

BILL ANALYSIS

Senate Research Center

H.B. 3593
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

States are required to make a reasonable effort to remove deceased individuals from voter registration rolls. As part of the process for fulfilling that requirement, the Texas secretary of state (SOS) compares death records to voter registration rolls in order to help determine if a voter is deceased. SOS cancels the registration of a voter considered to be a strong match to a name on the death record and sends a match considered to be weak to the applicable county voter registrar to make a final determination. Interested parties assert that some county voter registrars have removed voters who are still alive from the registration rolls.

H.B. 3593 amends the Election Code to require the voter registrar, if SOS has adopted or recommended a form for written notice to a voter who is being investigated by the registrar, to use that form. The bill requires the registrar to cancel a voter's registration if no reply is received from the voter on or before the 60th day, rather than 30th day, after the date the notice is mailed, and adjusts the warning requirement that must be provided to the voter accordingly.

H.B. 3593 amends Section 18.068 (Comparison of Information Regarding Eligibility), Election Code, as added by Chapter 683 (H.B. 174), Acts of the 82nd Legislature, Regular Session, 2011, which requires SOS to compare information received about deceased voters and noncitizens excused or disqualified for jury service to the statewide computerized voter registration list, to prohibit SOS from determining that a voter on the voter registration list is deceased based on a weak match.

H.B. 3593 authorizes SOS to inform the county of the voter's residence that a weak match exists and requires the county, on receiving notification from SOS that a weak match of identifying information exists for a county voter and an individual who is deceased, to investigate whether the voter is the same individual. The bill prohibits a weak match from being the sole basis on which to cancel a voter's voter registration or to require the voter to furnish additional information to prevent cancellation of the voter's voter registration.

H.B. 3593 provides that an exact match of the last name, full Social Security number, and date of birth of a voter and an individual who is deceased is considered a strong match, except that SOS is authorized by rule to require more information in common to determine that a strong match exists. The bill authorizes SOS to determine that a voter is deceased based on a strong match, and to obtain information from other state agency databases when determining whether a voter is deceased.

H.B. 3593 amends current law relating to the determination that a voter is deceased.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state in SECTION 2 (Section 18.068, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 16.033(b), (c), and (d), Election Code, as follows:

(b) Requires the registrar, if the secretary of state (SOS) has adopted or recommended a form for a written notice under this section, to use that form.

(c) Requires that the notice include:

(1) Makes no change to this subdivision; and

(2) a warning that the voter's registration is subject to cancellation if the registrar does not receive an appropriate reply on or before the 60th day, rather than the 30th day, after the date the notice is mailed.

(d) Requires the registrar, except as provided by Subsection (e) (relating to prohibiting a voter's registration from being canceled under certain circumstances unless the notice mailed to the voter indicated that the registrar had reason to believe that the voter is not eligible for registration because of a ground other than a ground based on residence), to cancel a voter's registration if:

(1) Makes no change to this subdivision;

(2) no reply is received from the voter on or before the 60th day, rather than the 30th day, after the date the notice is mailed to the voter under Subsection (b); or

(3) Makes no change to this subdivision.

SECTION 2. Amends Section 18.068, Election Code, as added by Chapter 683 (H.B. 174), Acts of the 82nd Legislature, Regular Session, 2011, as follows:

Sec. 18.068. COMPARISON OF INFORMATION REGARDING INELIGIBILITY. (a) Creates this subsection from existing text and makes no further change.

(b) Requires SOS by rule to determine what information combinations identified as common to a voter and to an individual who is deceased constitute a weak match or a strong match in order to produce the least possible impact on Texas voters, and fulfill its responsibility to manage the voter rolls.

(c) Prohibits SOS from determining that a voter is deceased based on a weak match. Authorizes SOS to inform the county of the voter's residence that a weak match exists.

(d) Requires the county, on receiving notification from SOS under Subsection (c) that a weak match of identifying information exists for a county voter and an individual who is deceased, to investigate whether the voter is the individual who is deceased. Requires the county, if the county determines that the voter is alive or if the voter appears to vote in person, to request that the voter provide any information required to be furnished on a voter registration application that the county does not have recorded for the voter, but prohibits the voter from being required to furnish the information. Prohibits a weak match from being the sole basis on which to cancel a voter's voter registration or to require the voter to furnish additional information to prevent cancellation of the voter's voter registration.

(e) Authorizes SOS to determine that a voter is deceased based on a strong match.

(f) Authorizes SOS to obtain, for purposes of determining whether a voter is deceased, information from other state agency databases relating to a voter that is the same type of information that SOS or a voter registrar collects or stores for voter registration purposes.

SECTION 3. Effective date: upon passage or September 1, 2013.