

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 205
By: Perry et al.
State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires the secretary of state (SOS) to quarterly cross-check those disqualified for jury duty because they are non-citizens with the statewide computerized voter registration list in compliance under Sections 16.0332 and 18.068, Election Code. However, Section 62.113, Government Code prohibits the SOS from investigating voter fraud by comparing the noncitizens' jury disqualification list to voter rolls, making it a Class C misdemeanor for the SOS to compare such lists. This conflict creates a discrepancy within the laws.

As a result of this conflict, a person who is summoned for jury duty but identifies him or herself as a noncitizen and is excused from jury duty may be able to vote illegally. Although this list can be obtained by an open records request, current law prevents this list of names from being used to identify if a noncitizen is registered to vote or if a noncitizen voted in an election.

Voter fraud jeopardizes the integrity of the democratic process and this bill will help protect public trust in our elections by ensuring illegal voters are being identified, removed from voting registries, and prosecuted. A Washington Post poll revealed 81 percent of Americans believe that election fraud is a very real problem. Voter fraud is a serious issue and measures must be taken to ensure voter registration is accurate and reliable.

This bill removes the restrictions and penalties surrounding the cross-check and use of information from the lists of noncitizens excused or disqualified from jury service and voter registration list. The bill mandates that the Office of the Attorney General (OAG) compare these lists quarterly.

Currently, county clerks' offices are required to notify their county district attorney of people excused or disqualified from jury duty because of citizenship, this bill also allows the clerk to also notify the OAG. Our office also plans to add nonresidents to this bill by committee substitute. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 205 amends current law relating to the use of information from the lists of noncitizens and nonresidents excused or disqualified from jury service.

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 18.068(a), Election Code, as follows:

- (a) Requires the secretary of state (SOS) to quarterly compare the information received under Section 16.001 (Death) of this code and Sections 62.113 (Compilation of List of Noncitizens) and 62.114 (Compilation of List of Nonresidents), Government Code, rather than Section 62.113, Government Code, to the statewide computerized voter registration list. Requires SOS, if SOS determines a voter on the registration list is deceased or has been excused or disqualified from jury service because the voter is not a citizen or a

resident of the county in which the voter is registered to vote, to send notice of the determination to:

(1) creates this subdivision from existing text and makes a nonsubstantive change; and

(2) the Texas attorney general (attorney general), who shall quarterly review the information to investigate whether a person has committed an offense under Section 13.007 (False Statement on Application) or other law.

SECTION 2. Amends Section 62.113(b), Government Code, as follows:

(b) Requires the clerk of the court to send a copy of the list of persons excused or disqualified because of citizenship in the previous month to certain people, including the attorney general.

SECTION 3. Amends Sections 62.114(b) and (c), Government Code, as follows:

(b) Requires the clerk, on the third business day of each month, to send a copy of the list of persons excused or disqualified in the previous month because the persons do not reside in the county, rather than send to the voter registrar of the county a copy of the list of persons excused or disqualified in the previous month because the persons do not reside in the county, to:

(1) the voter registrar of the county;

(2) SOS;

(3) the county or district attorney, as applicable, or the attorney general for an investigation of whether the person committed an offense under Section 13.007, Election Code, or other law.

(c) Prohibits a list compiled under this section from being used for a purpose other than a purpose described by Subsection (b) or Section 15.081 (Suspense List) or 18.068 (Comparison of Information Regarding Ineligibility), Election Code.

SECTION 4. Effective date: upon passage or September 1, 2019.