

BILL ANALYSIS

C.S.H.B. 2119
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, each local registrar of deaths is required monthly to report deaths to the voter registrar. There is no penalty or late fee, however, for failure to report deaths within the required time. In order to maintain accurate voter registration lists, voter registrars must be kept apprised of the deaths of registered voters in a timely manner. CSHB 2119 modifies requirements relating to certain duties of local registrars of deaths relating to voter registration.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSHB 2119 amends provisions in the Election and Health and Safety Codes relating to local registrars of deaths and voter registrars.

CSHB 2119 requires a local registrar of deaths who is a county clerk, district clerk, or justice of the peace to file an abstract of each death certificate issued for a decedent 18 years of age or older who was a resident of the state at the time of death with the voter registrar of the decedent's county of residence not later than the 10th day after the date the certificate is issued, rather than the 10th day of the month following the month in which the abstract is prepared.

The bill requires counties to notify the bureau of vital statistics of the person serving as the local registrar for births and deaths in the county. The bill provides that the local registrar for births and deaths identified for a county is responsible for ensuring compliance with provisions relating to certificates or reports sent to the state registrar.

The bill requires the voter registrar, at the time the voter registrar submits a statement of registrations to the comptroller, to provide a report to the secretary of state for each person whose death is reported in the previous voting year. The bill provides that the report must be in a form prescribed by the secretary of state. The bill sets forth the required content of the report. The bill requires the secretary of state to provide to the comptroller the number of persons for whom the voter registrar has failed to provide the above information to the secretary of state. The bill requires the comptroller to deduct from the amount a voter registrar is entitled under provisions relating to the issuance of warrants by the comptroller an amount equal to:

- 40 cents multiplied by the number of persons the secretary of state identifies that the voter registrar failed to report; and
- 20 percent of the total payment the voter registrar is otherwise entitled to receive.

The bill requires the comptroller to restore to a voter registrar's entitlement the amount deducted if the secretary of state notifies the comptroller that the secretary of state has received all outstanding information required.

EFFECTIVE DATE

September 1, 2003. Provisions relating to the disposition of certain information on deceased voters and monetary deductions take effect January 1, 2006.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 2119 modifies the original by removing the provision requiring a county or municipality to pay on behalf of the local registrar of deaths to the secretary of state a late fee of \$25 for each abstract of a death certificate that is filed late. The substitute removes the provision authorizing the secretary of state to require reports from, or audit the records of, a local registrar of deaths.

The substitute modifies the original by requiring only a local registrar of death who is a county clerk, district clerk, or justice of the peace to file abstracts of death with the voter registrar on the earlier deadline, rather than requiring all local registrars of death to file abstracts not later than the 10th day after the date the death certificate is issued.

The substitute modifies the original by adding provisions requiring the voter registrar to provide a report to the secretary of state for each person whose death is reported in the previous voting year. The substitute adds provisions relating to these reports. The substitute adds provisions relating to the deduction of funds for failure to file reports. The substitute adds an effective date for these provisions of January 1, 2006.