

BILL ANALYSIS

Senate Research Center
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S.B. 905
By: Hughes
State Affairs
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The legislature has recently added additional protections for the protection of sensitive public information about certain public officials. S.B. 905 extends similar protections to information related to the electoral process that might divulge otherwise protected sensitive information like a public official's address, telephone number, etc.

As proposed, S.B. 905 amends current law relating to the confidentiality of certain personal information of certain persons obtained for the purposes of voting.

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 1.005, Election Code, by adding Subdivisions (4-a) and (18-a) to define "federal judge" and "state judge."

SECTION 2. Amends Section 13.004, Election Code, by amending Subsections (c) and (d) and adding Subsection (e), as follows:

(c) Provides that the following information furnished on a registration application is confidential and does not constitute public information for purposes of Chapter 552 (Public Information), Government Code:

(1)–(4) makes no changes to these subdivisions;

(5) the residence address of the applicant, if the applicant is a federal judge or state judge, the spouse of a federal judge or state judge, or an individual to whom Section 552.1175 (Confidentiality of Certain Personal Identifying Information of Peace Officers, County Jailers, Security Officers, Employees of Certain State Agencies or Certain Criminal or Juvenile Justice Agencies or Offices, and Federal and State Judges), Government Code, or Section 521.1211 (Driver's License For Peace Officer), Transportation Code, applies and the applicant, rather than the residence address of the applicant, if the applicant is a federal judge or state judge, as defined by Section 13.0021 (Additional Registration Information From Certain Federal and State Judges), the spouse of a federal judge or state judge, or an individual to whom Section 552.1175, Government Code, applies and the applicant:

(A) deletes existing text relating to an affidavit under Section 13.0021;

(B) deletes existing text relating to an affidavit under Section 15.0215 (Omission of Address For Federal Judge or State Judge and Spouse); or

(C) makes no changes to this paragraph;

(6) makes no changes to this subdivision;

(7)–(8) makes nonsubstantive changes to these subdivisions; or

(9) the telephone number of any applicant submitting documentation under Subdivision (5), (6), (7), or (8).

(d) Prohibits the voter registrar or other county official who has access to the information furnished on a registration application from posting the following information on a website:

(1)–(4) makes no changes to these subdivisions; or

(5) the residence address of a voter who submits documentation under Subsection (c)(5), (6), (7), or (8) to the voter registrar or regarding whom the registrar has received notification under Section 15.0215, rather than the residence address of a voter who is a federal judge or state judge, as defined by Section 13.0021, or the spouse of a federal judge or state judge, if the voter included an affidavit with the application under Section 13.0021 or the registrar has received an affidavit submitted under Section 15.0215.

(e) Requires documentation submitted under Subsection (c)(5), (6), (7), or (8) to be retained on file with the voter registration application.

SECTION 3. Amends Section 15.0215(b), Election Code, as follows:

(b) Requires the registrar of the county in which the judge resides, on receiving notice from the Office of Court Administration of the Texas Judicial System of the person's qualification for office as a federal judge or state judge and of the name of the judge's spouse, if applicable, to:

(1) creates this subdivision from existing text and makes no further changes; and

(2) prepare a memorandum of the notice, indicating the substance and date of the notification, and retain the memorandum on file with the application.

SECTION 4. Amends Section 15.081(d), Election Code, as follows:

(d) Prohibits the suspense list, notwithstanding Subsection (b) (relating to information required to be contained in the suspense list), from containing the residence address of a voter whose residence address is confidential under Section 13.004 (Recording and Disclosure of Certain Information by Registrar). Deletes existing text prohibiting the suspense list, notwithstanding Subsection (b), from containing the residence address of a voter who is a federal judge, a state judge, or the spouse of a federal judge or state judge, if the voter included an affidavit with the voter's registration application under Section 13.0021 or the registrar received an affidavit submitted under Section 15.0215 before the list was prepared. Deletes existing text defining "federal judge" and "state judge" for purposes of this section.

SECTION 5. Amends Section 18.005(c), Election Code, to make a conforming change.

SECTION 6. Amends Section 18.066(b), Election Code, to make a conforming change.

SECTION 7. Reenacts Section 552.117(a), Government Code, as amended by Chapters 34 (S.B. 1576), 190 (S.B. 42), and 1006 (H.B. 1278), Acts of the 85th Legislature, Regular Session, 2017, as follows:

(a) Deletes redundant existing text and renumbers subdivisions. Provides that information is excepted from the requirements of Section 552.021 (Availability of Public Information) if it is information that relates to the home address, home telephone number,

emergency contact information, or social security number of the following person or that reveals whether the person has family members:

(1)–(14) makes no changes to these subdivisions; or

(15) a current or former federal judge or state judge, as those terms are defined by Section 1.005 (Definitions), rather than Section 13.0021(a) (relating to the definitions of "federal judge" and "state judge"), Election Code, or a spouse of a current or former federal judge or state judge.

SECTION 8. Amends Section 552.1175(a), Government Code, to provide that this section applies only to peace officers as defined by Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure, or special investigators as described by Article 2.122 (Special Investigators), Code of Criminal Procedure, and to make a conforming change.

SECTION 9. Makes application of Section 552.1175, Government Code, as amended by this Act, prospective.

SECTION 10. Repealer: Section 13.0021(a) (relating to the definitions of "federal judge" and "state judge"), Election Code.

Repealer: Section 15.0215(a) (relating to the definitions of "federal judge" and "state judge"), Election Code.

SECTION 11. Effective date: September 1, 2019.