

By: Lang

H.B. No. 1072

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to requiring a voter to be affiliated with a political  
3 party to vote in that party's primary election or otherwise  
4 participate in that party's affairs; creating a criminal offense;  
5 amending provisions subject to a criminal penalty.

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

7 SECTION 1. Section 13.002(c), Election Code, is amended to  
8 read as follows:

9 (c) A registration application must include:

- 10 (1) the applicant's first name, middle name, if any,  
11 last name, and former name, if any;
- 12 (2) the month, day, and year of the applicant's birth;
- 13 (3) a statement that the applicant is a United States  
14 citizen;
- 15 (4) a statement that the applicant is a resident of the  
16 county;
- 17 (5) a statement that the applicant has not been  
18 determined by a final judgment of a court exercising probate  
19 jurisdiction to be:
- 20 (A) totally mentally incapacitated; or  
21 (B) partially mentally incapacitated without the  
22 right to vote;
- 23 (6) a statement that the applicant has not been  
24 finally convicted of a felony or that the applicant is a felon

1 eligible for registration under Section 13.001;

2 (7) the applicant's residence address or, if the  
3 residence has no address, the address at which the applicant  
4 receives mail and a concise description of the location of the  
5 applicant's residence;

6 (8) the following information:

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

10 (B) if the applicant has not been issued a number  
11 described by Paragraph (A), the last four digits of the applicant's  
12 social security number; or

13 (C) a statement by the applicant that the  
14 applicant has not been issued a number described by Paragraph (A) or  
15 (B);

16 (9) if the application is made by an agent, a statement  
17 of the agent's relationship to the applicant; ~~and~~

18 (10) the city and county in which the applicant  
19 formerly resided; and

20 (11) the applicant's political party affiliation, if  
21 any.

22 SECTION 2. Section 13.122(a), Election Code, is amended to  
23 read as follows:

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

27 (1) the statement: "I understand that giving false

1 information to procure a voter registration is perjury and a crime  
2 under state and federal law.";

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

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

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

8 (5) a space for the applicant's social security  
9 number;

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

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

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

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

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

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

27 (12) a space or box for indicating whether the

1 applicant is interested in working as an election judge;

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

6 (14) a space for the applicant's political party  
7 affiliation; and

8 (15) any other voter registration information  
9 required by federal law or considered appropriate and required by  
10 the secretary of state.

11 SECTION 3. Section 14.001, Election Code, is amended by  
12 adding Subsections (e) and (f) to read as follows:

13 (e) Notwithstanding Subsection (a), the registrar may not  
14 issue a renewal certificate to a voter before December 31, 2017,  
15 unless the voter's political party affiliation, if any, appears on  
16 the list described by Section 18.005(a). The registrar must issue a  
17 renewal certificate to each voter entitled to a renewal certificate  
18 under this section not later than January 20, 2018. This subsection  
19 expires January 31, 2018.

20 (f) A renewal certificate issued in January 2018 is  
21 considered to have been issued in the prior year for purposes of  
22 Subsection (c). This subsection expires December 31, 2019.

23 SECTION 4. Section 15.001(a), Election Code, is amended to  
24 read as follows:

25 (a) Each voter registration certificate issued must  
26 contain:

27 (1) the voter's name in the form indicated by the

1 voter, subject to applicable requirements prescribed by Section  
2 13.002 and by rule of the secretary of state;

3 (2) the voter's residence address or, if the residence  
4 has no address, the address at which the voter receives mail and a  
5 concise description of the location of the voter's residence;

6 (3) the month, day, and year of the voter's birth;

7 (4) the number of the county election precinct in  
8 which the voter resides;

9 (5) the voter's effective date of registration if an  
10 initial certificate;

11 (6) the voter's registration number;

12 (7) an indication of the period for which the  
13 certificate is issued;

14 (8) a statement explaining the circumstances under  
15 which the voter will receive a new certificate;

16 (9) a space for indicating [~~stamping~~] the voter's  
17 political party affiliation;

18 (10) a statement that voting with the certificate by a  
19 person other than the person in whose name the certificate is issued  
20 is a felony;

21 (11) a space for the voter's signature;

22 (12) a statement that the voter must sign the  
23 certificate personally, if able to sign, immediately on receipt;

24 (13) a space for the voter to correct the information  
25 on the certificate followed by a signature line;

26 (14) the statement: "If any information on this  
27 certificate changes or is incorrect, correct the information in the

1 space provided, sign below, and return this certificate to the  
2 voter registrar.";

3 (15) the registrar's mailing address and telephone  
4 number; and

5 (16) the jurisdictional or distinguishing number for  
6 the following territorial units in which the voter resides, as  
7 determined by the voter registrar:

8 (A) congressional district;

9 (B) state senatorial district;

10 (C) state representative district;

11 (D) commissioners precinct;

12 (E) justice precinct;

13 (F) city election precinct; and

14 (G) school district election precinct.

15 SECTION 5. Section 15.025(a), Election Code, is amended to  
16 read as follows:

17 (a) Except as provided by Subsections (b) and (d) and  
18 Section 162.003(e), the registration of a voter described by this  
19 subsection whose information is changed on the registration records  
20 becomes effective as to the change on the 30th day after:

21 (1) the date the voter submits to the registrar a  
22 notice of a change in registration information under Section  
23 15.021 or a response under Section 15.053, indicating the change;  
24 or

25 (2) the date the voter submits a statement of  
26 residence to an election officer under Section 63.0011 or a  
27 registration application or change of address to an agency employee

1 under Chapter 20, indicating the change.

2 SECTION 6. Section 18.005(a), Election Code, is amended to  
3 read as follows:

4 (a) Each original and supplemental list of registered  
5 voters must:

6 (1) contain the voter's name, date of birth, and  
7 registration number as provided by the statewide computerized voter  
8 registration list;

9 (2) contain the voter's residence address, except as  
10 provided by Subsections (b) and (c) or Section 18.0051;

11 (3) be arranged alphabetically by voter name; ~~and~~

12 (4) contain the notation required by Section 15.111;  
13 and

14 (5) contain the political party affiliation of each  
15 voter, if any.

16 SECTION 7. Section 63.011(a), Election Code, is amended to  
17 read as follows:

18 (a) A person to whom Section 63.001(g), ~~or~~ 63.009, or  
19 172.1114(c) applies may cast a provisional ballot if the person  
20 executes an affidavit stating that the person:

21 (1) is a registered voter in the precinct in which the  
22 person seeks to vote; and

23 (2) is eligible to vote in the election.

24 SECTION 8. Section 112.002, Election Code, is amended by  
25 adding Subsection (g) to read as follows:

26 (g) If the voter seeks a limited ballot for a party primary  
27 election, the voter must indicate the political party the voter was

1 affiliated with at the address where the voter was previously  
2 registered on the statement executed under Subsection (c). If the  
3 early voting clerk can establish the voter's affiliation from the  
4 previous registration, the voter is entitled to vote a limited  
5 ballot in that party's primary.

6 SECTION 9. Section 142.004(a), Election Code, is amended to  
7 read as follows:

8 (a) To be entitled to a place on the general election  
9 ballot, a candidate must:

- 10 (1) make an application for a place on the ballot; and  
11 (2) not be affiliated with a political party at the  
12 time the application is made.

13 SECTION 10. Section 142.008, Election Code, is amended to  
14 read as follows:

15 Sec. 142.008. STATEMENT ON PETITION. The following  
16 statement must appear at the top of each page of a candidate's  
17 petition: "I know the purpose of this petition. I am not  
18 affiliated with a political party that holds a primary election  
19 ~~[have not voted in the general primary election or runoff primary~~  
20 ~~election of any political party that has nominated, at either~~  
21 ~~election, a candidate for the office of (insert office title) for~~  
22 ~~which (insert candidate's name) is a candidate]."~~

23 SECTION 11. Section 142.009, Election Code, is amended to  
24 read as follows:

25 Sec. 142.009. PETITION TO BE CIRCULATED AFTER PRIMARY. A  
26 signature on a candidate's petition is invalid if the signer:

- 27 (1) signed the petition on or before general primary



1 election day or, if a runoff primary is held for the office sought  
2 by the candidate, on or before runoff primary election day; or

3 (2) is affiliated with a political party that holds a  
4 primary election [~~voted in the general or runoff primary election~~  
5 ~~of a political party that made a nomination, at either primary, for~~  
6 ~~the office sought by the candidate~~].

7 SECTION 12. Section 161.005(a), Election Code, is amended  
8 to read as follows:

9 (a) To be eligible to be a candidate for or to serve as a  
10 county or precinct chair of a political party, a person must:

11 (1) be a qualified voter of the county and affiliated  
12 with that political party; and

13 (2) except as provided by Subsection (c), not be a  
14 candidate for nomination or election to, or be the holder of, an  
15 elective office of the federal, state, or county government.

16 SECTION 13. Section 162.001(a), Election Code, is amended  
17 to read as follows:

18 (a) A person must be affiliated with a political party to be  
19 eligible:

20 (1) to serve as a delegate to or otherwise participate  
21 in a convention held by the party under this code;

22 (2) to be elected as a member of or be appointed to  
23 fill a vacancy on a state executive committee;

24 (3) to be appointed to fill a vacancy on a county  
25 executive committee;

26 (4) to vote in the party's primary election;

27 (5) to be a candidate in the party's primary election;

1           (6) to be the party's nominee for an office elected at  
2 the general election for state and county officers;

3           (7) to be a presidential elector for the political  
4 party; or

5           (8) [~~4~~] for any other purpose within the party as  
6 adopted by state party rules.

7           SECTION 14. Section 162.003, Election Code, is amended to  
8 read as follows:

9           Sec. 162.003. AFFILIATION PROCEDURE [~~BY VOTING IN~~  
10 ~~PRIMARY~~]. (a) A person becomes affiliated with a political party  
11 by notifying the registrar of the person's affiliation [~~when the~~  
12 ~~person~~].

13           ~~[(1) is accepted to vote in the party's primary~~  
14 ~~election; or~~

15           ~~[(2) applies for and is provided an early voting or~~  
16 ~~limited primary ballot to be voted by mail].~~

17           (b) At the time a person registers to vote the person may:

18           (1) affiliate with a political party that holds a  
19 primary election or a political party that makes its nominations by  
20 convention regardless of whether the party has a state  
21 organization; or

22           (2) indicate no affiliation with any political party.

23           (c) Affiliation under Subsection (b)(1) takes effect on the  
24 first anniversary of the date the person submits a registration  
25 application to the registrar.

26           (d) A registered voter who does not indicate an affiliation  
27 with a political party of this state shall be listed as

1 "independent" on the voter's registration certificate and on the  
2 list of registered voters.

3 (e) A registered voter may change the voter's affiliation  
4 status by notifying the registrar as provided by Section 15.021.  
5 The change becomes effective on the first anniversary of the date  
6 the voter submits notice of the change to the registrar under  
7 Section 15.021.

8 (f) A person may also indicate a party affiliation at the  
9 time the person submits a federal postcard application under  
10 Chapter 101. The affiliation takes effect at the time provided for  
11 a change under Subsection (e).

12 (g) The secretary of state shall prescribe any additional  
13 procedures necessary to implement this section.

14 (h) Notwithstanding Subsections (c) and (e), if a person  
15 notifies the registrar of the person's affiliation not later than  
16 December 31, 2017, the affiliation takes effect on the first  
17 election at which the person is eligible to vote following the  
18 submission of the registration or change, as applicable. This  
19 subsection expires December 31, 2018.

20 SECTION 15. Section 162.010(a), Election Code, is amended  
21 to read as follows:

22 (a) A [~~Except as provided by Subsection (b), a~~] party  
23 affiliation expires on cancellation of a voter's registration or at  
24 the time a change in affiliation takes effect under Section  
25 162.003(e) [at the end of the voting year in which the person became  
26 affiliated].

27 SECTION 16. Section 162.013, Election Code, is amended to

1 read as follows:

2           Sec. 162.013. VOID VOTE. A vote in a primary election is  
3 void if the voter is not affiliated with the political party holding  
4 the primary [~~previously voted in a primary election of another~~  
5 ~~party or participated in a convention of another party during the~~  
6 ~~same voting year~~].

7           SECTION 17. Section 162.014(a), Election Code, is amended  
8 to read as follows:

9           (a) A person commits an offense if the person knowingly  
10 votes or attempts to vote in a primary election or participates or  
11 attempts to participate in a convention of a party without being  
12 affiliated with that party [~~after having voted in a primary~~  
13 ~~election or participated in a convention of another party during~~  
14 ~~the same voting year~~].

15           SECTION 18. Section 162.017(e), Election Code, is amended  
16 to read as follows:

17           (e) The preregistration process must [~~include the statement~~  
18 ~~described by Section 162.004(a) and~~] require a preregistering  
19 attendee to be affiliated [~~affiliate~~] with the party [~~by taking the~~  
20 ~~oath described in Section 162.007(b)~~].

21           SECTION 19. Section 172.021, Election Code, is amended by  
22 amending Subsection (b) and adding Subsections (b-3) and (e) to  
23 read as follows:

24           (b) In [~~An application must, in~~] addition to complying with  
25 Section 141.031, an application must:

26                   (1) indicate that, at the time of the application, the  
27 applicant is affiliated with the political party whose nomination

1 for office the candidate seeks; and

2 (2) be accompanied by the appropriate filing fee or a  
3 petition in lieu of the filing fee that satisfies the requirements  
4 prescribed by Section 141.062. [~~A political party may not require~~  
5 ~~payment of a fee as a condition to applying for a place on the ballot~~  
6 ~~as a candidate for county chair or precinct chair.~~]

7 (b-3) A political party may not require payment of a fee  
8 under this section as a condition to applying for a place on the  
9 ballot as a candidate for county chair or precinct chair.

10 (e) A signature on a petition under this section is not  
11 valid if at the time of signing the signer is affiliated with a  
12 political party other than the party whose nomination for office  
13 the candidate seeks. A signature on a petition under this section  
14 is valid if at the time of signing the signer is unaffiliated with a  
15 political party.

16 SECTION 20. Section 172.026, Election Code, is amended to  
17 read as follows:

18 Sec. 172.026. RESTRICTION ON PETITION SIGNER. On signing a  
19 petition to be filed under Section 172.021, the signer becomes  
20 ineligible to affiliate with [~~vote in a primary election or~~  
21 ~~participate in a convention of~~] another political party during the  
22 voting year in which the primary election is held.

23 SECTION 21. Section 172.027, Election Code, is amended to  
24 read as follows:

25 Sec. 172.027. STATEMENT ON PETITION. The following  
26 statement must appear at the top of each page of a petition to be  
27 filed under Section 172.021: "I know that the purpose of this

1 petition is to entitle (insert candidate's name) to have his or her  
2 name placed on the ballot for the office of (insert office title,  
3 including any place number or other distinguishing number) for the  
4 (insert political party's name) primary election. I understand  
5 that by signing this petition I become ineligible to affiliate with  
6 another political party or to vote [in a primary election] or  
7 participate in a primary election or convention of another party,  
8 including a party not holding a primary election, during the voting  
9 year in which this primary election is held."

10 SECTION 22. Section [172.086](#), Election Code, is amended to  
11 read as follows:

12 Sec. 172.086. PLEDGE ON BALLOT. The following pledge shall  
13 be placed on the primary election ballot above the listing of  
14 candidates' names: "I am a (insert appropriate political party)  
15 and understand that I am ineligible to affiliate with another  
16 political party or to vote or participate in another political  
17 party's primary election or convention during this voting year."

18 SECTION 23. Section [172.088\(c\)](#), Election Code, is amended  
19 to read as follows:

20 (c) A petition signer may not at the time of signing be  
21 affiliated with another political party. A political party by rule  
22 may provide for permitting voters who are not affiliated with any  
23 political party to be eligible to sign a petition under this section  
24 ~~[restricting petition signers on the basis of party alignment or~~  
25 ~~preference].~~

26 SECTION 24. Subchapter E, Chapter [172](#), Election Code, is  
27 amended by adding Section 172.1114 to read as follows:

1       Sec. 172.1114. AFFILIATION WITH PARTY REQUIRED. (a) The  
2 signature roster for a primary election must state at the top of  
3 each page "A person commits a criminal offense if the person  
4 knowingly votes in a primary election or participates in a  
5 convention of a party without being affiliated with that party."

6       (b) Except as provided by Subsection (c), a person may not  
7 be accepted for voting in a primary election of a political party  
8 unless:

9           (1) the list of registered voters indicates that the  
10 person is affiliated with that political party; or

11           (2) the voter's registration certificate indicates  
12 that the voter is affiliated with that political party.

13       (c) A person who seeks to vote in a primary election but  
14 cannot establish the person's party affiliation under Subsection  
15 (b) may be accepted only for provisional voting under Section  
16 [63.011](#).

17       SECTION 25. Section [172.126](#)(g), Election Code, is amended  
18 to read as follows:

19       (g) A separate set of ballot boxes or other suitable  
20 containers approved by the secretary of state shall be used for each  
21 party's primary, except that one set of ballot boxes or other  
22 containers may be used in a joint primary using an electronic voting  
23 system in which the ballots are deposited by the voters directly  
24 into a unit of automatic tabulating equipment. [~~The lists of~~  
25 ~~registered voters and the voters' registration certificates shall~~  
26 ~~be marked and stamped to show the appropriate party affiliation for~~  
27 ~~each voter.~~] A separate list of registered voters shall be used for

1 each party's primary. The secretary of state by rule shall  
2 prescribe requirements to ensure that one party's ballot is readily  
3 distinguished from another's, which may include the use of  
4 different colors of ink.

5 SECTION 26. Sections 181.006(f) and (g), Election Code, are  
6 amended to read as follows:

7 (f) The following statement must appear at the top of each  
8 page of the petition: "I know that the purpose of this petition is  
9 to entitle the \_\_\_\_\_ Party to have its nominees placed on the  
10 ballot in the general election for state and county officers. I am  
11 not affiliated with another political party. [~~I have not voted in~~  
12 ~~a primary election or participated in a convention of another party~~  
13 ~~during this voting year, and I understand that I become ineligible~~  
14 ~~to do so by signing this petition.~~] I understand that signing more  
15 than one petition to entitle a party to have its nominees placed on  
16 the general election ballot in the same election is prohibited."

17 (g) A person who is affiliated with another political party  
18 [~~has voted in a primary election or participated in a convention of~~  
19 ~~another party during the voting year in which the petition is~~  
20 ~~circulated~~] is ineligible to sign the petition, and the signature  
21 of such a person is invalid.

22 SECTION 27. Section 181.031(a), Election Code, is amended  
23 to read as follows:

24 (a) To be entitled to be considered for nomination by a  
25 convention held under this chapter, a person must:

- 26 (1) make an application for nomination; and  
27 (2) be affiliated with the political party whose



1 nomination for office the candidate seeks.

2 SECTION 28. Section 181.065, Election Code, is amended to  
3 read as follows:

4 Sec. 181.065. PARTICIPANT TO BE AFFILIATED WITH PARTY  
5 [~~REGISTERED VOTER~~]. To be eligible to participate in a precinct  
6 convention held under this chapter, a person must be affiliated  
7 with the political party [~~a registered voter of the precinct or a~~  
8 ~~precinct resident who is eligible to vote a limited ballot~~].

9 SECTION 29. Section 182.0041(a), Election Code, is amended  
10 to read as follows:

11 (a) To be entitled to be considered for nomination by a  
12 convention held under this chapter, a person must:

- 13 (1) make an application for nomination; and  
14 (2) be affiliated with the political party whose  
15 nomination for office the candidate seeks.

16 SECTION 30. Sections 192.032(f) and (g), Election Code, are  
17 amended to read as follows:

18 (f) The following statement must appear at the top of each  
19 page of the petition: "I am not affiliated with a political party  
20 that has held [~~did not vote this year in~~] a presidential primary  
21 election this year."

22 (g) A signature on the petition is invalid if the signer:

- 23 (1) signs the petition on or before the date of the  
24 presidential primary election in the presidential election year; or  
25 (2) is affiliated with a political party that has held  
26 [~~voted in~~] a presidential primary election during the presidential  
27 election year.

1 SECTION 31. Section 203.011, Election Code, is amended to  
2 read as follows:

3 Sec. 203.011. PARTY ALIGNMENT ON BALLOT. The party  
4 alignment of each candidate shall be printed on the official ballot  
5 next to the candidate's name. If a candidate is affiliated with a  
6 political party, that party shall be printed next to the  
7 candidate's name regardless of the party alignment provided on the  
8 application under Section 203.005(b).

9 SECTION 32. Sections 162.001(b), 162.004, 162.005,  
10 162.006, 162.007, 162.008, 162.009, 162.010(b), 162.011, 162.012,  
11 172.1141, and 172.125, Election Code, are repealed.

12 SECTION 33. (a) Not later than October 1, 2017, the voter  
13 registrar of each county shall mail to each registered voter in the  
14 county notice of the affiliation requirement necessary to vote in a  
15 party primary election or to participate in the affairs of a  
16 political party. The notice must:

17 (1) inform the voter that to vote in a party primary  
18 election or to otherwise participate in the affairs of a political  
19 party the voter must be affiliated with that party;

20 (2) inform the voter of the process of affiliation  
21 with the voter registrar and state that if a voter does not provide  
22 an affiliation, the voter's next registration certificate will  
23 indicate that the voter is "independent" and unable to vote in a  
24 party's primary;

25 (3) include a postage paid postcard that may be  
26 returned to the voter registrar to indicate the voter's  
27 affiliation; and

1           (4) be in the form prescribed by the secretary of  
2 state.

3           (b) If a registered voter does not indicate a party  
4 affiliation before December 31, 2017, the voter registrar shall  
5 list the voter's initial affiliation status as "independent."

6           (c) The change in law made by Section 18.005(a), Election  
7 Code, as amended by this Act, requiring that each list of registered  
8 voters must indicate the political affiliation of each voter  
9 applies only to a list of registered voters produced by a voter  
10 registrar on or after December 31, 2017.

11           (d) The change in law made by Section 15.001(a), Election  
12 Code, as amended by this Act, requiring that each voter  
13 registration certificate must indicate the political affiliation  
14 of the voter applies only to a certificate effective for voting on  
15 or after January 1, 2018.

16           SECTION 34. This Act takes effect September 1, 2017.