

SUBJECT: Changing timeline of death notice to voter registrars and secretary of state

COMMITTEE: Elections — committee substitute recommended

VOTE: 9 ayes — Cain, J. González, Beckley, Bucy, Clardy, Fierro, Jetton,
Schofield, Swanson

0 nays

WITNESSES: For — Robert Green, Travis County Republican Party Election Integrity Committee (*Registered, but did not testify*: Joey Bennett, Secure Democracy; Chris Davis and Cary Roberts, Texas Association of Elections Administrators; Heather Hawthorne, County and District Clerks Association of Texas; Marcia Strickler, WilcoWeTheePeople; Alan Vera, Harris County Republican Party Ballot Security Committee; and nine individuals)

Against — (*Registered, but did not testify*: Phil Bunker, Teamsters JC58; Richard Evans, Emgage Action; Harrison Hiner, Communications Workers of America; Carisa Lopez, Texas Freedom Network; James Slattery, Texas Civil Rights Project; David Weinberg, Brennan Center for Justice; Russell Hayter)

On — Christina Adkins, Texas Secretary of State (*Registered, but did not testify*: Bill Sargent)

BACKGROUND: Election Code sec. 16.001(a) requires a local registrar of deaths to prepare an abstract of each death certificate issued for a Texas resident who was 18 years of age or older. This abstract must be filed with the voter registrar in the decedent's county and the secretary of state no later than the 10th day of the month following the month the abstract was prepared.

Sec. 16.001(b) requires a clerk of each court having probate jurisdiction to prepare an abstract of each application for probate of a will, administration of a decedent's estate, or determination of heirship and certain affidavits filed in the month with a court served by the clerk. This

abstract must be filed with the voter registrar and secretary of state no later than the 10th day of the month following the month the abstract was prepared.

DIGEST: CSHB 1264 would require abstracts prepared by local registrars of death and clerks of courts with probate jurisdiction to be filed with voter registrars and the secretary of state as soon as possible, and no later than seven days after the abstract was prepared.

The bill would take effect September 1, 2021.

SUPPORTERS SAY: CSHB 1264 would help ensure the integrity of elections in Texas by shortening the time in which voter registrars and the secretary of state had to be notified of deaths. Currently, the reporting of a death to voter registrars and the secretary of state could take up to a month and 10 days after an abstract was prepared. This lengthy time frame could create an opportunity for an individual to vote illegally in the name of a deceased registered voter if the person died close to an election and had not yet been removed from the voter rolls. Shortening the time frame for the notification of a death to registrars and the secretary of state to seven days would reduce the opportunity to commit election fraud in this manner.

The bill would not increase the risk of an eligible voter being accidentally removed from the voter rolls because it pertains only to the time frame in which deaths are reported to voter registrars and the secretary of state. Although the bill could modestly increase the burden on local officials to report deaths to the voter registrar and secretary of state by shortening the timeline for abstracts to be filed, the current timeline risks enabling voter fraud and should be addressed by the state.

CRITICS SAY: CSHB 1264 could result in qualified and registered voters being accidentally removed from the voter rolls by expediting the purging of voters believed to be deceased. In 2012, under a new mandate requiring that individuals matched with the Social Security Administration's Death Master File be purged from the rolls, around 80,000 voters received letters

asking them to prove they were alive or have their registrations canceled. By rushing the process of verifying a voter's deceased status before removing them from the rolls, the bill could risk a similar outcome and create opportunities for eligible voters to be removed incorrectly from the voter registration list.

The bill also could burden local officials by creating a much shorter time frame for death abstracts to be filed with voter registrars and the secretary of state.