

## **BILL ANALYSIS**

Senate Research Center  
86R3055 ATP-F

S.B. 205  
By: Perry et al.  
State Affairs  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law requires the secretary of state (SOS) to quarterly cross-check those disqualified for jury duty because they are non-citizens with the statewide computerized voter registration list in compliance under Sections 16.0332 and 18.068, Election Code. However, Section 62.113, Government Code prohibits the SOS from investigating voter fraud by comparing the noncitizens' jury disqualification list to voter rolls, making it a Class C misdemeanor for the SOS to compare such lists. This conflict creates a discrepancy within the laws.

As a result of this conflict, a person who is summoned for jury duty but identifies him or herself as a noncitizen and is excused from jury duty may be able to vote illegally. Although this list can be obtained by an open records request, current law prevents this list of names from being used to identify if a noncitizen is registered to vote or if a noncitizen voted in an election.

Voter fraud jeopardizes the integrity of the democratic process and this bill will help protect public trust in our elections by ensuring illegal voters are being identified, removed from voting registries, and prosecuted. A Washington Post poll revealed 81 percent of Americans believe that election fraud is a very real problem. Voter fraud is a serious issue and measures must be taken to ensure voter registration is accurate and reliable.

This bill removes the restrictions and penalties surrounding the cross-check and use of information from the lists of noncitizens excused or disqualified from jury service and voter registration list. The bill mandates that the Office of the Attorney General (OAG) compare these lists quarterly.

Currently, county clerks' offices are required to notify their county district attorney of people excused or disqualified from jury duty because of citizenship, this bill also allows the clerk to also notify the OAG.

Our office also plans to add nonresidents to this bill by committee substitute.

As proposed, S.B. 205 amends current law relating to the use of information from the lists of noncitizens excused or disqualified from jury service.

### **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 Section 18.068(a), Election Code, as follows:

(a) Requires the secretary of state (SOS), if the SOS determines a voter on the registration list is deceased or has been excused or disqualified from jury service because the voter is not a citizen, to send notice of the determination to:

(1) creates this subdivision from existing text and makes a nonsubstantive change;  
and

(2) the attorney general, who shall quarterly review the information to investigate whether a person has committed an offense under Section 13.007 (False Statement on Application) or other law.

SECTION 2. Amends Section 62.113, Government Code, as follows:

- (a) Makes no changes to this subsection.
- (b) Requires the clerk of the court to send a copy of the list of persons excused or disqualified because of citizenship in the previous month to certain people, including the attorney general.
- (c) Redesignates existing text of Subsection (e) as Subsection (c). Deletes text of existing Subsection (c) prohibiting a list compiled under this section from being used for a purpose other than a purpose described by Subsection (b) or Section 16.0332 (Cancellation Because of Citizen Status) or 18.068 (Comparison of Information Regarding Ineligibility), Election Code.
- (d) Deletes text of previously existing subsection providing that a person commits an offense if the person violates Subsection (c) and providing that an offense under this section is a Class C misdemeanor.

SECTION 3. Effective date: upon passage or September 1, 2019.