

**SUBJECT:** Eligibility to vote a limited ballot in a new county of residence

**COMMITTEE:** Elections — committee substitute recommended

**VOTE:** 5 ayes — Denny, Bohac, Anchia, Anderson, Hughes  
0 nays  
2 absent — J. Jones, T. Smith

**WITNESSES:** For — *(Registered, but did not testify:* Mike Lavigne, Texas Democratic Party; Suzy Woodford, Common Cause Texas)  
  
Against — None  
  
On — Ann McGeehan, Secretary of State; *(Registered, but did not testify:* Dana DeBeauvoir, Texas County and District Clerks Association)

**BACKGROUND:** Election Code, ch. 112.002 authorizes a person who has moved to a new county to vote a limited ballot by personal appearance during the early voting period or by mail if:

- the person was otherwise eligible to vote in the person's former county; and
- the voter's registration in the new county would not yet be effective on or before an election day.

Sec. 112.006 allows someone voting a limited ballot by personal appearance to vote only at the main early voting polling place. Before a voter can vote a limited ballot, the voter first must execute a statement affirming that person's eligibility to vote. The statement also must include the voter's residence address and birthday and the current date.

**DIGEST:** CSHB 2454 would provide that someone would be eligible to vote a limited ballot by personal appearance during the early voting period if the person were registered to vote in that person's former county at the time the person changed residence.

The secretary of state would prescribe the form for the statement affirming a person's eligibility to vote, which could include enough space for the disclosure of any necessary information required by current law to enable the person to register to vote.

The bill would take effect September 1, 2005.

**SUPPORTERS  
SAY:**

Because the effective date of registration is 30 days after the new application is received by the registrar, a registered, eligible voter who moves right before an election and registers in a new county may be deemed ineligible to vote in that election. CSHB 2454 would make necessary changes to current law for allowing someone who has moved to vote a limited ballot during the early voting period, as requested by the Secretary of State's Office.

Concerns have arisen about the lag time before a voter becomes eligible to vote in a new county of residence. In light of differing interpretations of current law, this could result in a voter not being able to vote a limited ballot. CSHB 2454 would clarify the law so that a voter who was registered to vote in a former county of residence would be eligible to vote a limited ballot during the early voting period for an election in that voter's new county of residence.

The federal Help America Vote Act (HAVA) of 2002 requires all states to maintain a statewide computerized voter registration database by January 1, 2006. The statewide system will help remedy problems encountered in the past with the state's decentralized voter registration system, especially due to the mobility of society. It will contain the name and registration information of every legally registered voter in the state.

According to the secretary of state, the bill is necessary to clear up confusion about current law. Once the statewide voter registration list is fully implemented, voter registration records will be instantly updated and available. This will allow election officials quickly to determine if a voter was registered to vote in another county and whether or not the voter should be allowed to vote where that voter was trying to vote.

The bill would provide a streamlined, efficient transition for voters who move and desire to vote a limited ballot. Further, the new form would serve as a voter registration application, allowing a voter who had moved

to vote a limited ballot and re-register in the voter's new county at the same time. This would promote enfranchisement and efficient elections.

OPPONENTS  
SAY:

No apparent opposition.

NOTES:

The committee substitute modified the original version by deleting the requirement that a person must reside in the new county for 90 days or less in order to be able to vote a limited ballot. The substitute would require a person to have been registered to vote in the former county, would require the secretary of state to prescribe the form for the statement required for voting a limited ballot, and added the provision allowing additional space for more information.