

BILL ANALYSIS

Senate Research Center
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S.B. 1867
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some qualified voters are being removed from the voter registration rolls because their voter registration/renewal certificate cards are not reaching their homes and polling workers are not providing these individuals with residency forms when they vote at a polling place, resulting in their removal from the voter registration rolls after two election cycles.

In the 2008 presidential election, four million to five million voters did not cast a ballot because they encountered registration problems or failed to receive absentee ballots.

In Mississippi, a local election official discovered that another official had wrongfully purged ten thousand voters from her home computer a week before the presidential election. Another incident occurred in Muscogee, Georgia, where a county official purged seven hundred people from the voter lists, supposedly because they were ineligible to vote due to criminal convictions. The list in Muscogee included people who had never even received a parking ticket.

Officials in Louisiana purged approximately 21,000 voters, many from hurricane-impacted areas, for registering to vote in another state. A voter in that instance would avoid removal if he/she provided proof that the registration was cancelled in another state, even though such documentation was not available to voters who never registered anywhere else.

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, when a voter registration card/renewal certificate is mailed to an individual's home but is unable to be delivered, the individual's name is added to a voter suspension list. A polling official is supposed to make the individual who appears to vote in a general election fill out a residency form. Additionally, a polling official is supposed to remove from the voter registration rolls an individual 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, due to clerical/administrative errors, some individuals never receive their renewal certificates in the mail, thus putting them on the voter suspension list. Notwithstanding their suspense list status, 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, individuals who did not receive their renewal certificates and/or did not fill out a residency form while they were on the voter suspension list, are removed from the voter registration rolls, notwithstanding that they are eligible, and often active voters.

As proposed, S.B. 1867 requires the registrar to determine whether a voter's renewal certificate was returned solely because of a postal error, address reclassification, or clerical error. The bill requires the registrar to remove the voter's name from the voter suspension list, move the voter's name into the active certificate file, make any other necessary corrections, and properly deliver the renewal certificate to the voter, if a postal error, address reclassification, or clerical error occurred. Additionally, the bill provides that if an individual votes in a general election within two general election cycles of being added to the voter suspension list the person will be removed from that list and moved into the active certificate file, regardless of whether the individual received a voter registration card and/or filled out a residency form. The bill requires the secretary of state to create and implement a consistent system to process individuals'

statements of residence forms. Finally, the bill only applies to individuals whose voter registration renewal certificates were returned undeliverable to the voter registrar.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Secretary of State in SECTION 3 (Section 63.0011, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 14.022, Election Code, to require a voter registrar to determine whether, rather than 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. Requires the registrar, if the registrar determines that the certificate was returned solely because of that error or reclassification, to delete the voter's name from the suspense list, make any other appropriate corrections in the registration records, and deliver the certificate to the voter.

SECTION 2. Amends Section 16.032, Election Code, as follows:

Sec. 16.032. CANCELLATION FOLLOWING END OF SUSPENSE LIST PERIOD.

(a) Creates this subsection from existing text.

(b) Provides that for purposes of Subsection (a) (relating to the cancellation of a voter's voter registration), 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 list under Section 15.023 (Time for Certain Deletions from Suspense List), the date on which the voter is considered to have been entered on the suspense list is the date of the most recent election in which the voter voted.

SECTION 3. Amends Section 63.0011, Election Code, by adding Subsection (f), to require the secretary of state to adopt rules to provide for the uniform and auditable processing of a statement of residence required under this section.

SECTION 4. Make application of Section 14.022, Election Code, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 2009.