

SUBJECT: Requiring cooperation with other states to compare voter registration lists

COMMITTEE: Elections — favorable, without amendment

VOTE: 4 ayes — Laubenberg, Fallon, Phelan, Schofield

2 nays — Israel, Reynolds

1 absent — Goldman

SENATE VOTE: On final passage, April 23 — 25-5 (Ellis, Garcia, Menéndez, Rodríguez, Watson)

WITNESSES: *(On House companion bill, HB 891)*

For — Jacquelyn Callanen, Bexar County Elections Administrator, Texas Association of Elections Administrators; Dana Debeauvoir, Legislative Committee of County and District Clerks Association of Texas; Kat Swift, Green Party of Texas; Alan Vera, Harris County Republican Party Ballot Security Committee; *(Registered, but did not testify:* Erin Anderson, True the Vote; Rachael Crider, Cheryl Johnson, and Sheryl Swift, Galveston County Tax Office; William Fairbrother, Texas Republican County Chairmen’s Association; Ed Johnson, Harris County Clerk’s Office; Willie O’Brien, Mountain View College Student Government Association; John Oldham, Texas Association of Elections Administrators; and six individuals)

Against — *(Registered, but did not testify:* Mike Conwell; Jennifer Hall; Brandon Moore)

On — Keith Ingram, Texas Secretary of State; Glen Maxey, Texas Democratic Party; *(Registered, but did not testify:* Ashley Fischer; Texas Secretary of State)

BACKGROUND: The National Voter Registration Act, 52 U.S.C. ch. 205, establishes requirements that must be met before a state removes a voter from its list of eligible voters. Under section 20507, a state cannot remove a registrant

from the official list of eligible voters unless the registrant:

- fails to respond to a notice sent by the state that allows the voter to confirm his or her address or gives the voter information regarding registration at the voter's new address; and
- fails to vote or appear to vote in two general elections for federal office after the date of the notice.

Section 20507 also requires states to make a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters.

Two systems currently are available to states to directly compare voter registration data and identify potential duplicate registrations or inaccuracies.

The Electronic Registration Information Center (ERIC) is a nonprofit formed in 2012 with the help of The Pew Charitable Trusts and IBM that is managed by its member states. Members of ERIC — currently 11 states and the District of Columbia — submit voter registration and motor vehicle licensee data, with private information anonymized, and receive reports showing voters who have moved within the state, moved out of state, or have died, plus duplicate registrations in the same state and individuals potentially eligible to vote but not registered. ERIC membership requires a one-time \$25,000 fee and annual dues.

The Interstate Voter Registration Crosscheck Program (IVRC), established in 2005, is administered by the Kansas Secretary of State's Office. IVRC currently has 29 participating states, which may upload their data to a secure site. The Kansas Secretary of State's Office staff then analyzes the data and provides results on duplicate registrations and potential double votes for individual state use. There is no cost to participate in IVRC.

**DIGEST:** SB 795 would require the secretary of state to cooperate with other states and jurisdictions to develop systems to compare voters, voter history, and voter registration lists to identify voters whose addresses have changed.

Any system developed would have to comply with the National Voter Registration Act.

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, 2015.

**SUPPORTERS  
SAY:**

SB 795 would help ensure that the state had accurate voter rolls. Texas does not have a system in place to prevent duplicate registration in another state. This lack of oversight could lead to voter fraud if it allowed the same person to vote in a single election multiple times. Participation in an interstate database comparison program would help identify duplicate registrations. The state could use these data to clean up its voter registration lists and prevent voter fraud.

The bill would not dictate which interstate database comparison program should be used to compare voters. The Office of the Secretary of State would have the flexibility to select a program that would best serve the interests of the state, to change programs, or to select both programs, as several other states have done.

SB 795 would not remove eligible voters from the voter rolls. Any interstate database comparison program implemented by the secretary of state would serve only to identify potential duplicate registrations. The process for removing a registered voter from a list of eligible voters still would be governed by the National Voter Registration Act and state laws related to removal. These safeguards would ensure that voters were not erroneously removed from the lists.

**OPPONENTS  
SAY:**

SB 795 could disenfranchise registered voters in good standing by embarking on a program that might remove them in error from the rolls of eligible voters. Although some say the provisions of the National Voter Registration Act would protect eligible voters from such a mistake, a significant number still could be removed erroneously. Although registered voters could rectify the problem by responding to a notice sent to them by the state, they might not respond to all mail they receive and

should not have to go through that process if they receive a notice in error.

Because no funds would be appropriated to implement SB 795, it is likely that the secretary of state would choose the Interstate Voter Registration Crosscheck (IVRC) program, a system that has been criticized for its error rates in the lists it provides to states. Such errors could increase the risk of disenfranchising eligible voters in Texas. If the state were to embark on such a program, the Electronic Registration Information Center (ERIC) system, which employs a more rigorous method for identifying potential duplicate voters, would be a better choice.

**NOTES:**

The House companion bill, HB 891 by Klick, was placed for second-reading consideration on the May 12 General State Calendar but was not considered.