

**SUBJECT:** Implementing National Voter Registration Act and Election Code revisions.

**COMMITTEE:** Elections — committee substitute recommended

**VOTE:** 6 ayes — Danburg, Madden, Denny, Ehrhardt, J. Jones, Muñoz

1 nay — Hill

2 absent — Crabb, Staples

**WITNESSES:** For — Ray Cornett, Tax Assessors Collectors Association; Jesse Romero, Mexican American Legal Defense and Education Fund.

Against — None

On — Melinda Nickless and Ann McGeehan, Secretary of State's Office.

**BACKGROUND:** The National Voter Registration Act (NVRA), enacted by Congress in 1993, requires the state to implement certain provisions and modifications to the Election Code.

**DIGEST:** CSHB 127 would amend the Election Code to conform to the NVRA, making changes that include:

**Residency requirements.** A voter would be required to verify current address and sign a residence statement if the address was different from the registration. A voter could vote in the precinct of the voter's former residence after moving, provided the voter still resided in the same county and same political subdivision. A voter could vote in the precinct of the voter's former residence until the voter's new registration became effective.

**Voter registration.** CSHB 127 would add the requirement of former name in place of maiden name on the voter registration form and a statement that applicant has not been determined mentally incompetent by a final court judgment. Voters would no longer have to list their sex or the location of the court of naturalization, if applicable.

The voter registrar would be required to maintain a suspense list of voters who have failed to response to notices or for renewal certificates that have

been returned. The list of registered voters would have an "S" placed next to the names that are also on the suspense list. Certain voter information would be contained in suspense lists.

A voting registrar would be required to mail a confirmation notice to an applicant if initial certificate is returned. The applicant's name would be added to the suspense list for not responding to registrar within three days of the mailing.

The suspense list would be available to the public by both a registrar's office or the secretary of state's office upon request. The voter registrar's office would be prohibited from mailing renewal certificates to voters whose name appear on suspense list. A registrar would be required to cancel a voter's name off the list of registered voters if the name remained on the suspense list on November 30 for two general elections. Early voting clerks would be required to provide residence forms to suspense voters. Voters on the suspense list would be prohibited from counting towards the amount of signatures required on a petition.

Texas high schools would be required to have a minimum of two voter registration drives throughout the school year.

Certain state agencies, including the Department of Public Safety, public libraries and marriage license offices would be designated as voter registration agencies by the secretary of state. Voter registration agencies would have to provide anyone applying for initial services a voter registration application.

Each agency would be required to delegate a minimum of one employee to coordinate a voter registration program. A voter registration agency employee would be prohibited from determining a voter registration's eligibility except when the voter's age or U.S. citizenship could be determined based on the applicant's information with the agency. An agency employee would be prohibited from influencing or discouraging applicants regarding voting or political party preferences.

An agency employee would be required to give the applicant the secretary of state's toll free number and county voter registrar's number if questions could not be answered.

If an applicant declined to complete a voter registration application, the agency would be required to request that the applicant complete and sign an official declination of registration form, which would have to be retained for at least 22 months. If the applicant refused to sign the declination form, it would be noted on the form by an agency employee. The Department of Public Safety, public libraries, marriage license offices would be exempt from completing declination forms.

**NVRA costs.** Voting registrars would be allowed to use state funds under Chapter 19 to assist in costs associated with implementing the NVRA.

**Data storage.** A voter registrar would be allowed to store voter registration documents on an optical disk or other computer storage medium approved by the secretary of state's office. The documents would be required to be reproducible.

The bill would repeal the following Election Code provisions: Subchapter B-1, Chapter 13 (DPS provisions moved to another place in the code); Secs. 14.024-14.027 (return list, now in suspense list section); and Subchapter C, Chapter 14 (voting on affidavit of residence, now statement of residence).

The bill would take effect on September 1, 1995.

**NOTES:**

The committee substitute added provisions to the original, by allowing registrars keep registration records on optical disks, exempt high schools from some responsibilities and allowing registrars to use Chapter 19 funds for expenses associated with the NVRA.

The fiscal note projects the bill would cost the state \$397,000 a year to implement.