

BILL ANALYSIS

Senate Research Center
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H.B. 3081
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3081 amends the Election Code requirement for a statement of residence before a voter is accepted for voting under certain conditions to omit from the question of whether the voter has changed residence the reference to that change being within the county. The bill authorizes a voter to vote, if otherwise eligible, in the election precinct in which the voter is registered if the voter's address is not current because the voter has changed residence to a different county within 30 days of the date of the election. The bill authorizes a voter to vote, if otherwise eligible, in a joint election in the election precinct in which the voter is registered if the voter's address is not current because the voter has changed residence within the county. The bill requires a voter eligible under this provision to receive a joint election ballot according to the voter's registered residence address. The bill requires the secretary of state to adopt rules to ensure that a voter's pending registration is not canceled due to a vote cast by the voter voting under either of these provisions in the precinct in which the voter is registered.

H.B. 3081, in a provision setting out the conditions under which a person is eligible to vote a limited ballot by personal appearance during the early voting period or by mail after changing residence to another county, includes a person voting on election day and conditions that eligibility to vote on election day on the person having changed residence to the county not more than 30 days before election day. The bill requires such a person to execute an affidavit affirming that the person changed residence to another county not more than 30 days before election day and to submit the affidavit with the statement executed by the voter to a person and location as specified by the bill before being accepted to vote under those circumstances.

H.B. 3081 conditions entitlement to vote a limited ballot on each office and proposition stating a measure to be voted on in a territorial unit of which a person was a resident both before changing county of residence and after the change on a person who is not voting on election day. The bill authorizes a person to vote a limited ballot on election day only at the location of the main early voting polling place and authorizes the early voting clerk to conduct voting of limited ballots on election day at the location of the main early voting polling place by using official ballots for early voting by mail.

H.B. 3081 amends current law relating to the requirements for a person who has recently moved to vote in the precinct of the person's former or current residence.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state in SECTION 1 (Section 63.0011, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 63.0011, Election Code, by amending Subsection (a) and adding Subsections (b-1), (b-2), and (b-3), as follows:

- (a) Requires an election officer, before a voter is authorized to be accepted for voting, to ask the voter if the voter's residence address on the precinct list of registered voters is current and whether the voter has changed residence, rather than ask whether the voter has changed residence within the county. Requires the election officer, if the voter's

address is omitted from the precinct list under Section 18.005(c) (relating to prohibiting that the original or supplemental list of registered voters from containing the residence address of certain voters), to ask the voter if the voter's residence, if listed, on identification presented by the voter under Section 63.001(b) (relating to requiring that a voter present certain forms of identification to the election officer at the polling place) is current and whether the voter has changed residence. Makes a conforming change.

(b-1) Authorizes a voter to vote, if otherwise eligible, in the election precinct in which the voter is registered if the voter's address is not current because the voter has changed residence to a different county within 30 days of the date of the election.

(b-2) Authorizes a voter, to vote in a joint election held in accordance with Chapter 271 (Joint Elections) in the election precinct in which the vote is registered, if otherwise eligible, if the voter's address is not current because the voter has changed residence within the county. Requires a voter eligible under this subsection to receive a joint election ballot according to the voter's registered residence address, notwithstanding Section 11.001(a)(2) (relating to requiring a person to be a resident of the territory covered by the election for the office or measure on which the person desires to vote) or any other provision of this code.

(b-3) Requires the secretary of state to adopt rules to ensure that a voter's pending registration is not canceled due to a vote cast by the voter voting under Subsection (b-1) or (b-2) in the precinct in which the voter is registered.

SECTION 2. Amends Section 112.002, Election Code, by amending Subsections (a) and (d) and adding Subsection (d-1), as follows:

(a) Provides that, after changing residence to another county, a person is eligible to vote a limited ballot by personal appearance during the early voting period, on election day, or by mail if:

(1) Makes no change to this subdivision;

(2)-(3) Makes nonsubstantive changes; and

(4) for a person voting on election day, the person changed residence to the county not more than 30 days before election day.

(d) Requires that a statement executed under Subsection (c) (relating to requiring a voter to execute a statement providing that the voter satisfies certain requirements, confirms a physical address or provides a mailing address, confirms the voter's date of birth, and the date of execution of the statement) be submitted:

(1) Makes a nonsubstantive change;

(2) with the affidavit required under Subsection (d-1), to a person designated by the early voting clerk at the location used for the main early voting polling place, if the person is voting on election day; or

(3) Makes a nonsubstantive change.

(d-1) Requires a person voting on election day under this section to execute an affidavit affirming that the person changed residence to the county not more than 30 days before election day, and submit the affidavit together with the statement submitted by the person under Subsection (d).

SECTION 3. Amends Section 112.004, Election Code, as follows:

Sec. 112.004. OFFICES AND MEASURES ON WHICH VOTER ENTITLED TO VOTE. Entitles a person voting a limited ballot to vote only on:

(1) each office and proposition stating a measure to be voted on statewide; and

(2) if the person is not voting on election day, each office and proposition stating a measure to be voted on in a territorial unit of which the person was a resident both before changing county of residence and after the change.

SECTION 4. Amends Section 112.006, Election Code, as follows:

Sec. 112.006. New heading: PLACE FOR VOTING BY PERSONAL APPEARANCE OR ON ELECTION DAY. Authorizes a person to vote a limited ballot by personal appearance only at the main early voting polling place, and to vote a limited ballot on election day only at the location of the main early voting polling place.

SECTION 5. Amends Section 112.010(a), Election Code, to authorize the early voting clerk to conduct voting of limited ballots on election day at the location of the main early voting polling place by using official ballots for early voting by mail.

SECTION 6. Effective date: September 1, 2013.