

SUBJECT: Nondisclosure of certain voter information on county election Web sites

COMMITTEE: Elections — committee substitute recommended

VOTE: 5 ayes — Denny, Bohac, T. Smith, Anchia, Anderson

0 nays

2 absent — Hughes, J. Jones

WITNESSES: (*On original version:*)

For — MerryLynn Gerstenschlager, Texas Eagle Forum; Robert Howard, Libertarian Party of Texas

Against — Sheila Colclasure, Acxiom Corporation; George Hammerlein, Harris County Tax Assessor-Collector

On — Elizabeth Winn, Secretary of State

BACKGROUND: The 78th Legislature enacted HB 1863 by Bohac, adding a provision to the Election Code stating that a social security number, a Texas driver's license number, or a number on a personal identification card issued by the Department of Public Safety (DPS) do not constitute public information for purposes of Government Code, ch. 552, the Texas Public Information Act. A voter registrar must ensure that these forms of identification are excluded from disclosure.

DIGEST: CSHB 345 would amend Election Code sec. 13.004 to establish that a voter registrar or other county official who had access to information furnished on a voter registration application could not post the following on a Web site:

- a telephone number;
- a social security number;
- a driver's license number or a number of a personal identification card; or
- a date of birth.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

CSHB 345 would protect those at risk of being victims of crime, particularly identity theft, while continuing to enable groups or businesses who use dates of birth for legitimate research and marketing purposes to have access to that information by purchasing it from county clerks. A few county Web sites have made birth dates of registered voters too easily accessible, and with such data so readily available, certain vulnerable demographic groups, such as the elderly, are put at unnecessary risk. CSHB 345 would make the elderly and other vulnerable groups less likely to become crime targets because the bill would prohibit placing a registered voter's telephone number or date of birth on a county election Web site. The bill also would reiterate that a voter registrar or other county official could not place a voter's social security number or driver's license number on a Website, reinforcing legislation enacted last session that already prohibits such disclosure.

Although the Public Information Act makes birth dates public information on public documents, posting this information in conjunction with addresses and phone numbers on county Websites creates a dangerous combination of data made available to criminals at the touch of a button. CSHB 345 would not purport to make public information totally unavailable, but would restrict county Web sites from being potential enticements to wrongdoing.

**OPPONENTS
SAY:**

However good the intentions behind CSHB 345, the Legislature should approach cautiously any restriction on information, including date of birth, that is subject to the Public Information Act and otherwise public. In addition, prohibiting disclosure of phone numbers on election Web sites would not offer much protection because most phone numbers are easily accessible through phone books and other Internet sources.

NOTES:

The committee substitute differs from the introduced version by prohibiting a voter registrar or other county official who has access to voter registration applications from posting certain personal information, including date of birth, on a Web site, rather than adding date of birth to

the information that would be considered confidential and not subject to disclosure.