

BILL ANALYSIS

H.B. 2247
By: Van Arsdale
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The right to vote lies at the very heart of our representative democracy. The Constitution and Election Code establish qualifications for eligibility to vote. The Election Code defines a “qualified voter” as a United States citizen. However, verification and enforcement of voter eligibility, including citizenship, is absent.

House Bill 2247 will improve the verification and enforcement of voter eligibility and limit the opportunity for fraudulent votes to be cast based on the names and addresses of the deceased. The bill requires that lists of persons found to be deceased or excused from the jury service because of non-citizenship be forwarded to the Secretary of State. H.B. 2247 will also require the secretary of state to semiannually compare the information it receives regarding deceased voters and those disqualified from jury service because of citizenship status to the statewide voter registration list. Additionally, the bill requires that lists of individuals disqualified from jury service because of non-citizenship are to be forwarded to the secretary of state and the county or district attorney for an investigation of whether or not an individual committed an offense under the Election Code, or other law.

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

H.B. 2247 amends the Election Code to require that local registrars of deaths report monthly to the secretary of state with 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. H.B. 2247 requires that clerks of each court with probate jurisdiction report monthly to the secretary of state with an abstract of each application for probate of will or administration of a decedent's estate filed in the month with a court served by the clerk. Both reports are due not later than the 10th day of the month following the month in which the abstract was prepared. The bill requires voter registrars to immediately cancel the registration of deceased individuals upon receipt of notice from the Secretary of State.

H.B. 2247 amends the Government Code to require that lists of persons excused from the jury service because of non-citizenship be forwarded to the Secretary of State. The bill amends the Election Code to require that the Secretary of State compare lists received under the proposed changes to the Government Code and Election Code semi-annually against the statewide computerized voter registration list. The bill provides that if the secretary determines that a voter on the registration list is deceased or has been disqualified from jury service because the voter is not a citizen, the secretary shall send notice of the determination to the voter registrar of the appropriate counties.

The bill amends the Government Code so that lists of individuals disqualified from jury service because of non-citizenship are forwarded to the secretary of state, the county or district attorney for an investigation of whether or not an individual committed an offense under the Election Code, or other law.

EFFECTIVE DATE

September 1, 2007.

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