

## **BILL ANALYSIS**

Senate Research Center  
81R508 ATP-F

S.B. 268  
By: Harris  
State Affairs  
3/25/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the county registrar sends a letter to a person who cites non-citizenship in response to a jury summons which states that they need to send in proper documentation within 30 days or their voter registration will be cancelled.

As proposed, S.B. 268 requires the secretary of state to cancel an individual's voter registration immediately after receiving the list of persons excused from jury summons due to non-citizenship from the county on the third business day of each month. The bill requires the county registrar to send a written notice to those who have had their voter registration cancelled informing them of the cancellation. The written notice is required to contain the date of the cancellation, the reason for the cancellation, and a brief explanation of the voter's rights to challenge the cancellation. The bill requires the form, if a written jury summons for jury duty allows a person to claim disqualification or exemption by signing a statement and returning it to the clerk of the court, to notify the person that by claiming a disqualification or exemption based on the lack of citizenship or residence in the county the person is prohibited from being eligible to vote in that county.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 62.0142, Government Code, as follows:

Sec. 62.0142. NOTICE ON WRITTEN SUMMONS. Requires that if a written summons for jury duty allows a person to claim a disqualification or exemption by signing a statement and returning it to the clerk of the court, the form notify the person that by claiming a disqualification or exemption based on the lack of citizenship or lack of residence in the country the person is prohibited from being eligible to vote in the county.

SECTION 2. Amends Section 62.113(b), Government Code, to require the clerk, on the third business day of each month, to send a copy of the list of persons excused or disqualified because of citizenship in the previous month to the voter registrar of the country and the secretary of state (SOS).

SECTION 3. Amends Section 16.0332, Education Code, as follows:

Sec. 16.0332. CANCELLATION BECAUSE OF CITIZENSHIP STATUS. (a) Requires SOS, after receiving a list under Section 62.113 (Compilation of List of Noncitizens), Government Code, of persons excused or disqualified from jury service because of citizenship status, to cancel the voter registration of each registered voter whose name appears on the list.

(b) Creates Subsection (b) from existing text. Requires the registrar, after the registrar receives a list under Section 62.113, Government Code, of persons excused or disqualified from jury service because of citizenship status, to deliver to each registered voter whose name appears on the list written notice, that the

person's voter registration has been canceled. Deletes existing text that requires the registrar, after the registrar receives a list under Section 62.113, Government Code, of persons excused or disqualified from jury service because of citizenship status, to deliver to each registered voter whose name appears on the list a written notice requiring the voter to submit to the registrar proof of United States citizenship in the form of a certified copy of the voter's birth certificate, United States passport, or certificate of naturalization or any other form prescribed by SOS. Deletes existing text requiring the notice to be delivered by forwardable mail to the mailing address on the voter's registration application and to any new address of the voter known to the registrar. Deletes existing Subsection (b), requiring the registrar to cancel the voter's registration if a voter fails to submit to the registrar proof of citizenship on or before the 30th day after the date the notice is mailed. Deletes existing Subsection (c), requiring the registrar to retain a copy of the notice mailed to a voter under this section on file with the voter's registration application. Deletes existing text requiring the registrar to also retain any proof of citizenship received under this section on file with the application.

SECTION 4. Amends Section 16.036(c), Election Code, to require that the notice include certain information, including a brief explanation of the voter's right to challenge the cancellation and to appeal the decision of the registrar or SOS, as applicable, rather than the registrar's decision.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2009.