

BILL ANALYSIS

Senate Research Center

H.B. 2247
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Election Code defines a “qualified voter” as a United States citizen but does not require or provide a method for the verification and enforcement of the requirements to vote, including the citizenship requirement.

H.B. 2247 requires lists of individuals found to be deceased or excused from jury duty due to noncitizen status to be forwarded to the secretary of state and requires the secretary of state, semiannually, to compare such information to the statewide voter registration list. Additionally, the bill requires lists of individuals disqualified from jury service because of noncitizen status to be forwarded to the secretary of state and the county or district attorney for an investigation of whether or not such individuals have committed an offense under the Election Code or other law.

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 Sections 16.001(a) and (b), Election Code, as follows:

(a) Requires the local registrar of deaths to file an abstract of each death certificate issued in the month for a decedent 18 years of age or older who was a resident of the state at the time of death with the secretary of state, in addition to the voter registrar of the decedent’s county of residence, not later than the 10th day of the month following the month in which the abstract is prepared.

(b) Makes a conforming change.

SECTION 2. Amends Section 16.031(b), Election Code, to require the registrar to cancel a voter's registration immediately if the registrar receives notice from the secretary of state under Section 18.068 that the voter is deceased.

SECTION 3. Amends Section 16.0332(a), Election Code, to make a conforming change.

SECTION 4. Amends Subchapter C, Chapter 18, Election Code, by adding Section 18.068, as follows:

Sec. 18.068. COMPARISON OF INFORMATION REGARDING INELIGIBILITY. Requires the secretary of state semiannually to compare the information received under Section 16.001 (Death) of this code and Section 62.113 (Compilation of List of Noncitizens), Government Code, to the statewide computerized voter registration list. Requires the secretary of state, if the secretary of state determines that a voter on the registration list is deceased or has been excused or disqualified from jury service because the voter is not a citizen, to send notice of the determination to the voter registrar of the counties considered appropriate by the secretary of state.

SECTION 5. Amends Section 62.0132, Government Code, by adding Subsection (h), to require a questionnaire required to accompany a written jury summons and that the person is required to

complete to notify a person that if the person states that the person is not a citizen, the person will no longer be eligible to vote if the person fails to provide proof of citizenship.

SECTION 6. Amends Section 62.0142, Government Code, as added by Chapter 559, Acts of the 79th Legislature, Regular Session, 2005, to require a written summons, if it allows a person to claim a disqualification or exemption by signing a statement and returning it to the clerk of the court, to notify the person that by claiming a disqualification or exemption based on the lack of citizenship, the person will no longer be eligible to vote if the person fails to provide proof of citizenship.

SECTION 7. Amends Sections 62.113(b) and (c), Government Code, as follows:

(b) Requires the clerk, on the third business day of each month, to send a copy of the list of persons excused or disqualified because of citizenship in the previous month to the secretary of state and the county or district attorney, as applicable, for an investigation of whether the person committed an offense under Section 13.007 (False Statement on Application), Election Code, or other law.

(c) Prohibits a list compiled under this section from being used for a purpose other than a purpose described by Section 18.068, Election Code, in addition to other statutes previously set forth in this subsection.

SECTION 8. Makes application of Sections 62.0132 and 62.0142, Government Code, as amended by this Act, prospective.

SECTION 9. Effective date: September 1, 2007.