

## **BILL ANALYSIS**

C.S.H.B. 3490  
By: Anderson, Rodney  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that there is no available mechanism through which the secretary of state may identify or address duplicate voter registrations within the statewide computerized voter registration list. C.S.H.B. 3490 seeks to provide for the identification of these duplicate registrations and for the merging of duplicate registrations into one record.

### **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 rulemaking authority is expressly granted to the secretary of state in SECTION 2 of this bill.

### **ANALYSIS**

C.S.H.B. 3490 amends the Election Code to require the procedures prescribed by the secretary of state requiring each voter registrar to provide the secretary of state on an expedited basis the information necessary to maintain the statewide computerized voter registration list to ensure that each voter registrar collects and reports the correct month, day, and year of birth for each registered voter. The bill requires the secretary of state to periodically compare the information regarding voters maintained as part of the statewide computerized voter registration list to determine whether any voters have more than one voter registration record on file. The bill requires the secretary of state by rule to determine what information combinations identified as common to more than one registration record 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. The bill prohibits the secretary of state from determining that a voter has more than one registration record based on a weak match and authorizes the secretary of state to inform the county of the voter's residence that a weak match exists. The bill requires the secretary of state, if the secretary of state determines that a voter on the registration list has more than one registration record on file based on a strong match, to send notice of the determination to the voter registrar of each county in which the voter is registered to vote. The bill authorizes the voter registrar, if the voter records identified are located in the same county, to merge the records following a determination that each record belongs to the same voter using the statutory procedure for the correction of registration records. The bill authorizes the registrar of the county with the oldest record, if the voter records identified are located in more than one county, to deliver a written confirmation notice in accordance with applicable state law.

C.S.H.B. 3490 amends the Government Code to include the voter registrar of a county among the persons to whom information, other than information provided that is related to a misdemeanor theft or a felony conviction or related to an indictment or other legal accusation for

misdeemeanor theft or a felony, contained in a completed written jury summons questionnaire may be disclosed if the information is in connection with any matter of voter registration or the administration of elections.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3490 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. Section 18.061(c), Election Code, is amended.

SECTION 2. Subchapter C, Chapter 18, Election Code, is amended by adding Section 18.0681 to read as follows:

Sec. 18.0681. SECRETARY OF STATE AUTHORITY TO ELIMINATE DUPLICATE REGISTRATION RECORDS. (a) The secretary of state shall periodically compare the information regarding voters maintained as part of the statewide computerized voter registration list to determine whether any voters have more than one voter registration record on file.

*(See subsection (b) below.)*

If the secretary determines that a voter on the registration list has more than one registration record on file, the secretary may merge the registration records and shall send notice of the determination to the voter registrar of each county in which the voter is registered to vote.

#### **HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Same as introduced version.

SECTION 2. Subchapter C, Chapter 18, Election Code, is amended by adding Section 18.0681 to read as follows:

Sec. 18.0681. SECRETARY OF STATE AUTHORITY TO ELIMINATE DUPLICATE REGISTRATION RECORDS. (a) The secretary of state shall periodically compare the information regarding voters maintained as part of the statewide computerized voter registration list to determine whether any voters have more than one voter registration record on file.

(b) The secretary of state shall by rule determine what information combinations identified as common to more than one registration record constitute a weak match or a strong match in order to:

(1) produce the least possible impact on Texas voters; and  
(2) fulfill its responsibility to manage the voter rolls.

(d) If the secretary of state determines that a voter on the registration list has more than one registration record on file based on a strong match, the secretary shall send notice of the determination to the voter registrar of each county in which the voter is registered to vote. If the voter records identified are:

(1) located in the same county, the voter registrar may merge the records following a determination that each record belongs to the same voter using the procedure for the correction of registration records under

(b) The secretary of state shall by rule determine what information identifies a voter with more than one registration record in order to produce the least possible impact on voters in this state and fulfill the secretary of state's responsibility to manage the voter rolls. The rules must require that, at a minimum, the first name, the last name, any available middle name, and the date of birth of a voter in each record be identical.

(c) The secretary of state shall adopt rules and prescribe procedures for the implementation of this section.

SECTION 3. Section 62.0132(g), Government Code, is amended to read as follows:

(g) The information contained in a completed questionnaire may be disclosed to:

- (1) a judge assigned to hear a cause of action in which the respondent to the questionnaire is a potential juror;
- (2) court personnel; ~~and~~
- (3) a litigant and a litigant's attorney in a cause of action in which the respondent to the questionnaire is a potential juror; ~~and~~
- (4) the secretary of state in connection with any matter of voter registration or the administration of elections.

SECTION 4. 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, 2017.

Section 15.022; or

(2) located in more than one county, the registrar of the county with the oldest record may deliver a written confirmation notice in accordance with Section 15.051.

*(See subsection (b) above.)*

(c) The secretary of state may not determine that a voter has more than one registration record based on a weak match. The secretary of state may inform the county of the voter's residence that a weak match exists.

SECTION 3. Section 62.0132(g), Government Code, is amended to read as follows:

(g) The information contained in a completed questionnaire may be disclosed to:

- (1) a judge assigned to hear a cause of action in which the respondent to the questionnaire is a potential juror;
- (2) court personnel; ~~and~~
- (3) a litigant and a litigant's attorney in a cause of action in which the respondent to the questionnaire is a potential juror; ~~and~~
- (4) other than information provided that is related to Section 62.102(8) or (9), the voter registrar of a county in connection with any matter of voter registration or the administration of elections.

SECTION 4. Same as introduced version.