

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 5, 2009

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

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

IN RE: SB362 by Fraser (Relating to requiring a voter to present proof of identification.), As Engrossed

Estimated Two-year Net Impact to General Revenue Related Funds for SB362, As Engrossed: 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. 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 posted on the website. The SOS would also be required, in cooperation with appropriate nonprofit organizations and with certain political parties, to establish a statewide effort to educate voters regarding the identification requirements for voting. The SOS would be authorized to use any available funds, including federal funds, for the education purposes.

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 to 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 a list of the acceptable forms of photographic and non-photographic identification. The bill would add to the list of acceptable forms of identification. If identification requirements are not met by a voter, an election officer would be required to inform the voter that they may cast a provisional ballot.

The Department of Public Safety (DPS) would be prohibited from collecting a fee for a personal identification certificate issued to a person who states that they are obtaining the personal identification certificate for the sole purpose of meeting identification requirements for voting if the person meets certain criteria.

Other than stipulations related to providing and posting notice of identification requirements for voting and stipulations related to training, all of which would take effect September 1, 2009, 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, it is unknown how many people would make the request, and therefore unknown the amount of revenue loss that could occur. Otherwise, based on the analysis by DPS, it is assumed that costs associated with requirements for the agency could be absorbed within existing resources.

The bill would require the Secretary of State, in cooperation with appropriate nonprofit organizations and with certain political parties, to establish a statewide effort to educate voters regarding the identification requirements for voting. The agency estimates that this would cost \$2 million out of General Revenue Funds for fiscal year 2010. The bill would make no appropriation, but could provide the legal basis for an appropriation of funds to implement the provisions of the bill, and a contingency rider for \$2 million is included in the proposed Senate appropriations bill.

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: 405 Department of Public Safety, 307 Secretary of State

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