

By: Burnam

H.B. No. 1641

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the eligibility requirements for voting by persons  
3 convicted of a felony.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 11.002, Election Code, is amended to  
6 read as follows:

7 Sec. 11.002. QUALIFIED VOTER. In this code, "qualified  
8 voter" means a person who:

9 (1) is 18 years of age or older;

10 (2) is a United States citizen;

11 (3) has not been determined by a final judgment of a  
12 court exercising probate jurisdiction to be:

13 (A) totally mentally incapacitated; or

14 (B) partially mentally incapacitated without the  
15 right to vote;

16 (4) has not been finally convicted of a felony or, if  
17 so convicted [~~has~~]:

18 (A) is not confined in a facility operated by or  
19 under contract with the Texas Department of Criminal Justice [~~fully~~  
20 ~~discharged the person's sentence, including any term of~~  
21 ~~incarceration, parole, or supervision, or completed a period of~~  
22 ~~probation ordered by any court~~]; or

23 (B) has been pardoned or otherwise released from  
24 the resulting disability to vote;

1 (5) is a resident of this state; and

2 (6) is a registered voter.

3 SECTION 2. Section 13.001(a), Election Code, is amended to  
4 read as follows:

5 (a) To be eligible for registration as a voter in this  
6 state, a person must:

7 (1) be 18 years of age or older;

8 (2) be a United States citizen;

9 (3) not have been determined by a final judgment of a  
10 court exercising probate jurisdiction to be:

11 (A) totally mentally incapacitated; or

12 (B) partially mentally incapacitated without the  
13 right to vote;

14 (4) not have been finally convicted of a felony or, if  
15 so convicted, must ~~have~~:

16 (A) not be confined in a facility operated by or  
17 under contract with the Texas Department of Criminal Justice ~~[fully~~  
18 ~~discharged the person's sentence, including any term of~~  
19 ~~incarceration, parole, or supervision, or completed a period of~~  
20 ~~probation ordered by any court]~~; or

21 (B) have been pardoned or otherwise released from  
22 the resulting disability to vote; and

23 (5) be a resident of the county in which application  
24 for registration is made.

25 SECTION 3. Section 16.003, Election Code, is amended to  
26 read as follows:

27 Sec. 16.003. CONFINEMENT FOR FELONY CONVICTION. (a) Each

1 weekday the Department of Public Safety is regularly open for  
2 business, the department shall:

3 (1) compile a list [~~prepare an abstract~~] of each final  
4 judgment received by the department convicting a person 18 years of  
5 age or older who is a resident of the state of a felony; and

6 (2) file the list [~~each abstract~~] with the secretary  
7 of state and the Texas Department of Criminal Justice.

8 (b) Each week the Texas Department of Criminal Justice  
9 shall:

10 (1) prepare an abstract containing the name of each  
11 person named on a list filed under Subsection (a) who is currently  
12 confined in a facility operated by or under contract with the Texas  
13 Department of Criminal Justice; and

14 (2) file the abstract with the secretary of state.

15 (c) The secretary of state, the Department of Public Safety,  
16 and the Texas Department of Criminal Justice shall adopt a  
17 memorandum of understanding to implement this section.

18 SECTION 4. Section 16.031(a), Election Code, is amended to  
19 read as follows:

20 (a) The registrar shall cancel a voter's registration  
21 immediately on receipt of:

22 (1) notice under Section 13.072(b) or 15.021 or a  
23 response under Section 15.053 that the voter's residence is  
24 outside the county;

25 (2) an abstract of the voter's death certificate under  
26 Section 16.001(a) or an abstract of an application indicating that  
27 the voter is deceased under Section 16.001(b);

1           (3) an abstract of a final judgment of the voter's  
2 total mental incapacity, partial mental incapacity without the  
3 right to vote, confinement for conviction of a felony, or  
4 disqualification under Section 16.002, 16.003, or 16.004;

5           (4) notice under Section 112.012 that the voter has  
6 applied for a limited ballot in another county;

7           (5) notice from a voter registration official in  
8 another state that the voter has registered to vote outside this  
9 state; or

10           (6) notice from the secretary of state that the voter  
11 has registered to vote in another county, as determined by the  
12 voter's driver's license number or personal identification card  
13 number issued by the Department of Public Safety or social security  
14 number.

15           SECTION 5. This Act takes effect September 1, 2009.