

- SUBJECT:** Modifying voter residency address and documentation requirements
- COMMITTEE:** Elections — favorable, without amendment
- VOTE:** 5 ayes — Cain, Clardy, Jetton, Schofield, Swanson
4 nays — J. González, Beckley, Bucy, Fierro
- SENATE VOTE:** On final passage, April 28 — 18-13 (Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini)
- WITNESSES:** No public hearing.
- BACKGROUND:** Election Code sec. 1.015 defines “residence” as domicile, meaning one’s home and fixed place of habitation to which one intends to return after any temporary absence.
- Some have raised concerns about reports that some voters allegedly moved their voter registrations to another jurisdiction to vote in a special election. Some have called for the Legislature to clarify the meaning of residence in the Election Code and impose documentation requirements.
- DIGEST:** SB 1111 would specify that a person could not establish residence for the purpose of influencing the outcome of a certain election nor establish residence at any place the person had not inhabited. A person could not designate a previous residence as a home and fixed place of habitation unless the person inhabited the place at the time of designation and intended to remain. The bill would remove reference to the determination of residence in accordance with common law rules.
- Residence confirmation notice.** If a registrar had reason to believe that a voter’s residence address was a commercial post office box or similar location that did not correspond to a residence, the registrar would have to deliver to the voter a written notice requesting confirmation of the voter’s current residence.

The official confirmation notice response form would have to describe the requirements for documenting residence and provide a space for the voter to indicate an exemption from the requirements, a space to indicate the reason for an exemption, if any, and the definition of residence.

Documentation of residence. The response of a voter to a confirmation notice confirming the voter's residence, required no later than 30 days after a notice was mailed, would have to include a sworn affirmation of the voter's current residence and, if the voter's address did not correspond to a residence, evidence of the voter's residence address or an indication of an exemption from those requirements.

A voter's residence could be documented by providing a photocopy of:

- an unexpired driver's license, not to include a commercial driver's license; a personal ID card; or concealed handgun license issued to the voter by the Department of Public Safety (DPS);
- an appraisal district document showing the address the voter claimed as a homestead in Texas, not to include a commercial post office box or similar location not corresponding to a residence;
- a utility bill addressed to the voter's residence address; or
- an official tax document or Texas Department of Motor Vehicles document showing the registration address of a vehicle owned by the voter.

If a voter had notified DPS of a change of address with respect to the aforementioned documents issued by the department, the voter could provide documentation of residence by providing an affidavit stating the new address contained in the notification.

Voter residence without address. A voter whose residence in Texas had no address could document residence by executing an affidavit stating that the voter's residence had no address, providing a concise description of the location of the residence, and delivering the affidavit to the registrar with the response to confirmation notice.

Exemptions. The documentation requirements would not apply to a voter:

- who was a member of the armed forces of the United States or the spouse or dependent of a member;
- who was enrolled as a full-time student who lived on campus at an institution of higher education;
- whose address was confidential under Penal Code ch. 56, subch. C relating to victims of certain crimes;
- who was a federal or state judge or spouse of such a judge whose driver's license included the street address of a courthouse; or
- who was a peace officer whose driver's license omitted the officer's actual residence address.

Full-time students. A voter who was enrolled as a full-time student who lived on campus at an institution of higher education could use the address of a post office box located on campus or in a dormitory owned or operated by the institution to confirm the voter's residence.

Rules. The secretary of state would have to adopt rules as necessary to implement the bill's provisions concerning the documentation of a voter's residence address for purposes of the confirmation notice response.

The bill would take effect September 1, 2021.

NOTES:

The House companion bill, HB 3974 by Paul, was considered by the House Elections Committee in a public hearing on April 21, reported favorably, and sent to the Calendars Committee.