

By: Jackson, Burkett, Branch, Bohac, Patrick,
et al.

H.B. No. 174

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the cancellation of the voter registration and to the
3 eligibility to vote of persons who are deceased or not citizens of
4 the United States.

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

6 SECTION 1. Sections 16.001(a) and (b), Election Code, are
7 amended to read as follows:

8 (a) Each month the local registrar of deaths shall prepare
9 an abstract of each death certificate issued in the month for a
10 decedent 18 years of age or older who was a resident of the state at
11 the time of death. The local registrar of deaths shall file each
12 abstract with the voter registrar of the decedent's county of
13 residence and the secretary of state not later than the 10th day of
14 the month following the month in which the abstract is prepared.

15 (b) Each month the clerk of each court having probate
16 jurisdiction shall prepare an abstract of each application for
17 probate of a will, administration of a decedent's estate, or
18 determination of heirship, and each affidavit under Section 137,
19 Texas Probate Code, that is filed in the month with a court served
20 by the clerk. The clerk shall file each abstract with the voter
21 registrar and the secretary of state not later than the 10th day of
22 the month following the month in which the abstract is prepared.

23 SECTION 2. Section 16.031(b), Election Code, is amended to
24 read as follows:

1 (b) The registrar shall cancel a voter's registration
2 immediately if the registrar:

3 (1) determines from information received under
4 Section 16.001(c) that the voter is deceased;

5 (2) has personal knowledge that the voter is deceased;
6 [~~or~~]

7 (3) receives from a person related within the second
8 degree by consanguinity or affinity, as determined under Chapter
9 573, Government Code, to the voter a sworn statement by that person
10 indicating that the voter is deceased; or

11 (4) receives notice from the secretary of state under
12 Section 18.068 that the voter is deceased.

13 SECTION 3. Section 16.0332(a), Election Code, is amended to
14 read as follows:

15 (a) After the registrar receives a list under Section 18.068
16 of this code or Section 62.113, Government Code, of persons excused
17 or disqualified from jury service because of citizenship status,
18 the registrar shall deliver to each registered voter whose name
19 appears on the list a written notice requiring the voter to submit
20 to the registrar proof of United States citizenship in the form of a
21 certified copy of the voter's birth certificate, United States
22 passport, or certificate of naturalization or any other form
23 prescribed by the secretary of state. The notice shall be delivered
24 by forwardable mail to the mailing address on the voter's
25 registration application and to any new address of the voter known
26 to the registrar.

27 SECTION 4. Subchapter C, Chapter 18, Election Code, is

1 amended by adding Section 18.068 to read as follows:

2 Sec. 18.068. COMPARISON OF INFORMATION REGARDING
3 INELIGIBILITY. The secretary of state shall quarterly compare the
4 information received under Section 16.001 of this code and Section
5 62.113, Government Code, to the statewide computerized voter
6 registration list. If the secretary determines that a voter on the
7 registration list is deceased or has been excused or disqualified
8 from jury service because the voter is not a citizen, the secretary
9 shall send notice of the determination to the voter registrar of the
10 counties considered appropriate by the secretary.

11 SECTION 5. Section 62.0132, Government Code, is amended by
12 adding Subsection (h) to read as follows:

13 (h) The questionnaire must notify a person that if the
14 person states that the person is not a citizen, the person will no
15 longer be eligible to vote if the person fails to provide proof of
16 citizenship.

17 SECTION 6. Section 62.0142, Government Code, is amended to
18 read as follows:

19 Sec. 62.0142. NOTICE ON WRITTEN SUMMONS. If a written
20 summons for jury duty allows a person to claim a disqualification or
21 exemption by signing a statement and returning it to the clerk of
22 the court, the form must notify the person that by claiming a
23 disqualification or exemption based on:

24 (1) the lack of citizenship, the person will no longer
25 be eligible to vote if the person fails to provide proof of
26 citizenship; or

27 (2) lack of residence in the county, the person might

1 no longer be eligible to vote in the county.

2 SECTION 7. Sections 62.113(b) and (c), Government Code, are
3 amended to read as follows:

4 (b) On the third business day of each month, the clerk shall
5 send a copy of the list of persons excused or disqualified because
6 of citizenship in the previous month to:

7 (1) the voter registrar of the county;

8 (2) the secretary of state; and

9 (3) the county or district attorney, as applicable,
10 for an investigation of whether the person committed an offense
11 under Section 13.007, Election Code, or other law.

12 (c) A list compiled under this section may not be used for a
13 purpose other than a purpose described by Subsection (b) or Section
14 16.0332 or 18.068, Election Code.

15 SECTION 8. The changes in law made by this Act to Sections
16 62.0132 and 62.0142, Government Code, apply only to a written
17 summons or questionnaire printed on or after the effective date of
18 this Act. A written summons or questionnaire printed before the
19 effective date of this Act is governed by the law in effect
20 immediately before the effective date of this Act, and the former
21 law is continued in effect for that purpose.

22 SECTION 9. This Act takes effect September 1, 2011.