

BILL ANALYSIS

C.S.H.B. 3593
By: Burnam
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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 compares death records to voter registration rolls in order to help determine if a voter is deceased. The secretary of state 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. C.S.H.B. 3593 seeks to address this problem and improve the accuracy of voter rolls.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 3593 amends the Election Code to require the voter registrar, if the secretary of state 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.

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

C.S.H.B. 3593 authorizes the secretary of state to inform the county of the voter's residence that a weak match exists and requires the county, on receiving notification from the secretary of state 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 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 requiring the voter to furnish the information. 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.

C.S.H.B. 3593 establishes that the following information combinations identified as common to a voter and an individual who is deceased are considered a weak match:

- an exact match of first name, last name, and date of birth;
- an exact match of first name, last name, and full social security number;
- an exact match of date of birth and full social security number;
- an exact match of last name, date of birth, and last four digits of social security number;
- an exact match of last name and full social security number; or
- an exact match of information in one of the combinations previously listed and additional information determined by secretary of state rule, except as otherwise provided.

C.S.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 the secretary of state is authorized by rule to require more information in common to determine that a strong match exists. The bill authorizes the secretary of state 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.

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. 3593 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

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 16.033(b), (c), and (d), Election Code, are amended to read as follows:

(b) If the registrar has reason to believe that a voter is no longer eligible for registration, the registrar shall deliver written notice to the voter indicating that the voter's registration status is being investigated by the registrar. The notice 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. If the secretary of state has adopted or recommended a form for a written notice under this section, the registrar must use that form.

(c) The notice must include:

(1) a request for information relevant to determining the voter's eligibility for registration; 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 [~~30th~~] day after the date the notice is mailed.

(d) Except as provided by Subsection (e), the registrar shall cancel a voter's registration if:

(1) after considering the voter's reply, the registrar determines that the voter is not eligible for registration;

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

(3) each notice mailed under Subsection (b) is returned undelivered to the registrar with no forwarding information available.

SECTION 1. Section 18.068, Election Code, as added by Chapter 683 (H.B. 174), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

Sec. 18.068. COMPARISON OF INFORMATION REGARDING

INELIGIBILITY. (a) The secretary of state shall quarterly compare the information received under Section 16.001 of this code and Section 62.113, Government Code, to the statewide computerized voter registration list. If the secretary determines that a voter on the registration list is deceased or has been excused or disqualified from jury service because the voter is not a citizen, the secretary shall send notice of the determination to the voter registrar of the counties considered appropriate by the secretary.

(b) The following information combinations identified as common to a voter and an individual who is deceased or has been excused or disqualified from jury service because the individual is not a citizen are considered a weak match:

(1) an exact match of first name, last name, and date of birth;

(2) an exact match of first name, last name, and full social security number;

(3) an exact match of date of birth and full social security number;

(4) an exact match of last name, date of birth, and last four digits of social security number;

(5) an exact match of last name and full social security number; or

(6) an exact match of information in the combination described by Subdivision (1),

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

Sec. 18.068. COMPARISON OF INFORMATION REGARDING

INELIGIBILITY. (a) The secretary of state shall quarterly compare the information received under Section 16.001 of this code and Section 62.113, Government Code, to the statewide computerized voter registration list. If the secretary determines that a voter on the registration list is deceased or has been excused or disqualified from jury service because the voter is not a citizen, the secretary shall send notice of the determination to the voter registrar of the counties considered appropriate by the secretary.

(b) The following information combinations identified as common to a voter and an individual who is deceased are considered a weak match:

(1) an exact match of first name, last name, and date of birth;

(2) an exact match of first name, last name, and full social security number;

(3) an exact match of date of birth and full social security number;

(4) an exact match of last name, date of birth, and last four digits of social security number;

(5) an exact match of last name and full social security number; or

(6) an exact match of information in the combination described by Subdivision (1),

(2), (3), (4), or (5) and additional information determined by secretary of state rule, except as provided by Subsection (e).

(c) The secretary of state may not determine that a voter is deceased or is not a citizen based on a weak match. The secretary of state may inform the county of the voter's residence that a weak match exists.

(d) On receiving notification from the secretary of state under Subsection (c) that a weak match of identifying information exists for a county voter and an individual who is deceased or has been excused or disqualified from jury service because the individual is not a citizen, the county shall investigate whether the voter is the individual who is deceased or has been excused or disqualified from jury service because the individual is not a citizen. If the county determines that the voter is alive or if the voter appears to vote in person, the county shall 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 the voter may not be required to furnish the information. A weak match may not be 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) An exact match of the last name, full social security number, and date of birth of a voter and an individual who is deceased or has been excused or disqualified from jury service because the individual is not a citizen is considered a strong match, except that the secretary of state may by rule require more information in common to determine that a strong match exists. The secretary of state may determine that a voter is deceased or is not a citizen based on a strong match.

(f) The secretary of state may obtain information from other state agency databases when determining whether a voter is deceased.

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

(a) After the registrar receives notice from the secretary of state under Section 18.068

(2), (3), (4), or (5) and additional information determined by secretary of state rule, except as provided by Subsection (e).

(c) The secretary of state may not determine that a voter is deceased based on a weak match. The secretary of state may inform the county of the voter's residence that a weak match exists.

(d) On receiving notification from the secretary of state under Subsection (c) that a weak match of identifying information exists for a county voter and an individual who is deceased, the county shall investigate whether the voter is the individual who is deceased. If the county determines that the voter is alive or if the voter appears to vote in person, the county shall 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 the voter may not be required to furnish the information. A weak match may not be 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) 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 the secretary of state may by rule require more information in common to determine that a strong match exists. The secretary of state may determine that a voter is deceased based on a strong match.

(f) The secretary of state may obtain information from other state agency databases when determining whether a voter is deceased.

No equivalent provision.

of a determination that a person has been excused or disqualified from jury service because of citizenship status or 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, the registrar shall deliver to each registered voter whose name appears on the notice or list 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 written notice 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 the 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.