

SUBJECT: Requiring voter's registration to match address on certain documents

COMMITTEE: Elections — committee substitute recommended

VOTE: 4 ayes — Laubenberg, Fallon, Phelan, Schofield

1 nay — Israel

2 absent — Goldman, Reynolds

WITNESSES: For — Jacquelyn Callanen, Bexar County Elections Administrator and Texas Association of Elections Administrators; Cheryl Johnson, Galveston County Tax Office; Ed Johnson, Harris County Clerk's Office; Alan Vera, Harris County Republican Party Ballot Security Committee; William Fairbrother, Texas Republican County Chairmen's Association, Legislative Chair; Carol Kitson; Colleen Vera; (*Registered, but did not testify*: Rachael Crider, Galveston County Tax Office; Sheryl Swift, Galveston County Tax Office; Erin Anderson, True the Vote; Karen Hobson; John Hobson; Kat Swift)

Against — Glen Maxey, Texas Democratic Party; (*Registered, but did not testify*: Willie O'Brien, Mountain View College Student Government Association; Yannis Banks, Texas NAACP)

On — Janice Evans, County and District Clerks; John Oldham, Texas Association of Elections Administrators; Keith Ingram, Texas Secretary of State, Elections Division; (*Registered, but did not testify*: Ashley Fischer, Secretary of State's Office)

BACKGROUND: Under Election Code, sec. 16.091, any registered voter may challenge the registration of another voter of the same county at a hearing before a registrar.

Upon receiving a challenge, the registrar is required to send the challenged voter a confirmation notice under Election Code, sec. 15.051. The voter would then have 30 days to submit to the registrar a written,

signed response confirming the voter's current residence, under Election Code, sections 15.052 and 15.053.

DIGEST:

CSHB 1096 would require registered voters who receive a notice to confirm their address to provide evidence that their residence address matches the first of the following that applies to the person:

1. the address on the person's driver's license, or if the person has notified the Department of Public Safety (DPS) of a change of address, the address in the notification;
2. the address on the person's personal identification card, or if the person has notified DPS of a change of address, the address in the notification, unless the person has a commercial driver's license;
3. the address on the person's concealed handgun license, or if the person has notified DPS of a change of address, the address in the notification;
4. an address where the person receives mail other than a post office box or other similar location that does not correspond to a residence;
5. the address the person claims as a Texas homestead; or
6. the address of the person's vehicle registration.

Under the bill, a person whose residence has no address would be required to execute an affidavit providing a description of the location of the person's residence and deliver it with the response to the confirmation notice.

The provisions added by the bill would be reflected in content of the voter confirmation notice response form under sec. 15.052(b) and the requirements for the voter's signed response to the notice under sec. 15.053(a). The above provisions would not apply to:

- members of the armed services or their spouses and dependents;
- college students;
- victims of family violence, sexual assault, or stalking whose addresses were confidential under the Code of Criminal Procedure;

- federal and state judges and their spouses, whose driver's license address was the courthouse address; or
- peace officers whose addresses were omitted from their driver's licenses.

The bill would require the secretary of state to adopt rules to implement the provisions of the bill.

This bill would take effect September 1, 2015.

**SUPPORTERS
SAY:**

CSHB 1096 would ensure that people registered to vote using an address that was consistent with where they actually lived. It also would clarify the definition of residence in the Election Code, which is vague under current law and has led to litigation.

Residence issues mostly arise when people with multiple addresses attempt to use those addresses strategically to advance their political goals. This bill would ensure that they were restricted to using their actual residence.

This bill would not place a significant burden on voters who change addresses because they are already required to notify the Department of Public Safety (DPS) within 30 days of a change of address under the Transportation Code and the Government Code.

Homeless voters would not be significantly affected by this bill because the affidavit required to prove their residence location simply would require them to provide a signed affirmation of the information they are required to include in their voter registration application under Election Code, sec. 13.002.

The bill would not burden elections administrators because it would not require enforcement of residency requirements at the time of voting. Instead, the provisions of this bill would be enforced when registrations were challenged.

OPPONENTS
SAY:

CSHB 1096 would set obstacles to voting in front of a large part of the electorate. Although people are required to update their addresses when they move, many fail to do so and do not remember until their identification cards expire. These laws rarely are enforced because mail is forwarded to the new address. Requiring registrars to ensure that identification addresses match voting addresses would force them to police provisions of the Transportation Code that even DPS does not try to enforce.

Challenges to voter registrations would be significant, creating a burden on registrars. The requirements would create an incentive for political organizations to abuse the ability to challenge voter registrations and issue frivolous challenges, knowing that many people would not meet the requirements of the bill.

This bill would make it difficult for homeless people to vote if their voter registrations were challenged. It would be difficult for them to even receive confirmation notices — and if they did, they still would have a difficult time getting an affidavit to the registrar in time to avoid cancellation of their voter registration.