

BILL ANALYSIS

Senate Research Center

C.S.H.B. 3593
By: Burnam et al. (Ellis)
State Affairs
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Committee Report (Substituted)

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.

C.S.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)-(d) Makes no change to these subsections.

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.

(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.