

- SUBJECT:** Amending requirements for challenge of a voter's registration
- COMMITTEE:** Elections — favorable, without amendment
- VOTE:** 5 ayes — Denny, Howard, Bohac, Harper-Brown, Uresti
0 nays
2 absent — Deshotel, Coleman
- SENATE VOTE:** On final passage, March 20 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** (*On House companion bill, HB 1068:*)
For — (*Registered, but did not testify:*) Fred Lewis, Campaigns for People

Against — (*Registered, but did not testify:*) Joe Sanchez, Mexican American Legal Defense and Educational Fund

On — Ann McGeehan, Secretary of State; (*Registered, but did not testify:*) Jesse Lewis, Republican Party of Texas
- BACKGROUND:** Election Code, ch. 16 governs cancellation of a voter's registration, challenge of cancellation, and challenge of registration. A registered voter may challenge the registration of another voter of the same county. The voter who desires to challenge the registration of another voter must file with the voter registrar a sworn statement of the grounds for the challenge. If the challenge is based on residence, the registrar promptly must send the challenged voter a request for confirmation of residence. If the voter fails to respond within 30 days, the registrar must place the voter on the suspense list.
- DIGEST:** SB 196 would specify that a voter desiring to challenge a registration must file with the registrar a sworn statement of the grounds for the challenge that identifies the voter whose registration is being challenged and that states a specific qualification for registration that the challenged voter has not met, based on personal knowledge of the voter making the challenge.
- The bill would take effect September 1, 2003.

**SUPPORTERS
SAY:**

SB 196 would change current law that allows anyone to challenge another person's voter registration based on nothing more than a hunch. Currently, a person can challenge another voter's registration without having to provide any knowledge of the person or to provide a specific reason why the challenger believes that the person is not qualified to be registered. If the challenge is based on residence, the voter registrar must send the challenged voter a notice requesting verification of the residence. However, if that person is out of town or, for whatever reason, fails to respond to the notice in the allotted time, the person is disqualified from voting without any evidence of a violation or demonstrated personal knowledge on the part of the challenger. Likewise, current law does not require a person who challenges another voter's registration to name the voter. This has allowed entire groups of voters to be disqualified without being challenged individually.

SB 196 would codify a 1983 opinion of the secretary of state (DAD-73), which stated that a single affidavit filed as a challenge of more than one voter is acceptable if the affidavit properly identifies each challenged voter and states a challenge based on personal knowledge that each challenged voter does not possess a specific qualification for remaining registered. The bill would enact standard procedures and clear guidelines to ensure that a voter's right to register to vote could be challenged only with just cause. It would not be overly burdensome and would not prevent anyone from challenging another voter's registration.

**OPPONENTS
SAY:**

SB 196 could discourage a person who had legitimate questions concerning another voter's eligibility to register to vote from making a challenge. Also, it is unclear what sort of "personal knowledge" of the challenged voter a challenger would have to have to satisfy the bill's provisions.

Any voter should be able challenge another voter in the belief that the voter's residence is in question or that the voter is registered improperly. A local community group could find it intimidating to have to file a sworn statement based on personal knowledge.

NOTES:

The House Elections Committee considered SB 196 in lieu of the companion bill, HB 1068 by Howard. SB 196 originally was placed on the Local, Consent, and Resolutions Calendar and later withdrawn.

A similar bill, SB 197 by Staples, would prohibit a registrar from delivering a confirmation notice resulting from a sworn statement filed after the 75th day before the election date until after the date of election. It would not apply to a person who registered to vote after the 75th day and before the 30th day before an election. SB 197 passed the Senate on March 19 and passed the House on the Local, Consent, and Resolutions Calendar, as substituted by the House Elections Committee, on May 16.