

- SUBJECT:** Compensation for facilitating the registration of voters
- COMMITTEE:** Elections — favorable, without amendment
- VOTE:** 9 ayes — L. Taylor, Hernandez Luna, Berman, Branch, Burkett, Farias, Isaac, P. King, Veasey
- 0 nays
- WITNESSES:** For — Robert Antill, King Street Patriots; Ed Johnson, Harris County Clerk Office; Carol Kitson; (*Registered, but did not testify:* Dana DeBeauvoir, Legislative Committee of County and District Clerks Association of Texas; Rosemary Edwards; Jessica Gomez, Disability Rights Texas; Cheryl Johnson, Galveston County Tax Office and Voters; Melinda Kinley; Peggy Venable, Americans for Prosperity; Sheryl Swift, Galveston County Tax Office; Skipper Wallace, Texas Republican County Chairs Association)
- Against — (*Registered, but did not testify:* Helen Carvell, League of Women Voters; Sonia Santana, ACLU-Texas)
- On — (*Registered, but did not testify:* Yannis Banks, Texas NAACP; Elizabeth Hanshaw Winn, Texas Secretary of State)
- BACKGROUND:** Election Code, sec.13.031 authorizes the voter registrar to appoint volunteer deputy registrars to serve to encourage voter registration. Under sec. 13.036, a volunteer deputy registrar is terminated at the time the appointment expires or upon conviction of the person for the offense of not delivering the completed voter registration applications to the registrar in the manner required by law. An offense is a Class C misdemeanor (maximum fine of \$500), unless it is intentional, in which case it is class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).
- DIGEST:** HB 239 would prohibit performance-based compensation for registering voters. A person would commit an offense if the person compensated another person based on the number of voter registrations that the other person successfully facilitated, presented another person with a quota of voter registrations to facilitate as a condition of payment or employment, engaged in another practice that caused another person's compensation

from or employment status with the person to be dependent on the number of voter registrations that the other person facilitated. The bill also would apply to a person who accepted compensation for an activity described by the bill.

An offense would be a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000). An officer, director, or other agent of an entity who committed an offense would be punishable for the offense.

A volunteer deputy registrar's appointment would be terminated on the final conviction of the volunteer deputy registrar for an offense prescribed by the bill.

The bill would take effect September 1, 2011.

**SUPPORTERS
SAY:**

HB 239 would address one source of voter registration fraud by removing improper financial incentives to commit a crime. Recently, there have been numerous voter registration scandals across the country. There have been countless examples of individuals who were convicted of charges related to voter registration fraud. The Legislature has made great strides in ensuring the integrity of the state's electoral system by targeting election day fraud. HB 239 would complement those efforts by eliminating the point at which most election fraud starts – illegal registration.

In many of these instances, the convicted person specifically cited that compensation for the person's services and performance quotas were the incentives for committing voter registration fraud. There are many documented cases in other states where individuals worked for national get-out-the-vote organizers that imposed strict quotas on the number of registrations a worker had to obtain in order to get paid. Workers took addresses from homeless shelters, used false birthdays and Social Security numbers, and even took names from baby books to create nonexistent applicants.

The bill would not prohibit individuals from earning a flat salary or hourly wage for helping with voter registration drives. It simply would do away with the bounty system that is fraught with fraud.

When thousands of voter registration cards are dumped days before an election, it is nearly impossible for local elections officials to weed out all of the fraudulent registrations.

OPPONENTS
SAY:

Texas is a low voter education state. HB 239 could result in unintended consequences for those who were registering people to vote. The bill would create an offense of up to one year in jail for a non-violent offense for someone who did not know about or understand the law. Many election laws are obscure, and the bill would provide no dissemination of information or education about its provisions.

A better alternative would be enhance education efforts about what is permitted and what is not permitted under current law in voter registration drives. It would cost more to send someone to jail than it would be fund an elections education program.

NOTES:

The provisions of HB 239 were adopted as a floor amendment to HB 2817 by Taylor, which relates to elections actions and procedures, on May 9.