

By: Hughes, et al.

S.B. No. 16

A BILL TO BE ENTITLED

AN ACT

relating to requiring a person to submit proof of citizenship to register to vote; creating criminal offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 13.002, Election Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) A person desiring to register to vote must submit an application and proof of citizenship as required under Subsection (a-1) to the registrar of the county in which the person resides. Except as provided by Subsection (e), an application must be submitted by personal delivery, by mail, or by telephonic facsimile machine in accordance with Sections 13.143(d) and (d-2).

(a-1) A person desiring to register to vote shall submit to the registrar a copy of one of the following documents:

(1) a United States passport or passport card issued to the person;

(2) a certified copy of a birth certificate issued by a United States state or territory, or the District of Columbia;

(3) United States citizenship papers issued to the person;

(4) identification issued by the agency of the United States responsible for citizenship and immigration; or

(5) for citizens born abroad, a certificate of report

1 of birth or consular report of birth abroad issued by the United
2 States Department of State.

3 (a-2) An applicant registering to vote under Subchapter C,
4 Chapter 20, may satisfy the requirements of Subsection (a-1) by
5 providing the proof of citizenship required under Subsection (a-1)
6 to the Department of Public Safety.

7 SECTION 2. Subchapter B, Chapter 13, Election Code, is
8 amended by adding Section 13.0391 to read as follows:

9 Sec. 13.0391. PROOF OF CITIZENSHIP REQUIREMENTS. (a) On
10 receipt of a registration application, a volunteer deputy registrar
11 shall provide the applicant with a written notice that includes a
12 statement that:

13 (1) if the applicant's citizenship status cannot be
14 verified using the applicant's identification number provided
15 under Section 13.002(c)(8), the applicant must provide proof of
16 citizenship to the registrar under Section 13.002(a-1); and

17 (2) if the applicant does not provide the required
18 proof of citizenship, the applicant will be qualified to vote only a
19 limited federal ballot under Chapter 115.

20 (b) The notice described by Subsection (a) may be included
21 in the receipt provided to the voter under Section 13.040.

22 (c) A volunteer deputy registrar may not receive a voter's
23 proof of citizenship documentation under Section 13.002(a-1).

24 (d) The voter registrar shall provide training to the
25 volunteer deputy registrar regarding the requirements of this
26 section using training materials prescribed by the secretary of
27 state.

SECTION 3. Section 13.072, Election Code, is amended by amending Subsections (a) and (c) and adding Subsections (f) and (g) to read as follows:

(a) Except as provided by Section 13.0721, and unless ~~[Unless]~~ the registrar challenges the applicant, the registrar shall approve the application if:

(1) the registrar determines that an application complies with Section 13.002 and indicates that the applicant is eligible for registration; ~~and~~

(2) for an applicant who has not included a statement described by Section 13.002(c)(8)(C), the registrar verifies with the secretary of state:

(A) the applicant's Texas driver's license number or number of a personal identification card issued by the Department of Public Safety; or

(B) the last four digits of the applicant's social security number; and

(3) for an applicant who has not submitted proof of citizenship required under Section 13.002(a-1), the registrar verifies that the person is a United States citizen through the verification process described by Section 13.0721.

(c) Except as provided by Subsection (d) and Section 13.0721, if the registrar determines that an application does not comply with Section 13.002 or does not indicate that the applicant is eligible for registration, the registrar shall reject the application.

(f) A person commits an offense if the person knowingly

fails to reject an application as required under Subsection (c).

(g) An offense under this section is a state jail felony.

SECTION 4. Subchapter C, Chapter 13, Election Code, is amended by adding Sections 13.0721, 13.0722, and 13.0723 to read as follows:

Sec. 13.0721. VERIFICATION OF CITIZENSHIP BY REGISTRAR.

(a) Not later than the 10th day after the date an application for registration is submitted to the registrar without a proof of citizenship document required under Section 13.002(a-1), the registrar shall use all available resources to verify the citizenship status of the applicant and at a minimum shall compare the information available on the application with information relevant to citizenship provided to the registrar by the secretary of state from the following databases, provided the secretary of state has access:

(1) the Department of Public Safety's electronic databases;

(2) the Social Security Administration databases;

(3) the United States Citizenship and Immigration Services Systematic Alien Verification for Entitlements Program, if practicable;

(4) a national association for public health statistics and information systems electronic verification of vital events system; and

(5) any other federal, state, or other political subdivision database and any other database relating to voter registration to which the registrar has access.

1 (b) The secretary of state is authorized to contract with an
2 entity that governs a database described by Subsections (a)(1)-(5)
3 for purposes of verifying an applicant's citizenship and shall
4 provide the information in the contracted databases to a registrar
5 for the purpose of verifying citizenship.

6 (c) Notwithstanding the requirement to submit documentation
7 under Section 13.002(a-1), the registrar shall approve the
8 application if the registrar matches the applicant with information
9 that verifies the applicant is a United States citizen and is
10 otherwise eligible for registration under this chapter.

11 (d) If the registrar matches the applicant with information
12 that the applicant is not a United States citizen, the registrar
13 shall:

14 (1) reject the application;

15 (2) notify the applicant that the application was
16 rejected because the applicant is not a United States citizen; and

17 (3) forward the application to the county attorney and
18 attorney general for investigation under Subchapter G.

19 (e) If the registrar is unable to match the applicant with
20 appropriate citizenship information, the registrar shall:

21 (1) approve the application only for voting a limited
22 federal ballot under Chapter 115;

23 (2) notify the applicant:

24 (A) that the registrar could not verify that the
25 applicant is a United States citizen;

26 (B) that the applicant will be qualified to vote
27 only a limited federal ballot under Chapter 115 unless the

1 applicant provides a proof of citizenship document required under
2 Section 13.002(a-1); and

3 (C) of the procedures for submitting proof of
4 citizenship to the registrar in order to qualify for a full ballot.

5 (f) The registrar shall record the efforts made to verify an
6 applicant's citizenship status as required by this section.

7 (g) A person commits an offense if the person knowingly or
8 intentionally:

9 (1) registers an applicant to vote without the
10 verification required under Subsection (a); and

11 (2) causes an applicant who is not a United States
12 citizen to be registered.

13 (h) An offense under this section is a state jail felony.

14 Sec. 13.0722. LIMITATION ON VOTER QUALIFICATION. (a) An
15 individual who fails to submit proof of citizenship under Section
16 13.002(a-1) to the registrar and who is unable to be verified as a
17 United States citizen under Section 13.0721 is only qualified to
18 vote a limited federal ballot under Chapter 115.

19 (b) An individual who is qualified to vote only a limited
20 federal ballot under Chapter 115 may remove the limitation imposed
21 by this section by submitting proof of citizenship to the registrar
22 as required by Section 13.002(a-1) or by being verified by the
23 registrar as a United States citizen under Section 13.0721.

24 (c) The registrar shall enter the notation "F", or a similar
25 notation approved by the secretary of state, on the list of
26 registered voters beside each voter's name who is only qualified to
27 vote a limited federal ballot under Chapter 115.

1 Sec. 13.0723. VERIFICATION OF CITIZENSHIP FOR EXISTING
2 REGISTRANTS. (a) Not later than December 1, 2025, the secretary of
3 state shall provide information to each registrar under Section
4 13.0721(a) for each registered voter who registered to vote before
5 September 1, 2025, and who has not provided proof of citizenship
6 under Section 13.002.

7 (b) If the registrar matches the registered voter with
8 information that verifies the voter is a United States citizen and
9 is otherwise eligible for registration under this chapter, the
10 registrar shall record the efforts made to verify the individual's
11 citizenship status and indicate that the individual was verified as
12 a United States citizen.

13 (c) If the registrar matches the registered voter with
14 information that the voter is not a United States citizen, the
15 registrar shall record the efforts made to verify the voter's
16 citizenship status and investigate the eligibility of the voter
17 under Section 16.0332.

18 (d) If the registrar is unable to match the registered voter
19 with appropriate citizenship information, the registrar shall
20 record the efforts made to verify the voter's citizenship status
21 and indicate that the registrar was unable to verify the voter's
22 citizenship status and that the voter is qualified to vote only a
23 limited federal ballot under Chapter 115. The registrar will notify
24 the voter:

25 (1) that the registrar was unable to verify the voter's
26 citizenship status;

27 (2) that the voter will be qualified to vote only a

1 limited federal ballot under Chapter 115 unless the voter provides
2 a proof of citizenship document required under Section 13.002(a-1);
3 and
4 (3) of the procedures for submitting proof of
5 citizenship to the registrar in order to be qualified to vote a full
6 ballot.

7 SECTION 5. Section 13.121(a), Election Code, is amended to
8 read as follows:

9 (a) The officially prescribed application form for
10 registration by mail must be in the form of ~~[a]~~ business reply mail
11 ~~[postcard]~~, unless another form or system is used under Subsection
12 (b), with postage paid by the state. The secretary of state shall
13 design the form to enhance the legibility of its contents.

14 SECTION 6. Section 13.122(a), Election Code, is amended to
15 read as follows:

16 (a) In addition to the other statements and spaces for
17 entering information that appear on an officially prescribed
18 registration application form, each official form must include:

19 (1) the statement: "I understand that giving false
20 information to procure a voter registration is perjury and a crime
21 under state and federal law.";

22 (2) a space for the applicant's registration number;

23 (3) a space for the applicant's Texas driver's license
24 number or number of a personal identification card issued by the
25 Department of Public Safety;

26 (4) a space for the applicant's telephone number;

27 (5) a space for the applicant's social security

number;

(6) a space for the applicant's sex;

(7) a statement indicating that the furnishing of the applicant's telephone number and sex is optional;

(8) a space or box for indicating whether the applicant or voter is submitting new registration information or a change in current registration information;

(9) a statement instructing a voter who is using the form to make a change in current registration information to enter the voter's name and the changed information in the appropriate spaces on the form;

(10) a statement that if the applicant declines to register to vote, that fact will remain confidential and will be used only for voter registration purposes;

(11) a statement that if the applicant does register to vote, information regarding the agency or office to which the application is submitted will remain confidential and will be used only for voter registration purposes;

(12) a space or box for indicating whether the applicant is interested in working as an election judge;

(13) a statement warning that a conviction for making a false statement may result in imprisonment for up to the maximum amount of time provided by law, a fine of up to the maximum amount provided by law, or both the imprisonment and the fine;

(14) a statement that the applicant shall submit to the registrar information under Section 13.002(c)(8) or Subdivision (15) of this subsection that allows the registrar to

1 verify the applicant's citizenship or a copy of one of the following
2 documents:

3 (A) a United States passport or passport card
4 issued to the person;

5 (B) a certified copy of a birth certificate
6 issued by a United States state or territory, or the District of
7 Columbia;

8 (C) United States citizenship papers issued to
9 the person;

10 (D) identification issued by the agency of the
11 United States responsible for citizenship and immigration; or

12 (E) for citizens born abroad, a certificate of
13 report of birth or consular report of birth abroad issued by the
14 United States Department of State;

15 (15) a space for the applicant's alien registration
16 number, certificate of naturalization number, or certificate of
17 citizenship number, if applicable to the applicant; and

18 (16) [~~(14)~~] any other voter registration information
19 required by federal law or considered appropriate and required by
20 the secretary of state.

21 SECTION 7. Chapter 13, Election Code, is amended by adding
22 Subchapter G to read as follows:

23 SUBCHAPTER G. VERIFICATION OF CITIZENSHIP STATUS BY ATTORNEY

24 GENERAL; INVESTIGATION; OFFENSE

25 Sec. 13.151. VERIFICATION OF CITIZENSHIP STATUS. (a) The
26 secretary of state and each county registrar shall:

27 (1) make available to the attorney general a list of

1 all persons who are registered to vote and who have not provided
2 proof of citizenship as required by Section 13.002(a-1) or had the
3 person's citizenship verified under Section 13.0721; and

4 (2) provide to the attorney general the voter
5 registration applications of persons described by Subdivision (1).

6 (b) Not later than the 30th day after the date a county
7 registrar receives a voter registration application for a person
8 who has not provided proof of citizenship as required by Section
9 13.002(a-1), the secretary of state and the county voter registrar
10 shall provide to the attorney general the voter registration
11 application.

12 (c) After receiving a voter registration application under
13 Subsection (a) or (b), the attorney general shall use all available
14 resources to verify the citizenship status of the applicant and at a
15 minimum compare the information available on the voter registration
16 application with the databases described by Section 13.0721(a).

17 (d) The secretary of state shall provide to the attorney
18 general access and any assistance necessary to satisfy the
19 requirements of this section.

20 Sec. 13.152. REPORT. (a) Not later than March 31, 2026,
21 the attorney general shall prepare and submit to the secretary of
22 state, the lieutenant governor, and the speaker of the house of
23 representatives a report detailing all findings relating to the
24 citizenship status of persons who are registered to vote and who
25 have not provided a proof of citizenship document required under
26 Section 13.002(a-1).

27 (b) This section expires April 1, 2026.

1 Sec. 13.153. ILLEGAL REGISTRATION. (a) A person commits an
2 offense if the person:

3 (1) knowingly or intentionally applies to register as
4 a voter in this state; and

5 (2) is not a United States citizen.

6 (b) An offense under this section is a state jail felony.

7 Sec. 13.154. PROSECUTION BY ATTORNEY GENERAL. If a
8 district attorney, criminal district attorney, or county attorney
9 fails to prosecute conduct constituting an offense under Section
10 13.153 within 180 days after discovering a person engaged in the
11 conduct, the attorney general shall prosecute the offense.

12 SECTION 8. Section 15.021, Election Code, is amended by
13 adding Subsection (f) to read as follows:

14 (f) A voter who has previously provided proof of citizenship
15 as required by Section 13.002(a-1) or has been verified as a United
16 States citizen under Section 13.0721(b) is not required to provide
17 proof of citizenship when submitting an update, change, or
18 correction to the voter's registration information.

19 SECTION 9. Subchapter B, Chapter 15, Election Code, is
20 amended by adding Section 15.0211 to read as follows:

21 Sec. 15.0211. NOTATION FOR DETERMINATION OF BALLOT. (a)
22 The registrar shall enter the notation "F", or a similar notation
23 approved by the secretary of state, on the list of registered voters
24 beside the name of each voter whose United States citizenship has
25 not been verified.

26 (b) The registrar shall delete the notation from the list if
27 the voter provides proof of citizenship in accordance with Section

1 13.002(a-1) or is verified as a United States citizen under Section
2 13.0721.

3 SECTION 10. Chapter 63, Election Code, is amended by adding
4 Section 63.007 to read as follows:

5 Sec. 63.007. LIMITED FEDERAL BALLOT VOTER. A voter whose
6 name is on the precinct list of registered voters with an "F" beside
7 the voter's name shall only be accepted for voting a limited federal
8 ballot under Chapter 115.

9 SECTION 11. Section 111.001, Election Code, is amended to
10 read as follows:

11 Sec. 111.001. RESTRICTED BALLOT. In this subtitle,
12 "restricted ballot" means a ballot that is restricted to the
13 offices and propositions stating measures on which a person is
14 entitled to vote under Chapter 112, 113, ~~or~~ 114, or 115.

15 SECTION 12. Subtitle C, Title 7, Election Code, is amended
16 by adding Chapter 115 to read as follows:

17 CHAPTER 115. VOTING LIMITED FEDERAL BALLOT

18 Sec. 115.001. ELIGIBILITY. A person is eligible to vote a
19 limited federal ballot by personal appearance during the early
20 voting period or on election day if:

21 (1) the person has registered to vote under Chapter
22 13;

23 (2) the person has not provided proof of citizenship
24 as required by Section 13.002(a-1); and

25 (3) the county registrar is unable to match the person
26 with appropriate citizenship information under Section 13.0721.

27 Sec. 115.002. PROCEDURE FOR VOTING BY PERSONAL APPEARANCE.

1 (a) A voter who votes a limited federal ballot shall place the
2 marked ballot in a sealed envelope designed for limited federal
3 ballots. The presiding judge shall place the sealed envelope in a
4 locked, sealed container that is designated specifically for
5 limited federal ballots.

6 (b) The presiding judge shall provide a notice prescribed by
7 the secretary of state to a voter who votes a limited federal ballot
8 under Subsection (a). The notice must inform the voter that:

9 (1) because the voter registrar was unable to verify
10 the voter's citizenship status, the voter is qualified to vote only
11 a limited federal ballot under this chapter;

12 (2) the voter must provide proof of citizenship to the
13 voter registrar not later than the sixth day after election day in
14 order for a voter's limited federal ballot to be counted as a full
15 ballot; and

16 (3) if the voter does not provide proof of citizenship
17 to the voter registrar by the sixth day after election day, then
18 only the races for the offices of United States senator or United
19 States representative on the voter's ballot will be counted.

20 (c) The early voting clerk shall deliver the container
21 containing the limited federal ballots cast during the period for
22 early voting by personal appearance and its key to the voter
23 registrar at the end of the period for early voting by personal
24 appearance.

25 (d) The presiding judge shall deliver the container
26 containing the limited federal ballots cast on election day and its
27 key to the voter registrar on election night.

1 Sec. 115.003. VOTER REGISTRAR REVIEW OF LIMITED FEDERAL
2 BALLOTS. (a) If a voter presents proof of citizenship to the voter
3 registrar before the sixth day after the date of the election, then
4 the voter registrar shall indicate on the sealed envelope that the
5 voter has provided proof of citizenship under Section 13.002(a-1)
6 and is entitled to a full ballot. The voter registrar shall
7 indicate on the voter's registration record that the voter has
8 provided proof of citizenship.

9 (b) If a voter fails to present proof of citizenship to the
10 voter registrar by the deadline prescribed by Subsection (a), then
11 the voter registrar shall indicate on the sealed envelope that the
12 voter has not provided proof of citizenship and is entitled to vote
13 for the offices of United States senator or United States
14 representative only.

15 (c) If a voter notifies the voter registrar that the voter
16 is not a United States citizen, then the voter registrar will notate
17 on the sealed envelope that the limited federal ballot is canceled.
18 The registrar will retain the sealed envelope for the duration of
19 the preservation period for precinct election records and shall
20 cancel the voter's voter registration.

21 (d) The voter registrar will deliver the container
22 containing the limited federal ballots that have been reviewed by
23 the registrar to the presiding judge of the early voting ballot
24 board.

25 (e) The registrar shall deliver the container containing
26 the limited federal ballots to the presiding judge of the early
27 voting ballot board on a rolling basis. The first delivery of

1 limited federal ballots to the early voting ballot board must be
2 made not later than election day. The last delivery of limited
3 federal ballots to the early voting ballot board must be made not
4 later than the last day for the early voting ballot board to meet
5 after election day under Section 87.125.

6 Sec. 115.004. EARLY VOTING BALLOT BOARD REVIEW OF LIMITED
7 FEDERAL BALLOTS. (a) The early voting ballot board shall separate
8 the sealed envelopes for voters who have qualified for full ballots
9 under Section 115.003(a) from the sealed envelopes for voters who
10 are qualified to vote only for the offices of United States senator
11 or United States representative under Section 115.003(b).

12 (b) The early voting ballot board will remove the ballots
13 from the sealed envelopes and place the ballots that are qualified
14 as full ballots in separate containers from the ballots that are
15 restricted to only the offices of United States senator or United
16 States representative.

17 (c) The early voting ballot board will count each race on
18 the ballots that are qualified as full ballots.

19 (d) The early voting ballot board will only count the races
20 of United States senator and United States representative on the
21 ballots that are restricted to those offices. The early voting
22 ballot board will strike through the remaining races on the ballot
23 to indicate that those races cannot be counted.

24 (e) The early voting ballot board will count the ballots as
25 follows:

26 (1) for ballots to be counted manually, in the manner
27 provided by Subchapter D, Chapter 87; and

1 (2) for ballots to be counted by automatic tabulating
2 equipment, in the manner provided by Subchapter F, Chapter 87.

3 (f) The early voting ballot board will deliver the returns
4 of limited federal ballots, the limited federal ballots, and other
5 records to the general custodian of election records for
6 preservation. The records shall be preserved for the duration of
7 the period for preserving precinct election records.

8 Sec. 115.005. NOTICE OF OUTCOME TO VOTER. (a) Not later
9 than the 10th day after the local canvass, the presiding judge of
10 the early voting ballot board shall deliver written notice to a
11 voter who submits a ballot under this chapter regarding whether:

12 (1) the ballot was counted as a full ballot;

13 (2) the ballot was counted as a ballot restricted to
14 the offices of United States senator and United States
15 representative; or

16 (3) the ballot could not be counted.

17 (b) A notice under Subsection (a)(1) must include a
18 statement that all races on the voter's ballot were counted because
19 the voter provided proof of citizenship as required by this
20 chapter.

21 (c) A notice under Subsection (a)(2) must include:

22 (1) a statement that only the voter's selections for
23 offices of United States senator and United States representative
24 on the voter's ballot were counted because the voter did not provide
25 proof of citizenship as required by this chapter; and

26 (2) instructions to the voter for providing proof of
27 citizenship to the registrar required by Section 13.002(a-1) in

1 order to receive a full ballot for future elections.

2 (d) A notice under Subsection (a)(3) must include:

3 (1) a statement that the voter's ballot was not able to
4 be counted because the voter provided information to the registrar
5 that the voter is not a United States citizen; and

6 (2) a statement that the voter's registration has been
7 canceled.

8 SECTION 13. As soon as practicable after the effective date
9 of this Act, the secretary of state shall adopt rules necessary to
10 implement the changes in law made by this Act.

11 SECTION 14. (a) Not later than January 1, 2026, the
12 secretary of state shall request that the federal Election
13 Assistance Commission alter the mail voter registration
14 application form requirements described in the National Voter
15 Registration Act of 1993 (52 U.S.C. Section 20501 et seq.) to
16 include a requirement that applicants submit documented proof of
17 citizenship as a condition to registration in Texas.

18 (b) If the federal Election Assistance Commission fails to
19 comply with the secretary of state's request under Subsection (a)
20 of this section before the 180th day following the date of that
21 request, the attorney general shall seek enforcement in a court of
22 law.

23 SECTION 15. This Act takes effect September 1, 2025.