

By: Cain

H.B. No. 4402

A BILL TO BE ENTITLED

AN ACT

relating to the cancellation of a person's voter registration on notice that the person has acknowledged that the person is not a citizen; providing a civil penalty; creating a criminal offense.

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

SECTION 1. Section 16.031(a), Election Code, is amended to read as follows:

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

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

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

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

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

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

1 (6) notice from the early voting clerk under Section
2 101.053 that a federal postcard application submitted by an
3 applicant states a voting residence address located outside the
4 registrar's county; ~~[or]~~

5 (7) notice from the secretary of state that the voter
6 has registered to vote in another county, as determined by the
7 voter's driver's license number or personal identification card
8 number issued by the Department of Public Safety or social security
9 number; or

10 (8) a list under Section 18.068 of this code or Section
11 62.113, Government Code, of persons excused or disqualified from
12 jury service because of citizenship status that includes the voter,
13 or other notice from any governmental agency that the voter has
14 acknowledged that the voter is not a citizen of the United States.

15 SECTION 2. Section 16.036(a), Election Code, is amended to
16 read as follows:

17 (a) Immediately after, but not later than the 30th day after
18 the date a voter's registration is canceled under Section
19 16.031(a)(3) or (8), 16.033, or 16.0331, ~~[or 16.0332,~~ the
20 registrar shall deliver written notice of the cancellation to the
21 voter.

22 SECTION 3. Chapter 16, Election Code, is amended by adding
23 Subchapter B-1 to read as follows:

24 SUBCHAPTER B-1. VOTER REGISTRAR WHO FAILS TO CANCEL REGISTRATION OF
25 NONCITIZEN

26 Sec. 16.051. CIVIL PENALTY. (a) A voter registrar who
27 intentionally violates Section 16.031(a)(8) is subject to a civil

penalty in an amount:

(1) not less than \$1,000 and not more than \$1,500 for the first violation; and

(2) not less than \$25,000 and not more than \$25,500 for each subsequent violation.

(b) Sovereign immunity of this state and governmental immunity of a county and municipality to suit is waived and abolished to the extent of liability created by this section.

Sec. 16.052. REMOVAL OF REGISTRAR. (a) For purposes of Section 66.001, Civil Practice and Remedies Code, a voter registrar holding a public office does an act that causes the forfeiture of the person's office if the person violates Section 16.031(a)(8). The attorney general shall file a petition under Section 66.002, Civil Practice and Remedies Code, against the registrar if presented with evidence, including evidence of a statement by the registrar, establishing probable grounds that the registrar engaged in conduct described by this subsection. The court in which the petition is filed shall give precedence to proceedings relating to the petition in the same manner as provided for the priority of an election contest under Section 23.101, Government Code. If the registrar is found guilty as charged, the court shall enter judgment removing the registrar from office.

(b) The employment of a county elections administrator who violates Section 16.031(a)(8) shall be terminated.

Sec. 16.053. CRIMINAL PENALTY. (a) A voter registrar commits an offense if the registrar knowingly fails to comply with Section 16.031(a)(8).

1 (b) An offense under this section is a Class A misdemeanor.

2 (c) It is an exception to the application of this section
3 that the person whose voter registration was required to be
4 canceled under Section 16.031(a)(3) had provided proof to the voter
5 registrar that the person is a citizen of the United States.

6 SECTION 4. Section 18.068(a), Election Code, is amended to
7 read as follows:

8 (a) The secretary of state shall quarterly compare the
9 information received under Section 16.001 of this code and Section
10 62.113, Government Code, to the statewide computerized voter
11 registration list. If the secretary determines that a voter on the
12 registration list is deceased or has been excused or disqualified
13 from jury service because the voter is not a citizen, the secretary
14 shall send notice of the determination to:

15 (1) the voter registrar of the counties considered
16 appropriate by the secretary; and

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

20 SECTION 5. Section 19.001(a), Election Code, is amended to
21 read as follows:

22 (a) Before May 15 of each year, the registrar shall prepare
23 and submit to the secretary of state a statement containing:

24 (1) the total number of initial registrations for the
25 previous voting year;

26 (2) the total number of registrations canceled under
27 Sections 16.031(a)(1) and (8) and Section [7] 16.033[7 and 16.0332]

1 for the previous voting year; and

2 (3) the total number of registrations for which
3 information was updated for the previous voting year.

4 SECTION 6. Sections 62.113(b) and (c), Government Code, are
5 amended to read as follows:

6 (b) On the third business day of each month, the clerk shall
7 send a copy of the list of persons excused or disqualified because
8 of citizenship in the previous month to:

9 (1) the voter registrar of the county;

10 (2) the county official responsible for administering
11 elections;

12 (3) the secretary of state; and

13 (4) [~~(3)~~] the county or district attorney, as
14 applicable, or attorney general for an investigation of whether the
15 person committed an offense under Section 13.007 or 64.012,
16 Election Code, or other law.

17 (c) A list compiled under this section may not be used for a
18 purpose other than a purpose described by Subsection (b) or Section
19 16.031(a)(8) [~~16.0332~~] or 18.068, Election Code.

20 SECTION 7. Section 16.0332, Election Code, is repealed.

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