

By: Klick

H.B. No. 3578

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a requirement that a registrar receive a court order to
3 cancel the voter registration of a person finally convicted of a
4 felony.

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

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

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

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

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

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

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

1 ~~weekday the Department of Public Safety is regularly open for~~
2 ~~business, the department shall:~~

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

6 ~~(2) file each abstract with the secretary of state.]~~

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

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

14 SECTION 4. Section 16.031, Election Code, is amended by
15 amending Subsection (a) and adding Subsection (a-1) to read as
16 follows:

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

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

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

25 (3) an abstract of a final judgment of the voter's
26 total mental incapacity, partial mental incapacity without the
27 right to vote, [~~conviction of a felony,~~] or disqualification under

1 Section 16.002 [~~16.003~~] or 16.004;

2 (4) a court order received under Section 16.003
3 ordering the cancellation of the voter's registration because the
4 voter has been convicted of a felony;

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

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

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

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

19 (a-1) A registrar may not cancel a voter's registration on
20 the grounds that the voter has been convicted of a felony unless the
21 registrar has received a court order under Section 16.003.

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

24 (a) Immediately after, but not later than the 30th day after
25 the date a voter's registration is canceled under Section
26 16.031(a)(3) or (4), 16.033, 16.0331, or 16.0332, the registrar
27 shall deliver written notice of the cancellation to the voter.

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

3 (e) The secretary of state shall prescribe procedures to
4 ensure that when a voter registers in another county, as determined
5 under Section 16.031(a)(7) or (8) [~~16.031(a)(6)~~], the statewide
6 computerized voter registration list is updated to reflect the
7 voter's registration in the new county.

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

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