

BILL ANALYSIS

Senate Research Center
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S.B. 1111
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Texas Election Code does not sufficiently define the characteristics of a voter residence address. Consequently, the vague description of a residence address has allowed voter registration certificates with residential addresses corresponding with vacant lots, mail box stores, motels, and commercial locations.

S.B. 1111 relates to a voter's residence during the process of confirming the accuracy of the voter's registration. This legislation provides a list of documentation and information that conform with a voter's residence, thereby enabling voter registrar and elections offices to designate appropriate precinct boundaries and polling locations.

Current law allows a voter registrar to confirm a voter's residence if the registrar has reason to believe that a voter's current residence is different from that indicated on the registration records by sending the voter an official confirmation notice and notice response forms. Upon receiving a confirmation notice, the voter has 30 days to submit a signed response confirming the voter's residency through various forms of documentation, including: (1) a driver's license, state personal identification card, or license to carry a handgun; (2) an appraisal district document showing the voter claims the address as a homestead; (3) a utility bill; or (4) an official tax or Texas Department of Motor Vehicles document showing registration address of a vehicle the voter owns.

During a post-registration voter confirmation process, this bill provides that the voter's residence address for purposes of voter registration must meet the statutory residence requirements, which explicitly require the voter's current inhabitance, and explicitly excludes commercial post office boxes.

For voters with unusual circumstances, such as rural residents, full-time college students, and members of the military, the bill provides safeguards to ensure enfranchisement.

As proposed, S.B. 1111 amends current law relating to the residence address of a voter for purposes of a response to a confirmation notice sent by the voter registrar.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state in SECTION 4 (Section 15.054, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1.015, Election Code, by amending Subsection (b) and adding Subsection (f), as follows:

(b) Prohibits a person from establishing residence for the purpose of influencing the outcome of a certain election. Deletes existing text related to the required determinants of residence.

(f) Prohibits a person from establishing a residence at any place the person has not inhabited. Prohibits a person from designating a previous residence as a home and fixed

place of habitation unless the person inhabits the place at the time of designation and intends to remain.

SECTION 2. Amends Section 15.052(b), Election Code, as follows:

(b) Requires that the official confirmation of residence notice response form meet certain conditions, including describing the requirements of Section 15.054, providing a space for the voter to indicate if the voter is exempt from those requirements, providing a space to indicate the reason for an exemption, if any, and providing the definition of residence under Section 1.015 (Residence).

SECTION 3. Amends Section 15.053(a), Election Code, as follows:

(a) Requires the voter, not later than the 30th day after the date a confirmation notice is mailed, to submit to the registrar a written, signed response to the notice that confirms the voter's current residence. Requires that the response contain certain information, including a sworn affirmation of the voter's current residence as defined by Section 1.015, and evidence of the voter's residence address as required by Section 15.054 or an indication that the voter is exempt from those requirements.

SECTION 4. Amends Subchapter C, Chapter 15, Election Code, by adding Section 15.054, as follows:

Sec. 15.054. DOCUMENTATION OF RESIDENCE FOR PURPOSES OF CONFIRMATION NOTICE RESPONSE. (a) Authorizes a voter's residence, for purposes of Section 15.053 (Response to Confirmation Notice), to be documented by providing a photocopy of the first document, beginning with Subdivision (1) and continuing through Subdivision (6), in the following list that corresponds to the voter's residence under Section 1.015:

(1) a driver's license issued to the voter by the Department of Public Safety of the State of Texas (DPS) that has not expired or, if the voter has notified DPS of a change of address under Section 521.054 (Notice of Change of Address or Name), Transportation Code, an affidavit from the voter stating the new address contained in the notification;

(2) a personal identification card issued to the voter by DPS that has not expired or, if the voter has notified DPS of a change of address under Section 521.054, Transportation Code, an affidavit from the voter stating the new address contained in the notification;

(3) a license to carry a concealed handgun issued to the voter by DPS that has not expired or, if the voter has notified DPS of a change of address under Section 411.181 (Notice of Change of Information; Duplicate License), Government Code, an affidavit from the voter stating the new address contained in the notification;

(4) an appraisal district document showing the address the voter claims as a homestead in this state;

(5) a utility bill addressed to the voter's residence address; or

(6) an official tax document or Texas Department of Motor Vehicles document showing the registration address of a vehicle the voter owns.

(b) Authorizes a voter whose residence in this state has no address to document residence under this section by executing an affidavit stating that the voter's residence in this state has no address, providing a concise description of the location of the voter's residence, and delivering the affidavit to the registrar with the voter's response to the confirmation notice.

(c) Prohibits the address described by Subsection (a)(4) from being a commercial post office box or similar location that does not correspond to a residence.

(d) Provides that this section does not apply to:

(1) a voter who is a member of the armed forces of the United States or the spouse or a dependent of a member;

(2) a voter enrolled as a full-time student who lives on campus at an institution of higher education;

(3) a voter whose address is confidential under Subchapter C (Address Confidentiality Program for Victims of Family Violence, Sexual Assault or Abuse, Stalking, or Trafficking of Persons), Chapter 56 (Rights of Crime Victims), Code of Criminal Procedure;

(4) a federal judge, state judge, or spouse of a federal or state judge whose driver's license includes the street address of a courthouse under Section 521.121 (General Information on Driver's License), Transportation Code; or

(5) a peace officer whose driver's license omits the officer's actual residence address under Section 521.1211 (Driver's License for Peace Officer), Transportation Code.

(e) Provides that Subsection (a)(1) does not apply to a voter who holds a commercial driver's license under Subchapter C (License or Permit Application and Issuance), Chapter 522 (Commercial Driver's Licenses), Transportation Code.

(f) Authorizes a voter enrolled as a full-time student who lives on campus at an institution of higher education, notwithstanding the other provisions of this section, to use the address of a post office box located on the campus of the institution or in a dormitory owned or operated by the institution to confirm the voter's residence.

(g) Requires the secretary of state to adopt rules as necessary to implement this section.

SECTION 5. Effective date: September 1, 2021.