

## **BILL ANALYSIS**

C.S.H.B. 3081  
By: Wu  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties have expressed concern that the law is unclear about how to handle a voter who has moved without changing the voter's registration in a timely manner. The parties acknowledge that the voter is allowed to vote if the voter moved within the county, but contend that the ballot of a voter who moves out of the county often will not be counted and that determining if the voter resides in the same district after having recently moved strains election day resources. C.S.H.B. 3081 seeks to address these voter registration issues.

### **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. 3081 amends the Election Code requirement for a statement of residence before a voter is accepted for voting under certain conditions to omit from the question of whether the voter has changed residence the reference to that change being within the county. The bill authorizes a voter to vote, if otherwise eligible, in the election precinct in which the voter is registered if the voter's address is not current because the voter has changed residence to a different county within 30 days of the date of the election. The bill authorizes a voter to vote, if otherwise eligible, in a joint election in the election precinct in which the voter is registered if the voter's address is not current because the voter has changed residence within the county. The bill requires a voter eligible under this provision to receive a joint election ballot according to the voter's registered residence address. The bill requires the secretary of state to adopt rules to ensure that a voter's pending registration is not canceled due to a vote cast by the voter voting under either of these provisions in the precinct in which the voter is registered.

C.S.H.B. 3081, in a provision setting out the conditions under which a person is eligible to vote a limited ballot by personal appearance during the early voting period or by mail after changing residence to another county, to include a person voting on election day, and to condition that eligibility to vote on election day on the person having changed residence to the county not more than 30 days before election day. The bill requires such a person to execute an affidavit affirming that the person changed residence to the county not more than 30 days before election day and to submit the affidavit with the statement executed by the voter to a person and location as specified by the bill before being accepted to vote under those circumstances.

C.S.H.B. 3081 conditions entitlement to vote a limited ballot on each office and proposition stating a measure to be voted on in a territorial unit of which a person was a resident both before changing county of residence and after the change on a person who is not voting on election day. The bill authorizes a person to vote a limited ballot on election day only at the location of the main early voting polling place and authorizes the early voting clerk to conduct voting of limited ballots on election day at the location of the main early voting polling place by using official ballots for early voting by mail.

## EFFECTIVE DATE

September 1, 2013.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3081 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

### INTRODUCED

SECTION 1. Section 63.0011, Election Code, is amended by amending Subsection (a) and adding Subsections (b-1) and (b-2) to read as follows:

(a) Before a voter may be accepted for voting, an election officer shall ask the voter if the voter's residence address on the precinct list of registered voters is current and whether the voter has changed residence [~~within the county~~]. If the voter's address is omitted from the precinct list under Section 18.005(c), the officer shall ask the voter if the voter's residence, if listed, on identification presented by the voter under Section 63.001(b) is current and whether the voter has changed residence [~~within the county~~].

(b-1) If the voter's address is not current because the voter has changed residence to a different county within 30 days of the date of the election, the voter may vote, if otherwise eligible, in the election precinct in which the voter is registered.

(b-2) In a joint election held in accordance with Chapter 271, if the voter's address is not current because the voter has changed residence within the county, the voter may vote, if otherwise eligible, in the election precinct in which the voter is registered. A voter eligible under this subsection shall receive a joint election ballot according to the voter's registered residence address, notwithstanding Section 11.001(a)(2) or any other provision of this code.

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 63.0011, Election Code, is amended by amending Subsection (a) and adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(a) Before a voter may be accepted for voting, an election officer shall ask the voter if the voter's residence address on the precinct list of registered voters is current and whether the voter has changed residence [~~within the county~~]. If the voter's address is omitted from the precinct list under Section 18.005(c), the officer shall ask the voter if the voter's residence, if listed, on identification presented by the voter under Section 63.001(b) is current and whether the voter has changed residence [~~within the county~~].

(b-1) If the voter's address is not current because the voter has changed residence to a different county within 30 days of the date of the election, the voter may vote, if otherwise eligible, in the election precinct in which the voter is registered.

(b-2) In a joint election held in accordance with Chapter 271, if the voter's address is not current because the voter has changed residence within the county, the voter may vote, if otherwise eligible, in the election precinct in which the voter is registered. A voter eligible under this subsection shall receive a joint election ballot according to the voter's registered residence address, notwithstanding Section 11.001(a)(2) or any other provision of this code.

(b-3) The secretary of state shall adopt rules to ensure that a voter's pending registration is not canceled due to a vote cast by the voter voting under Subsection (b-1) or (b-2) in the precinct in which the voter is registered.

No equivalent provision.

SECTION 2. Section 112.002, Election Code, is amended by amending Subsections (a) and (d) and adding Subsection (d-1) to read as follows:

(a) After changing residence to another county, a person is eligible to vote a limited ballot by personal appearance during the early voting period, on election day, or by mail if:

(1) the person would have been eligible to vote in the county of former residence on election day if still residing in that county;

(2) the person is registered to vote in the county of former residence at the time the person:

(A) offers to vote in the county of new residence; or

(B) submitted a voter registration application in the county of new residence; ~~and~~

(3) a voter registration for the person in the county of new residence is not effective on or before election day; and

(4) for a person voting on election day, the person changed residence to the county not more than 30 days before election day.

(d) A statement executed under Subsection (c) shall be submitted:

(1) to an election officer at the main early voting polling place, if the person is voting by personal appearance; ~~or~~

(2) with the affidavit required under Subsection (d-1), to a person designated by the early voting clerk at the location used for the main early voting polling place, if the person is voting on election day; or

(3) with the person's application for a ballot to be voted by mail, if the person is voting by mail.

(d-1) A person voting on election day under this section shall:

(1) execute an affidavit affirming that the person changed residence to the county not more than 30 days before election day; and

(2) submit the affidavit together with the statement submitted by the person under Subsection (d).

No equivalent provision.

SECTION 3. Section 112.004, Election Code, is amended to read as follows:

Sec. 112.004. OFFICES AND MEASURES ON WHICH VOTER ENTITLED TO VOTE. A person voting a limited ballot is entitled to vote only on:

- (1) each office and proposition stating a measure to be voted on statewide; and
- (2) if the person is not voting on election day, each office and proposition stating a measure to be voted on in a territorial unit of which the person was a resident both before changing county of residence and after the change.

No equivalent provision.

SECTION 4. Section 112.006, Election Code, is amended to read as follows:

Sec. 112.006. PLACE FOR VOTING BY PERSONAL APPEARANCE OR ON ELECTION DAY. A person may vote a limited ballot by personal appearance only at the main early voting polling place. A person may vote a limited ballot on election day only at the location of the main early voting polling place.

No equivalent provision.

SECTION 5. Section 112.010(a), Election Code, is amended to read as follows:

(a) If early voting by personal appearance is conducted by voting machine, the early voting clerk may conduct the personal appearance voting of limited ballots by using official ballots for early voting by mail. The early voting clerk may conduct voting of limited ballots on election day at the location of the main early voting polling place by using official ballots for early voting by mail.

SECTION 2. This Act takes effect September 1, 2013.

SECTION 6. Same as introduced version.