

By: Klick, et al.

H.B. No. 3578

A BILL TO BE ENTITLED

AN ACT

relating to the cancellation of the voter registration of a person finally convicted of a felony.

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

SECTION 1. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0193 to read as follows:

Art. 42.0193. FINDING REGARDING FELONY CONVICTION AND ORDER CANCELING VOTER REGISTRATION. In the trial of a felony offense, if the defendant is 18 years of age or older and is adjudged guilty of the offense, the court shall:

(1) make an affirmative finding that the person has been found guilty of a felony and enter the affirmative finding in the judgment of the case; and

(2) at the time the conviction becomes final, issue an order that the defendant's voter registration be canceled and send the order to the secretary of state.

SECTION 2. Section 16.003, Election Code, is amended to read as follows:

Sec. 16.003. FELONY CONVICTION. (a) At the time the secretary of state receives an order described by Article 42.0193, Code of Criminal Procedure, the secretary of state shall determine if the person named in the order is a registered voter in this state and, if so, forward the order to the appropriate registrar.

(b) Each weekday the Department of Public Safety is

1 regularly open for business, the department shall:

2 (1) prepare an abstract of each final judgment  
3 received by the department convicting a person 18 years of age or  
4 older who is a resident of the state of a felony; and

5 (2) file each abstract with the secretary of state.

6 SECTION 3. Section 16.005, Election Code, is amended to  
7 read as follows:

8 Sec. 16.005. PRESERVATION OF ABSTRACT OR ORDER. If an  
9 abstract or order received under this subchapter affects a  
10 registered voter of the county, the registrar shall retain a copy of  
11 the abstract or order on file with the affected voter's  
12 registration application.

13 SECTION 4. Section 16.031(a), Election Code, is amended to  
14 read as follows:

15 (a) The registrar shall cancel a voter's registration  
16 immediately on receipt of:

17 (1) notice under Section 13.072(b) or 15.021 or a  
18 response under Section 15.053 that the voter's residence is outside  
19 the county;

20 (2) an abstract of the voter's death certificate under  
21 Section 16.001(a) or an abstract of an application indicating that  
22 the voter is deceased under Section 16.001(b);

23 (3) an abstract of a final judgment of the voter's  
24 total mental incapacity, partial mental incapacity without the  
25 right to vote, conviction of a felony, or disqualification under  
26 Section 16.002, 16.003(b) [~~16.003~~], or 16.004;

27 (4) a court order received under Section 16.003(a)

1 ordering the cancellation of the voter's registration because the  
2 voter has been convicted of a felony;

3 (5) notice under Section 112.012 that the voter has  
4 applied for a limited ballot in another county;

5 (6) [~~(5)~~] notice from a voter registration official in  
6 another state that the voter has registered to vote outside this  
7 state;

8 (7) [~~(6)~~] notice from the early voting clerk under  
9 Section 101.053 that a federal postcard application submitted by an  
10 applicant states a voting residence address located outside the  
11 registrar's county; or

12 (8) [~~(7)~~] notice from the secretary of state that the  
13 voter has registered to vote in another county, as determined by the  
14 voter's driver's license number or personal identification card  
15 number issued by the Department of Public Safety or social security  
16 number.

17 SECTION 5. Section 16.036(a), Election Code, is amended to  
18 read as follows:

19 (a) Immediately after, but not later than the 30th day after  
20 the date a voter's registration is canceled under Section  
21 16.031(a)(3) or (4), 16.033, 16.0331, or 16.0332, the registrar  
22 shall deliver written notice of the cancellation to the voter.

23 SECTION 6. Section 18.061(e), Election Code, is amended to  
24 read as follows:

25 (e) The secretary of state shall prescribe procedures to  
26 ensure that when a voter registers in another county, as determined  
27 under Section 16.031(a)(7) or (8) [~~16.031(a)(6)~~], the statewide

1 computerized voter registration list is updated to reflect the  
2 voter's registration in the new county.

3           SECTION 7. The change in law made by this Act applies only  
4 to a person convicted of a felony on or after the effective date of  
5 this Act.

6           SECTION 8. This Act takes effect September 1, 2019.