

BILL ANALYSIS

C.S.H.B. 3170
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties point out that a person who is called to jury duty and claims that the person is not a United States citizen is removed from the jury and that a list of names of such people is generated and sent to the voter registrar to update the voter roll. The parties note that this information is also given to the secretary of state and certain prosecutors to determine if voter registration law has been broken, but they are concerned that there is no procedure currently in place to determine whether the same person, as a noncitizen, has illegally voted in the past. The parties suggest that this list of persons excused or disqualified from jury service as noncitizens needs to be provided to a county election official, such as a county clerk, to determine if a noncitizen has voted in violation of state election law and that the county clerk, the secretary of state, and prosecutors should be able to use the list to enforce state law. C.S.H.B. 3170 seeks to give a county election official access to this information.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3170 amends the Government Code to include a county election official among the persons to whom a court clerk is required each month to send a copy of the list of persons excused or disqualified in the previous month from jury service because of citizenship. The bill includes an investigation of whether a person committed an illegal voting offense among the purposes for which a copy of the list is required to be sent to the county or district attorney.

C.S.H.B. 3170 amends the Election Code to require a voter registrar, after receiving notice from any governmental agency that a voter has acknowledged that the voter is not a citizen of the United States, to deliver to each registered voter about whom notice was received a written notice requiring the voter to submit to the registrar proof of United States citizenship, making the voter registration of a voter notified under the bill's provisions subject to cancellation by the registrar if the voter fails to submit proof of citizenship in the prescribed time period.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3170 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 62.113 Texas Government Code, is amended.

SECTION 2. Section 16.031 (a), Texas Election Code, is amended read as follows:

(a) The registrar shall cancel a voter's registration immediately on receipt of:

(1) notice under Section 13.072(b) or 15.021 or a response under Section 15.053 that the voter's residence is outside the county;

(2) an abstract of the voter's death certificate under Section 16.001(a) or an abstract of an application indicating that the voter is deceased under Section 16.001(b);

(3) an abstract of a final judgment of the voter's total mental incapacity, partial mental incapacity without the right to vote, conviction of a felony, or disqualification under Section 16.002, 16.003, or 16.004;

(4) notice under Section 112.012 that the voter has applied for a limited ballot in another county;

(5) notice from a voter registration official in another state that the voter has registered to vote outside this state;

(6) notice from the early voting clerk under Section 101.0041 that a federal postcard application submitted by an applicant states a voting residence address located outside the registrar's county; ~~or~~

(7) notice from the secretary of state that the voter has registered to vote in another county, as determined by the voter's driver's license number or personal identification card number issued by the Department of Public Safety or social security number, or.

(8) notice from any governmental agency that a voter has acknowledged that the voter is not citizen of the United States.

No equivalent provision but see SECTION 2 above.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

No equivalent provision, but see SECTION 2 below.

SECTION 2. Section 16.0332(a), Election Code, is amended to read as follows:

(a) After the registrar receives a list under Section 18.068 of this code or Section 62.113, Government Code, of persons excused or disqualified from jury service because of citizenship status or receives notice from any governmental agency that a voter has acknowledged that the voter is not a citizen of the United States, the registrar

shall deliver to each registered voter whose name appears on the list or about whom notice was received a written notice requiring the voter to submit to the registrar proof of United States citizenship in the form of a certified copy of the voter's birth certificate, United States passport, or certificate of naturalization or any other form prescribed by the secretary of state. The notice to the voter shall be delivered by forwardable mail to the mailing address on the voter's registration application and to any new address of the voter known to the registrar.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 3. Same as introduced version.