

BILL ANALYSIS

Senate Research Center
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S.B. 384
By: Harris
State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 384 requires the secretary of state to cancel an individual's voter registration immediately after receiving the list of persons excused from jury summons due to non-citizenship from the county on the third business day of each month.

The bill requires the county registrar to send a written notice to those who have had their voter registration canceled informing them of the cancellation. The written notice must contain the date of the cancellation, the reason for the cancellation, and a brief explanation of the voter's rights to challenge the cancellation.

The bill amends the written jury summons to inform the person that their voter registration shall be canceled in the event they claim disqualification or exemption based on lack of citizenship.

As proposed, S.B. 384 amends current law relating to the cancellation of the voter registrations of persons who are not United States citizens.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 62.0142, Government Code, as follows:

Sec. 62.0142. NOTICE OF WRITTEN SUMMONS. Requires that the form, if a written summons for jury duty allows a person to claim a disqualification or exemption by signing a statement and returning it to the clerk of the court, notify the person that by claiming a disqualification or exemption based on the lack of citizenship or lack of residence in the county, the person is no longer eligible, rather than the person might not longer be eligible, to vote in the county.

SECTION 2. Amends Section 62.113(b), Government Code, to require the clerk, on the third business day of each month, to send a copy of the list of persons excused or disqualified because of citizenship in the previous month to the voter registrar of the county and the secretary of state (SOS).

SECTION 3. Amends Section 16.0332, Election Code, as follows:

Sec. 16.0332. CANCELLATION BECAUSE OF CITIZENSHIP STATUS. (a) Requires SOS, after receiving a list under Section 62.113 (Compilation of List of Noncitizens), Government Code, of persons excused or disqualified from jury service because of citizenship status, to cancel the voter registration of each registered voter whose name appears on the list.

(b) Creates this subsection from existing text. Requires the registrar, after the registrar receives a list under Section 62.113, Government Code, of persons excused or disqualified from jury service because of citizenship status, to deliver

to each registered voter whose name appears on the list written notice that the person's voter registration has been canceled, rather than a written notice requiring the voter to submit to the registrar proof of United States citizenship in the form of a certified copy of the voter's birth certificate, United States passport, or certificate of naturalization or any other form prescribed by the SOS.

Deletes existing text of Subsection (a) requiring that the notice be delivered by forwardable mail to the mailing address on the voter's registration application and to any new address of the voter known to the registry.

Deletes existing Subsection (b) requiring the registrar to cancel the voter's registration if a voter fails to submit to the registrar proof of citizenship on or before the 30th day after the date the notice is mailed.

Deletes existing Subsection (c) requiring the registrar to retain a copy of the notice mailed to a voter under this section on file with the voter's registration application and to retain any proof of citizenship received under this section on file with the application.

SECTION 4. Amends Section 16.036(c), Election Code, to require that the notice include a brief explanation of the voter's right to challenge the cancellation and to appeal the decision of the registrar or SOS, as applicable, rather than to appeal the registrar's decision.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2011.