

## **Cinde Weatherby Voter Rights and Elections Law Issue Chair**

### **Wrap up of the 84th Legislative Session 7/3/15**

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#### **New Laws - Bills Covered in Previous Newsletters**

Only two voting-related bills previously reported in the LNLs made it through the legislative process to become law.

HB 1927 (Bonnen) SUPPORT, becomes law September 1, 2015. It began in the House with the intention of requiring vote by mail (VBM) for all elections (special districts, ISDs, etc.), not just those managed by county governments. Following passage in the House, when sent to the Senate State Affairs Committee, Committee Chair Huffman provided a substitute bill that maintains HB 1927 VBM original language, but also incorporated language from four House bills—three we supported, and one we did not.

The bill incorporated language from several bills we followed including: HB 1308 (Schofield) OPPOSE, allows VBM ballots to be delivered to the elections administrator on election day so long as a valid ID is presented; HB 2384 (Reynolds) SUPPORT allows a VBM application to be submitted any time in the preceding year prior to an election; HB 2724 (Blanco) SUPPORT allows VBM applications to be emailed (faxing was already an option provided in law); HB 1659 (Miller, Rick) SUPPORT and HB 3056 (Reynolds) SUPPORT require VBM for run-off elections; SB 384 (Uresti) SUPPORT allows electronic application for VBM.

SB 983 (Bettencourt) SUPPORT became law May 27, 2015. The law allows anyone obtaining a Texas birth record for purposes of applying for a DPS photo identification card to do so without charge. It may be noted that when the Senate passed SB 983, it was referred to the House Public Health Committee for consideration, not the Elections Committee. There was one "near-miss" that the House approved, the Senate State Affairs Committee approved, but died on the Senate Intent Calendar on the last day for Senate consideration of House bills. That bill is HB 1096 (Murphy) OPPOSE Identical to SB 984 (Bettencourt) OPPOSE. It would have required that a voter's address on his voter registration card and on their form of voter photo ID be identical.

#### **Final Status of Bills Covered in Previous Newsletters**

##### **Voter Registration**

##### **Online or Electronic Voter Registration**

HB 76 (ISRAEL) SUPPORT Would have established online/electronic voter registration (OVR). Rep. Israel worked this bill extensively across the aisle, winning the bipartisan support of 75 House co-authors. Apparently for appearances only + very late in the Session—there was one hearing in the House Elections Committee for HB 76 and HB 953 (Alvarado) SUPPORT, a very similar bill, where both died. Rep. Israel quickly announced her commitment to pursuing the legislation in the 85th Session.

Three other similar bills were introduced: HB 312 (Harless) SUPPORT, HB 444 (Johnson) SUPPORT, and HB 446 (Johnson) SUPPORT + Each would have established OVR; was referred to House Elections Committee; and died without a hearing. The same applies to SB 385 (Uresti) SUPPORT that died without a hearing in the Senate State Affairs Committee.

### **Other Bills**

There were several other bills on voter registration, and each died in either the House Elections Committee or Senate State Affairs Committee without a hearing. HB 3267 (Herrero) WATCH called for automatic voter registration upon issuance or a change in a driver license or Department of Public Safety ID card. SB 405 (Rodriguez) SUPPORT would have allowed voter registration at the polling place during early voting. SB

990 (Ellis) WATCH was an omnibus bill that included a wide range of actions related to voting rights, including allowing same-day registration at voting locations.

### **Voter ID**

As mentioned above, no changes occurred in the State's voter ID laws. Early on, we learned the Elections Committee was not to consider any "controversial" bills -- especially Voter ID. That is ironic, given that broadening the types of acceptable IDs was discussed by the Fifth Circuit Court of Appeals this spring as a way to deal with the court case against the Texas Voter ID. One ID bill each was allowed a courtesy public hearing in Senate State Affairs (SB 982 by Sen. Bettencourt allowing use of expired driver licenses for those 70 years old or older) and one in House Elections (HB 535 by Rep. Nevárez, allowing use of Tribal IDs). We supported both of those bills and they died in committee, as well as all of the rest introduced to expand the means of identification. The only Voter ID bill (HB 1096 described above) that would have further tightened Voter ID came very close to passage but died at a late hour.

### **The eight bills were introduced to add acceptable ID cards and died in committee without discussion:**

HB 295 (Canales), HB 447 (Johnson) and SB 170 (Uresti) + adding student photo IDs from public and private higher education institutions

SB 230 (Watson) + adding student IDs and Texas government-issued photo IDs

HB 534 (Nevárez) + adding Texas and federal government-issued photo IDs

HB 536 (Nevárez) + adding expired Texas driver licenses for those 65 years of age or older

HB 733 (Israel) + adding higher education student photo IDs and federal Veteran's Administration health IDs

HB 1117 (Martinez, "Mando") + allowing any form of photo ID

### **Vote By Mail (VBM)**

The one VBM bill that passed (HB 1927) is covered above. As mentioned, we supported that bill and all but one of the other bills that were incorporated into the final-passed HB 1927.

Other bills that did not pass on the subject included:

HB 1198 (Israel) SUPPORT + dealing with VBM requests for all elections conducted by the county

HB 1448 (Sheets) OPPOSE + requiring a voter's thumbprint with the mailed ballot

HB 1540 (Thompson, Senfronia) SUPPORT+ calling for VBM renewal forms to be sent with ballots, and completed renewal forms to be returned with completed ballots.

HB 913 (Israel) SUPPORT + improving return envelope design to attempt better signature compliance (and less ballot invalidation)

HB 954 (Alvarado) SUPPORT and SB 384 (Uresti) SUPPORT + assuming electronic voter registration, allowing VBM requests to be made electronically as well

HB 2098 (Miller, Rick) WATCH + allowing an expired driver license for those 65 or older to be used for requesting VBM

SB 86 (Ellis) SUPPORT + allowing VBM for individuals who will be out of their county of residence on election day, or those over 65 who are physically incapacitated or restrained from getting to the polls for a variety of reasons.

### **Young Voting Rights**

As with most of the other bills related to voting rights and elections, none of the bills that would have affected young voters made it into law either. HB 428 (Howard) SUPPORT and HJR 50 (Howard) SUPPORT called for individuals who would be 18 by the fall election day to be able to vote in the spring primary election. They were heard in House Election, where they died. A nearly identical proposal, HB 783 (Miller, Rick) and HJR 70 (Miller, Rick) SUPPORT were not discussed in public hearing and died. Heard by the Elections Committee, but left to die, was HB 587 (Hernandez)

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SUPPORT calling for an optional voter education program for high school seniors.

### **Other Voting Procedure Bills Becoming Laws Not Previously Mentioned in Newsletter**

A few bills that are or will soon be law were not top priority but worth mentioning for LWV members who are volunteer deputy registrars, interested in Election Day activities, or miscellaneous related matters. Some are probably good news, others not too consequential but "good to know," several with the potential of being detrimental to the process.

HB 621 (Lozano) effective 9/1/15 + Calls for dismissal of VDRs for intentionally destroying or physically altering a registration application, or for "other activities conflicting with responsibilities."

HB 2027 (Bonnen, Greg) eff. 9/1/15 + Requires on uniform election dates in May and November that regular county precincts be used and regular county polling places be used, with some May election exceptions.

HB 2050 (Rodriguez, Eddie) eff. 9/1/15 + Requires reporting on how each voter casts a ballot: VBM, early voting, or Election Day. Bill was desired primarily by political parties for their use.

HB 2354 (Farney) eff. 9/1/15 + Moves the May election to the first Saturday in May rather than the second Saturday. **[Important to know when planning your election calendar!]**

HB 2721 (Blanco) eff. 6/19/15 + Requires internet posting of elections ordered by Counties on the both the County website and the Secretary of State website.

HB 2778 (Elkins) eff. 9/1/15 + Allows ballots be sent by email to all voters in any election who are eligible under the federal postcard application rules (military and others overseas).

SB 142 (Garcia) eff. 6/20/15 + Allows VDR training to be done online. Calls for Secretary of State to develop curriculum.

SB 383 (Uresti) eff. 9/1/15 + Allows for processing of VBM ballots in counties of more than 100,000 to begin 9 days before end of early voting rather than before Election Day.

SB 733 (Fraser) eff 6/19/15 + Makes it easier for entities with May elections to move election date to November, and adds Municipal Utility Districts to the list of those who may do so.

SB 795 (Perry) eff. 9/1/15 + Calls for Texas participation in the Interstate Voter Registration Crosscheck Program that is administered (for free) by the Kansas Secretary of State. Twenty-nine states already in the program at time of passage. ↔ Suggest we monitor this carefully for any indication the reported duplicates are erroneous.

SB 1115 (Campbell) eff. 6/15/15 +Allows additional counties to participate in pilot program for allowing military voters on active duty overseas to cast ballots electronically. (Bexar County was lone participant previously.) Extended pilot expiration date from 2015 to 2017.