

By: Simmons

H.B. No. 4000

A BILL TO BE ENTITLED

AN ACT

relating to the verification of citizenship of an applicant for voter registration.

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

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

(a) A person desiring to register to vote must submit an application 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 Section 13.143(d-2) [~~Sections 13.143(d) and (d-2)~~].

SECTION 2. Section 13.046(f), Election Code, is amended to read as follows:

(f) Except as provided by this subsection, Sections 13.039[~~13.041~~] and 13.042 apply to the submission and delivery of registration applications under this section, and for that purpose, "volunteer deputy registrar" in those sections includes a high school deputy registrar. A high school deputy registrar may review an application for completeness out of the applicant's presence. A deputy may deliver a group of applications to the registrar by mail in an envelope or package, and, for the purpose of determining compliance with the delivery deadline, an application delivered by mail is considered to be delivered at the time of its

1 receipt by the registrar.

2 SECTION 3. Section 13.071, Election Code, is amended to
3 read as follows:

4 Sec. 13.071. REVIEW OF APPLICATION. (a) The registrar
5 shall review each submitted application for registration to
6 determine whether it complies with Section 13.002 and indicates
7 that the applicant is a United States citizen eligible for
8 registration.

9 (b) If the application is submitted to the Department of
10 Public Safety in person with the proof of citizenship required by
11 Section 20.063(e), the [The] registrar shall make the determination
12 not later than the seventh day after the date the application is
13 submitted to the registrar.

14 (c) If the application is submitted in a manner other than
15 the manner described by Subsection (b), the registrar shall forward
16 the information relating to the applicant to the secretary of state
17 for determining citizenship as provided by Section 13.0721.

18 SECTION 4. Subchapter C, Chapter 13, Election Code, is
19 amended by adding Section 13.0721 to read as follows:

20 Sec. 13.0721. DETERMINATION OF CITIZENSHIP. (a) This
21 section does not apply to an application for registration submitted
22 to the Department of Public Safety in person with the proof of
23 citizenship required by Section 20.063(e).

24 (b) The secretary of state shall verify with the Department
25 of Public Safety the citizenship status of each applicant for voter
26 registration whose information is forwarded to the secretary of
27 state as provided by Section 13.071(c). If the department verifies

1 the applicant's citizenship status, the secretary of state shall
2 notify the registrar.

3 (c) If the Department of Public Safety cannot verify the
4 citizenship status of an applicant, the secretary of state shall,
5 to the extent feasible, utilize the E-verify program of the Illegal
6 Immigration Reform and Immigrant Responsibility Act of 1996 (Pub.
7 L. No. 104-208, reprinted in note, 8 U.S.C. Section 1324a) or a
8 successor program designated by the United States Department of
9 Homeland Security to attempt to verify the applicant's citizenship
10 status.

11 (d) If secretary of state cannot verify citizenship status
12 under Subsection (b) or (c), the registrar and the applicant shall
13 be notified as provided by secretary of state rule.

14 (e) An applicant for voter registration who receives notice
15 under Subsection (d) must provide proof of citizenship to the
16 registrar not later than the 60th day after the date of receipt.
17 Except as provided by Subsection (d), this proof must be presented
18 in person. The following is acceptable as proof of citizenship
19 under this section:

20 (1) an unexpired passport issued to the person;

21 (2) a certified copy of a birth certificate or other
22 document confirming the person's birth that is admissible in a
23 court of law and establishes the person's identity, presented with
24 a government-issued identification that contains the person's
25 photograph; or

26 (3) United States citizenship papers issued to the
27 person, presented with a government-issued identification that

1 contains the person's photograph.

2 (d) An applicant may mail a certified copy of a document
3 described by Subsection (c)(2) or (3) with a copy of the person's
4 government-issued photo identification to the registrar.

5 (e) If an applicant does not provide proof of citizenship as
6 required, the registrar shall reject the application and notify the
7 secretary of state. The secretary of state shall keep a list of
8 applicants of which the secretary receives notice under this
9 section.

10 (f) The secretary of state shall adopt rules and prescribe
11 procedures to implement this section.

12 SECTION 5. Section 13.143(a), Election Code, is amended to
13 read as follows:

14 (a) Except as provided by Subsection [~~Subsections~~] (b) [~~and~~
15 ~~(e)~~], if an applicant's registration application is approved, the
16 registration becomes effective on the 30th day after the date the
17 application is approved [~~submitted to the registrar~~] or on the date
18 the applicant becomes 18 years of age, whichever is later.

19 SECTION 6. Section 20.063, Election Code, is amended by
20 adding Subsection (e) to read as follows:

21 (e) A person who submits a voter registration application to
22 the department in person shall at the time of submission present as
23 proof of citizenship:

24 (1) an unexpired passport issued to the person;

25 (2) a certified copy of a birth certificate or other
26 document confirming the person's birth that is admissible in a
27 court of law and establishes the person's identity; or

1 (3) United States citizenship papers issued to the
2 person.

3 SECTION 7. Sections 13.041 and 13.143(d) and (e), Election
4 Code, are repealed.

5 SECTION 8. The changes in law made by this Act apply only to
6 an application to register to vote submitted on or after the
7 effective date of this Act.

8 SECTION 9. This Act takes effect September 1, 2017.