

BILL ANALYSIS

H.B. 2889
By: Hughes
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties point out that a person must meet a number of requirements to be eligible to vote, including the requirement to be a citizen of the United States, but contend that the process for verifying an applicant's citizenship status is insufficient. H.B. 2889 seeks to address this issue.

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 4 of this bill.

ANALYSIS

H.B. 2889 amends the Election Code to require a voter registrar to review each submitted application for voter registration to determine, among other things, whether it indicates that the applicant is a United States citizen. The bill revises a provision requiring a voter registrar to make the determination by a certain deadline to condition this provision on the application being submitted to the Department of Public Safety (DPS) in person with the proof of citizenship required by the bill and, if the application is submitted in another manner, requires the voter registrar to forward the information relating to the applicant to the secretary of state for determining citizenship as provided by the bill.

H.B. 2889 requires the secretary of state to verify with DPS the citizenship status of each applicant for voter registration whose information is forwarded to the secretary of state. The bill requires the secretary of state to notify the voter registrar if DPS verifies the applicant's citizenship status. The bill requires the notification of an applicant and the registrar, as provided by the secretary of state rule, if DPS does not have information regarding the applicant's citizenship status or has information indicating the applicant is not a citizen. The bill requires an applicant who receives such a notice to provide proof of citizenship, in person, to the registrar not later than the 60th day after the date of receipt and establishes the acceptable forms of proof for such purposes. The bill authorizes an applicant to mail to the registrar a certified copy of an acceptable document as proof of citizenship along with a copy of the person's government-issued photo identification. The bill requires the registrar to reject the application and notify the secretary of state if an applicant does not provide proof of citizenship and requires the secretary of state to keep a list of applicants of which the secretary receives such notice. The bill requires the secretary of state to adopt rules and prescribe procedures to implement these provisions and specifies that the provisions do not apply to an application for voter registration submitted to DPS in person with the proof of citizenship required by the bill's provisions.

H.B. 2889, in determining the effective date of an approved voter registration based on a factor other than the date the applicant becomes 18 years of age, changes the date that a registration becomes effective from the 30th day after the date an application is submitted to the registrar to the 30th day after the date the application is approved. The bill repeals statutory provisions relating to the date certain voter registration applications are considered submitted, relating to establishing the effective date of a voter registration, and relating to the timeliness of certain voter registration applications. The bill requires a person who submits a voter registration application to DPS in person to present an unexpired passport issued to the person, a certified copy of a birth certificate or other document confirming the person's birth that is admissible in a court of law and establishes the person's identity, or United States citizenship papers issued to the person at the time of submission as proof of citizenship.

H.B. 2889 repeals the following Election Code provisions:

- Section 13.041
- Section 13.143(d) and (e)

EFFECTIVE DATE

September 1, 2015.