

SUBJECT: Suspending voter registration of non-residents disqualified from jury duty

COMMITTEE: Judiciary — favorable, without amendment

VOTE: 8 ayes — Hartnett, Hughes, Hopson, Alonzo, Gonzales, Keel, Solis, Straus

0 nays

1 absent — Van Arsdale

WITNESSES: None

BACKGROUND: An individual selected for jury duty typically receives an official jury summons in the mail. After receipt of an official jury summons, an individual legally is required to attend jury duty unless that person is not qualified to serve on a jury or claims a valid exemption from jury service. Two of the several qualifications for jury service are U.S. citizenship and residency in the county in which the individual has been summoned.

In accordance with Government Code, sec. 62.113, the court clerk sends a list of individuals indicating they are not eligible for jury duty because of their non-citizen status to the voter registrar of the county. The voter registrar sends a letter to each individual on the list and requires the voter to submit proof of citizenship. The voter has 30 days after the date the notice is mailed to respond with proof of citizenship before the voter registrar must cancel that person's voter registration.

As part of a separate procedure, in accordance with Election Code, sec. 15.081, voter registration offices compile voter suspense lists, which are lists of voters who may have incorrect addresses on file with the voter registration office of a county. The names of people on a suspense list are marked with the letter "S" on the list of eligible voters at the polling location on election day. Voters on the suspense list are eligible to vote in all elections until the election following the second federal election after being placed on the suspense list. After the second federal election, if a voter has failed to verify a residence, the voter is removed from the voting rolls and is no longer eligible to vote in that county.

DIGEST: HB 1271 would establish a procedure for suspending the voter registration of individuals who have declared their inability to serve on a jury as a result of their non-resident status in a county.

The clerk of the court would have to compile a list of individuals indicating on their official jury summons that they were not eligible for jury duty in the county because they are not current residents of that county. Each month, the clerk would send this list to the county's voter registrar, who would have to add the individuals to the voter suspense list for that county.

HB 1271 also would require that official jury summons notify individuals selected for jury duty that their eligibility to vote in a particular county could be revoked if they claimed an exemption based on non-citizenship or non-residence in that county.

The bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

HB 1271 would help encourage those who do not reside in a county and claim disqualification from jury duty for that reason to update their voter registration as well. The bill would not infringe on anyone's legitimate right to vote. Voters placed on the suspense list are not barred from voting in the next election. The suspense list primarily is used to encourage voters to update their new addresses with the voter registration office. If voters on the suspense list went to the polls on election day, they still would be allowed to vote after confirming their present addresses.

Under current procedures, the county's voter registrar sends letters to the residences on file to notify voters of their placement on the voter suspense list. The letters request that the voters update their place of residence with the voter registration office in order for the individuals' names to be removed from the suspense list. Letters of confirmation can be forwarded to the individuals' current residences through the postal service.

HB 1271 would prove cost effective for county voter registration offices. Harris County Voter Registration Office has estimated that the bill would save them \$5,000 each year by reducing the number of people who claim exemptions due to lack of residency in the county. If fewer people claimed exemptions due to residency status, the county could spend less by not having to verify the eligibility of as many people and overall participation in the jury process would increase.

The bill would not create an additional administrative burden for court clerk offices or voter registration offices. Court clerks already compile lists of non-citizens to send to voter registration offices. HB 1271 would require voter registration offices only to add a list of names to the already existing voter suspense list. The list could not be used for any other purpose.

**OPPONENTS
SAY:**

HB 1271 has the potential to toss previously registered voters off the rolls. Voters on the suspense list who fail to update their residences on file with the voter registration office are removed from the voting rolls after two federal elections. The suspense list is not intended as a punishment tool for those who happen to receive jury summons and claim a disqualification.