

BILL ANALYSIS

Senate Research Center

H.B. 41
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law provides confidentiality of voter registration, appraisal, and other county records if such records contain the address information of certain groups of individuals whose personal safety could be jeopardized if their home address becomes easily available as public record. This law currently protects peace officers, county jailers, employees of the Texas Department of Criminal Justice, commissioned security officers, and certain victims of family violence. However, federal and state judges are not included. The personal safety and lives of members of the judiciary are constantly at risk of harm due to the sensitive decisions they make affecting defendants and convicts.

H.B. 41 extends the confidentiality protection of residence information to federal and state judges in Texas, including federal, district, county, appellate, and administrative law judges.

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 Subchapter A, Chapter 13, Election Code, by adding Section 13.0021, as follows:

Sec. 13.0021. ADDITIONAL REGISTRATION INFORMATION FROM CERTAIN FEDERAL AND STATE JUDGES. (a) Defines "federal judge" and "state judge."

(b) Requires a voter registration applicant (applicant) who is a federal or state judge and seeks to have the applicant's residence address omitted from the registration list to include with the application an affidavit stating that the applicant is a federal or state judge.

SECTION 2. Amends Section 13.004, Election Code, by amending Subsections (c) and (d) and adding Subsection (c-1), as follows:

(c) Provides that the residence address of the applicant, if the applicant is a federal or state judge, as defined by Section 13.0021, and included an affidavit with the registration application submitted under Section 13.0021 or the registrar has received an affidavit submitted under Section 15.0215, is confidential and does not constitute public information for purposes of Chapter 552 (Public Information), Government Code. Makes nonsubstantive changes.

(c-1) Makes a conforming change.

(d) Prohibits the voter registrar or other county official who has access to the information furnished on a registration application from posting on a website the residence address of a voter who is a federal or state judge, as defined by Section 13.0021, if the voter included an affidavit with the registration application under Section 13.0021 or if the registrar has received an affidavit submitted under Section 15.0215. Makes nonsubstantive changes.

SECTION 3. Amends Subchapter B, Chapter 15, Election Code, by adding Section 15.0215, as follows:

Sec. 15.0215. NOTICE OF FEDERAL JUDGE OR STATE JUDGE STATUS. (a) Defines "federal judge" and "state judge."

(b) Authorizes a federal or state judge who is registered to vote to submit to the registrar of the county in which the judge resides at any time an affidavit stating that the voter is a federal or state judge.

SECTION 4. Amends Section 15.081, Election Code, by adding Subsection (d), to prohibit the suspense list, notwithstanding Subsection (b), from containing the residence address of a voter who is a federal or state judge if the voter included an affidavit with the voter's registration application under Section 13.0021 or if the registrar received an affidavit submitted under Section 15.0215 before the suspense list was prepared. Defines "federal judge" and "state judge."

SECTION 5. Amends Section 18.005, Election Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Requires each original and supplemental list of registered voters to contain the voter's residence address, except as provided by Subsections (b) and (c). Deletes existing text requiring each original and supplemental list of registered voters, until Section 13.112(d) (regarding additional elements on official form) expires, to identify each voter registered by mail for the first time who failed to provide a copy of a document described by Section 63.0101 (Documentation of Proof of Identification) establishing the voter's identity at the time of registration. Makes nonsubstantive changes.

(c) Prohibits the original or supplemental list of registered voters from containing the residence address of a voter who is a federal or state judge if the voter included an affidavit with the voter's registration application under Section 13.0021 or if the registrar received an affidavit submitted under Section 15.0215 before the list was prepared. Defines "federal judge" and "state judge."

SECTION 6. Amends Section 18.066(b), Election Code, to prohibit information furnished under this section from including the residence address of a voter who is a federal or state judge, as defined by Section 13.0021, if the voter included an affidavit with the voter's registration application under Section 13.0021 or if the applicable registrar has received an affidavit submitted under Section 15.0215. Makes nonsubstantive changes.

SECTION 7. Amends Section 63.0011(a), Election Code, to require an election officer, if the voter's address is omitted from the precinct list under Section 18.005(c), to ask the voter if the voter's residence as listed on the voter's voter registration certificate is current and ask whether the voter has changed residence within the county.

SECTION 8. Amends Section 411.171, Government Code, by adding Subdivisions (4-a) and (4-b) to define "federal judge" and "state judge."

SECTION 9. Amends Section 411.179, Government Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Requires a license to carry a concealed handgun to include the license holder's residence address or, as provided by Subsection (c), the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or the license holder serves as a state judge. Makes nonsubstantive changes.

(c) Requires the Department of Public Safety (DPS), in adopting the form of the license under Subsection (a), to establish a procedure for the license of a federal judge, the spouse of a federal judge, or a state judge to omit the license holder's residence address and to include, in lieu of that address, the street address of the courthouse in which the license holder or license holder's spouse serves as a federal judge or the license holder

serves as a state judge. Requires DPS, in establishing the procedure, to require sufficient documentary evidence to establish the license holder's status as a federal judge, the spouse of a federal judge, or a state judge.

SECTION 10. Amends Sections 411.181(a) and (b), Government Code, as follows:

(a) Requires a person who is a current license holder and moves to a new residence address, if the person's status as a federal judge, the spouse of a federal judge, or a state judge becomes inapplicable, to notify DPS and provide DPS with the number of the person's license and, as applicable, to provide certain information about the person, not later than the 30th day after the date of the status change. Makes nonsubstantive changes.

(b) Requires a person to apply for a duplicate license if the person's status as a federal judge, the spouse of a federal judge, or a state judge becomes inapplicable. Requires the duplicate license to include the person's current residence address.

SECTION 11. Amends Section 25.025, Tax Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Provides that this section (Confidentiality of Certain Home Address Information) applies only to a federal or state judge. Makes nonsubstantive changes.

(a-1) Defines "federal judge" and "state judge."

SECTION 12. Effective date: September 1, 2007.