

BILL ANALYSIS

Senate Research Center
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H.B. 174
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law defines a qualified voter as a United States citizen but does not require or provide a method for verifying and enforcing the requirements to vote, including the citizenship requirement. H.B. 174 addresses this problem by providing a way through which a deceased person and a person ineligible to vote due to citizenship status may be removed from a voter registration list.

H.B. 174 amends current law relating to the cancellation of the voter registration and to the eligibility to vote of persons who are deceased or not citizens of the United States.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 16.001(a) and (b), Election Code, as follows:

(a) Requires the local registrar of deaths to file each abstract of a death certificate with the voter registrar of the decedent's county of residence and the secretary of state (SOS) not later than the 10th day of the month following the month in which the abstract is prepared.

(b) Requires the clerk of each court having probate jurisdiction to file each abstract with the voter registrar and SOS not later than the 10th day of the month following the month in which the abstract is prepared.

SECTION 2. Amends Section 16.031(b), Election Code, to require the registrar to cancel a voter's registration immediately if the registrar makes certain findings, including if the registrar receives notice from SOS under Section 18.068 that the voter is deceased.

SECTION 3. Amends Section 16.0332(a), Election Code, to require the registrar, after the registrar receives a list under Section 18.068 of this code or Section 62.113 (Compilation of List of Noncitizens), Government Code, of persons excused or disqualified from jury service because of citizenship status, to deliver to each registered voter whose name appears on the list a written notice requiring the voter to submit to the registrar proof of United States citizenship in the form of a certified copy of the voter's birth certificate, United States passport, or certificate of naturalization or any other form prescribed by SOS.

SECTION 4. Amends Subchapter C, Chapter 18, Election Code, by adding Section 18.068, as follows:

Sec. 18.068. COMPARISON OF INFORMATION REGARDING INELIGIBILITY. Requires SOS to quarterly compare the information received under Section 16.001 (Death) of this code and Section 62.113, Government Code, to the statewide computerized voter registration list. Requires SOS, if SOS determines that a voter on the registration list is deceased or has been excused or disqualified from jury service because

the voter is not a citizen, to send notice of the determination to the voter registrar of the counties considered appropriate by SOS.

SECTION 5. Amends Section 62.0132, Government Code, by adding Subsection (h) to require that the questionnaire notify a person that if the person states that the person is not a citizen, the person will no longer be eligible to vote if the person fails to provide proof of citizenship.

SECTION 6. Amends Section 62.0142, Government Code, as follows:

Sec. 62.0142. NOTICE ON WRITTEN SUMMONS. If a written summons for jury duty allows a person to claim a disqualification or exemption by signing a statement and returning it to the clerk of the court, the form must notify the person that by claiming a disqualification or exemption based on:

- (1) the lack of citizenship, the person will no longer be eligible to vote if the person fails to provide proof of citizenship; or
- (2) lack of residence in the county, the person might no longer be eligible to vote in the county.

SECTION 7. Amends Sections 62.113(b) and (c), Government Code, as follows:

(b) Requires the clerk, on the third business day of each month, to send a copy of the list of persons excused or disqualified because of citizenship in the previous month to:

- (1) the voter registrar of the county;
- (2) the secretary of state; and
- (3) the county or district attorney, as applicable, for an investigation of whether the person committed an offense under Section 13.007 (False Statement on Application), Election Code, or other law.

(c) Provides that a list compiled under this section may not be used for a purpose other than a purpose described by Subsection (b) or Section 16.0332 (Cancellation Because of Citizen Status) or 18.068, Election Code.

SECTION 8. Makes application of the changes in law made by this Act to Sections 62.0132 and 62.0142, Government Code, prospective.

SECTION 9. Effective date: September 1, 2011.