

## **BILL ANALYSIS**

C.S.H.B. 1096  
By: Murphy  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that voters have taken advantage of what the parties describe as an unclear definition regarding a voter's residence address for purposes of voter registration. The parties assert that this lack of clarity has resulted in voters registering at locations that include vacant lots, retail establishments, and businesses. They further contend that clear standards would increase voter integrity in elections, give a clear guide to identifying the voter's residence for voter registration, and help solve discrepancies during voting. C.S.H.B. 1096 seeks to establish standards in the Election Code for establishing a residence address for voter registration purposes.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 3 of this bill.

### **ANALYSIS**

C.S.H.B. 1096 amends the Election Code to establish that a person's residence, for purposes of a response to a confirmation notice sent by the registrar for voter registration, is established at the first residence address in the following list that is applicable to the person: the address stated on a driver's license issued to the person by the Department of Public Safety (DPS) that has not expired or, if the person has notified DPS of a change of address, the new address contained in the notification, inapplicable to the holder of a commercial driver's license; the address stated on a personal identification card issued to the person by DPS that has not expired or, if the person has notified DPS of a change of address, the new address contained in the notification; the address stated on a concealed handgun license issued to the person by DPS that has not expired or, if the person has notified DPS of a change of address, the new address contained in the notification; an address corresponding to a residence at which the person receives mail that is not a commercial post office box or similar location that does not correspond to a residence; the address the person claims as a homestead in Texas; or the registration address of a vehicle the person owns. The bill authorizes a person whose residence in Texas has no address to establish residence for voter registration by executing an affidavit stating that the person's residence in Texas has no address, providing a concise description of the location of the person's residence, and by delivering the affidavit to the registrar with the person's response to the confirmation notice.

C.S.H.B. 1096 exempts the following persons from its residence establishment provisions: a person who is a member of the U.S. armed forces or the spouse or a dependent of a member; a

person enrolled as a full-time student at an institution of higher education; a person whose address is confidential under the address confidentiality program for victims of family violence, sexual assault, or stalking; a federal judge, state judge, or spouse of a federal or state judge whose driver's license includes the street address of a courthouse; or a peace officer whose driver's license omits the officer's actual residence address. The bill requires the secretary of state to adopt rules as necessary to implement the bill's residence establishment provisions.

C.S.H.B. 1096 requires the official confirmation notice response form for a voter registration applicant to describe the bill's residence establishment requirements and to provide a space for the voter to indicate if the voter is exempt from those requirements and a space to indicate the reason for an exemption, if any. The bill requires the voter's response to the notice confirming the voter's current residence to contain evidence that the voter's residence address is established in compliance with the bill's residence establishment requirements or an indication that the voter is exempt from those requirements.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1096 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

No equivalent provision.

No equivalent provision.

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 15.052(b), Election Code, is amended to read as follows:

(b) The official confirmation notice response form must:

(1) provide spaces for the voter to include all of the information that a person must include in an application to register to vote under Section 13.002; ~~and~~

(2) describe the requirements of Section 15.054, provide a space for the voter to indicate if the voter is exempt from those requirements, and provide a space to indicate the reason for an exemption, if any; and

(3) be postage prepaid and preaddressed for delivery to the registrar.

SECTION 2. Section 15.053(a), Election Code, is amended to read as follows:

(a) Not later than the 30th day after the date a confirmation notice is mailed, the voter shall submit to the registrar a written, signed response to the notice that confirms the voter's current residence. The response must contain:

(1) all of the information that a person must include in an application to register to vote under Section 13.002; and

SECTION 1. Chapter 1, Election Code, is amended by adding Section 1.016 to read as follows:

Sec. 1.016. RESIDENCE FOR CERTAIN REGISTERED VOTERS.

(a) For purposes of registration under this code, a person's residence is established at the first residence address in the following list that is applicable to the person:

(1) the address stated on a driver's license issued to the person by the Department of Public Safety that has not expired or, if the person has notified the department of a change of address under Section 521.054, Transportation Code, the new address contained in the notification;

(2) the address stated on a personal identification card issued to the person by the Department of Public Safety that has not expired or, if the person has notified the department of a change of address under Section 521.054, Transportation Code, the new address contained in the notification;

(3) the address stated on a license to carry a concealed handgun issued to the person by the Department of Public Safety that has not expired or, if the person has notified the department of a change of address under Section 411.181, Government Code, the new address contained in the notification;

(4) an address corresponding to a residence at which the person receives mail;

(5) the address the person claims as a homestead in this state; or

(6) the registration address of a vehicle the person owns.

(b) A person whose residence in this state has no address may establish residence under this section by executing an affidavit stating that the person's residence in this state has no address and filing the affidavit with the secretary of state.

(c) The address described by Subsection (a)(4) may not be a commercial post office

(2) evidence that the voter's residence address is established in compliance with Section 15.054 or an indication that the voter is exempt from those requirements.

SECTION 3. Subchapter C, Chapter 15, Election Code, is amended by adding Section 15.054 to read as follows:

Sec. 15.054. RESIDENCE FOR PURPOSES OF CONFIRMATION NOTICE RESPONSE.

(a) For purposes of Section 15.053, a person's residence is established at the first residence address, beginning with Subdivision (1) and continuing through Subdivision (6), in the following list that is applicable to the person:

(1) the address stated on a driver's license issued to the person by the Department of Public Safety that has not expired or, if the person has notified the department of a change of address under Section 521.054, Transportation Code, the new address contained in the notification;

(2) the address stated on a personal identification card issued to the person by the Department of Public Safety that has not expired or, if the person has notified the department of a change of address under Section 521.054, Transportation Code, the new address contained in the notification;

(3) the address stated on a license to carry a concealed handgun issued to the person by the Department of Public Safety that has not expired or, if the person has notified the department of a change of address under Section 411.181, Government Code, the new address contained in the notification;

(4) an address corresponding to a residence at which the person receives mail;

(5) the address the person claims as a homestead in this state; or

(6) the registration address of a vehicle the person owns.

(b) A person whose residence in this state has no address may establish residence under this section by executing an affidavit stating that the person's residence in this state has no address, providing a concise description of the location of the person's residence, and delivering the affidavit to the registrar with the person's response to the confirmation notice.

(c) The address described by Subsection (a)(4) may not be a commercial post office

box or similar location that does not correspond to a residence.

(d) This section does not apply to:

(1) a person who is a member of the armed forces of the United States or the spouse or a dependent of a member; or

(2) a person enrolled as a full-time student at an institution of higher education.

(e) The secretary of state shall adopt rules as necessary to implement this section.

SECTION 2. This Act takes effect September 1, 2015.

box or similar location that does not correspond to a residence.

(d) This section does not apply to:

(1) a person who is a member of the armed forces of the United States or the spouse or a dependent of a member;

(2) a person enrolled as a full-time student at an institution of higher education;

(3) a person whose address is confidential under Subchapter C, Chapter 56, Code of Criminal Procedure;

(4) a federal judge, state judge, or spouse of a federal or state judge whose driver's license includes the street address of a courthouse under Section 521.121, Transportation Code; or

(5) a peace officer whose driver's license omits the officer's actual residence address under Section 521.1211, Transportation Code.

(e) Subsection (a)(1) does not apply to a person who holds a commercial driver's license under Subchapter C, Chapter 522, Transportation Code.

(f) The secretary of state shall adopt rules as necessary to implement this section.

SECTION 4. Same as introduced version.