

The State of Texas



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Roger Williams
Secretary of State

August 25, 2005

Mr. John K. Tanner
Chief, Voting Section
Civil Rights Division
Room 7254 - NWB
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530

RE: Submission under Section 5, Voting Rights Act, of House
Bill 1268, Chapter 1049, 79th Legislature, 2005.

Dear Mr. Tanner:

The Legislature of the State of Texas has enacted House Bill 1268, Chapter 1049, 79th Legislature, 2005 (the "Act"), which relates to the information included on a voter registration application.

Pursuant to the requirements of 28 C.F.R. § 51.27, the following information is submitted with respect to the Act:

- (a) & (b) A copy of the Act is enclosed herewith.
- (c) Section 1 of the Act amends Section 13.002(c) of the Texas Election Code (the "Code") to require that an applicant who does not provide a driver's license or personal identification number must provide a statement indicating that the applicant has not been issued a driver's license or personal identification number. Section 1 also requires an applicant who has neither a driver's license or personal identification number or a social security number to provide a statement to that effect.

Section 2 of the Act amends Section 13.004(c) of the Code to amend the voter registration application form requirements to add a space or box for "indicating that an applicant is interested in working as an election judge" to the list of information on a voter registration application that remains confidential under Chapter 552 of the Texas Government Code.

Section 3 of the Act amends Section 13.122(a) of the Code to add to the official voter registration form: 1) a space for the applicant to indicate whether he/she is interested in working as an election judge and 2) a statement warning that a conviction for making a false statement on the application may result in imprisonment and/or a fine.

Section 4 provides that the changes in the Act apply only to applications for voter registration submitted on or after January 1, 2006.

Section 13.002 was most recently amended in 2003, House Bill 1549, Chapter 1315, 78th Legislature, 2003 (precleared on November 20, 2003).

Section 13.004 was most recently amended in 2003, House Bill 1863, Chapter 606, 78th Legislature, 2003 (precleared on November 21, 2003).

Section 13.122 was most recently amended in 2003, House Bill 1549, Chapter 1315, 78th Legislature, 2003 (precleared on November 20, 2003).

- (d) The submitting authority is the Honorable Roger Williams, Secretary of State of Texas, in his capacity as chief elections officer of Texas. The Secretary of State's office may be reached at P.O. Box 12060, Austin, Texas 78711-2060, (512) 463-5650.
- (e) Not applicable.
- (f) Not applicable.
- (g) The authority responsible for the passage of the Act was the Texas Legislature.
- (h) The Act was adopted pursuant to the provisions of Tex. Const. art. III, § 30.
- (i) The Act was passed by the Texas House on May 11, 2005, and by the Texas Senate on May 25, 2005. The Act was signed by Governor Rick Perry on June 18, 2005.
- (j) The Act takes effect on January 1, 2006.
- (k) The provisions of the Act have not been implemented.
- (l) These procedures will affect the residents of the State of Texas.
- (m) The reason for the changes provided for in the Act is to clean up the requirements of the voter registration application to comply with the Help America Vote Act and to add space on the application to indicate an interest in working as an election judge and a notice about what could happen if a person makes a false statement on the application.
- (n) The Act will not affect members of any racial or linguistic minority differently from the way the general public is affected. The Act does not have the intent and will not have the

Mr. John K. Tanner

Page 3

effect of diluting the voting strength of any racial or linguistic minority. For further information regarding the effect of the Act on minorities, contact:

The Honorable Dwayne Bohac
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910
(512) 463-0727
(713) 460-2800

The Honorable Rafael Anchia
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910
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- (o) There is no past or pending litigation concerning the subject matter of the Act.
- (p) The procedure for the adoption of the change is not subject to preclearance.

If you have any questions or need additional information, please contact Amy E. Mitchell, Staff Attorney, Elections Division, at (512) 463-5650.

Sincerely,



Ann McGeehan
Director of Elections

Enclosure

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