

By: Burnam

H.B. No. 3593

Substitute the following for H.B. No. 3593:

By: Morrison

C.S.H.B. No. 3593

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the determination that a voter is deceased.

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

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

6 (b) If the registrar has reason to believe that a voter is no  
7 longer eligible for registration, the registrar shall deliver  
8 written notice to the voter indicating that the voter's  
9 registration status is being investigated by the registrar. The  
10 notice shall be delivered by forwardable mail to the mailing  
11 address on the voter's registration application and to any new  
12 address of the voter known to the registrar. If the secretary of  
13 state has adopted or recommended a form for a written notice under  
14 this section, the registrar must use that form.

15 (c) The notice must include:

16 (1) a request for information relevant to determining  
17 the voter's eligibility for registration; and

18 (2) a warning that the voter's registration is subject  
19 to cancellation if the registrar does not receive an appropriate  
20 reply on or before the 60th [~~30th~~] day after the date the notice is  
21 mailed.

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

24 (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 following information combinations identified as  
21 common to a voter and an individual who is deceased are considered a  
22 weak match:

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

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

27 (3) an exact match of date of birth and full social

1 security number;

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

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

6 (6) an exact match of information in the combination  
7 described by Subdivision (1), (2), (3), (4), or (5) and additional  
8 information determined by secretary of state rule, except as  
9 provided by Subsection (e).

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

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

26 (e) An exact match of the last name, full social security  
27 number, and date of birth of a voter and an individual who is

1 deceased is considered a strong match, except that the secretary of  
2 state may by rule require more information in common to determine  
3 that a strong match exists. The secretary of state may determine  
4 that a voter is deceased based on a strong match.

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

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