

SUBJECT: Cancelling a person's voter registration upon notice of non-citizenship

COMMITTEE: Elections — favorable, without amendment

VOTE: 6 ayes — Laubenberg, Goldman, Fallon, Phelan, Reynolds, Schofield

1 nay — Israel

WITNESSES: For — Bill Sargent, Galveston County Clerk; George Hammerlein, Harris County Clerk's Office; Alan Vera, Harris County Republican Party Ballot Security Committee; John Oldham, Texas Association of Elections Administrators; (*Registered, but did not testify*: Dana DeBeauvoir, County Clerks Legislative Committee; LaQuan Rogers, Get Fit With Me; Bill Fairbrother, Texas Republican County Chairmen's Association; Colleen Vera; Mike Sullivan)

Against — Jesse Romero, Common Cause Texas; Celina Moreno, MALDEF

On — Glen Maxey, Texas Democratic Party; (*Registered, but did not testify*: Ashley Fischer, Texas Secretary of State; Keith Ingram, Texas Secretary of State, Elections Division)

BACKGROUND: Under Election Code, sec. 16.0332, a voter's registration may be cancelled due to citizenship status but only with prior notice. The law requires the registrar to deliver a written notice to each voter that was excused or disqualified from jury service because of citizenship status. The notice requires the voter to submit proof of U.S. citizenship to the registrar, and if a voter does not submit proof of citizenship within 30 days of the mailing of the notice, the registrar is required to cancel the voter's registration.

The registrar is required to cancel a voter's registration immediately upon receipt of certain notices provided under Election Code, 16.031(a).

DIGEST: HB 2937 would add to the list of items that, upon receipt, require the

registrar to immediately cancel a voter's registration. The bill would require cancellation if the registrar received a list from the secretary of state or clerk of the court with individuals who had been excused or disqualified from jury service because the voter was not a citizen or upon receiving notice from any government agency that the voter had acknowledged that the voter was not a U.S. citizen.

The bill would require the registrar to send written notice of the cancellation to:

- the voter within 30 days of the cancellation; and
- the secretary of state in a statement containing the total number of cancelled registrations due to non-citizenship in the last year.

HB 2937 also would require the clerk, on the third business day each month, to send a copy of the list of persons excused or disqualified due to citizenship in the past month to the county official responsible for administering elections.

The bill would repeal the provision of the Election Code that requires a voter's registration to be canceled if the voter did not submit proof of U.S. citizenship to a registrar when the registrar delivered notice that the voter appeared on the list of persons excused or disqualified from jury service because of non-citizenship status.

The bill would take effect September 1, 2015.

**SUPPORTERS
SAY:**

HB 2937 would simplify what is currently a duplicative and unnecessary process for clearing ineligible voters from the voter rolls. If individuals already have reported their ineligibility for jury duty on an official government document based on not being a U.S. citizen, there is no need to send them notification of their voter registration status cancellation and to ask them to report back about their citizenship status.

The information relied on to cancel a registration immediately would be credible because it would have come from either a voter's affidavit or

notification from a government agency that the voter had acknowledged he or she was not a U.S. citizen on a summons for jury duty. Further, few voter registration cancellations every year are based on noncitizen jury affidavits, so this would not affect many people.

If someone lies about his or her citizenship status to avoid jury duty, the bill would apply an appropriate consequence. Individuals should not receive the benefit of being registered to vote without the obligation of serving on a jury. If a voter's registration were improperly cancelled because the voter made a mistake on the jury summons form, the voter simply could re-register to vote.

OPPONENTS
SAY:

HB 2937 would remove an important process from the Election Code that protects the democratic system and an individual's right to vote. A voter's registration should not be cancelled automatically without allowing for the current 30-day appeal process. The state should seek opportunities to expand voter participation, not restrict it.

The bill is unnecessary because the current notification requirement would solve the issue of non-citizens being registered to vote. If a voter responds to the notification and cannot prove citizenship or does not respond, the person is removed from the voting rolls, thereby removing ineligible voters in a more judicious way.

Individuals who lie about citizenship status to avoid jury duty should not have their fundamental right to vote as a U.S. citizen automatically taken away. The problem of individuals lying on government forms should be dealt with in a different way that still protects citizens' fundamental rights. Some citizens also make mistakes on their forms and do not intend to declare that they are not U.S. citizens.