

BILL ANALYSIS

Senate Research Center
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S.B. 903
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As the population of the state grows, voter rolls become increasingly difficult to maintain and election laws more difficult to enforce consistently. S.B. 903 makes several changes aimed at strengthening registration list maintenance requirements and facilitating the enforcement of existing election laws.

This bill focuses on allowing and/or requiring the secretary of state, local officials, and select other agencies to share information and take list maintenance actions that those officials are either not allowed or not required to take under current law.

As proposed, S.B. 903 amends current law relating to the integrity of elections in this state; imposes a civil penalty; and increases a criminal penalty.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas attorney general in SECTION 9 (Section 33.0581, Election Code) of this bill.

Rulemaking authority previously granted to the secretary of state is modified in SECTION 7 (Section 18.068, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 42.03, Code of Criminal Procedure, by adding Section 6, as follows:

Sec. 6. Requires the court, after pronouncing the sentence of a defendant adjudged guilty of a felony, to inform the defendant of the full impact of the conviction on the defendant's voting rights in this state under Section 11.002(a)(4) (relating to the definition of "qualified voter" as a person who has not been finally convicted of a felony), Election Code.

SECTION 2. Amends Section 13.074(c), Election Code, as follows:

(c) Prohibits the registrar from challenging an applicant later than:

(1) the fifth, rather than the second, day after the date the application is determined to comply with Section 13.002 (Application Required) and indicate that the applicant is eligible for registration, if the application was submitted less than 60 days before the next election in which the applicant would be eligible to vote; or

(2) the 30th day after the date the application is determined to comply with Section 13.002 and indicate that the applicant is eligible for registration, if the application was submitted more than 60 days before the next election in which the applicant would be eligible to vote.

SECTION 3. Amends Section 15.028, Election Code, as follows:

Sec. 15.028. New heading: NOTICE OF UNLAWFUL VOTING OR REGISTRATION. Deletes existing Subsection (b) and designation of Subsection (a). Requires the registrar, if the registrar determines that a person who is not eligible to vote may have registered to vote or voted in an election, to execute and deliver to the Texas attorney general (attorney general), the secretary of state (SOS), and the county or district attorney having jurisdiction in the territory covered by the election an affidavit stating the relevant facts, rather than requiring the registrar, if the registrar determines that a person who is not a registered voter voted in an election, to execute and deliver to the attorney general, the secretary of state, and the county or district attorney having jurisdiction in the territory covered by the election an affidavit stating the relevant facts.

SECTION 4. Amends Section 16.001(d), Election Code, as follows:

(d) Requires the Department of Public Safety of the State of Texas (DPS), with the cooperation of SOS, to, in accordance with federal law, enter into an agreement with the commissioner of social security (commissioner) to verify on a quarterly basis the information of voter registration records containing a social security number. Requires DPS, at a minimum, to verify if:

- (1) the name, date of birth, and social security number listed in the commissioner's records match those on record with DPS; and
- (2) the commissioner's records show the person to be deceased. Deletes existing text requiring SOS to quarterly obtain from the United States Social Security Administration available information specified by SOS relating to deceased residents of the state.

SECTION 5. Amends Section 16.0332(a), Election Code, as follows:

(a) Requires 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 or otherwise determined to be ineligible to vote 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 6. Amends Section 18.065, Election Code, by amending Subsection (a) and adding Subsections (e), (f), and (g), as follows:

- (a) Adds Section 16.0332 (Cancellation Because of Citizenship Status) to a list of sections for which SOS is required to monitor each registrar for compliance.
- (e) Requires SOS, if a registrar fails to correct a violation within 30 days of a notice under Subsection (b) (relating to a requirement that SOS notify a registrar who is not in substantial compliance), to correct the violation on behalf of the registrar.
- (f) Provides that a registrar is liable to this state for a civil penalty of \$100 for each violation corrected by the registrar under Subsection (e). Authorizes the attorney general to bring an action to recover a civil penalty imposed under this section (Secretary of State to Monitor Registrar's Compliance).
- (g) Requires a civil penalty collected by the attorney general under this section to be deposited in the state treasury to the credit of the general revenue fund.

SECTION 7. Amends Section 18.068, Election Code, as follows:

Sec. 18.068. COMPARISON OF INFORMATION REGARDING INELIGIBILITY. (a)
Makes no changes to this subsection.

(a-1) Requires SOS to enter into an agreement with DPS under which information in the statewide computerized voter registration list is compared against information in the database of DPS on a monthly basis to verify the accuracy of information provided on voter registration applications. Requires the information compared to include, at a minimum, a voter's:

- (1) full legal name;
- (2) former name, if applicable;
- (3) date of birth;
- (4) residence address;
- (5) driver's license or state identification card number;
- (6) signature;
- (7) social security number;
- (8) documentation of lawful presence in this state; and
- (9) citizenship status.

(a-2) Requires SOS, if SOS determines from information received under Subsection (a) or (a-1) that a voter on the registration list may be ineligible to vote, to send notice of the determination to the voter registrar of the counties considered appropriate by SOS, rather than requiring 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.

(b)-(f) Makes conforming changes to these subsections.

(g) Requires SOS, not later than December 31 of each year, to provide a report to the legislature of the number of voters determined to be ineligible under this section during the calendar year. Requires the report to include the reason for ineligibility for each voter.

SECTION 8. Amends Section 18.0681(d), Election Code, as follows:

(d) Provides that if the voter records identified by SOS as belonging to the same voter based on a strong match are:

- (1) located in the same county, the voter registrar is required to, rather than authorized to, merge the records following a determination that each record belongs to the same voter using the procedure for the correction of registration records under Section 15.022 (Correction of Registration Records); or
- (2) located in more than one county, the registrar of the county with the oldest record is required to, rather than authorized to, deliver a written confirmation notice in accordance with Section 15.051 (Confirmation Notice).

SECTION 9. Amends Subchapter C, Chapter 33, Election Code, by adding Section 33.0581, as follows:

Sec. 33.0581. REPORT TO ATTORNEY GENERAL. (a) Authorizes a watcher who observes a violation of Section 276.013 (Election Fraud) to report the violation to the attorney general.

(b) Requires the attorney general to prescribe the form and manner of a report under this section and authorizes the attorney general to adopt rules as necessary to implement this section.

SECTION 10. Amends Section 87.0431(b), Election Code, to require the early voting clerk to deliver, not later than the 30th day after election day, notice to the attorney general, including certified copies of the carrier envelope and corresponding ballot applications, of any ballot rejected for certain reasons, including any ballot rejected because any form of voter fraud was committed.

SECTION 11. Amends Section 273.021(a), Election Code, to authorize the attorney general to prosecute a criminal offense prescribed by the election laws of this state, including any offense under state law that involves any part of the election process.

SECTION 12. Amends Section 276.013(b), Election Code, to provide that an offense under this section is a state jail felony, rather than a Class A misdemeanor.

SECTION 13. Makes application of this Act prospective. Provides that for purposes of this section an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 14. Effective date: September 1, 2019.