

By: Burnam, Hernandez Luna, et al.

H.B. No. 3593

A BILL TO BE ENTITLED

AN ACT

relating to the determination that a voter is deceased.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

1 determines that the voter is not eligible for registration;

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

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

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

11 Sec. 18.068. COMPARISON OF INFORMATION REGARDING
12 INELIGIBILITY. (a) The secretary of state shall quarterly compare
13 the information received under Section 16.001 of this code and
14 Section 62.113, Government Code, to the statewide computerized
15 voter registration list. If the secretary determines that a voter
16 on the registration list is deceased or has been excused or
17 disqualified from jury service because the voter is not a citizen,
18 the secretary shall send notice of the determination to the voter
19 registrar of the counties considered appropriate by the secretary.

20 (b) The secretary of state shall by rule determine what
21 information combinations identified as common to a voter and to an
22 individual who is deceased constitute a weak match or a strong match
23 in order to:

24 (1) produce the least possible impact on Texas voters;
25 and

26 (2) fulfill its responsibility to manage the voter
27 rolls.

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

4 (d) On receiving notification from the secretary of state
5 under Subsection (c) that a weak match of identifying information
6 exists for a county voter and an individual who is deceased, the
7 county shall investigate whether the voter is the individual who is
8 deceased. If the county determines that the voter is alive or if
9 the voter appears to vote in person, the county shall request that
10 the voter provide any information required to be furnished on a
11 voter registration application that the county does not have
12 recorded for the voter, but the voter may not be required to furnish
13 the information. A weak match may not be the sole basis on which to
14 cancel a voter's voter registration or to require the voter to
15 furnish additional information to prevent cancellation of the
16 voter's voter registration.

17 (e) The secretary of state may determine that a voter is
18 deceased based on a strong match.

19 (f) The secretary of state may obtain, for purposes of
20 determining whether a voter is deceased, information from other
21 state agency databases relating to a voter that is the same type of
22 information that the secretary of state or a voter registrar
23 collects or stores for voter registration purposes.

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

H.B. No. 3593

1 Act takes effect September 1, 2013.