

## **BILL ANALYSIS**

Senate Research Center  
89R365 MPF-D

S.B. 396  
By: Kolkhorst; Bettencourt  
State Affairs  
3/17/2025  
As Filed

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

As Texas law exists today in Section 15.051 of the Election Code, a voter registrar must send a confirmation notice to a voter if the registrar notices that voter's registration address is a commercial post office box (as added by Senator Bettencourt's S.B. 1111 in 2021), or the if registrar has any reason to believe the voter's current residential address is different from that indicated on records. If a voter does not properly respond to the confirmation notice they are placed on the Suspense List and marked with an "S" next to their name. They are unable to cast a ballot without proving residence using a form described by Section 15.054.

In addition to this procedure, S.B. 396 would require a voter registrar to send a confirmation notice to a voter who on November 30 following a general election had not voted in the previous 25 months. This would mirror Ohio legislation, in that in that it would cancel the registration of a voter who failed to respond to a confirmation notice and who has not voted or updated the voter's registration two general elections occurring after the confirmation notice was mailed. The language of S.B. 396 follows closely that of Ohio, which was upheld by the United States Supreme Court in *Husted vs Randolph Institute* argued before the court in 2018.

#### Key Provisions

- Requires the voter registrar to send a confirmation notice to all voters who on November 30 of an even-numbered year had not voted in the previous 25 months.
- This bill will require registrars to follow Chapters 15 and 16, Election Code, regarding the suspension and removal of voters who do not respond to confirmation notices.

As proposed, S.B. 396 amends current law relating to confirmation of a voter's residence by a voter registrar.

### **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 15.051(a), Election Code, as follows:

(a) Requires the registrar to deliver to a voter a written confirmation notice requesting confirmation of the voter's current residence if the voter's residence address is a commercial post office box or similar location that does not correspond to a residence, on November 30 following a general election the voter's name is not on the suspense list and the voter has not voted in any election during the previous 25 months, or the registrar has any other reason to believe that a voter's current residence is different from that indicated on the registration records.

Deletes existing text requiring the registrar, if the registrar has reason to believe that a voter's current residence is different from that indicated on the registration records, or that the voter's residence address is a commercial post office box or similar location that does not correspond to a residence, to deliver the voter a written confirmation notice requesting confirmation of the voter's current residence.

SECTION 2. Effective date: September 1, 2025.