

BILL ANALYSIS

C.S.H.B. 3779
By: Kacal
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that state law allows certain individuals who are related to a deceased voter to send a statement to the local voter registrar notifying the registrar of the death in order to ensure the deceased's removal from the voter rolls. These parties contend that the integrity of the voter rolls would be better protected if families of deceased voters were more aware of the options to notify the registrar and if there were a standard form for submitting the signed statement. C.S.H.B. 3779 seeks to provide families of deceased voters with this information.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3779 amends the Election Code to require the secretary of state to prescribe and make publicly available a form that a person related within the second degree by consanguinity or affinity to a deceased voter may use to send to a voter registrar indicating that the voter is deceased, for purposes of triggering the immediate cancellation of the registration by the voter registrar on official notice of ineligibility. The bill establishes that the form must state that the person submitting the form must be related to the deceased person within the second degree by consanguinity or affinity, must require the person submitting the form to sign the form, and must require the person to provide enough information to enable the voter registrar to distinguish the deceased person from any other registered voter. The bill clarifies, for purposes of the statutory requirement that the voter registrar immediately cancel a deceased voter's registration on receipt of such a statement, that the statement is a signed, rather than a sworn, statement.

C.S.H.B. 3779 amends the Occupations Code to require a brochure prepared by the Texas Funeral Service Commission containing information of public interest to include information informing persons that a voter registrar must cancel a voter's voter registration if a person related to the voter within the second degree by consanguinity or affinity provides the registrar with a signed statement by the person indicating that the voter is deceased and that the secretary of state has adopted a form that may be used to make the signed statement.

EFFECTIVE DATE

January 1, 2016.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3779 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter I, Chapter 651, Occupations Code, is amended by adding Section 651.411 to read as follows:

Sec. 651.411. COUNTY VOTER REGISTRAR SWORN STATEMENT FORM. (a) A funeral director or agent of a funeral establishment shall provide to the family, next of kin, or other person making funeral arrangements for a deceased person a form to be mailed to the voter registrar of the county in which the deceased person resided to inform the voter registrar that the person is deceased.

No equivalent provision.

(b) The secretary of state shall prescribe the form and the contents of the form. The form must:

(1) state that the person submitting the form must be related to the deceased person within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code;

(2) require the person submitting the form to swear to the information provided on the form and sign the form; and

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

SECTION 1. Section 16.031, Election Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The registrar shall cancel a voter's registration immediately if the registrar:

(1) determines from information received under Section 16.001(c) that the voter is deceased;

(2) has personal knowledge that the voter is deceased;

(3) receives from a person related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to the voter a signed ~~sworn~~ statement by that person indicating that the voter is deceased; or

(4) receives notice from the secretary of state under Section 18.068 that the voter is deceased.

(c) The secretary of state shall prescribe and make publicly available a form that a person may use to make a statement under Subsection (b)(3). The form must:

(1) state that the person submitting the form must be related to the deceased person within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code;

(2) require the person submitting the form to sign the form; and

(3) require the person to provide enough information to enable the voter registrar to distinguish the deceased person from any other registered voter.

No equivalent provision.

SECTION 2. This Act takes effect January 1, 2016.

(3) require the person to provide enough information to enable the voter registrar to distinguish the deceased person from any other registered voter.

SECTION 2. Section 651.201(a), Occupations Code, is amended to read as follows:

(a) The commission shall prepare a brochure with information of public interest: (1) explaining matters relating to funerals; ~~[and]~~

(2) describing:

(A) the functions of the commission; and

(B) the commission's procedures for filing and resolving a public complaint; and

(3) informing persons that a voter registrar must cancel a voter's voter registration if a person related to the voter within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, provides the registrar with a signed statement by the person indicating that the voter is deceased, and that the secretary of state has adopted a form that may be used to make the signed statement.

SECTION 3. Same as introduced version.