

BILL ANALYSIS

Senate Research Center
85R19755 DMS-F

C.S.S.B. 2020
By: Creighton
State Affairs
4/6/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The secretary of state (SOS), the chief election officer for the State of Texas, is tasked with reconstituting jury wheels for all 254 counties on an annual or multiyear basis. The office also currently provides a jury management tool for counties to manage jurors and jury selection. Chapter 62, Government Code, sets forth the law regarding use of the jury wheel and jury service.

The purpose of this bill is to amend Chapter 62, Government Code, to achieve uniformity with the Election Code, to comply with federal legislation, to clarify the use of a single source for jury wheel reconstitutions, to provide more accurate jury information and lists, to require a single, updated jury plan for counties using alternative methods of jury selection, and to update language when it comes to the flow of information to counties to reflect current practices.

Section 62.001(a) is amended to achieve uniformity with the Election Code by striking the word "citizens" (used when referring to individuals in a county) and replacing it with the word residents. The word "citizen" is generally used in association with national citizenship, and the word "resident" in association with county residency.

Sections 62.001(a), (c), (e), and (f) are amended in order to comply with Section 18.061, Election Code, and the 2002 Help America Vote Act (HAVA) mandate that the official list of registered voters be maintained in a statewide voter registration system. Currently, the code requires counties to submit separate voter registration lists to SOS for reconstitution of their jury wheels.

Sections 62.001(b), (c), and (e) are amended to require the names of persons on a suspense list (registered voters with potential address issues) maintained under Section 15.081, Election Code, be excluded from reconstituted wheels.

Sections 62.001(g) and 62.011(d) are amended to reflect the current way information is provided to the counties by the SOS, namely, through electronic means.

The remainder of the changes in Section 62.001 are clean-up for portions removed or modified to clarify subsection references and ensure the current process is still captured.

In order to help counties ensure compliance with current law, Section 62.011 is amended to require counties to file their respective jury plan, if any, with the Office of Court Administration, and to update the filing if the plan is modified. There should be no opposition to modifications made to Section 62.011, Government Code.

Sections 62.113 and 62.114 are amended to require clerks of the court to submit their respective list of noncitizens, required under Section 62.113, and list of nonresidents, required under Section 62.114, separately to the county voter registrar, in order to avoid confusion.

Section 62.113 is amended to require counties to submit their respective list of noncitizens to SOS in an electronic format prescribed by SOS, in order to facilitate the comparison of information on the statewide voter registration list. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 2020 amends current law relating to voter information used for juror selections.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 62.001(a), (b), (c), (f), (g), and (h), Government Code, as follows:

(a) Requires that the jury wheel be reconstituted by using the names of all persons on the current statewide voter registration list maintained as required under Section 18.061 (Statewide Computerized Voter Registration List), Election Code, rather than names of all persons on the current voter registration lists, from all the precincts in the county and all names on a current list to be furnished by the Texas Department of Public Safety (DPS) as required by Subsection (f), showing certain residents, rather than certain citizens, of the county, as the source.

(b) Prohibits certain names, rather than names of persons listed on a register of person exempt from jury service, notwithstanding Subsection (a), from being placed in the jury wheel.

(c) Requires the voter registrar of each county, each year not later than the third Tuesday in November or the date provided by Section 16.032 (Cancellation Following End of Suspense List Period), Election Code, for the cancellation of voter registrations, whichever is earlier, to furnish to the secretary of state (SOS) a list of people exempted from jury service under Subsection (b). Deletes existing text requiring the voter registrar of each county to furnish to SOS a current voter registration list from all the precincts in the county that, except as provided by Subsection (d), includes certain information.

(f) Requires DPS to furnish a list to SOS that shows the names required under Subsection (a)(2) (relating to all names on a current list to be furnished by DPS showing certain residents) and that contains any information available to DPS regarding a person's residential address, mailing address, date of birth, Texas driver's license number or personal identification card or certificate number, social security number, citizenship status, and county of residence, rather than information enumerated in Subsection (c) that is available to DPS including citizenship status and county of residence. Makes nonsubstantive changes.

(g) Requires SOS to accept the lists furnished as provided by Subsections (c) and (f), rather than (c) through (f). Requires SOS to combine the list furnished under Subsection (f) with the information on the statewide voter registration list maintained by the voter registrar as required under Section 18.061 (Statewide Computerized Voter Registration List), Election Code, eliminate duplicate names, and names of exempt persons on the list provided to SOS under Subsection (c), rather than lists, eliminate duplicate names, and send the combined list to each county on or before December 31 of each year or as may be required under a plan developed in accordance with Section 62.011. Requires that the list furnished the county be certified by SOS stating that the list contains the names required by Subsection (a) and excludes the names of exempt persons provided to SOS under Subsection (f), rather than Subsections (c) through (f), eliminating duplications. Requires SOS to furnish the electronic list free of charge. Deletes existing text requiring the list furnished the county to be in a format, electronic or printed copy, as requested by the county. Makes nonsubstantive changes.

(h) Requires the county tax assessor-collector, sheriff, county clerk, and district clerk in the county, if SOS is unable to furnish the list as provided in this section because of the failure of the voter registrar to furnish the information necessary to maintain the statewide voter registration list as required under Section 18.061, Election Code, rather

than because of the failure of the voter registrar to furnish the county voter registration list to SOS, to meet at the county courthouse between January 1 and January 15 of the following year and to reconstitute the jury wheel for the county, except as provided under a plan adopted under Section 62.011. Makes no further changes to this subsection.

SECTION 2. Amends Section 62.011, Government Code, by amending Subsection (d) and adding Subsection (e), as follows:

(d) Prohibits a state agency or SOS from charging a fee for furnishing an electronic list of names required by Section 62.001.

(e) Requires the commissioners court of a county that has adopted a jury selection plan to file with the Office of Court Administration of the Texas Judicial System a copy of the plan and any modification to the plan.

SECTION 3. Amends Section 62.113, Government Code, by adding Subsection (b-1) and amending Subsection (e), as follows:

(b-1) Prohibits the list of persons excused or disqualified because of citizenship as required by Subsection (b) from being combined with or submitted simultaneously with any other list required to be submitted to the voter registrar of the county, including a list submitted under Section 62.114.

(e) Requires the information required to be filed with SOS under this section to be filed electronically in the format prescribed by SOS.

SECTION 4. Amends Section 62.114, Government Code, by adding Subsection (e), to prohibit the list compiled under this section of persons excused or disqualified because the person is not a resident of the county from being combined with or submitted simultaneously with any other list required to be submitted to the voter registrar of the county, including a list submitted under Section 62.113.

SECTION 5. Repealer: Sections 62.001(d) (relating to excluding certain names from the voter registration list) and (e) (relating to requiring the voter registrar to send a list of the names of persons excluded to SOS with the list), Government Code.

SECTION 6. Effective date: September 1, 2017.