

BILL ANALYSIS

H.B. 3974
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Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are ongoing concerns over recent reports of voters allegedly moving their voter registrations to another district, county, or state to vote in a special election, only to change their voter registration back to their previous address after the election is over. In order to combat this type of voter fraud, there have been calls to impose strict prohibitions on the determination and verification of a voter's residence address. H.B. 3974 seeks to address this issue by providing for the determination of a voter's residence address.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 4 of this bill.

ANALYSIS

H.B. 3974 amends the Election Code to revise provisions relating to the determination of a voter's residence address. The bill prohibits a person from doing the following:

- establishing residence for the purpose of influencing the outcome of a certain election;
- establishing a residence at any place the person has not inhabited; and
- designating a previous residence as a home and fixed place of habitation unless the person inhabits the place at the time of designation and intends to remain.

H.B. 3974 provides a list of documents with addresses to be used in establishing a voter's residence address for purposes of a voter's response to a residence confirmation notice and establishes that a voter's residence may be documented by providing a photocopy of the first document in the list that corresponds to the voter's residence. The bill requires the secretary of state to adopt rules as necessary to implement these provisions. Furthermore, the bill does the following:

- prohibits the address in the list that shows the voter's residence as the voter's homestead from being a commercial post office box or similar location that does not correspond to a residence;
- makes the address in the list that is an address stated on an unexpired driver's license issued by the Department of Public Safety (DPS) or contained in a change of address notification submitted to DPS inapplicable to a voter who holds a commercial driver's license;
- provides that a voter whose residence in Texas has no address may document residence by executing an affidavit stating that the voter's residence 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;
- authorizes a voter enrolled as a full-time student who lives on campus at an institution of higher education 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; and
- provides that these provisions relating to the documentation of residence do not apply to the following specified voters:
 - a voter who is a member of the U.S. armed forces or the spouse or a dependent of a member;
 - a voter enrolled as a full-time student who lives on campus at an institution of higher education;
 - a voter whose address is confidential as a crime victim;
 - a federal judge, state judge, or spouse of a federal or state judge whose driver's license includes the street address of a courthouse; or
 - a peace officer whose driver's license omits the officer's actual residence address.

H.B. 3974 requires the official residence confirmation notice response form to include the following:

- the bill's requirements relating to establishing a voter's residence;
- a space for the voter to indicate if the voter is exempt from those requirements;
- a space to indicate the reason for an exemption, if any; and
- the definition of residence for purposes of voting.

The bill requires a voter's response to a residence confirmation notice to contain a sworn affirmation of the voter's current residence and evidence of the voter's residence address as required by the bill or an indication that the voter is exempt from those requirements.

EFFECTIVE DATE

September 1, 2021.