

BILL ANALYSIS

C.S.H.B. 2319
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law does not list clear criteria for the procedures by which a county voter registrar must accept or reject a voter registration application. As a result, counties use different sets of criteria to determine whether to accept or reject a voter registration application. For example, a voter registration application that is missing the date next to the signature may be approved in one county yet rejected in another. Furthermore, Texas is one of only four states to condition acceptance of a voter registration application on the procedural matching requirement established by the 2002 Help America Vote Act (HAVA). Both of these issues have resulted in the rejection of registration applications for many eligible voters.

C.S.H.B. 2319 establishes clear criteria for accepting voter registration applications to make the system more effective in registering eligible applicants. The bill also establishes procedures for HAVA matching in order to ensure the integrity of the statewide voter registration database and ensure the matching process does not prevent the inadvertent rejection of eligible voters.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Committee Substitute House Bill 2319 amends the Election Code to require that a voter registrar approve a registration application that is missing required information if there is sufficient information to reasonably establish the applicant's eligibility to vote. The bill provides four common omissions for which a voter registrar may not reject a registration application and includes one already in law. The bill provides that a voter registrar must approve an application that does not include a driver's license number, a personal identification number, or a statement indicating the applicant has not been issued a driver's license or personal identification card, as long as the application includes the last four digits of the applicant's social security number.

C.S.H.B. 2319 also amends the Election Code by removing the provision making the verification of an applicant's identification number, driver's license or social security number with the Texas Department of Public Safety (DPS) or the United States Social Security Administration (SSA) database a condition for acceptance of a voter application.

C.S.H.B. 2319 amends the Election Code by establishing procedures for the verification of information contained in a voter registration application. The bill instructs the secretary of state to adopt standards for determining whether the information provided by applicants on a voter registration application matches information maintained by the DPS or the SSA. The bill also instructs the secretary of state to perform the matching and to notify local voter registrars whether or not individuals have been successfully matched. Under the bill, an applicant is to be considered matched if a reasonable person would conclude that the applicant is likely to be the individual reflected in the information maintained by either agency. The bill also requires the secretary of state to add a notation on the voter registration list next to the names of all voters who fail to match. The bill clarifies that a voter registration application is not to be rejected on the grounds of failure to match.

C.S.H.B. 2319 amends the Election Code by requiring that a voter for whom the secretary of state was unable to find a match show proof of identification at the polls in order to vote. A voter who does not show proper identification may only be accepted for provisional voting.

C.S.H.B. 2319 requires the secretary of state to adopt standards for matching by January 1, 2008.

C.S.H.B. 2319 provides that the changes in law made by Sections 1, 2, and 3 of this Act apply only to an election held on or after January 1, 2008.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect on September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2319 differs from the original bill by eliminating the requirement that a voter registrar approve a voter registration application that has a statement affirming that an applicant will be 18 years old before Election Day but does not include a birth date.

C.S.H.B. 2319 removes language requiring an application be accepted if it contains the street address and the city or the street address and zip code, but not all three.

C.S.H.B. 2319 restructures the provision regarding consideration of an application that contains a social security number without a driver's license number or a personal identification number and without or a statement or other indication by the applicant that the applicant has not been issued a driver's license or personal identification card.

C.S.H.B. 2319 designates the secretary of state as the party required to conduct the matching procedures described in the bill.

C.S.H.B. 2319 adds a deadline by which the secretary of state is required to adopt standards for matching.

C.S.H.B. 2319 removes language specifying that the secretary of state notify a voter registrar of any discrepancy between the information provided by an applicant and matching information maintained in the DPS or SSA databases.

C.S.H.B. 2319 adds that the changes in law made by Sections 1, 2, and 3 of this Act apply only to an election held on or after January 1, 2008.

C.S.H.B. 2319 makes certain minor or nonsubstantive changes in format or content to the original bill in conformance with Legislative Council drafting guidelines.