

BILL ANALYSIS

C.S.S.B. 1867

By: Ellis

Elections

Committee Report (Substituted)

BACKGROUND AND PURPOSE

In the 2008 presidential election, four to five million voters did not cast a ballot because the voters encountered registration problems or failed to receive absentee ballots. An official in Mississippi wrongfully purged 10,000 voters from the official's home computer one week before the presidential election. A county official in Muscogee, Georgia, purged 700 people from voter lists, supposedly because of ineligibility to vote due to criminal convictions, even though the purge included people who had never received a parking ticket. Officials in Louisiana purged approximately 21,000 voters, many from hurricane-impacted areas, for registering to vote in another state.

The Massachusetts Institute of Technology Cooperative Congressional Election Survey Study found that the most common voter registration problems involved clerical errors, such as entering voter information incorrectly in statewide databases.

Currently in Texas, when a voter registration card or renewal certificate is mailed to a person's home but is unable to be delivered, the person's name is added to a voter suspension list. If such a person votes in a general election, a polling official should require the person to fill out a residency form. Additionally, a voter registrar is required to remove from the voter registration rolls a person on the suspension list who does not fill out a residency form within two general elections. These procedures help keep the voter registration rolls updated. However, because of clerical or administrative errors, some of these voters are still allowed to vote in general elections but are not given residency forms by polling officials. Thus, after two general election cycles, a person who did not receive a renewal certificate or fill out a residency form while on the voter suspension list may be removed from the voter registration rolls, despite being an eligible and active voter.

Existing provisions require a voter registrar to delete a voter's name from the voter suspension list if the registrar determines that a voter's renewal certificate was returned undelivered solely because of postal service error, address reclassification, or the registrar's clerical error, and to make any other appropriate corrections in the registration records and deliver the renewal certificate to the voter. However, a voter registrar is not currently required to make such a determination. Additionally, existing provisions require a voter registrar to cancel a voter's registration within two general election cycles of being added to the voter suspension list. Legislation is needed to require a voter registrar to determine whether a renewal certificate was returned undelivered solely because of postal service error, address reclassification, or the registrar's clerical error, and to avoid the cancellation of a voter's registration within two election cycles of being added to the suspension list by making the date of the voter's last vote at an election the date the voter is considered added to the list. This will avoid cancellation of the voter registration of an active voter.

C.S.S.B. 1867 requires a voter registrar to determine whether a voter's renewal certificate was returned undelivered solely because of postal service error, reclassification, or the registrar's clerical error, and requires the secretary of state to adopt rules for making such a determination. The bill specifies that if a voter whose name appears on the voter suspension list is shown to have voted in an election and the name is not to be deleted from the list, the voter is considered

to have been entered on the list on the date of the most recent election in which the voter voted. The bill requires the secretary of state to adopt rules to provide for the uniform and auditable processing of a statement of residence required of a voter before the voter may be accepted for voting.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTIONS 1 and 3 of this bill.

ANALYSIS

C.S.S.B. 1867 amends the Election Code to establish that a voter registrar is required to determine whether a voter's renewal certificate was returned undelivered solely because of postal service error, address reclassification, or the registrar's clerical error, and makes a conforming change. The bill requires the secretary of state to adopt rules for making such a determination.

C.S.S.B. 1867 specifies that for the purpose of cancellation of a voter's registration following the end of the suspense list period, if a voter whose name appears on the suspense list is shown to have voted in an election and the name is not to be deleted from the suspense list, the date on which the voter is considered to have been entered on the list is the date of the most recent election in which the voter voted.

C.S.S.B. 1867 requires the secretary of state to adopt rules to provide for the uniform and auditable processing of a statement of residence required of a voter whose residence address is not current on the precinct list of registered voters because the voter changed residence with the county.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 1867 adds a provision not in the original that requires the secretary of state to adopt rules for determining whether a voter's renewal certificate was returned undelivered solely because of postal service error, address reclassification, or the registrar's clerical error.