

- SUBJECT:** Disclosure of personal information for election-related purposes
- COMMITTEE:** Elections — committee substitute recommended
- VOTE:** 7 ayes — Morrison, Miles, Johnson, Klick, R. Miller, Simmons, Wu  
0 nays
- WITNESSES:** For — Erin Anderson, True the Vote NOW; Ed Johnson, Harris County Clerk’s Office; Glen Maxey, Texas Democratic Party; B R “Skipper” Wallace, Republican County Chairs Association; (*Registered, but did not testify*: Cheryl Johnson and Sheryl Swift, Galveston County Tax Office; Morgan Little, Texas Coalition of Veterans Organizations)
- Against — (*Registered, but did not testify*: Cornelius English, Jr., United Transportation Union; James Gaston, Texas AFL-CIO)
- On — Keith Ingram, Texas Secretary of State, Elections Division; (*Registered, but did not testify*: Wroe Jackson, Office of the Secretary of State; Michael Terry, Texas Department of Public Safety)
- BACKGROUND:** Transportation Code, sec. 521.044 governs the use or disclosure of a person’s Social Security number as provided on a driver’s license application. The number may be used only by the Texas Department of Public Safety (DPS) or disclosed only for certain purposes related to child support, unclaimed property, and the U.S. Selective Service. DPS must disclose the Social Security number to these entities upon their request.
- Transportation Code, sec. 730.007 lists circumstances in which personal information obtained in connection with a motor vehicle record may be disclosed. Under this section only an individual’s name and address, date of birth, and driver’s license number may be disclosed. However, the statute specifies that it does not prohibit the disclosure of a person’s photographic image to:
- a law enforcement agency or a criminal justice agency for an official purpose; or
  - an agency of Texas investigating an alleged violation of a state or federal law in certain circumstances.

Transportation Code, sec. 730.005 lists several matters in which personal information obtained in connection with a motor vehicle record must be disclosed, including certain matters relating to motor vehicles and child support enforcement.

DIGEST:

CSHB 2512 would add the secretary of state to the list of entities to which a person's:

- Social Security number could be disclosed by DPS under Transportation Code, sec. 521.044; and
- photographic image was not prohibited from disclosure under Transportation Code, sec. 730.007.

This information could only be disclosed for the purpose of voter registration or the administration of elections.

In addition, the bill would add voter registration and the administration of elections to the matters for which personal information would be required to be disclosed under Transportation Code, sec. 730.005

This 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, 2013.

SUPPORTERS  
SAY:

CSHB 2512 would help the Secretary of State's Office fulfill its duty to maintain the accuracy of the voter registration list. This is accomplished in large part by comparing the current voter rolls to the Social Security Administration's death master list to ascertain whether registered voters are deceased and should be removed from the rolls.

During the matching process the Secretary of State often is unable to make a strong match because only one or two criteria or partial numbers can be matched. People who registered to vote before 1993 would not have been required to submit certain identifying information, such as Social Security numbers, on their voter registrations, but this information would have been gathered by DPS if they had applied for a driver's license or ID certificate. Allowing the secretary of state access to identifying information via DPS would strengthen the required matches and improve accuracy in verifying the voter rolls.

The bill would not erode privacy or collect unnecessary information. The Secretary of State's Office is required to maintain the accuracy of the voter rolls and does not currently have all the necessary tools at its disposal. Under the committee substitute, DPS would not be required to use its image verification system to help the secretary of state, so concerns about abuse of photographic images would be alleviated. Adding the secretary of state to the list of state agencies with access to personal information maintained by DPS would not threaten the security or privacy of this information any more than was necessary for the agency to successfully fulfill its duties.

**OPPONENTS  
SAY:**

CSHB 2512 would compromise privacy by unnecessarily disseminating personal information. The potential for damage caused by identity theft and fraudulent use of Social Security numbers is greater than ever and these numbers should be collected and distributed as infrequently as possible to protect citizens and prevent fraud.

The bill unnecessarily would allow DPS to disclose a person's photographic image to the secretary of state. Exceptions allowing the disclosure of a photographic image are currently limited to law enforcement and criminal investigation purposes. The exception for the Secretary of State's office would be a departure from the existing exceptions and would erode privacy by unnecessarily expanding the types of situations in which DPS could disclose a photographic image. The Secretary of State's Office has no use for photographic images in the voter registration and election administration process and should be prohibited from accessing them, as are most agencies.