

SUBJECT: Expanding recipients of certain secretary of state notices and court lists

COMMITTEE: Elections — favorable, without amendment

VOTE: 5 ayes — Cain, Clardy, Jetton, Schofield, Swanson

3 nays — J. González, Beckley, Bucy

1 absent — Fierro

WITNESSES: For — Cyndie Phillips and Gerald Welty, Convention of States; Shawn Hall Lecuona, Lecuona Law, PLLC, dba Lecuona Life Ministries, and Burning For Quote; Robert L. Green, Travis County Republican Party Election Integrity Committee; Eric Opiela; (*Registered, but did not testify*: Brandon Moore, Election Integrity Committee of the State Republican Executive Committee; Donald Garner, Texas Faith and Freedom Coalition; Chad Ennis, Texas Public Policy Foundation; and six individuals)

Against — James Slattery, Texas Civil Rights Project; (*Registered, but did not testify*: Matt Simpson, ACLU of Texas; David Weinberg, Brennan Center for Justice; Joanne Richards, Common Ground for Texans; Daniel Collins, El Paso County; Tammy Narvaez, Harris County Commissioners Court; Cynthia Weatherby, League of Women Voters of Texas; Fatima Menendez, Mexican American Legal Defense and Educational Fund; Rose Clouston and Jen Ramos, Texas Democratic Party; Stephanie Gharakhanian, Workers Defense Action Fund; and 18 individuals)

On — (*Registered, but did not testify*: Keith Ingram, Texas Secretary of State)

BACKGROUND: Government Code sec. 62.114 requires a court clerk to maintain a list containing the name and address of each person who is excused or disqualified from jury service because the person is not a county resident.

Election Code sec. 18.068(a) requires the secretary of state, upon

determination that a voter on the statewide computerized voter registration list is deceased or has been excused or disqualified from jury service because the voter is not a citizen, to send notice of the determination to the voter registrar of the counties considered appropriate by the secretary.

Election Code sec. 13.007 specifies that a person commits a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) if the person knowingly makes a false statement or requests, commands, or attempts to induce another person to make a false statement on a registration application.

Some have suggested that, to prevent voter fraud, the required notice from the secretary of state regarding the exclusion or disqualification from jury service of a noncitizen should be sent to additional authorities beyond the voter registrar and appropriate counties.

DIGEST:

HB 2339 would require the secretary of state to quarterly compare the information received under Government Code sec. 62.114 to the statewide computerized voter registration list. If the secretary determined that a voter on the registration list was not a resident of the county in which the voter was registered to vote, the secretary would have to send notice of the determination to the voter registrar of the counties considered appropriate by the secretary and the attorney general. The attorney general would have to quarterly review the information to investigate whether a person had committed an offense under Election Code sec. 13.007 or other law.

On the third business day of each month, a court clerk would have to send a copy of the list of persons excused or disqualified because of citizenship in the previous month to the attorney general for an investigation of whether the person committed an offense under Election Code sec. 13.007 or other law.

On the third business day of each month, a court clerk would have to send a copy of the list of persons excused or disqualified in the previous month because the persons did not reside in the county to:

- the voter registrar of the county, as under current law;
- the secretary of state; and
- the county or district attorney or the attorney general for an investigation of whether the person committed an offense under Election Code sec. 13.007 or other law.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.