

## **BILL ANALYSIS**

C.S.H.B. 41  
By: Paxton  
Local Government Ways & Means  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current laws allow voter registration records, appraisal records, and other county records to be confidential if they contain the address information of certain groups of individuals whose personal safety could be jeopardized if their home address became easily available as a public record. The statute currently protects peace officers, county jailers, employees of the Texas Department of Criminal Justice, commissioned security officers, and certain victims of family violence. The purpose of this bill is to extend the protections offered by this law to county and federal judges as well as state legislators within the state.

### **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**

SECTION 1. Amends Subchapter A, Chapter 13, Election Code, by adding Section 13.0021.

Section 13.0021 is added to describe additional registration information from certain federal and state judges.

Section 13.0021(a) defines terms.

(1) Defines a "federal judge" as a judge of the United States court of appeals, a judge of the United States district court, a judge of a United States bankruptcy court, or a magistrate judge of a United States district court.

(2) Defines a "state judge" as a judge of an appellate court, district court or a county court at law or an associate judge appointed under Chapter 201, Family Code.

Section 13.0021(b) is added stating that a judge may apply to have their residence addresses omitted from the voter registration list if the application includes 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).

Section 13.004(c) is amended to make the residence address of the applicant for voter registration confidential and private from public information requests if the applicant is a state legislator or a federal or state judge if an affidavit accompanies the application.

Section 13.004(c-1) is added to state that the county registrar will ensure the information listed in the previous section will not be disclosed to the public.

Section 13.004(d) is amended by adding Subsection (5) which states that the voter registrar, or other county officials with access to voter registration purposes, may not post the residence address of a state legislator or a federal or state judge on a website if an affidavit is received with the voter registration application.

SECTION 3. Subchapter B, Chapter 15, Election Code, is amended by adding Section 15.0215.

Section 15.0215 provides that a state legislator or a federal or state judge who is already registered to vote may submit an affidavit stating that the voter is a state legislator or a federal or state judge to the county registrar at any time.

SECTION 4. Section 15.081, Election Code, is amended by adding Subsection (d).

Section 15.081(d) states that the suspense list may not contain the residence address of a voter who is a state legislator or a federal or state judge if the applicant submitted the affidavit with the registration application before the list was prepared.

SECTION 5. Section 18.005, Election Code, is amended by amending Subsection (a) and adding Subsection (c).

Section 18.005(a)(2) is added to state that the original and supplemental precinct lists of registered voters must contain the voter's residence address except as provided by Subsections (b) and (c). Subsection 18.005(b) remains unchanged and relates to a voter's residence that has no addresses.

Section 18.005(c) is added to state that the original or supplemental list of registered voters may not contain the residence address of a voter that is a state legislator or a federal or state judge once the voter registrar receives an affidavit.

SECTION 6. Amends Section 18.066(b), Election Code.

Section 18.066(b) is amended to prohibit the furnishing of the residence address of a voter who is a federal or state judge once the registrar has received an affidavit.

SECTION 7. Amends Section 63.0011(a), Election Code.

Section 63.0011(a), in relation to accepting a voter in conduct with elections, is amended to require the officer presiding over the election to ask if the voter's residence address is current and whether the voter has changed their residence within the county if the voter's address is omitted from the precinct list as amended in Section 18.005(c).

SECTION 8. Section 411.171, Government Code, is amended by adding Subdivisions (4-a) and (4-b).

Section 411.171(4-a) defines a "federal judge" as a judge of the United States court of appeals, a judge of the United States district court, a judge of a United States bankruptcy court, or a magistrate judge of a United States district court.

Section 411.171(4-b) defines a "state judge" as a judge of an appellate court, district court or a county court at law or an associate judge appointed under Chapter 201, Family Code.

SECTION 9. Section 411.179, Government Code, is amended by amending Subsection (a) and adding Subsection (c).

Section 411.179(a), Subdivision (5), is amended to remove the residence address from a driver's license.

Section 411.179(a), Subdivision (6) is added to require the Department of Public Safety to withhold the residence address of a federal or state judge and instead list the address of the courthouse in which the license holder or their spouse lives.

Section 411.179(c) is added requiring the Department of Public Safety to adopt the form of the license and a procedure for the license of a federal or state judge and their respective spouse. The federal or state judge and their respective spouse will have their residence address replaced with the street address of the courthouse in the county which the license holder and their spouse reside. In establishing the licensing procedure, the

department will establish the documentation required as evidence of the status of the license holder as a federal or state judge and their respective spouse.

SECTION 10. Amends Section 411.181(a) and (b), Government Code, relating to a change of residence.

Section 411.181(a) is amended to state that if the license holder's status or residence as a federal or state judge or their respective spouse become inapplicable due to a residence or status change, the license holder has 30 days to notify the Department of Public Safety.

Section 411.181(b) is amended to state that if the license holder is changed by marriage, status as a federal or state judge, or status as a spouse of a federal or state judge, the license becomes inapplicable and the license holder is required to apply for a duplicate license that must include the person's current residence address.

SECTION 11. Amends Section 25.025, Tax Code, by adding state and federal judges to the list of people who can take advantage of the section and by adding a section defining the terms "state judge" and "federal judge."

Section 25.025(a)(6) adds a federal and state judge to the list of people who are given privacy with respect to their appraisal records.

Section 25.025(a-1)(1) defines a "federal judge" as a judge of the United States court of appeals, a judge of the United States district court, a judge of a United States bankruptcy court, or a magistrate judge of a United States district court.

Section 25.025(a-1)(2) defines a defines a "state judge" as a judge of an appellate court, district court or a county court at law or an associate judge appointed under Chapter 201, Family Code.

SECTION 12. Enacting Clause

### **EFFECTIVE DATE**

The Act takes effect September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The bill as introduced protected the privacy of judges' addresses only in the real property records filed with the county clerk. The substitute adds all records concerning voter registration information (SECTIONS 1 – 8 of the bill) and licenses for carrying a concealed weapon (SECTIONS 9 – 10 of the bill). The substitute also adds state appellate judges to the list of state judges to whom the bill applies as well as state legislators.