

BILL ANALYSIS

Senate Research Center
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H.B. 1457
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Errors by voter registration clerks have caused thousands of Texans to have their voter registration applications delayed or rejected each year, resulting in many Texans not being able to vote because of errors they did not cause. Most typographical errors are obvious when the application is compared with Texas driver's license files by the secretary of state, as required. However, the secretary of state has no authority to correct such an error and must reject the application.

This problem disenfranchises many voters and causes counties to incur additional costs through manually re-verifying the information and correcting these errors. In some cases, counties are unable to correct the errors before the voter registration deadline. Making relatively simple changes to the secretary of state's software would alleviate much of this problem, but the secretary of state is hesitant to implement the changes without being granted the authority to do so.

H.B. 1457 amends current law relating to procedures concerning verification of certain information submitted in a voter registration application.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state in SECTION 1 (Section 13.0725, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 13, Election Code, by adding Section 13.0725, as follows:

Sec. 13.0725. PROCESS FOR VERIFICATION OF APPLICANT'S TEXAS DRIVER'S LICENSE NUMBER, DEPARTMENT OF PUBLIC SAFETY ISSUED PERSONAL IDENTIFICATION NUMBER, OR SOCIAL SECURITY NUMBER. (a) Requires the secretary of state to adopt rules establishing standards used for the verification of information on a voter registration application submitted by a register under Section 13.072(a)(2)(A) (relating to verification of an applicant's Texas driver's license number of number of a personal identification card issued by DSP). Requires that the rules to provide a process by which the secretary of state verifies an applicant's Texas driver's license number of Department of Public Safety (DPS) issued personal identification card number if, based on the available information, a minor correction in the applicant's last name or date of birth as submitted by the registrar would lead a reasonable person to conclude that the number submitted is the correct number for that applicant.

(b) Requires the secretary of state, if available, to provide the registrar with the name and date of birth maintained by DPS or other agency used in the verification process for a submitted application that corresponds to the Texas driver's license number, DPS issued personal identification card number, or social security number submitted by the registrar for verification if the secretary of state cannot verify the accuracy of an applicant's Texas driver's license number, TxDOT issued personal identification card number, or social security number as submitted by the registrar; or the secretary of state verifies the accuracy of the number

provided, but it is not a perfect match with the personal information provided by the registrar.

(c) Requires a registrar to review the information provided by the secretary of state under Subsection (b). Requires the registrar, if the registrar determines that a governmental clerical error was made in processing or submitting the application, to correct the registration record and submit a corrected record to the secretary of state as notice of the correction, and for verification under Section 13.072(a)(2) (relating to a requirement that the registrar approve an application if the registrar verifies certain information with the secretary of state for certain applicants) if the application was not verified.

SECTION 2. Amends Section 13.073(a), Election Code, to require that the notice, if an application is rejected because it was not verified by the secretary of state under Section 13.072, to indicate whether the last name, date of birth, Texas driver's license number, DPS issued personal identification card number, or social security number was the reason for the failure to verify, if that information is provided to the registrar by the secretary of state under Section 13.0725.

SECTION 3. Requires the secretary of state, not later than January 1, 2010, to adopt rules establishing the standards required by Section 13.0725, Election Code, as added by this Act.

SECTION 4. Effective date: upon passage or September 1, 2009.