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H.B. No. 41

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the confidentiality of home address information of
3 certain federal judges and their spouses and of certain state
4 judges.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter A, Chapter 13, Election Code, is
7 amended by adding Section 13.0021 to read as follows:

8 Sec. 13.0021. ADDITIONAL REGISTRATION INFORMATION FROM
9 CERTAIN FEDERAL AND STATE JUDGES. (a) In this section:

10 (1) "Federal judge" means:

11 (A) a judge of a United States court of appeals;

12 (B) a judge of a United States district court;

13 (C) a judge of a United States bankruptcy court;

14 or

15 (D) a magistrate judge of a United States
16 district court.

17 (2) "State judge" means:

18 (A) the judge of an appellate court, a district
19 court, or a county court at law of this state; or

20 (B) an associate judge appointed under Chapter
21 201, Family Code.

22 (b) If the registration applicant is a federal judge or
23 state judge who seeks to have the applicant's residence address
24 omitted from the registration list, the applicant shall include

1 with the application an affidavit stating that the applicant is a
2 federal judge or state judge.

3 SECTION 2. Section 13.004, Election Code, is amended by
4 amending Subsections (c) and (d) and adding Subsection (c-1) to
5 read as follows:

6 (c) The following information furnished on a registration
7 application is confidential and does not constitute public
8 information for purposes of Chapter 552, Government Code:

9 (1) a [A] social security number;

10 (2) a [7] Texas driver's license number;

11 (3) a [7] number of a personal identification card
12 issued by the Department of Public Safety;

13 (4) [7—or] an indication that an applicant is
14 interested in working as an election judge; or

15 (5) the residence address of the applicant, if the
16 applicant is a federal judge or state judge, as defined by Section
17 13.0021, and included an affidavit with the registration
18 application under Section 13.0021 or the registrar has received an
19 affidavit submitted under Section 15.0215 [furnished on a
20 registration application is confidential and does not constitute
21 public information for purposes of Chapter 552, Government Code].

22 (c-1) The registrar shall ensure that the information
23 listed in Subsection (c) [a social security number, Texas driver's
24 license number, number of a personal identification card issued by
25 the Department of Public Safety, or an indication that an applicant
26 is interested in working as an election judge] is excluded from
27 disclosure.

1 (d) The voter registrar or other county official who has
2 access to the information furnished on a registration application
3 may not post the following information on a website:

4 (1) a telephone number;

5 (2) a social security number;

6 (3) a driver's license number or a number of a personal
7 identification card; ~~[or]~~

8 (4) a date of birth; or

9 (5) the residence address of a voter who is a federal
10 judge or state judge, as defined by Section 13.0021, if the voter
11 included an affidavit with the application under Section 13.0021 or
12 the registrar has received an affidavit submitted under Section
13 15.0215.

14 SECTION 3. Subchapter B, Chapter 15, Election Code, is
15 amended by adding Section 15.0215 to read as follows:

16 Sec. 15.0215. NOTICE OF FEDERAL JUDGE OR STATE JUDGE
17 STATUS. (a) In this section, "federal judge" and "state judge"
18 have the meanings assigned by Section 13.0021.

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

23 SECTION 4. Section 15.081, Election Code, is amended by
24 adding Subsection (d) to read as follows:

25 (d) Notwithstanding Subsection (b), the suspense list may
26 not contain the residence address of a voter who is a federal judge
27 or state judge if the voter included an affidavit with the voter's

1 registration application under Section 13.0021 or the registrar
2 received an affidavit submitted under Section 15.0215 before the
3 list was prepared. In this subsection, "federal judge" and "state
4 judge" have the meanings assigned by Section 13.0021.

5 SECTION 5. Section 18.005, Election Code, is amended by
6 amending Subsection (a) and adding Subsection (c) to read as
7 follows:

8 (a) Each original and supplemental list of registered
9 voters must:

10 (1) contain the voter's name, [~~residence address,~~]
11 date of birth, and registration number as provided by the statewide
12 computerized voter registration list;

13 (2) contain the voter's residence address, except as
14 provided by Subsections (b) and (c);

15 (3) be arranged alphabetically by voter name; and

16 (4) [~~(3)~~] contain the notation required by Section
17 15.111[~~, and~~

18 [~~(4) until Section 13.122(d) expires, identify each~~
19 ~~voter registered by mail for the first time who failed to provide a~~
20 ~~copy of a document described by Section 63.0101 establishing the~~
21 ~~voter's identity at the time of registration].~~

22 (c) The original or supplemental list of registered voters
23 may not contain the residence address of a voter who is a federal
24 judge or state judge if the voter included an affidavit with the
25 voter's registration application under Section 13.0021 or the
26 registrar received an affidavit submitted under Section 15.0215
27 before the list was prepared. In this subsection, "federal judge"

1 and "state judge" have the meanings assigned by Section 13.0021.

2 SECTION 6. Section 18.066(b), Election Code, is amended to
3 read as follows:

4 (b) Information furnished under this section may not
5 include:

6 (1) a voter's social security number; or

7 (2) the residence address of a voter who is a federal
8 judge or state judge, as defined by Section 13.0021, if the voter
9 included an affidavit with the voter's registration application
10 under Section 13.0021 or the applicable registrar has received an
11 affidavit submitted under Section 15.0215.

12 SECTION 7. Section 63.0011(a), Election Code, is amended to
13 read as follows:

14 (a) Before a voter may be accepted for voting, an election
15 officer shall ask the voter if the voter's residence address on the
16 precinct list of registered voters is current and whether the voter
17 has changed residence within the county. If the voter's address is
18 omitted from the precinct list under Section 18.005(c), the officer
19 shall ask the voter if the voter's residence as listed on the
20 voter's voter registration certificate is current and whether the
21 voter has changed residence within the county.

22 SECTION 8. Section 411.171, Government Code, is amended by
23 adding Subdivisions (4-a) and (4-b) to read as follows:

24 (4-a) "Federal judge" means:

25 (A) a judge of a United States court of appeals;

26 (B) a judge of a United States district court;

27 (C) a judge of a United States bankruptcy court;

1 or

2 (D) a magistrate judge of a United States
3 district court.

4 (4-b) "State judge" means:

5 (A) the judge of an appellate court, a district
6 court, or a county court at law of this state; or

7 (B) an associate judge appointed under Chapter
8 201, Family Code.

9 SECTION 9. Section 411.179, Government Code, is amended by
10 amending Subsection (a) and adding Subsection (c) to read as
11 follows:

12 (a) The department by rule shall adopt the form of the
13 license. A license must include:

14 (1) a number assigned to the license holder by the
15 department;

16 (2) a statement of the period for which the license is
17 effective;

18 (3) a statement of the category or categories of
19 handguns the license holder may carry as provided by Subsection
20 (b);

21 (4) a color photograph of the license holder; ~~and~~

22 (5) the license holder's full name, date of birth,
23 ~~[residence address,~~ hair and eye color, height, weight, and
24 signature;

25 (6) the license holder's residence address or, as
26 provided by Subsection (c), the street address of the courthouse in
27 which the license holder or license holder's spouse serves as a

1 federal judge or the license holder serves as a state judge;~~[7]~~ and

2 (7) the number of a driver's license or an
3 identification certificate issued to the license holder by the
4 department.

5 (c) In adopting the form of the license under Subsection
6 (a), the department shall establish a procedure for the license of a
7 federal judge, the spouse of a federal judge, or a state judge to
8 omit the license holder's residence address and to include, in lieu
9 of that address, the street address of the courthouse in which the
10 license holder or license holder's spouse serves as a federal judge
11 or the license holder serves as a state judge. In establishing the
12 procedure, the department shall require sufficient documentary
13 evidence to establish the license holder's status as a federal
14 judge, the spouse of a federal judge, or a state judge.

15 SECTION 10. Sections 411.181(a) and (b), Government Code,
16 are amended to read as follows:

17 (a) If a person who is a current license holder moves to a
18 new residence ~~[from the]~~ address, ~~[stated on the license or]~~ if the
19 name of the person is changed by marriage or otherwise, or if the
20 person's status as a federal judge, the spouse of a federal judge,
21 or a state judge becomes inapplicable, the person shall, not later
22 than the 30th day after the date of the address, ~~[or]~~ name, or
23 status change, notify the department and provide the department
24 with the number of the person's license and, as applicable, the
25 person's:

26 (1) former and new addresses; or

27 (2) former and new names.

1 (b) If the name of the license holder is changed by marriage
2 or otherwise, or if the person's status as a federal judge, the
3 spouse of a federal judge, or a state judge becomes inapplicable,
4 the person shall apply for a duplicate license. The duplicate
5 license must include the person's current residence address.

6 SECTION 11. Section 25.025, Tax Code, is amended by
7 amending Subsection (a) and adding Subsection (a-1) to read as
8 follows:

9 (a) This section applies only to:

10 (1) a peace officer as defined by Article 2.12, Code of
11 Criminal Procedure;

12 (2) a county jailer as defined by Section 1701.001,
13 Occupations Code;

14 (3) an employee of the Texas Department of Criminal
15 Justice;

16 (4) a commissioned security officer as defined by
17 Section 1702.002, Occupations Code; ~~and~~

18 (5) a victim of family violence as defined by Section
19 71.004, Family Code, if as a result of the act of family violence
20 against the victim, the actor is convicted of a felony or a Class A
21 misdemeanor; and

22 (6) a federal judge or state judge.

23 (a-1) In this section:

24 (1) "Federal judge" means:

25 (A) a judge of a United States court of appeals;

26 (B) a judge of a United States district court;

27 (C) a judge of a United States bankruptcy court;

1 or

2 (D) a magistrate judge of a United States
3 district court.

4 (2) "State judge" means:

5 (A) the judge of an appellate court, a district
6 court, or a county court at law of this state; or

7 (B) an associate judge appointed under Chapter
8 201, Family Code.

9 SECTION 12. This Act takes effect September 1, 2007.