

BILL ANALYSIS

Senate Research Center
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S.B. 216
By: Ellis
State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There is a statewide problem regarding otherwise eligible voters being purged from the voter rolls due to administrative errors. During 2008, data collected by the secretary of state's office showed that at least 15,000 voters were purged erroneously across the state.

Currently, when a voter registration card is mailed to an individual's home but is unable to be delivered, the individual's name is added to a voter suspension list. If an individual on the suspension list attempts to vote in a general election, a polling official is supposed to make the individual fill out a residency form, which will remove the individual from the voter suspension list and place him or her in the active certificate file. If an individual on the voter suspension list does not fill out a residency form within two general elections, the individual's voter registration will be canceled entirely. These procedures help keep the voter registration rolls updated.

However, due to clerical administrative errors, some individuals never receive their renewal certificates in the mail and poll workers sometimes do not provide these individuals with residency forms when they show up to vote at polling places. Thus, after two general election cycles, these individuals are wrongfully removed from the voter registration rolls, despite the fact that they are eligible and, often, active voters.

As filed, S.B. 216 requires that, as long as an individual votes in a general election within two general election cycles of being added to the voter suspension list, the individual's voter registration will not be canceled—regardless of whether the individual received a voter registration card and/or filled out a residency form. This is done by updating the date that the voter was placed on the suspension list to the date of the most recent election in which the voter voted. This would give the poll workers more opportunities to have the voter fill out the residency form.

As proposed, S.B. 216 amends current law relating to procedures related to the placement of a voter on the suspense list.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state in SECTION 3 (Section 63.0011, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 14.022, Election Code, as follows:

Sec. 14.022. **ERRONEOUS RETURN OF RENEWAL CERTIFICATE.** Requires a voter registrar to determine whether a voter's renewal certificate was returned undelivered solely because of postal service error, address reclassification, or the registrar's clerical error. Requires the registrar, if the registrar determines that the certificate was returned solely because of that error or reclassification, to delete the voter's name from the suspense list, make any other appropriate corrections in the registration records, and deliver the certificate to the voter. Makes a nonsubstantive change.

SECTION 2. Amends Section 16.032, Election Code, as follows:

Sec. 16.032. CANCELLATION FOLLOWING END OF SUSPENSE LIST PERIOD.

(a) Creates this subsection from existing text and makes nonsubstantive changes.

(b) Provides that for purposes of Subsection (a), if a voter whose name appears on the suspense list is shown to have voted in an election and the name is not to be deleted from the list under Section 15.023 (Time for Certain Deletion from Suspense List), the date on which the voter is considered to have been entered on the suspense list is the date of the most recent election in which the voter voted.

SECTION 3. Amends Section 63.0011, Election Code, by adding Subsection (f) to require the secretary of state to adopt rules to provide for the uniform and auditable processing of a statement of residence required under this section.

SECTION 4. Makes application of the change in law made by this Act to Section 14.022, Election Code, prospective.

SECTION 5. Effective date: September 1, 2011.