

BILL ANALYSIS

S.B. 1070
By: Hughes
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law requires Texas to work with other states to develop systems for comparing interstate voter information to make sure that voter rolls are being maintained and that voters who have registered to vote in another state are being removed. In complying with this requirement, Texas has for several years participated in the Electronic Registration Information Center, or ERIC.

While a paper by Judicial Watch published in March 2023, discusses how ERIC bills itself as an efficient and cost-effective mechanism for states to maintain accurate voter rolls, a March 2023 article in the Texas Tribune shows there's a high cost associated with ERIC participation when the article says, "Texas currently pays about \$115,000 for its yearly ERIC dues. It also budgets more than \$1 million on mailing, postage and printing costs associated with inviting eligible voters to register, something required under the ERIC membership agreement."

S.B. 1070 seeks to ensure an efficient and cost-effective interstate voter registration crosscheck program by expanding the factors a publicly developed system can compare and providing that a private option the state uses must meet certain cost and functionality standards.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

S.B. 1070 amends the Election Code to expand the scope of the interstate voter registration crosscheck program as follows:

- includes as a required component the identification of voters who have been convicted of a felony or who are registered to vote in more than one state; and
- gives the secretary of state the option to identify and contract with the provider of a private sector data system, as an alternative to developing systems with other states and jurisdictions for identifying voters with certain characteristics, to identify voters whose addresses have changed, who are registered to vote in more than one state, who are deceased, or who are not eligible to vote for another reason, including a felony conviction.

S.B. 1070 does the following with respect to a private sector data system:

- requires the system to have demonstrated an ability to work with registered voter identification and matching systems;
- caps the cost to begin operations with the system at \$100,000 and the cost of continuing operations at one dollar for each voter identified for the bill's purposes;
- restricts the information that may be provided to the system by the secretary of state to information found in a voter roll that is necessary to identify voters for the bill's purposes;

- requires the secretary of state to record information related to the system and to submit a report on that information to the legislature not later than the first day of each quarter of the state's fiscal year; and
- prohibits a contract with a system from requiring any additional duty of the state not required by the bill's provisions.

The bill requires any system to identify voters under the program to comply with the Help America Vote Act of 2002, in addition to the National Voter Registration Act of 1993.

EFFECTIVE DATE

September 1, 2023.