

SUBJECT: Canceling voter registration for the deceased and noncitizens

COMMITTEE: Elections — favorable without amendment

VOTE: 8 ayes — L. Taylor, Hernandez Luna, Berman, Burkett, Farias, Isaac, P. King, Veasey

0 nays

1 absent — Branch

WITNESSES: For — B.R. “Skipper” Wallace, Texas Republican County Chairman’s Association; (*Registered, but did not testify:* Brent Connett, Texas Conservative Coalition; Michael Sullivan, Empower Texans/Texans Fiscal Responsibility; Cheryl Johnson, Sheryl Swift, Galveston County Tax Office; Erin Anderson; Carol Kitson; Colleen Vera)

Against — None

On — (*Registered, but did not testify:* Ann McGeehan, Office of Secretary of State)

DIGEST: HB 174 would amend Election Code, sec. 16.001 to instruct death registrars and court clerks to send death certificate information on deceased persons to the secretary of state, not just the voter registrar of the deceased person’s county.

Court clerks would have to send monthly lists of individuals who were excused or disqualified from jury service because of noncitizenship to the voter registrar of each county, the secretary of state, and the county or district attorney, as applicable, for an investigation of whether the person committed a crime, including making a false statement on a voter registration application.

The bill would add Election Code, sec. 18.068 to direct the secretary of state quarterly to compare the statewide computerized voter registration list with death certificate information and lists from court clerks of registered voters excused or disqualified from jury service because of noncitizenship. If the secretary of state determined that a voter on the

registration list was deceased or was not a citizen, the secretary of state would have to send notice to the voter registrar of the appropriate counties. The voter register would have to immediately cancel a voter's registration if he or she received notice that the voter was deceased.

HB 174 would require the Office of Court Administration of the Texas Judicial System to adapt the written jury summons and questionnaire to include a notification that if a person claimed noncitizenship or requested exemption for noncitizenship on a jury form, then he or she would no longer be eligible to vote without providing proof of citizenship.

The bill would take effect September 1, 2011.

**SUPPORTERS
SAY:**

HB 174 would enhance the coordination among government entities to improve the quality of the voter registration rolls. The current screening process makes it difficult to know how many ineligible voters slip through the system. The bill would require quarterly updates on those who are deceased or individuals who claimed exemption from jury duty for noncitizenship.

The enhanced reporting requirements would make the voter rolls as accurate as possible and prevent the canceling out of legitimate votes with potentially fraudulent ones. Currently cities fail to share the reporting information with counties, who in turn delay the reporting to the secretary of state. The voter registration rolls are weaker as a result, and our electoral system is exposed to potential abuse.

HB 174 would prohibit citizens from being choosy about what civic duties that they want to uphold. Voters who lie about their citizenship status to avoid jury duty are shirking their civic responsibilities and effectively committing perjury. The bill would provide a reporting process to local prosecuting attorneys to initiate perjury proceedings against individuals who falsely check the noncitizenship exemption. However, the bill also would provide potential jury dodgers an appropriate warning that checking the noncitizen box would lead to their removal from the voter registrar's list.

**OPPONENTS
SAY:**

HB 174 would impose an additional layer of bureaucracy and would burden county governments that have few resources. Many of the prescribed procedures exist in current law, making the proposed legislation largely symbolic rather than necessary. For example, the county

voter registrar already is required to remove immediately the names of deceased persons based on information received. Counties also report voter information to the secretary of state as a matter of course. In fact, county clerks and election administrators in some large counties report that they currently send such information to the secretary of state daily, a considerably higher standard than the bill would impose.

The bill also would require a greater effort to educate voter registrars and the general public about the importance of this issue, but does not provide statutory language in this area. Given that there currently is a shortage of citizens who participate on juries, it would make sense to cure this problem by providing an educational effort. We have and should be using the federal funds established through the Help America Vote Act (HAVA) for this purpose.

HB 174 could cancel a citizen's ability to vote because of a poor decision to skip out of jury duty. If an individual falsely checked the noncitizen status exemption on a jury summons, the right to vote would be taken away until proof of citizenship was re-established. To re-establish the right to vote, the individual would have to risk self-incrimination and could be prosecuted for perjury.