

1-1 By: Jackson, et al. (Senate Sponsor - Duncan) H.B. No. 174  
1-2 (In the Senate - Received from the House May 11, 2011;  
1-3 May 11, 2011, read first time and referred to Committee on State  
1-4 Affairs; May 18, 2011, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 May 18, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 174 By: Duncan

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the cancellation of the voter registration and to the  
1-11 eligibility to vote of persons who are deceased or not citizens of  
1-12 the United States.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 16.001, Election Code, is amended by  
1-15 amending Subsections (a) and (b) and adding Subsection (d) to read  
1-16 as follows:

1-17 (a) Each month the local registrar of deaths shall prepare  
1-18 an abstract of each death certificate issued in the month for a  
1-19 decedent 18 years of age or older who was a resident of the state at  
1-20 the time of death. The local registrar of deaths shall file each  
1-21 abstract with the voter registrar of the decedent's county of  
1-22 residence and the secretary of state not later than the 10th day of  
1-23 the month following the month in which the abstract is prepared.

1-24 (b) Each month the clerk of each court having probate  
1-25 jurisdiction shall prepare an abstract of each application for  
1-26 probate of a will, administration of a decedent's estate, or  
1-27 determination of heirship, and each affidavit under Section 137,  
1-28 Texas Probate Code, that is filed in the month with a court served  
1-29 by the clerk. The clerk shall file each abstract with the voter  
1-30 registrar and the secretary of state not later than the 10th day of  
1-31 the month following the month in which the abstract is prepared.

1-32 (d) The secretary of state shall quarterly obtain from the  
1-33 United States Social Security Administration available information  
1-34 specified by the secretary relating to deceased residents of the  
1-35 state.

1-36 SECTION 2. Section 16.031(b), Election Code, is amended to  
1-37 read as follows:

1-38 (b) The registrar shall cancel a voter's registration  
1-39 immediately if the registrar:

1-40 (1) determines from information received under  
1-41 Section 16.001(c) that the voter is deceased;

1-42 (2) has personal knowledge that the voter is deceased;  
1-43 [~~or~~]

1-44 (3) receives from a person related within the second  
1-45 degree by consanguinity or affinity, as determined under Chapter  
1-46 573, Government Code, to the voter a sworn statement by that person  
1-47 indicating that the voter is deceased; or

1-48 (4) receives notice from the secretary of state under  
1-49 Section 18.068 that the voter is deceased.

1-50 SECTION 3. Section 16.0332(a), Election Code, is amended to  
1-51 read as follows:

1-52 (a) After the registrar receives a list under Section 18.068  
1-53 of this code or Section 62.113, Government Code, of persons excused  
1-54 or disqualified from jury service because of citizenship status,  
1-55 the registrar shall deliver to each registered voter whose name  
1-56 appears on the list a written notice requiring the voter to submit  
1-57 to the registrar proof of United States citizenship in the form of a  
1-58 certified copy of the voter's birth certificate, United States  
1-59 passport, or certificate of naturalization or any other form  
1-60 prescribed by the secretary of state. The notice shall be delivered  
1-61 by forwardable mail to the mailing address on the voter's  
1-62 registration application and to any new address of the voter known  
1-63 to the registrar.

2-1 SECTION 4. Subchapter C, Chapter 18, Election Code, is  
2-2 amended by adding Section 18.068 to read as follows:  
2-3 Sec. 18.068. COMPARISON OF INFORMATION REGARDING  
2-4 INELIGIBILITY. The secretary of state shall quarterly compare the  
2-5 information received under Section 16.001 of this code and Section  
2-6 62.113, Government Code, to the statewide computerized voter  
2-7 registration list. If the secretary determines that a voter on the  
2-8 registration list is deceased or has been excused or disqualified  
2-9 from jury service because the voter is not a citizen, the secretary  
2-10 shall send notice of the determination to the voter registrar of the  
2-11 counties considered appropriate by the secretary.

2-12 SECTION 5. Section 62.0132, Government Code, is amended by  
2-13 adding Subsection (h) to read as follows:

2-14 (h) The questionnaire must notify a person that if the  
2-15 person states that the person is not a citizen, the person will no  
2-16 longer be eligible to vote if the person fails to provide proof of  
2-17 citizenship.

2-18 SECTION 6. Section 62.0142, Government Code, is amended to  
2-19 read as follows:

2-20 Sec. 62.0142. NOTICE ON WRITTEN SUMMONS. If a written  
2-21 summons for jury duty allows a person to claim a disqualification or  
2-22 exemption by signing a statement and returning it to the clerk of  
2-23 the court, the form must notify the person that by claiming a  
2-24 disqualification or exemption based on:

2-25 (1) the lack of citizenship, the person will no longer  
2-26 be eligible to vote if the person fails to provide proof of  
2-27 citizenship; or

2-28 (2) lack of residence in the county, the person might  
2-29 no longer be eligible to vote in the county.

2-30 SECTION 7. Sections 62.113(b) and (c), Government Code, are  
2-31 amended to read as follows:

2-32 (b) On the third business day of each month, the clerk shall  
2-33 send a copy of the list of persons excused or disqualified because  
2-34 of citizenship in the previous month to:

2-35 (1) the voter registrar of the county;

2-36 (2) the secretary of state; and

2-37 (3) the county or district attorney, as applicable,  
2-38 for an investigation of whether the person committed an offense  
2-39 under Section 13.007, Election Code, or other law.

2-40 (c) A list compiled under this section may not be used for a  
2-41 purpose other than a purpose described by Subsection (b) or Section  
2-42 16.0332 or 18.068, Election Code.

2-43 SECTION 8. The changes in law made by this Act to Sections  
2-44 62.0132 and 62.0142, Government Code, apply only to a written  
2-45 summons or questionnaire printed on or after the effective date of  
2-46 this Act. A written summons or questionnaire printed before the  
2-47 effective date of this Act is governed by the law in effect  
2-48 immediately before the effective date of this Act, and the former  
2-49 law is continued in effect for that purpose.

2-50 SECTION 9. This Act takes effect September 1, 2011.

2-51 \* \* \* \* \*