

BILL ANALYSIS

H.B. 208
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Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law defines a “qualified voter” as a United States citizen, but does not require or provide a method for the verification and enforcement of the requirements to vote, including the citizenship requirement.

H.B. 208 requires information relating to individuals who are deceased or excused from jury duty due to noncitizen status to be forwarded to the secretary of state and requires the secretary of state on a quarterly basis, to compare that information to the statewide voter registration list. The bill requires information relating to individuals disqualified from jury service because of noncitizen status to be forwarded to the secretary of state and to the county or district attorney, as applicable, for an investigation of whether or not such individuals have committed an offense under provisions relating to a false statement on a registration application or other state laws.

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. 208 amends the Election Code to require the local registrar of deaths to file monthly 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 with the secretary of state, in addition to with the voter registrar of the decedent's county of residence. The bill amends a provision that requires the clerk of each court having probate jurisdiction to file monthly an abstract of each application for probate of a will, administration of a decedent's estate, or determination of heirship, and each affidavit required under Texas probate laws with the secretary of state, in addition to the voter registrar of the decedent's county of residence. The bill requires the secretary of state on a quarterly basis to compare such information relating to deceased residents of the state and information relating to noncitizens disqualification from jury duty to the statewide computerized voter registration list. The bill requires the secretary of state, if the secretary of state determines that a voter on the registration list is deceased or has been excused or disqualified from jury service because the voter is not a citizen, to send notice of the determination to the voter registrar of the counties considered appropriate by the secretary of state. The bill includes such information relating to persons excused or disqualified from jury service because of citizenship status in the requirement that the registrar deliver to each registered voter whose name appears on the list of such persons a written notice requiring the voter to submit to the registrar proof of United States citizenship. The bill includes as a condition under which the voter registrar of a county is required to cancel a voter's registration immediately that the registrar receives notice from the secretary of state that the voter is deceased.

H.B. 208 amends the Government Code to require a written jury summons questionnaire to notify a person that if the person states that the person is not a citizen, the person will no longer be eligible to vote if the person fails to provide proof of citizenship. The bill specifies that the

notice in a written summons for jury duty notifying a person claiming a disqualification or exemption based on a lack of citizenship that the person will no longer be eligible to vote if the person fails to provide proof of citizenship. The bill includes in the entities a clerk of a county or district court is required to send each month a copy of the list of persons excused or disqualified because of citizenship in the previous month the secretary of state and the county or district attorney, as applicable, for an investigation of whether the person committed an offense under statutory provisions relating to a false statement on a registration application or committed an offense under other law. The bill includes the secretary of state's comparison of certain information with the statewide computerized voter registration list as a purpose exempt from the prohibition against using the list of persons excused or disqualified because of citizenship, except for certain purposes.

EFFECTIVE DATE

September 1, 2009.