

BILL ANALYSIS

C.S.H.B. 4389
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In order to increase voter registration and maintain the momentum created by the 2008 presidential election, the process of registering to vote can be streamlined for persons applying for benefits and services from the Health and Human Services Commission.

C.S.H.B. 4389 requires the executive commissioner of the Health and Human Services Commission (HHSC) to prescribe and require use by HHSC and health and human services agencies of forms and procedures that combine certain forms used by HHSC or a health and human services agency with an officially prescribed voter registration form.

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

C.S.H.B. 4389 amends the Election Code to require the executive commissioner of the Health and Human Services Commission (HHSC) to prescribe and require use by HHSC and health and human services agencies of forms and procedures that combine each application form for a benefits program administered by HHSC or such an agency with an officially prescribed voter registration application form.

C.S.H.B. 4389 requires the executive commissioner to prescribe and require use by HHSC and health and human services agencies of a change of address form and procedure that combines HHSC or health and human services agency functions and voter registration functions. The bill requires the form to allow a recipient of benefits to indicate whether the change of address is also to be used for voter registration purposes. The bill requires the secretary of state to approve the design, content, and physical characteristics of the required forms. The bill specifies that the forms required must include the following statement in a prominent location: "If you are not a citizen of the United States, it is illegal for you to register to vote."

C.S.H.B. 4389 requires HHSC or a health and human services agency, as appropriate, if a person completes a voter registration application, to input the information provided on the application into HHSC's or the agency's electronic data system and inform the applicant that the applicant's electronic signature provided to HHSC or the agency will be used for submitting the applicant's voter registration application. The bill requires HHSC or the agency, as applicable, to electronically transfer the applicant's voter registration data, including the applicant's signature, to the secretary of state not later than the fifth day after the date an applicant completes the application and provides an electronic signature. The bill requires the secretary of state to prescribe additional procedures as necessary to implement these registration procedures.

C.S.H.B. 4389 provides that HHSC and the health and human services agencies are not required to comply with the procedures prescribed under provisions governing voter registration agencies relating to the form for a declination of voter registration. The bill requires the executive commissioner of HHSC to prescribe the forms and procedures necessary to implement the provisions of the bill not later than January 1, 2011.

C.S.H.B. 4389 defines "commission," "executive commissioner," and "health and human services agencies." The bill makes other provisions relating to voter registration agencies applicable to HHSC and health and human services agencies except provisions that conflict with the provisions of the bill.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4389 adds provisions not in the original defining "commission," "executive commissioner," and "health and human services agencies" and making other provisions relating to voter registration agencies applicable to HHSC and health and human services agencies except provisions that conflict with the provisions of the bill. The substitute adds a provision not in the original requiring HHSC or a health and human services agency, as appropriate and if a person completed a voter registration application, to input the information provided on the application into HHSC's or the agency's electronic data system and inform the applicant that the applicant's electronic signature provided to HHSC or the agency will be used for submitting the applicant's voter registration application. The substitute adds provisions not in the original requiring HHSC or the agency, as applicable, to electronically transfer the applicant's voter registration data, including the applicant's signature, to the secretary of state, not later than the fifth day after the date an applicant completes an application and provides an electronic signature, and requiring the secretary of state to prescribe additional procedures as necessary to implement these registration procedures.

C.S.H.B. 4389 adds provisions not in the original establishing that HHSC and the health and human services agencies are not required to comply with the procedures prescribed under provisions governing voter registration agencies relating to the form for a declination of voter registration and requiring the executive commissioner of HHSC to prescribe the forms and procedures necessary to implement the provisions of the bill not later than January 1, 2011. The substitute omits a provision in the original requiring a state agency that is affected by a provision of the bill to request a federal waiver or authorization if the agency determines that a waiver or authorization is necessary for the implementation of the provision, and it authorizes the agency to delay implementation until the federal waiver or authorization is obtained.