

BILL ANALYSIS

H.B. 2280
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Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During the 78th regular legislative session, Texas enacted the federal Help America Vote Act of 2002. Part of this federal act requires the state to implement a statewide computerized voter registration system. Although legislation passed during the last regular session initiated the development of this system and put some guidelines in place for its use, many details concerning the actual use of the system have yet to be implemented. For instance, prior to the use of the statewide system, each county voter registrar maintained its own voter registration list. Once the new system is in use, the state will maintain the official list for each county. House Bill 2280 makes modifications to facilitate the use of the statewide voter registration system, once it is implemented by the federal deadline of January 1, 2006.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Secretary of State in SECTION 3 (Sec. 15.021, Election Code) of this bill. SECTION 7 (Sec. 18.061, Election Code) and SECTION 9 (Sec. 20.066, Election Code) of this bill also require the Secretary of State to prescribe procedures.

ANALYSIS

House Bill 2280 amends the Election Code by making modifications to facilitate the implementation of a statewide voter registration system as required by the federal Help America Vote Act.

The bill modifies the procedure for a voter registrar to approve a voter registration application by adding the requirement that the voter registrar verify with the secretary of state the applicant's Texas driver's license or personal identification card number, or the last four digits of the applicant's social security number. The bill removes the requirement that voter registrars assign a registration number to each person to be registered as a voter. The bill requires, rather than authorizes, the secretary of state to prescribe a uniform system for assigning voter registration numbers.

The bill removes the requirement that the secretary of state, in conjunction with the Department of Information Resources, conduct a study to determine the feasibility of allowing voters to correct registration information by digital transmission of the information, and instead authorizes voters who continue to reside in their registered county to correct information in this manner. The bill requires, rather than authorizes, the secretary of state to adopt rules relating to the approval of technology and additional procedures for the implementation of this provision.

The bill requires the Bureau of Vital Statistics to furnish information on deceased Texans to the secretary of state once each week, on a day specified by the secretary of state, rather than by the 10th day of each month. The bill requires the Department of Public Safety (DPS) to prepare an abstract of each judgment of final felony conviction and file the abstract with the secretary of state each weekday that the department is regularly open for business, rather than preparing abstracts each week. The bill removes the requirement that the secretary of state file the felony conviction abstracts with the appropriate voter registrar on a weekly basis. The bill requires DPS to electronically transfer to the secretary of state the name of each person who completes a voter registration application submitted to DPS each weekday DPS is regularly open for

business, rather than once each week. The bill requires the secretary of state to inform the appropriate voter registrar of this information on the weekday following the day the secretary of state receives the information from DPS, rather than within a week of receiving the information. The bill removes the population bracket for procedures requiring DPS to electronically transfer registration information, including signatures, of individuals who register to vote at DPS. The bill requires that these procedures apply to all areas of the state. The bill requires the applicant's signature and voter registration data be electronically transferred to the secretary of state, rather than the county voter registrar. The bill removes the requirement that the county voter registrar maintain a database for receiving the electronic registration applications. The bill clarifies that required secretary of state procedures relating to this electronic transmission of registrations may allow DPS to delay implementation of the provisions until January 1, 2007, and may also allow a person to be registered without a signature if such a delay is granted and all other required information is electronically submitted. The bill provides that these allowances expire January 2, 2007.

The bill requires each voter registrar to prepare and file with the secretary of state a report, rather than a written statement, relating to annual registration.

The bill requires the secretary of state to prescribe procedures to ensure that when a voter registers in another county the statewide computerized voter registration list is updated to reflect the voter's registration in the new county.

EFFECTIVE DATE

January 1, 2006.