

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 7, 2003

TO: Honorable Mary Denny, Chair, House Committee on Elections

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB2119 by Brown, Betty (Relating to certain duties of local registrars of deaths relating to voter registration.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code and the Health and Safety Code to require the county clerk, district clerk or justice of the peace that is responsible for recording deaths, to report to the county voter registrar the deaths of individuals 18 years or older no later than 10 days after the death certificate is filed. Current law requires that this be done no later than the 10th day of the month following the issuance of the death certificate. Cities that have an officer, employee, or department that performs the duties of registrar of deaths would still be allowed to report on the 10th day of the month following the issuance of a death certificate.

Beginning January 1, 2006, a local registrar would be required to submit a report to the Secretary of State for each person whose death has been reported to the registrar for the previous year; the report must be submitted at the same time the local registrar submits a statement to the Comptroller regarding voter registration status.

The Comptroller would be required to deduct from payments made to local registrars 40 cents for each individual death the Secretary of State identifies that the local registrar did not report. Additionally, the Comptroller would be required to deduct 20 percent from the total payment to be made to the registrar if the registrar has not reported all names as required. Once a registrar were to become current in all reporting, as verified by the Secretary of State, the amount deducted would be restored to a registrar's entitlement.

The bill would also require counties to notify the Texas Department of Health, Bureau of Vital Statistics, of the name of the person serving as the local registrar for births and deaths. The bill would take effect September 1, 2003.

According to analysis by the Secretary of State, the agency would be able to implement provisions of the bill using existing resources.

According to the Comptroller, payments to local registrars for updating voter registration records are made from funds appropriated from the General Revenue Fund 0001 for that purpose. Historically, all amounts appropriated have been expended. In fiscal year 2002 (a major election year), there was \$3 million appropriated, and \$500,000 appropriated for fiscal year 2003. Because all amounts appropriated by the state for this purpose are expended, regardless of in what portions and to which local registrars the funds are distributed, there would be no fiscal impact on the state related to those funds. Changes in how the funds are distributed would not have a significant fiscal impact on the state.

If a local registrar is not in compliance with reporting requirements, the local entity would experience a loss in revenue equal to 40 cents for each name not reported in the previous voting year plus 20 percent of the entire amount to which the entity would otherwise be entitled until compliance is achieved. If compliance occurs after all amounts have been expended from the appropriations, or if compliance does not occur, the local entity would not be able to recoup the loss.

The decrease in the amount of time allowed for reporting the death of a voter age 18 or older could result in a local county registrar having to increase staff to meet the deadline, or risk losing or delaying payments because of noncompliance with reporting requirements.

County clerks contacted by the Legislative Budget Board anticipate that the fiscal impact would be insignificant, although it would vary by county.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 307 Secretary of State

LBB Staff: JK, GO, JB, DLBa, JF