

1-1 By: Paxton, Madden, Hughes (Senate Sponsor - Seliger) H.B. No. 41  
1-2 (In the Senate - Received from the House April 16, 2007;  
1-3 April 17, 2007, read first time and referred to Committee on State  
1-4 Affairs; May 3, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; May 3, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 41 By: Fraser

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the confidentiality of home address information of  
1-11 certain federal judges and state judges and their spouses.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 13, Election Code, is  
1-14 amended by adding Section 13.0021 to read as follows:

1-15 Sec. 13.0021. ADDITIONAL REGISTRATION INFORMATION FROM  
1-16 CERTAIN FEDERAL AND STATE JUDGES. (a) In this section:

1-17 (1) "Federal judge" means:

1-18 (A) a judge, former judge, or retired judge of a  
1-19 United States court of appeals;

1-20 (B) a judge, former judge, or retired judge of a  
1-21 United States district court;

1-22 (C) a judge, former judge, or retired judge of a  
1-23 United States bankruptcy court; or

1-24 (D) a magistrate judge, former magistrate judge,  
1-25 or retired magistrate judge of a United States district court.

1-26 (2) "State judge" means:

1-27 (A) a judge, former judge, or retired judge of an  
1-28 appellate court, a district court, or a county court at law of this  
1-29 state; or

1-30 (B) an associate judge appointed under Chapter  
1-31 201, Family Code, or a retired associate judge or former associate  
1-32 judge appointed under that chapter.

1-33 (b) If the registration applicant is a federal judge or  
1-34 state judge who seeks to have the applicant's residence address  
1-35 omitted from the registration list, the applicant shall include  
1-36 with the application an affidavit stating that the applicant is a  
1-37 federal judge or state judge.

1-38 SECTION 2. Section 13.004, Election Code, is amended by  
1-39 amending Subsections (c) and (d) and adding Subsection (c-1) to  
1-40 read as follows:

1-41 (c) The following information furnished on a registration  
1-42 application is confidential and does not constitute public  
1-43 information for purposes of Chapter 552, Government Code:

1-44 (1) a [A] social security number;

1-45 (2) a [7] Texas driver's license number;

1-46 (3) a [7] number of a personal identification card  
1-47 issued by the Department of Public Safety;

1-48 (4) [7-0\*] an indication that an applicant is  
1-49 interested in working as an election judge; or

1-50 (5) the residence address of the applicant, if the  
1-51 applicant is a federal judge or state judge, as defined by Section  
1-52 13.0021, and included an affidavit with the registration  
1-53 application under Section 13.0021 or the registrar has received an  
1-54 affidavit submitted under Section 15.0215 [furnished on a  
1-55 registration application is confidential and does not constitute  
1-56 public information for purposes of Chapter 552, Government Code].

1-57 (c-1) The registrar shall ensure that the information  
1-58 listed in Subsection (c) [a social security number, Texas driver's  
1-59 license number, number of a personal identification card issued by  
1-60 the Department of Public Safety, or an indication that an applicant  
1-61 is interested in working as an election judge] is excluded from  
1-62 disclosure.

1-63 (d) The voter registrar or other county official who has

2-1 access to the information furnished on a registration application  
 2-2 may not post the following information on a website:

- 2-3 (1) a telephone number;
- 2-4 (2) a social security number;
- 2-5 (3) a driver's license number or a number of a personal  
 2-6 identification card; ~~or~~
- 2-7 (4) a date of birth; or
- 2-8 (5) the residence address of a voter who is a federal  
 2-9 judge or state judge, as defined by Section 13.0021, if the voter  
 2-10 included an affidavit with the application under Section 13.0021 or  
 2-11 the registrar has received an affidavit submitted under Section  
 2-12 15.0215.

2-13 SECTION 3. Subchapter B, Chapter 15, Election Code, is  
 2-14 amended by adding Section 15.0215 to read as follows:

2-15 Sec. 15.0215. NOTICE OF FEDERAL JUDGE OR STATE JUDGE  
 2-16 STATUS. (a) In this section, "federal judge" and "state judge"  
 2-17 have the meanings assigned by Section 13.0021.

2-18 (b) A federal judge or state judge who is registered to vote  
 2-19 may at any time submit to the registrar of the county in which the  
 2-20 judge resides an affidavit stating that the voter is a federal judge  
 2-21 or state judge.

2-22 SECTION 4. Section 15.081, Election Code, is amended by  
 2-23 adding Subsection (d) to read as follows:

2-24 (d) Notwithstanding Subsection (b), the suspense list may  
 2-25 not contain the residence address of a voter who is a federal judge  
 2-26 or state judge if the voter included an affidavit with the voter's  
 2-27 registration application under Section 13.0021 or the registrar  
 2-28 received an affidavit submitted under Section 15.0215 before the  
 2-29 list was prepared. In this subsection, "federal judge" and "state  
 2-30 judge" have the meanings assigned by Section 13.0021.

2-31 SECTION 5. Section 18.005, Election Code, is amended by  
 2-32 amending Subsection (a) and adding Subsection (c) to read as  
 2-33 follows:

2-34 (a) Each original and supplemental list of registered  
 2-35 voters must:

2-36 (1) contain the voter's name, ~~[residence address,~~  
 2-37 date of birth, and registration number as provided by the statewide  
 2-38 computerized voter registration list;

2-39 (2) contain the voter's residence address, except as  
 2-40 provided by Subsections (b) and (c);

2-41 (3) be arranged alphabetically by voter name; and

2-42 (4) ~~[(3)]~~ contain the notation required by Section  
 2-43 15.111[~~, and~~

2-44 ~~[~~(4) until Section 13.122(d) expires, identify each~~~~  
 2-45 ~~~~voter registered by mail for the first time who failed to provide a~~~~  
 2-46 ~~~~copy of a document described by Section 63.0101 establishing the~~~~  
 2-47 ~~~~voter's identity at the time of registration].~~~~

2-48 (c) The original or supplemental list of registered voters  
 2-49 may not contain the residence address of a voter who is a federal  
 2-50 judge or state judge if the voter included an affidavit with the  
 2-51 voter's registration application under Section 13.0021 or the  
 2-52 registrar received an affidavit submitted under Section 15.0215  
 2-53 before the list was prepared. In this subsection, "federal judge"  
 2-54 and "state judge" have the meanings assigned by Section 13.0021.

2-55 SECTION 6. Section 18.066(b), Election Code, is amended to  
 2-56 read as follows:

2-57 (b) Information furnished under this section may not  
 2-58 include:

2-59 (1) a voter's social security number; or

2-60 (2) the residence address of a voter who is a federal  
 2-61 judge or state judge, as defined by Section 13.0021, if the voter  
 2-62 included an affidavit with the voter's registration application  
 2-63 under Section 13.0021 or the applicable registrar has received an  
 2-64 affidavit submitted under Section 15.0215.

2-65 SECTION 7. Section 63.0011(a), Election Code, is amended to  
 2-66 read as follows:

2-67 (a) Before a voter may be accepted for voting, an election  
 2-68 officer shall ask the voter if the voter's residence address on the  
 2-69 precinct list of registered voters is current and whether the voter

3-1 has changed residence within the county. If the voter's address is  
3-2 omitted from the precinct list under Section 18.005(c), the officer  
3-3 shall ask the voter if the voter's residence as listed on the  
3-4 voter's voter registration certificate is current and whether the  
3-5 voter has changed residence within the county.

3-6 SECTION 8. Section 411.171, Government Code, is amended by  
3-7 adding Subdivisions (4-a) and (4-b) to read as follows:

3-8 (4-a) "Federal judge" means:

- 3-9 (A) a judge of a United States court of appeals;
- 3-10 (B) a judge of a United States district court;
- 3-11 (C) a judge of a United States bankruptcy court;

3-12 or

3-13 (D) a magistrate judge of a United States  
3-14 district court.

3-15 (4-b) "State judge" means:

3-16 (A) the judge of an appellate court, a district  
3-17 court, or a county court at law of this state; or

3-18 (B) an associate judge appointed under Chapter  
3-19 201, Family Code.

3-20 SECTION 9. Section 411.179, Government Code, is amended by  
3-21 amending Subsection (a) and adding Subsection (c) to read as  
3-22 follows:

3-23 (a) The department by rule shall adopt the form of the  
3-24 license. A license must include:

- 3-25 (1) a number assigned to the license holder by the  
3-26 department;
- 3-27 (2) a statement of the period for which the license is  
3-28 effective;

3-29 (3) a statement of the category or categories of  
3-30 handguns the license holder may carry as provided by Subsection  
3-31 (b);

3-32 (4) a color photograph of the license holder; ~~and~~

3-33 (5) the license holder's full name, date of birth,  
3-34 ~~[residence address,]~~ hair and eye color, height, weight, and  
3-35 signature;

3-36 (6) the license holder's residence address or, as  
3-37 provided by Subsection (c), the street address of the courthouse in  
3-38 which the license holder or license holder's spouse serves as a  
3-39 federal judge or the license holder serves as a state judge; ~~[r]~~ and

3-40 (7) the number of a driver's license or an  
3-41 identification certificate issued to the license holder by the  
3-42 department.

3-43 (c) In adopting the form of the license under Subsection  
3-44 (a), the department shall establish a procedure for the license of a  
3-45 federal judge, a state judge, or the spouse of a federal judge or  
3-46 state judge to omit the license holder's residence address and to  
3-47 include, in lieu of that address, the street address of the  
3-48 courthouse in which the license holder or license holder's spouse  
3-49 serves as a federal judge or state judge. In establishing the  
3-50 procedure, the department shall require sufficient documentary  
3-51 evidence to establish the license holder's status as a federal  
3-52 judge, a state judge, or the spouse of a federal judge or state  
3-53 judge.

3-54 SECTION 10. Sections 411.181(a) and (b), Government Code,  
3-55 are amended to read as follows:

3-56 (a) If a person who is a current license holder moves to a  
3-57 new residence ~~[from the]~~ address, ~~[stated on the license or]~~ if the  
3-58 name of the person is changed by marriage or otherwise, or if the  
3-59 person's status as a federal judge, a state judge, or the spouse of  
3-60 a federal judge or state judge, becomes inapplicable, the person  
3-61 shall, not later than the 30th day after the date of the address,  
3-62 ~~[or]~~ name, or status change, notify the department and provide the  
3-63 department with the number of the person's license and, as  
3-64 applicable, the person's:

- 3-65 (1) former and new addresses; or
- 3-66 (2) former and new names.

3-67 (b) If the name of the license holder is changed by marriage  
3-68 or otherwise, or if the person's status as a federal judge or state  
3-69 judge, or the spouse of a federal judge or state judge becomes

4-1 inapplicable, the person shall apply for a duplicate license. The  
4-2 duplicate license must include the person's current residence  
4-3 address.

4-4 SECTION 11. Section 25.025, Tax Code, is amended by  
4-5 amending Subsection (a) and adding Subsection (a-1) to read as  
4-6 follows:

4-7 (a) This section applies only to:

4-8 (1) a peace officer as defined by Article 2.12, Code of  
4-9 Criminal Procedure;

4-10 (2) a county jailer as defined by Section 1701.001,  
4-11 Occupations Code;

4-12 (3) an employee of the Texas Department of Criminal  
4-13 Justice;

4-14 (4) a commissioned security officer as defined by  
4-15 Section 1702.002, Occupations Code; ~~and~~

4-16 (5) a victim of family violence as defined by Section  
4-17 71.004, Family Code, if as a result of the act of family violence  
4-18 against the victim, the actor is convicted of a felony or a Class A  
4-19 misdemeanor; and

4-20 (6) a federal judge or state judge.

4-21 (a-1) In this section:

4-22 (1) "Federal judge" means:

4-23 (A) a judge, former judge, or retired judge of a  
4-24 United States court of appeals;

4-25 (B) a judge, former judge, or retired judge of a  
4-26 United States district court;

4-27 (C) a judge, former judge, or retired judge of a  
4-28 United States bankruptcy court; or

4-29 (D) a magistrate judge, former magistrate judge,  
4-30 or retired magistrate judge of a United States district court.

4-31 (2) "State judge" means:

4-32 (A) a judge, former judge, or retired judge of an  
4-33 appellate court, a district court, or a county court at law of this  
4-34 state; or

4-35 (B) an associate judge appointed under Chapter  
4-36 201, Family Code, or a retired associate judge or former associate  
4-37 judge appointed under that chapter.

4-38 SECTION 12. This Act takes effect September 1, 2007.

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