

By: Paxton, Madden, Hughes

H.B. No. 41

Substitute the following for H.B. No. 41:

By: Quintanilla

C.S.H.B. No. 41

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of home address information of certain federal judges and their spouses, of certain state judges, and of state legislators.

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

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

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

(1) "Federal judge" means:

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

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

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

or

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

(2) "State judge" means:

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

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

(b) If the registration applicant is a federal judge, state legislator, or state judge who seeks to have the applicant's

1 residence address omitted from the registration list, the applicant
2 shall include with the application an affidavit stating that the
3 applicant is a federal judge, state legislator, or state judge.

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

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

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

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

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

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

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

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

1 disclosure.

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

5 (1) a telephone number;

6 (2) a social security number;

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

9 (4) a date of birth; or

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

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

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

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

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

27 (d) Notwithstanding Subsection (b), the suspense list may

1 not contain the residence address of a voter who is a federal judge,
2 state legislator, or state judge if the voter included an affidavit
3 with the voter's registration application under Section 13.0021 or
4 the registrar received an affidavit submitted under Section 15.0215
5 before the list was prepared. In this subsection, "federal judge"
6 and "state judge" have the meanings assigned by Section 13.0021.

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

10 (a) Each original and supplemental list of registered
11 voters must:

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

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

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

18 (4) [~~(3)~~] contain the notation required by Section
19 15.111[, ~~and~~

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

24 (c) The original or supplemental list of registered voters
25 may not contain the residence address of a voter who is a federal
26 judge, state legislator, or state judge if the voter included an
27 affidavit with the voter's registration application under Section

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

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

7 (b) Information furnished under this section may not
8 include:

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

10 (2) the residence address of a voter who is a federal
11 judge or state judge, as defined by Section 13.0021, or a state
12 legislator, if the voter included an affidavit with the voter's
13 registration application under Section 13.0021 or the applicable
14 registrar has received an affidavit submitted under Section
15 15.0215.

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

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

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

1 (4-a) "Federal judge" means:

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

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

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

5 or

6 (D) a magistrate judge of a United States
7 district court.

8 (4-b) "State judge" means:

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

11 (B) an associate judge appointed under Chapter
12 201, Family Code.

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

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

18 (1) a number assigned to the license holder by the
19 department;

20 (2) a statement of the period for which the license is
21 effective;

22 (3) a statement of the category or categories of
23 handguns the license holder may carry as provided by Subsection
24 (b);

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

26 (5) the license holder's full name, date of birth,
27 ~~[residence address,]~~ hair and eye color, height, weight, and

1 signature;

2 (6) the license holder's residence address or, as
3 provided by Subsection (c), the street address of the courthouse in
4 which the license holder or license holder's spouse serves as a
5 federal judge or the license holder serves as a state judge or the
6 street address of the district office of the state legislator; [7]
7 and

8 (7) the number of a driver's license or an
9 identification certificate issued to the license holder by the
10 department.

11 (c) In adopting the form of the license under Subsection
12 (a), the department shall establish a procedure for the license of a
13 federal judge, the spouse of a federal judge, or a state judge to
14 omit the license holder's residence address and to include, in lieu
15 of that address, the street address of the courthouse in which the
16 license holder or license holder's spouse serves as a federal judge
17 or the license holder serves as a state judge and a procedure for
18 the license of a state legislator to omit the license holder's
19 residence address and to include, in lieu of that address, the
20 street address of the legislator's district office. In
21 establishing the procedure, the department shall require
22 sufficient documentary evidence to establish the license holder's
23 status as a federal judge, the spouse of a federal judge, a state
24 legislator, or a state judge.

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

27 (a) If a person who is a current license holder moves to a

1 new residence [~~from the~~] address, [~~stated on the license or~~] if the
2 name of the person is changed by marriage or otherwise, or if the
3 person's status as a federal judge, the spouse of a federal judge, a
4 state legislator, or a state judge becomes inapplicable, the person
5 shall, not later than the 30th day after the date of the address,
6 [~~or~~] name, or status change, notify the department and provide the
7 department with the number of the person's license and, as
8 applicable, the person's:

9 (1) former and new addresses; or

10 (2) former and new names.

11 (b) If the name of the license holder is changed by marriage
12 or otherwise, or if the person's status as a federal judge, the
13 spouse of a federal judge, a state legislator, or a state judge
14 becomes inapplicable, the person shall apply for a duplicate
15 license. The duplicate license must include the person's current
16 residence address.

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

20 (a) This section applies only to:

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

23 (2) a county jailer as defined by Section 1701.001,
24 Occupations Code;

25 (3) an employee of the Texas Department of Criminal
26 Justice;

27 (4) a commissioned security officer as defined by

1 Section 1702.002, Occupations Code; ~~and~~

2 (5) a victim of family violence as defined by Section
3 71.004, Family Code, if as a result of the act of family violence
4 against the victim, the actor is convicted of a felony or a Class A
5 misdemeanor; and

6 (6) a federal judge, state legislator, or state judge.

7 (a-1) In this section:

8 (1) "Federal judge" means:

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

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

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

12 or

13 (D) a magistrate judge of a United States

14 district court.

15 (2) "State judge" means:

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

18 (B) an associate judge appointed under Chapter
19 201, Family Code.

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