

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 7, 2009

TO: Honorable Todd Smith, Chair, House Committee on Elections

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB125 by Brown, Betty (Relating to requiring a voter to present proof of identification.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB125, As Introduced: a negative impact of (\$2,000,000) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$2,000,000)
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from General Revenue Fund 1
2010	(\$2,000,000)
2011	\$0
2012	\$0
2013	\$0
2014	\$0

Fiscal Analysis

The bill would make various changes to the Elections Code regarding voter identification. Among the changes would be a requirement that the voter registrar of each county provide with each initial voter registration certificate or renewal registration certificate issued, notice of identification requirements for voting. The Secretary of State (SOS) would be required to prescribe the wording of the notice.

The SOS would be required not earlier than 60 days or later than 30 days before each primary and general election to mail a notice describing in detail the identification requirements for voting. The SOS would be authorized to create programs to educate the population of the state about the voting identification requirements.

Another new requirement would be that the SOS and the voter registrar of each county that maintains a website to post on the website notice of the identification requirements. The SOS would prescribe the wording of the notice to be sent with the registration certificates for of the website notice.

Provisions of the bill would require training standards to include instructions on the acceptance and handling of the identification presented by a voter to an election officer. Each election clerk would be required to complete the part of training that covers identification. The SOS would be required to adopt the training standards and develop training materials as soon as practicable after September 1, 2009. Each county clerk would be required to provide a session of training using the standards adopted by and the materials developed by the SOS as soon as practicable as well.

The bill would require the presiding judge at each polling place to post in a prominent location outside of the location notice that a provisional ballot will be provided to a person who executes an appropriate affidavit and a list of the acceptable forms of photographic identification. The notice would be required to be in English, Spanish, and any other language appropriate for the precinct. The bill would add to the list of acceptable forms of identification and documentation.

Voters who present a voter registration certificate would not be required to present other required documentation if they execute an affidavit claiming they do not have the acceptable documentation because they are indigent or have a religious objection to possessing the documentation and would be exempt from the identification requirements. The SOS would be required to prescribe procedures related to this exemption.

The bill would authorize acceptance of alternate forms of identification for persons 65 years of age or older, and lists those forms. A provisional ballot must include a space for the election officer to indicate whether the person presented proof of identification as required by either statute for persons in general or for persons 65 years of age or older. The SOS would be required to prescribe procedures for presenting identification for certain provisional ballots.

The Department of Public Safety (DPS) would be required to process and issue a personal identification certificate to a person who applies for the identification certificate for the purpose of satisfying requirements of presenting one form of photographic identification or two forms of non-photographic identification, before processing or issuing other identification certificates. DPS would be prohibited from collecting a fee for a personal identification certificate issued to a person who executes an affidavit stating that they are obtaining the personal identification certificate for the sole purpose of meeting identification requirements for voting if the person meets certain criteria.

As soon as practicable after September 1, 2009, the Secretary of State would be required to adopt the required training standards and develop the required training materials, and each county clerk would be required to provide a session of training as required. Notice of identification requirements and voter identification education would also take effect September 1, 2009. Requirements regarding presentation of identification for certain provisional ballots would take effect January 1, 2012. Otherwise, the bill would take effect January 1, 2010.

Methodology

Although there could be a revenue loss from the prohibition to collect a fee for a personal identification certificate issued to a person seeking the certificate for the sole purpose of voting, if the person is financially unable to pay the required fee, or if a person does not have another form of identification, it is unknown how many people would make the request, and therefore unknown the amount of revenue loss that could occur. Otherwise, based on analysis provided by the Department of Public Safety, it is assumed costs associated with implementation could be absorbed within existing resources. The bill would also allow the Secretary of State to create programs to educate the public about the requirements for voting. The agency estimates the cost of voter education to be \$2 million.

Local Government Impact

Based on responses from a sampling of election authorities and county clerks, fiscal impact from implementing provisions of the bill would vary by county. Costs would include at a minimum those for printing signs to post at each polling place, which would not be significant. Other potential costs would be associated with additional training and posting information to the county website. Again, those costs are not expected to be significant. One smaller county response anticipates that the new provisions regarding casting a provisional ballot would require hiring additional staff, resulting in a moderate to significant cost.

Source Agencies: 307 Secretary of State, 405 Department of Public Safety

LBB Staff: JOB, TP, MS, DB, LG, BTA, SD