

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 5, 2009

TO: Honorable Robert Duncan, Chair, Senate Committee of the Whole Senate

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 Introduced**

No significant fiscal implication to the State is anticipated.

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 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 a list of the acceptable forms of photographic and nonphotographic 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 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.

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 analysis provided by the Secretary of State and the Department of Public Safety, it is assumed costs associated with implementation could be absorbed within existing resources.

Other than stipulations related to providing and posting notice of identification requirements for voting and stipulations related to training, the bill would take effect January 1, 2010.

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, SD, DB, LG