

BILL ANALYSIS

Senate Research Center

H.B. 1096
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current state law, specifically Chapter 1 of the Election Code, does not sufficiently define the characteristics of a voter residence address. Consequently, voters have taken advantage of the vague description of a residence address and completed voter registration certificates with addresses of vacant lots, mail box stores, motels and commercial location.

H.B. 1096 amends Chapter 1 of the Election Code to ensure that voters register an address that is consistent with their current residence address and clarifies the definition of residence in the Election Code by providing limitations on what can be stated as a residence. This change will allow Voter Registrar and Elections offices to possess accurate voter residence records, thus enabling such offices to designate appropriate precinct lines and polling locations. Finally, this amendment will diminish time burdens that voter registrars often experience and prevent voter manipulation.

H.B. 1096 amends current law relating to the residence address of a person for purposes of a response to a confirmation notice sent by the registrar.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state of the State of Texas in SECTION 3 (Section 15.054, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 15.052(b), Election Code, as follows:

(b) Requires that the official confirmation notice fulfill certain criteria, including describing the requirements of Section 15.054, providing a space for the voter to indicate if the voter is exempt from those requirements, and providing a space to indicate the reason for an exemption. Makes a nonsubstantive change.

SECTION 2. Amends Section 15.053(a), Election Code, as follows:

(a) Requires the voter, not later than the 30th day after the date a confirmation notice is mailed, to submit to the registrar a written, signed response to the notice that confirms the voter's current residence. Requires that the response contain certain information including evidence that the voter's residence address is established in compliance with Section 15.054 or an indication that the voter is exempt from those requirements. Makes nonsubstantive changes.

SECTION 3. Amends Subchapter C, Chapter 15, Election Code, by adding Section 15.054, as follows:

Sec. 15.054. RESIDENCE FOR PURPOSES OF CONFIRMATION NOTICE RESPONSE. (a) Provides that, for purposes of Section 15.053 (Response to Confirmation Notice), a person's residence is established at the first residence address, beginning with Subdivision (1) and continuing through Subdivision (6), in the following list that is applicable to the person:

(1) the address stated on a driver's license issued to the person by the Department of Public Safety of the State of Texas (DPS) that has not expired or, if the person has notified DPS of a change of address under Section 521.054, Transportation Code, the new address contained in the notification;

(2) the address stated on a personal identification card issued to the person by DPS that has not expired or, if the person has notified DPS of a change of address under Section 521.054 (Notice of Change of Address or Name), Transportation Code, the new address contained in the notification;

(3) the address stated on a license to carry a concealed handgun issued to the person by DPS that has not expired or, if the person has notified DPS of a change of address under Section 411.181 (Notice of Change of Address or Name), Government Code, the new address contained in the notification;

(4) an address corresponding to a residence at which the person receives mail;

(5) the address the person claims as a homestead in this state; or

(6) the registration address of a vehicle the person owns.

(b) Authorizes a person whose residence in this state has no address to establish residence under this section by executing an affidavit stating that the person's residence in this state has no address, providing a concise description of the location of the person's residence, and delivering the affidavit to the registrar with the person's response to the confirmation notice.

(c) Prohibits the address described by Subsection (a)(4) from being a commercial post office box or similar location that does not correspond to a residence.

(d) Provides that this section does not apply to:

(1) a person who is a member of the armed forces of the United States or the spouse or a dependent of a member;

(2) a person enrolled as a full-time student at an institution of higher education;

(3) a person whose address is confidential under Subchapter C (Address Confidentiality Program for Victims of Family Violence, Sexual Assault or Stalking), Chapter 56, Code of Criminal Procedure;

(4) a federal judge, state judge, or spouse of a federal or state judge whose driver's license includes the street address of a courthouse under Section 521.121 (General Information on Driver's License), Transportation Code; or

(5) a peace officer whose driver's license omits the officer's actual residence address under Section 521.1211 (Driver's License for Peace Officer), Transportation Code.

(e) Provides that Subsection (a)(1) does not apply to a person who holds a commercial driver's license under Subchapter C (License or Permit Application and Issuance), Chapter 522, Transportation Code.

(f) Requires the secretary of state of the State of Texas to adopt rules as necessary to implement this section.

SECTION 4. Effective date: September 1, 2015.