

## **BILL ANALYSIS**

Senate Research Center  
86R23587 GRM-D

C.S.S.B. 1190  
By: Bettencourt  
State Affairs  
4/5/2019  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties contend that, currently, the Election Code does not sufficiently define the characteristics of a voter residence address. Consequently, the vague description of a residence address has allowed voter registration certificates with residential addresses corresponding with vacant lots, mail box stores, motels, and commercial locations.

To address these insufficiencies, S.B. 1190 would allow voter registrar and elections offices to possess accurate voter residence records; therefore enabling such offices to designate appropriate precinct boundaries and polling locations.

S.B. 1190 defines a person's residence related to the process of confirming the accuracy of the person's residence related to a voter registration application and notifying a person as to a challenge to or possible discrepancy of a person's voter registration. Among other provisions, S.B. 1190 provides that a person's residence associated with a voter's registration may not be a commercial post office box or similar location that does not correspond to a residence. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1190 amends current law relating to the residence address of a voter for purposes of a response to a confirmation notice sent by the voter registrar.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the secretary of state 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 the official confirmation notice response form to:

- (1) makes a nonsubstantive change to this subdivision;
- (2) describe the requirements of Section 15.054, provide a space for the voter to indicate if the voter is exempt from those requirements, and provide a space to indicate the reason for an exemption, if any; and
- (3) creates this subdivision from existing text and makes no further changes.

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

(a) Requires the signed response to the notice that confirms the voter's current residence to contain:

- (1) creates this subdivision from existing text and makes a nonsubstantive change; and

(2) 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.

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 voter by the Department of Public Safety of the State of Texas (DPS) that has not expired or, if the voter 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;

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

(3) the address stated in the license to carry a handgun issued to the voter by DPS that has not expired or, if the voter 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 voter receives mail;

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

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

(b) Authorizes a voter whose residence in this state has no address to establish residence under this section by executing an affidavit stating that the voter's residence in this state has no address, providing a concise description of the location of the voter's residence, and delivering the affidavit to the registrar with the voter'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 voter who is a member of the armed forces of the United States or the spouse or a dependent of a member;

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

(3) a voter whose address is confidential under Subchapter C (Address Confidentiality Program For Victims of Family Violence, Sexual Assault or Abuse, Stalking, or Trafficking of Persons), 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 voter who holds a commercial driver's license under Subchapter C (License or Permit Application and Issuance), Chapter 52a, Transportation Code.

(f) Authorizes a voter enrolled as a full-time student at an institution of higher education, notwithstanding the other provisions of this section, to use the address of a post office box located on the campus of the institution or in a dormitory owned or operated by the institution to confirm the voter's residence.

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

SECTION 4. Effective date: September 1, 2019.