by digital transmission or online under a program administered by the secretary of state and Department of Information Resources. The secretary of state would adopt rules to approve the technology and any necessary procedures to comply with this provision.

The Bureau of Vital Statistics would furnish information regarding deceased residents once a week, rather than once a month, on a day chosen by the secretary of state. Further, the DPS would send an abstract of felony convictions and the names of those who completed voter registration applications to the secretary of state daily instead of weekly. The day after the secretary of state received the names of those who completed applications, the appropriate registrar would be informed.

The secretary of state would prescribe procedures to allow the transmission of a voter's driver's license number, personal ID number or social security number to a registrar when voters registered in another county. The statewide computerized voter list would be updated to reflect the new county of residence.

If a person applied for voter registration in person at the DPS and provided an electronic signature, the DPS would electronically transmit the signature to the secretary of state. The secretary of state would prescribe necessary procedures to implement this requirement, which could include allowing DPS to delay the implementation of the electronic signature transmission until January 1, 2007, if the DPS determined it did not have the appropriate equipment to comply. It would allow people to be

registered without an electronic signature if a delay were granted. The provision allowing a delay would expire January 2, 2007.

The bill would take effect January 1, 2006.

SUPPORTERS
SAY:

HB 2280 would authorize statutorily the secretary of state to implement the mandated statewide voter registration system required by HAVA. It would authorize information, such as a person's driver's license number, personal identification number, or the last four digits of their social security number, to be coordinated daily to ensure the new statewide list could be kept accurate and up to date. The system could assign a unique identifier to each registered voter so that the voter's voting eligibility status would be current and immediately accessible for local election officials.

The bill would codify certain processes and procedures that already have been implemented, such as allowing voters who moved within the same county to update their information online. The secretary of state would have the necessary authority to address certain procedures at a later date in order to bring Texas into compliance, including prescribing procedures for updating the statewide list with new information on voters who moved to a new county and allowing the DPS to delay implementing certain features if it could not meet the requirements by the deadline.

Concerns that the DPS would not have enough time to comply with the requirement to transfer electronic signatures could be addressed by way of an amendment.

OPPONENTS
SAY:

The bill would authorize the implementation of some key requirements of the HAVA. However, allowing the DPS to extend the deadline for implementation of the transmission of electronic signatures until January 1, 2007, is not long enough. The DPS is in the process of completely re-engineering the driver's license system and it will not be operational until later in 2007. An extension of one additional year would be preferable.