

BILL ANALYSIS

C.S.H.B. 1975
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In some instances, when a state passes legislation that affects elections in the state, such as legislation relating to redistricting or voter identification, the changes in state election law may need to be precleared on the federal level to ensure that the change does not violate Section 5 of the federal Voting Rights Act of 1965. Some observers voice concern that the United States Department of Justice has become an increasingly partisan federal agency; this concern is based, in part, on comments made by federal courts relating to the department's interpretation of Section 5 of the Voting Rights Act and the Constitution of the United States. C.S.H.B. 1975 addresses this concern by requiring any change in an act of the 82nd Legislature, Regular Session, 2011, relating to presenting proof of identification as a requirement to vote and a redistricting plan used to elect certain state and federal officials be submitted to the United States District Court for the District of Columbia under federal voting law for certain purposes.

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

C.S.H.B. 1975 creates a temporary provision, set to expire September 1, 2013, to require the attorney general, for the purpose of obtaining preclearance under the federal Voting Rights Act of 1965, to institute an action in the United States District Court for the District of Columbia for a declaratory judgment that any change in an act of the 82nd Legislature, Regular Session, 2011, relating to presenting proof of identification as a requirement to vote and a plan to apportion the state into districts used to elect members of the senate or the house of representatives, members of the United States House of Representatives from Texas, and members of the State Board of Education has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color or in contravention of the guarantees set forth under provisions of the Voting Rights Act prohibiting any voting qualification or prerequisite to voting, or standard, practice, or procedure from being imposed or applied by any state or political subdivision to deny or abridge the right of any citizen of the United States to vote because the citizen is a member of a language minority group.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1975 differs from the original by requiring the attorney general, for the purpose of obtaining preclearance under Section 5 of the Voting Rights Act of 1965 (42 U.S.C. Section 1973c), as amended, to institute an action in the United States District Court for the District of

Columbia for a declaratory judgment that any change in the following laws that affects voting has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color or in contravention of the guarantees set forth in 42 U.S.C. Section 1973b(f)(2): an Act of the 82nd Legislature, Regular Session, 2011, relating to presenting proof of identification as a requirement to vote; and a plan to apportion the state into districts used to elect members of the senate or house of representatives, members of the United States house of Representatives from the state, and members of the State Board of Education, whereas the original requires the secretary of state, attorney general, or other state officer to submit any change in election process or procedure enacted by an Act of the 82nd Legislature, Regular Session, 2011, that is required to be submitted under Section 5 of the Voting Rights Act of 1965 (42 U.S.C. Section 1973c), as amended, to the United States District Court for the District of Columbia to determine whether to determine whether the change has the purpose or effect of denying or abridging the right to vote on account of race or color or in contravention of the guarantees set forth in 42 U.S.C. Section 1973b(f)(2).