

1-1 By: Klick (Senate Sponsor - Hughes) H.B. No. 2910
 1-2 (In the Senate - Received from the House April 23, 2019;
 1-3 May 6, 2019, read first time and referred to Committee on State
 1-4 Affairs; May 10, 2019, rereferred to Committee on Administration;
 1-5 May 19, 2019, reported adversely, with favorable Committee
 1-6 Substitute by the following vote: Yeas 5, Nays 0; May 19, 2019,
 1-7 sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15			X	
1-16	X			

1-17 COMMITTEE SUBSTITUTE FOR H.B. No. 2910 By: Hughes

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the confidentiality of certain personal information of
 1-21 certain persons obtained for the purposes of voting.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 1.005, Election Code, is amended by
 1-24 adding Subdivisions (4-a) and (18-a) to read as follows:

1-25 (4-a) "Federal judge" means:
 1-26 (A) a judge, former judge, or retired judge of a
 1-27 United States court of appeals;

1-28 (B) a judge, former judge, or retired judge of a
 1-29 United States district court;

1-30 (C) a judge, former judge, or retired judge of a
 1-31 United States bankruptcy court; or

1-32 (D) a magistrate judge, former magistrate judge,
 1-33 or retired magistrate judge of a United States district court.

1-34 (18-a) "State judge" means:
 1-35 (A) a judge, former judge, or retired judge of an
 1-36 appellate court, a district court, a constitutional county court, a
 1-37 county court at law, or a statutory probate court of this state;

1-38 (B) an associate judge appointed under Chapter
 1-39 201, Family Code, or a retired associate judge or former associate
 1-40 judge appointed under that chapter;

1-41 (C) a magistrate or associate judge appointed
 1-42 under Chapter 54 or 54A, Government Code;

1-43 (D) a justice of the peace; or

1-44 (E) a municipal court judge.

1-45 SECTION 2. Section 13.004, Election Code, is amended by
 1-46 amending Subsections (c) and (d) and adding Subsection (e) to read
 1-47 as follows:

1-48 (c) The following information furnished on a registration
 1-49 application is confidential and does not constitute public
 1-50 information for purposes of Chapter 552, Government Code:

1-51 (1) a social security number;

1-52 (2) a Texas driver's license number;

1-53 (3) a number of a personal identification card issued
 1-54 by the Department of Public Safety;

1-55 (4) an indication that an applicant is interested in
 1-56 working as an election judge;

1-57 (5) the residence address of the applicant, if the
 1-58 applicant is a federal judge or state judge [~~as defined by Section~~
 1-59 ~~13.0021~~], the spouse of a federal judge or state judge, or an
 1-60 individual to whom Section 552.1175, Government Code, or Section

2-1 521.1211, Transportation Code, applies and the applicant:
2-2 (A) included an affidavit with the registration
2-3 application describing the applicant's status under this
2-4 subdivision, [~~including an affidavit under Section 13.0021~~] if the
2-5 applicant is a federal judge or state judge or the spouse of a
2-6 federal judge or state judge;
2-7 (B) provided the registrar with an affidavit
2-8 describing the applicant's status under this subdivision,
2-9 [~~including an affidavit under Section 15.0215~~] if the applicant is
2-10 a federal judge or state judge or the spouse of a federal judge or
2-11 state judge; or
2-12 (C) provided the registrar with a completed form
2-13 approved by the secretary of state for the purpose of notifying the
2-14 registrar of the applicant's status under this subdivision;
2-15 (6) the residence address of the applicant, if the
2-16 applicant, the applicant's child, or another person in the
2-17 applicant's household is a victim of family violence as defined by
2-18 Section 71.004, Family Code, who provided the registrar with:
2-19 (A) a copy of a protective order issued under
2-20 Chapter 85, Family Code, or a magistrate's order for emergency
2-21 protection issued under Article 17.292, Code of Criminal Procedure;
2-22 or
2-23 (B) other independent documentary evidence
2-24 necessary to show that the applicant, the applicant's child, or
2-25 another person in the applicant's household is a victim of family
2-26 violence;
2-27 (7) the residence address of the applicant, if the
2-28 applicant, the applicant's child, or another person in the
2-29 applicant's household is a victim of sexual assault or abuse,
2-30 stalking, or trafficking of persons who provided the registrar
2-31 with:
2-32 (A) a copy of a protective order issued under
2-33 Chapter 7A or Article 6.09, Code of Criminal Procedure, or a
2-34 magistrate's order for emergency protection issued under Article
2-35 17.292, Code of Criminal Procedure; or
2-36 (B) other independent documentary evidence
2-37 necessary to show that the applicant, the applicant's child, or
2-38 another person in the applicant's household is a victim of sexual
2-39 assault or abuse, stalking, or trafficking of persons; [~~or~~]
2-40 (8) the residence address of the applicant, if the
2-41 applicant:
2-42 (A) is a participant in the address
2-43 confidentiality program administered by the attorney general under
2-44 Subchapter C, Chapter 56, Code of Criminal Procedure; and
2-45 (B) provided the registrar with proof of
2-46 certification under Article 56.84, Code of Criminal Procedure; or
2-47 (9) the telephone number of any applicant submitting
2-48 documentation under Subdivision (5), (6), (7), or (8).
2-49 (d) The voter registrar or other county official who has
2-50 access to the information furnished on a registration application
2-51 may not post the following information on a website:
2-52 (1) a telephone number;
2-53 (2) a social security number;
2-54 (3) a driver's license number or a number of a personal
2-55 identification card;
2-56 (4) a date of birth; or
2-57 (5) the residence address of a voter who submits
2-58 documentation under Subsection (c)(5), (6), (7), or (8) to the
2-59 voter registrar [is a federal judge or state judge, as defined by
2-60 Section 13.0021, or the spouse of a federal judge or state judge, if
2-61 the voter included an affidavit with the application under Section
2-62 13.0021] or regarding whom the registrar has received notification
2-63 [an affidavit submitted] under Section 15.0215.
2-64 (e) Documentation submitted under Subsection (c)(5), (6),
2-65 (7), or (8) shall be retained on file with the voter registration
2-66 application.
2-67 SECTION 3. Section 15.0215(b), Election Code, is amended to
2-68 read as follows:
2-69 (b) On receiving notice from the Office of Court

3-1 Administration of the Texas Judicial System of the person's
3-2 qualification for office as a federal judge or state judge and of
3-3 the name of the judge's spouse, if applicable, the registrar of the
3-4 county in which the judge resides shall:

3-5 (1) omit from the registration list the residence
3-6 address of the judge and the spouse of the judge; and

3-7 (2) prepare a memorandum of the notice, indicating the
3-8 substance and date of the notification, and retain the memorandum
3-9 on file with the application.

3-10 SECTION 4. Section 15.081(d), Election Code, is amended to
3-11 read as follows:

3-12 (d) Notwithstanding Subsection (b), the suspense list may
3-13 not contain the residence address of a voter whose residence
3-14 address is confidential under Section 13.004 [~~who is a federal~~
3-15 ~~judge, a state judge, or the spouse of a federal judge or state~~
3-16 ~~judge, if the voter included an affidavit with the voter's~~
3-17 ~~registration application under Section 13.0021 or the registrar~~
3-18 ~~received an affidavit submitted under Section 15.0215 before the~~
3-19 ~~list was prepared. In this subsection, "federal judge" and "state~~
3-20 ~~judge" have the meanings assigned by Section 13.0021].~~

3-21 SECTION 5. Section 18.005(c), Election Code, is amended to
3-22 read as follows:

3-23 (c) The original or supplemental list of registered voters
3-24 may not contain the residence address of a voter whose residence
3-25 address is confidential under Section 13.004 [~~who is a federal~~
3-26 ~~judge, a state judge, or the spouse of a federal judge or state~~
3-27 ~~judge, if the voter included an affidavit with the voter's~~
3-28 ~~registration application under Section 13.0021 or the registrar~~
3-29 ~~received an affidavit submitted under Section 15.0215 before the~~
3-30 ~~list was prepared. In this subsection, "federal judge" and "state~~
3-31 ~~judge" have the meanings assigned by Section 13.0021].~~

3-32 SECTION 6. Section 18.066(b), Election Code, is amended to
3-33 read as follows:

3-34 (b) Information furnished under this section may not
3-35 include:

3-36 (1) a voter's social security number; or

3-37 (2) the residence address of a voter whose residence
3-38 address is confidential under Section 13.004 [~~who is a federal~~
3-39 ~~judge or state judge, as defined by Section 13.0021, or the spouse~~
3-40 ~~of a federal judge or state judge, if the voter included an~~
3-41 ~~affidavit with the voter's registration application under Section~~
3-42 ~~13.0021 or the applicable registrar has received an affidavit~~
3-43 ~~submitted under Section 15.0215].~~

3-44 SECTION 7. Section 552.117(a), Government Code, as amended
3-45 by Chapters 34 (S.B. 1576), 190 (S.B. 42), and 1006 (H.B. 1278),
3-46 Acts of the 85th Legislature, Regular Session, 2017, is reenacted
3-47 and amended to read as follows:

3-48 (a) Information is excepted from the requirements of
3-49 Section 552.021 if it is information that relates to the home
3-50 address, home telephone number, emergency contact information, or
3-51 social security number of the following person or that reveals
3-52 whether the person has family members:

3-53 (1) a current or former official or employee of a
3-54 governmental body, except as otherwise provided by Section 552.024;

3-55 (2) a peace officer as defined by Article 2.12, Code of
3-56 Criminal Procedure, or a security officer commissioned under
3-57 Section 51.212, Education Code, regardless of whether the officer
3-58 complies with Section 552.024 or 552.1175, as applicable;

3-59 (3) a current or former employee of the Texas
3-60 Department of Criminal Justice or of the predecessor in function of
3-61 the department or any division of the department, regardless of
3-62 whether the current or former employee complies with Section
3-63 552.1175;

3-64 (4) a peace officer as defined by Article 2.12, Code of
3-65 Criminal Procedure, or other law, a reserve law enforcement
3-66 officer, a commissioned deputy game warden, or a corrections
3-67 officer in a municipal, county, or state penal institution in this
3-68 state who was killed in the line of duty, regardless of whether the
3-69 deceased complied with Section 552.024 or 552.1175;

4-1 (5) a commissioned security officer as defined by
 4-2 Section 1702.002, Occupations Code, regardless of whether the
 4-3 officer complies with Section 552.024 or 552.1175, as applicable;

4-4 (6) an officer or employee of a community supervision
 4-5 and corrections department established under Chapter 76 who
 4-6 performs a duty described by Section 76.004(b), regardless of
 4-7 whether the officer or employee complies with Section 552.024 or
 4-8 552.1175;

4-9 (7) a current or former employee of the office of the
 4-10 attorney general who is or was assigned to a division of that office
 4-11 the duties of which involve law enforcement, regardless of whether
 4-12 the current or former employee complies with Section 552.024 or
 4-13 552.1175;

4-14 (8) a current or former employee of the Texas Juvenile
 4-15 Justice Department or of the predecessors in function of the
 4-16 department, regardless of whether the current or former employee
 4-17 complies with Section 552.024 or 552.1175;

4-18 (9) a current or former juvenile probation or
 4-19 supervision officer certified by the Texas Juvenile Justice
 4-20 Department, or the predecessors in function of the department,
 4-21 under Title 12, Human Resources Code, regardless of whether the
 4-22 current or former officer complies with Section 552.024 or
 4-23 552.1175;

4-24 (10) a current or former employee of a juvenile
 4-25 justice program or facility, as those terms are defined by Section
 4-26 261.405, Family Code, regardless of whether the current or former
 4-27 employee complies with Section 552.024 or 552.1175;

4-28 (11) a current or former member of the Texas military
 4-29 forces, as that term is defined by Section 437.001;

4-30 (12) a current or former district attorney, criminal
 4-31 district attorney, or county or municipal attorney whose
 4-32 jurisdiction includes any criminal law or child protective services
 4-33 matters, regardless of whether the current or former attorney
 4-34 complies with Section 552.024 or 552.1175; ~~or~~

4-35 (13) a current or former employee of a district
 4-36 attorney, criminal district attorney, or county or municipal
 4-37 attorney whose jurisdiction includes any criminal law or child
 4-38 protective services matters, regardless of whether the current or
 4-39 former employee complies with Section 552.024 or 552.1175;

4-40 (14) ~~[(12)]~~ a current or former employee of the Texas
 4-41 Civil Commitment Office or of the predecessor in function of the
 4-42 office or a division of the office, regardless of whether the
 4-43 current or former employee complies with Section 552.024 or
 4-44 552.1175;

4-45 (15) ~~[(12)]~~ a current or former federal judge or state
 4-46 judge, as those terms are defined by Section 1.005 ~~[13.0021(a)]~~,
 4-47 Election Code, or a spouse of a current or former federal judge or
 4-48 state judge; or

4-49 (16) a current or former United States attorney or
 4-50 assistant United States attorney and the spouse or child of the
 4-51 attorney ~~[(13) a current or former district attorney, criminal~~
 4-52 ~~district attorney, or county attorney whose jurisdiction includes~~
 4-53 ~~any criminal law or child protective services matter].~~

4-54 SECTION 8. Section 552.1175(a), Government Code, is amended
 4-55 to read as follows:

4-56 (a) This section applies only to:

4-57 (1) peace officers as defined by Article 2.12, Code of
 4-58 Criminal Procedure, or special investigators as described by
 4-59 Article 2.122, Code of Criminal Procedure;

4-60 (2) county jailers as defined by Section 1701.001,
 4-61 Occupations Code;

4-62 (3) current or former employees of the Texas
 4-63 Department of Criminal Justice or of the predecessor in function of
 4-64 the department or any division of the department;

4-65 (4) commissioned security officers as defined by
 4-66 Section 1702.002, Occupations Code;

4-67 (5) a current or former district attorney, criminal
 4-68 district attorney, or county or municipal attorney whose
 4-69 jurisdiction includes any criminal law or child protective services

5-1 matters;

5-2 (5-a) a current or former employee of a district

5-3 attorney, criminal district attorney, or county or municipal

5-4 attorney whose jurisdiction includes any criminal law or child

5-5 protective services matters;

5-6 (6) officers and employees of a community supervision

5-7 and corrections department established under Chapter 76 who perform

5-8 a duty described by Section 76.004(b);

5-9 (7) criminal investigators of the United States as

5-10 described by Article 2.122(a), Code of Criminal Procedure;

5-11 (8) police officers and inspectors of the United

5-12 States Federal Protective Service;

5-13 (9) current and former employees of the office of the

5-14 attorney general who are or were assigned to a division of that

5-15 office the duties of which involve law enforcement;

5-16 (10) current or former juvenile probation and

5-17 detention officers certified by the Texas Juvenile Justice

5-18 Department, or the predecessors in function of the department,

5-19 under Title 12, Human Resources Code;

5-20 (11) current or former employees of a juvenile justice

5-21 program or facility, as those terms are defined by Section 261.405,

5-22 Family Code;

5-23 (12) current or former employees of the Texas Juvenile

5-24 Justice Department or the predecessors in function of the

5-25 department;

5-26 (13) federal judges and state judges as defined by

5-27 Section 1.005 [~~13.0021~~], Election Code; and

5-28 (14) current or former employees of the Texas Civil

5-29 Commitment Office or of the predecessor in function of the office or

5-30 a division of the office.

5-31 SECTION 9. The change in law made by this Act to Section

5-32 552.1175, Government Code, applies only to a request for

5-33 information that is received by a governmental body or an officer on

5-34 or after the effective date of this Act. A request for information

5-35 that was received before the effective date of this Act is governed

5-36 by the law in effect on the date the request was received, and the

5-37 former law is continued in effect for that purpose.

5-38 SECTION 10. Sections 13.0021(a) and 15.0215(a), Election

5-39 Code, are repealed.

5-40 SECTION 11. This Act takes effect September 1, 2019.

5-41 * * * * *