

## **BILL ANALYSIS**

C.S.H.B. 1457  
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Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Errors by voter registration clerks have caused tens of thousands of Texans to have their voter registration applications delayed or rejected each year, resulting in many Texans not being able to vote because of errors they did not cause. Most typographical errors are obvious when the application is compared with Texas driver's license files by the secretary of state, as required. However, the secretary of state has no authority to correct such an error and must reject the application.

This problem disenfranchises many voters and causes counties to incur additional costs for manually reverifying the information and correcting these errors, which in some cases they are unable to do before the voter registration deadline. Making relatively simple changes to the secretary of state's software would alleviate much of this problem, but the secretary of state is hesitant to implement the changes without being granted the authority to do so.

C.S.H.B. 1457 requires the secretary of state to establish a reasonable person standard for verifying a Texas driver's license number or a personal identification card number issued by the Department of Public Safety and establishes procedures to ensure that this verification process does not cause the inadvertent rejection of eligible voters.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTIONS 1 and 3 of this bill.

### **ANALYSIS**

C.S.H.B. 1457 requires the secretary of state, not later than January 1, 2010, to adopt rules establishing standards used for the verification of information on a voter registration application submitted by a voter registrar for action where the information submitted does not precisely match the information on the applicant's Texas driver's license or personal identification card issued by the Department of Public Safety (DPS). The bill requires the rules to provide a process by which the secretary of state verifies those numbers if, based on the available information, a minor correction in the applicant's last name or date of birth as submitted by the registrar would lead a reasonable person to conclude that the number submitted is the correct number for that applicant.

C.S.H.B. 1457 requires the secretary of state to provide the voter registrar, if such information is available, the name and date of birth maintained by DPS or other agency used in the verification process for a submitted voter application that corresponds to the Texas driver's license number, DPS-issued personal identification card number, or social security number submitted by the registrar for verification if the secretary of state cannot verify the accuracy of those numbers or if the secretary of state verifies the accuracy of the number provided but the number is not a perfect match with the personal information provided by the registrar. The bill requires the registrar to review the information provided by the secretary of state and, if the registrar determines that a governmental clerical error was made in processing or submitting the application, requires the registrar to correct the registration record and submit a corrected record to the secretary of state as notice of the correction and for verification purposes if the application was not verified. The bill requires, if an application is rejected because it was not verified by the secretary of state, that the written notice the registrar is required to deliver to the applicant stating the reason for the

rejection indicate whether the last name, date of birth, Texas driver's license number, DPS-issued personal identification card number, or social security number was the reason for the failure to verify, if that information is provided to the registrar by the secretary of state.

#### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2009.

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 1457 removes a provision in the original establishing that the policy of Texas regarding the eligibility to vote is that no qualified citizen shall be denied the right to vote due to governmental clerical errors or due to technical defects on an applicant's voter registration application as long as the application information demonstrates that the citizen is qualified to vote. The bill adds language not in the original to clarify that the verification of an applicant's driver's license number or personal identification number is conducted by the secretary of state and to include in the reasonable person standard that, based on the available information, a minor correction in the applicant's last name or date of birth as submitted by the registrar would lead a reasonable person to conclude that the number submitted is the correct number.

C.S.H.B. 1457 differs from the original by requiring a registrar to review the information provided by the secretary of state, rather than the application returned by the secretary as in the original. The substitute adds language not in the original to clarify that the record the registrar is required to correct upon determining that a governmental clerical error was made in processing or submitting an application is the voter registration record. The substitute differs from the original by making technical corrections and conforming changes.