

By: Jackson, Burkett

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.