

BILL ANALYSIS

C.S.H.B. 2487
By: Murphy
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, a residence address may refer to either an address where mail is received or a fixed place of habitation where one intends to return after any temporary absence. For purposes of the Election Code, a person's residence address is used to verify the person's voting precinct to ensure that a person can only vote on issues or candidates relating to the area in which that person lives. Interested parties express concern that a clear interpretation of what constitutes a residence address is not adequately provided in statute for the purposes of voter registration, meaning a person can claim a vacant lot, mail box, motel, or commercial location as the person's place of residence in order to vote in a different precinct. C.S.H.B. 2487 seeks to provide clarity regarding a person's residence address for purposes of registering to vote.

RULEMAKING AUTHORITY

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

ANALYSIS

C.S.H.B. 2487 amends the Election Code to establish, for purposes of voter registration, that a person's residence is the first residence address in the following list that is applicable to the person:

- the address the person claims as a homestead in Texas;
- the address stated on a driver's license issued to the person by the Department of Public Safety (DPS) that has not expired or, if the person has notified DPS of a change of address in accordance with state law, the new address contained in the notification;
- the address stated on a personal identification card issued to the person by DPS that has not expired or, if the person has notified DPS of a change of address in accordance with state law, the new address contained in the notification;
- the address stated on a license to carry a concealed handgun issued to the person by DPS that has not expired or, if the person has notified DPS of a change of address in accordance with state law, the new address contained in the notification; or
- an address corresponding to a residence at which the person receives mail.

C.S.H.B. 2487 prohibits the specified address at which a person receives mail from being a commercial post office box or a similar location that does not correspond to a residence.

C.S.H.B. 2487 exempts from its provisions a person who is a member of the armed forces of the United States or the spouse or a dependent of a member, or a person enrolled as a full-time student at an institution of higher education. The bill requires the secretary of state to adopt rules as necessary to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2487 contains a provision not included in the original establishing, for purposes of voter registration, that a person's residence is the first residence address applicable to the person from a list of specified addresses. The substitute contains a provision not included in the original prohibiting an address at which a person receives mail from being a commercial post office box or a similar location that does not correspond to a residence. The substitute contains a provision not included in the original exempting certain persons from the bill's provisions.

C.S.H.B. 2487 omits a provision included in the original establishing that a person is not eligible to register to vote at a residence address if bathing and sleeping facilities are not available at the residence address or the person claims a different residence address as the person's homestead in Texas or on the person's Texas driver's license or personal identification card.

C.S.H.B. 2487 omits a saving provision included in the original.