

- SUBJECT:** Guidelines for determining that a voter is deceased
- COMMITTEE:** Elections — committee substitute recommended
- VOTE:** 6 ayes — Morrison, Miles, Johnson, R. Miller, Simmons, Wu  
1 nay — Klick
- WITNESSES:** For — Sondra Haltom, Empower the Vote Texas; Dee Lopez, Travis County Tax Office; Glen Maxey, Texas Democratic Party; (*Registered but did not testify*: Yannis Banks, Texas NAACP; Lydia Camarillo, Southwest Voter Registration Education Project; Bruce Elfant; Patricia Gonzales, William C Velasquez Institute; Karolina Lyznik, Mexican American Legal Defense and Education Fund; Ted Melina Raab, Texas American Federation of Teachers; Joanne Richards, League of Women Voters of Texas; David Weinberg, Texas League of Conservation Voters)  
  
Against — B R “Skipper” Wallace, Republican County Chairs Association; (*Registered but did not testify*: Erin Anderson, True the Vote Now; Marsha Fishman)  
  
On —(*Registered, but did not testify*: Keith Ingram, Texas Secretary of State, Elections Division)
- BACKGROUND:** Under Election Code, sec. 16.033, if a voter registrar has reason to believe that a voter is no longer eligible for registration, the registrar must deliver written notice to inform the voter that the person’s registration status is being investigated. The voter’s registration is subject to cancellation if the registrar does not receive an appropriate reply before the 30th day after the notice was mailed.  
  
Under Election Code, sec. 18.068, the secretary of state must compare the statewide computerized voter registration list to certain vital statistics lists every quarter for the purpose of removing ineligible voters from the voter registration list.
- DIGEST:** CSHB 3593 would require voter registrars to use a form for providing written notice under Election Code, sec. 16.033, if the secretary of state had adopted or recommended such a form. A reply would need to be

received by the 60th day after the date the notice was mailed.

Under CSHB 3593, in comparing the information on the voter registration list with the information on the vital statistics lists, the following exactly matching combinations would be considered a weak match:

- first name, last name, and date of birth;
- first name, last name, full social security number;
- date of birth and full social security number;
- last name, date of birth and last four digits of social security number; or
- last name and full social security number.

An exact match of any of these criteria with additional information determined by the secretary of state rule also would be a weak match. The secretary of state would not be able to determine that a voter was deceased based on a weak match.

The secretary of state would be allowed to inform the county of a weakly matched voter's residence that a weak match existed. Upon receiving this information, the county would be required to investigate whether the voter was the individual who was deceased. If the county determined that the voter was alive or if the voter appeared to vote in person, the county would be required to request that the voter provide any information required for a voter registration application, but the voter would not be required to provide the information.

A weak match could not be the sole basis on which to cancel a voter registration or to require the voter to provide additional information to prevent cancellation of the person's registration.

A strong match would only be met by an exact match of the voter's last name, full social security number, and date of birth, except that the secretary of state would be able to require more matching information to determine a strong match. The secretary of state would be allowed to determine that a voter was deceased based on a strong match.

The secretary of state would be allowed to obtain information from other state agency databases when determining whether a voter was deceased.

This bill would take immediate effect if finally passed by a two-thirds

record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS  
SAY:**

CSHB 3593 would fight voter fraud and protect Texans' right to vote. The secretary of state fulfills its duty to ensure the accuracy of voter rolls in large part by comparing the current voter rolls to the Social Security Administration's death master list and other vital statistics lists to ascertain whether registered voters are deceased and should be removed from the registration list. The bill would give the secretary of state access to any state agency database it could utilize to help match voters.

During this matching process the secretary of state often is unable to make a strong match because only one or two criteria or partial numbers can be matched. Current law provides limited guidance for what criteria the secretary of state should use in matching death records to voter registration records. Lack of guidance has resulted in election officials mistakenly purging thousands of eligible voters from the voter rolls in the months leading up to the November 2012 election. The bill would aim to ensure that deceased people were removed from the rolls while those who were eligible to vote remained registered.

The bill would ensure that the Legislature took responsibility for the process of voter roll maintenance. Controversy in the past about the voter roll maintenance process has been unfairly blamed on the secretary of state's office, when the Legislature should be the entity taking ultimate responsibility for ensuring voter rolls are well maintained.

The bill would not take flexibility away from the secretary of state. It would establish the current standards used by the secretary as a baseline to clarify that the responsibility for standards lies with the Legislature, while ensuring that the secretary of state had the flexibility it needed to match information as accurately and efficiently as possible.

**OPPONENTS  
SAY:**

CSHB 3593 would place too many restrictions on the secretary of state's office and impede the matching process. Voter registration and determination of a voter's ineligibility is an evolving process. The current matching process may not always be the most efficient process, and the secretary of state needs the flexibility to be able to determine and execute the most efficient matching process without requiring a change in the law to do so.