# BILL ANALYSIS

Senate Research Center                                                                      H.B. 1699
By: Danburg (Haywood)
State Affairs
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Engrossed

## DIGEST

Currently, Texas law requires state agencies to forward completed voter registration applications to respective county voter registrars within five business days; however, in some counties, the Texas Department of Public Safety does not forward the completed voter registration applications it collects. Texas voter registration records contain duplications and may contain wrong information. H.B. 1699 would change certain voter registration information, processes and procedures.

## PURPOSE

As proposed, H.B. 1699 sets forth provisions regarding certain voter registration information, precesses, and procedures.

## RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

## SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 13.004, Election Code, as follows:

> Sec. 13.004. New heading: RECORDING AND DISCLOSURE OF TELEPHONE NUMBER OR SOCIAL SECURITY NUMBER BY REGISTRAR. Provides that a social security number or telephone number furnished on a registration application is confidential and does not constitute public information for purposes of Chapter 552, Government Code. Requires the registrar to ensure that the social security number and telephone number are excluded from disclosure

SECTION 2. Amends Section 13.122, Election Code, by amending Subsection (a) and adding Subsection (d), as follows:

> (a) Requires each official form to include a statement indicating that the omission, rather than furnishing, of the applicant's driver's license number does not affect the validity of the registration application, in addition to the other statements and spaces for entering information that appears on an officially prescribed registration application form. Makes a conforming change.

> (d) Prohibits the portion of an official registration application form that is to be returned by the applicant from including the word "optional" in the space provided for the applicant's driver's license number, personal identification card number, telephone number, or social security number.

SECTION 3. Amends the heading to Chapter 15C, Election Code, as follows:

> SUBCHAPTER C. CONFIRMATION OF REGISTRATION INFORMATION

SECTION 4. Amends Section 15.051(a), Election Code, to require the registrar to deliver to the voter's address a written confirmation notice requesting confirmation of the voter's death, if the registrar receives information relating to the voter's death from a source other than a source described by Section 16.001 or 16.031(b). Makes a conforming change.

SECTION 5. Amends Section 15.052, Election Code, to provide that the officially prescribed form for a confirmation notice requesting confirmation of a voter's current residence to include a statement that, if the voter fails to submit to the registrar a written, signed response conforming the voter's current

residence, certain provisions will occur. Sets forth the requirements for a confirmation notice. Makes conforming changes.

SECTION 6. Amends Section 15.053(a), Election Code, to require a voter who is incorrectly referenced as deceased to submit to the registrar a written, signed response to the notice notifying the registrar that the information received by the registrar relating to the voter's death is incorrect, no later than the 30th after the date a confirmation notice requesting confirmation of a voter's death is mailed. Makes conforming changes.

SECTION 7. Amends Section 16.003, Election Code, to delete text regarding the clerk of each court.

SECTION 8. Amends Section 18.005(a), Election Code, to require each original and supplemental list of registered voters to contain the voter's mailing address.

SECTION 9. Amends Sections 18.008(a) and (c), Election Code, to require the registrar to furnish the list directly to the person requesting it. Prohibits the registrar from requiring the person requesting the list to contact the company or other entity to obtain a copy of the list, if the county has contracted with a computer service company or other private business entity for services related to the lists required under this subchapter. Requires the copy to be furnished in the same magnetic media or as a printout, if the list is recorded on magnetic media, rather than tape.

SECTION 10. Amends Section 18.061, Election Code, by amending Subsection (b) and adding Subsections (d) and (e), as follows:

> (b) Requires a service program to include periodically obtaining information from registrars and other available sources to aid in ascertaining the history of participation of each registered voter in general elections. Makes a nonsubstantive change.
>
> (d) Requires the secretary of state to periodically provide registrars with updated registration information in the media requested to assist the registrars in maintaining accurate lists of registered voters.
>
> (e) Authorizes a county or the secretary of state to acquire by purchase, gift, or any other method the hardware and software necessary to support the use of electronic data services.

SECTION 11. Amends Chapter 18C, Election Code, by adding Section 18.0615, as follows:

> Sec. 18.0615. ELECTRONIC REPORTING REQUIRED. Requires each county to deliver to the secretary of state in electronic form the information required by this subchapter. Authorizes the county to deliver the information by means of electronic data services provided under a contract with the secretary. Requires the secretary of state to prescribe the procedures for implementing this section.

SECTION 12. Amends Section 18.062, Election Code, by amending Subsection (c) and adding Subsection (e), as follows:

> (c) Requires the file to include each voter's history of participation in general elections.
>
> (e) Provides that a voter's history of participation in the elections includes only certain information for purposes of Subsection (c)(7).

SECTION 13. Amends Section 18.063(a), Election Code, to require on or after the first day but before the 16th day of February and April of each year, each registrar of a county to deliver to the secretary of state a list containing voting history information.

SECTION 14. Amends Section 18.064, Election Code, to provide that the registrar is not entitled to receive state funds, if a registrar fails to comply with Section 15.083, rather than 14.025.

SECTION 15. Amends Section 18.065(a), Election Code, to make a conforming change.

SECTION 16. Amends Section 19.002(d), Election Code, to make a conforming change.

SECTION 17. Amends Section 20.035, Election Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Requires an application to be delivered to the registrar no later than 5.p.m. of the fifth day after the date the application is submitted to the employee, except as provided by Subsection (c).

(c) Requires an application submitted after the 34th day and before the 29th day before the date of an election in which any qualified voter of the county is eligible to vote to be delivered no later than 5 p.m. of the 29th day before election day.

SECTION 18. Amends Section 20.063, Election Code, by adding Subsection (e), to require DPS to indicate on the temporary license or card that the applicant has completed a voter registration application form provided by DPS, if an applicant for an original or renewal driver's license, personal identification card, or duplicate or corrected license or card completes a voter registration application form provided by DPS and DPS issues a temporary license or card. Requires the secretary of state to prescribe procedures to permit a person to use a temporary license or card issued under this subsection for purposes of voting in an election.

SECTION 19. Amends Article 42.03, Code of Criminal Procedure, by adding Section 5, as follows:

Sec. 5. Requires the judge to inform a defendant convicted of a felony that the defendant will lose the right to vote from the time the judgment becomes final until the time the defendant's sentence has been fully discharged or the defendant has been pardoned or otherwise released from the resulting disability to vote as described by Section 11.002(4), Election Code, at the time the judge pronounces the sentence.

SECTION 20. Amends Section 521.101, Transportation Code, by adding Subsection (h), to require DPS to indicate on the temporary certificate that the applicant has completed a voter registration application form provided by DPS, if an applicant for an original or renewal driver's license or a duplicate or corrected license completes a voter registration application form provided by DPS and DPS issue a temporary license.

SECTION 21. Amends Section 521.124, Transportation Code, by adding Subsection (c), to require DPS to indicate on the temporary that the applicant has completed a voter registration application form provided by DPS, if an applicant for an original or renewal driver's license or a duplicate or corrected license completes a voter registration application form provided by DPS and DPS issues a temporary license.

SECTION 22. Requires the secretary of state to prescribe procedures to implement a statewide standardized coding system for coding voter history information described by Section 18.062(e), Election Code, as added by this Act, no later than January 1, 2001.

SECTION 23. Requires the secretary of state to study the feasibility of developing a standardized electronic format for entering voter information relating to residence address for the purpose of identifying duplicate registrations by voters. Requires the secretary of state to issue a report summarizing certain recommendations, no later than December 1, 2000. Requires the secretary of state to promptly deliver copies of the report to the governor, the lieutenant governor, and the speaker of the house of representatives.

SECTION 24. Requires the secretary of state, on or before January 1, 2000, to prescribe a voter registration application form that conforms to the changes made by Section 13.122, Election Code, as amended by this Act, and a form for a confirmation notice and a confirmation notice response that conforms to the changes made by Sections 15.052 and 15.053, Election Code, as amended by this Act.

SECTION 25. Requires DPS, on or before January 1, 2000, to prescribe a temporary license form that conforms to the changes made by Section 20.063(e), Election Code, ad added by this Act, and Sections 521.101(h) and 521.124(c), Transportation Code, as added by this Act.

SECTION 26. (a) Provides that the change in law made by Section 18.0615, Election Code, as added by this Act, applies to registration information from elections held on or after November 2, 1999. Requires registration information from elections held on or after November 2, 1999, and before March 31, 2000,

to be submitted to the secretary of state on or before April 15, 2000.

(b) Authorizes a county to voluntarily deliver to the secretary of state information as provided by Section 18.0615, Election Code, as added by this Act, from elections held on or after November 3, 1998, and before November 2, 1999.

SECTION 27. (a) Effective date: September 1, 1999, except as provided by this section.

(b) Effective date for Sections 13.122(a) and (d), Election Code:  January 1, 2000.
    Makes application of this Act prospective.

(c) Effective date for Sections 521.101(h) and 521.124(c), Election Code:  January 1, 2000.

SECTION 28. Emergency clause.