

By: Middleton

H.B. No. 3686

A BILL TO BE ENTITLED

AN ACT

relating to the duties of the secretary of state relating to voter registration.

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

SECTION 1. Section 12.001, Election Code, is amended to read as follows:

Sec. 12.001. DESIGNATION OF SECRETARY OF STATE AS VOTER REGISTRAR. (a) The secretary of state is the voter registrar of every county for the purpose of the registration of voters and maintenance of the list of registered voters. The voter registrar designated under Subsection (b) is the voter registrar for all other purposes.

(b) Except as provided by Subsection (a), the [The] county tax assessor-collector is the voter registrar for the county unless the position of county elections administrator is created or the county clerk is designated as the voter registrar.

(c) A reference in this code to the voter registrar, as related to voter registration duties, means the secretary of state.

(d) The secretary of state may adopt rules for the transition of the voter registration duties of the voter registrars under this code to the secretary of state.

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

Sec. 13.071. REVIEW OF APPLICATION. (a) The secretary of

1 state [~~registrar~~] shall review each submitted application for
2 registration to determine whether it complies with Section 13.002
3 and indicates that the applicant is eligible for registration.

4 (b) The secretary of state [~~registrar~~] shall make the
5 determination not later than the seventh day after the date the
6 application is submitted to the secretary of state [~~registrar~~].

7 SECTION 3. Sections 13.072(a), (b), and (c), Election Code,
8 are amended to read as follows:

9 (a) The secretary of state [~~Unless the registrar challenges~~
10 ~~the applicant, the registrar~~] shall approve the application if:

11 (1) the secretary of state [~~registrar~~] determines that
12 an application complies with Section 13.002 and indicates that the
13 applicant is eligible for registration; and

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

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

20 (B) the last four digits of the applicant's
21 social security number.

22 (b) After approval of an application by an applicant who was
23 registered in another county at the time of application, the
24 secretary of state [~~registrar~~] shall update the statewide voter
25 registration list to reflect [~~deliver written notice of the~~
26 ~~applicant's change of residence to the other county's registrar and~~
27 ~~include in the notice~~] the applicant's change in county of [~~name,~~

1 ~~former~~] residence [~~address, and former registration number, if~~
2 ~~known~~].

3 (c) If [~~Except as provided by Subsection (d), if~~] the
4 secretary of state [~~registrar~~] determines that an application does
5 not comply with Section 13.002 or does not indicate that the
6 applicant is eligible for registration, the secretary of state
7 [~~registrar~~] shall reject the application.

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

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

14 (b) The secretary of state shall verify with the Department
15 of Public Safety the citizenship status of each applicant for voter
16 registration. If the department verifies the applicant's
17 citizenship status, the secretary of state may approve the
18 applicant's application. If the department does not have
19 information regarding the citizenship status of the applicant or
20 has information indicating that the applicant is not a citizen, the
21 applicant shall be notified as provided by secretary of state rule.

22 (c) An applicant for voter registration who receives notice
23 under Subsection (b) must provide proof of citizenship to the
24 secretary of state not later than the 60th day after the date of
25 receipt. Except as provided by Subsection (d), this proof must be
26 presented in person. The following is acceptable as proof of
27 citizenship under this section:

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

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

7 (3) United States citizenship papers issued to the
8 person, presented with a government-issued identification that
9 contains the person's photograph.

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

13 (e) If an applicant does not provide proof of citizenship as
14 required, the secretary of state shall reject the application.

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

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

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

24 SECTION 6. Sections 18.043(a) and (c), Election Code, are
25 amended to read as follows:

26 (a) The [~~At the times prescribed by the~~] secretary of
27 state[~~, the registrar~~] shall produce [~~deliver to the secretary~~] a

1 statement containing the voter registration information determined
2 [~~by the secretary~~] to be necessary to comply with reporting
3 requirements prescribed under federal law.

4 (c) The secretary of state [~~registrar~~] shall maintain the
5 information required for the statements in accordance with
6 procedures prescribed by this section [~~the secretary of state~~].

7 SECTION 7. Section 18.066(b), Election Code, is amended to
8 read as follows:

9 (b) Information furnished under this section may not
10 include:

- 11 (1) a voter's social security number; or
12 (2) the residence address of a voter who is a federal
13 judge or state judge, as defined by Section 13.0021, or the spouse
14 of a federal judge or state judge, if the voter included an
15 affidavit with the voter's registration application under Section
16 13.0021 or the [~~applicable~~] registrar has received an affidavit
17 submitted under Section 15.0215.

18 SECTION 8. Section 18.068, Election Code, is amended to
19 read as follows:

20 Sec. 18.068. COMPARISON OF INFORMATION REGARDING
21 INELIGIBILITY. (a) The secretary of state shall quarterly compare
22 the information received under Subchapter A, Chapter 16, and
23 Section 18.062 [~~Section 16.001~~] of this code and Section 62.113,
24 Government Code, to the statewide computerized voter registration
25 list.

26 (a-1) If the secretary determines from information received
27 under Subsection (a) that a voter on the registration list may be

1 ineligible to vote [~~is deceased or has been excused or disqualified~~
2 ~~from jury service because the voter is not a citizen~~], the secretary
3 shall determine under this section whether the voter is ineligible
4 to vote [~~send notice of the determination to the voter registrar of~~
5 ~~the counties considered appropriate by the secretary~~].

6 (b) The secretary of state shall by rule determine what
7 information combinations identified as common to a voter and to an
8 individual who is deceased or ineligible to vote constitute a weak
9 match or a strong match in order to:

10 (1) produce the least possible impact on Texas voters;
11 and

12 (2) fulfill its responsibility to manage the voter
13 rolls.

14 (c) The secretary of state may not determine that a voter is
15 deceased or ineligible to vote based on a weak match. The secretary
16 of state may inform the county of the voter's residence that a weak
17 match exists.

18 (d) On determining [~~receiving notification from the~~
19 ~~secretary of state under Subsection (c)~~] that a weak match of
20 identifying information exists for a [~~county~~] voter and an
21 individual who is deceased or ineligible to vote, the secretary of
22 state [~~county~~] shall investigate whether the voter is that [~~the~~]
23 individual [~~who is deceased~~].

24 (e) The secretary of state may determine that a voter is
25 deceased or ineligible to vote based on a strong match.

26 (f) The secretary of state may obtain, for purposes of
27 determining whether a voter is deceased or ineligible to vote,

1 information from other state agency databases relating to a voter
2 that is the same type of information that the secretary of state or
3 a voter registrar collects or stores for voter registration
4 purposes.

5 (g) The secretary of state shall conduct a review under this
6 section of every voter whose voter registration is effective on
7 September 1, 2019. This subsection expires January 1, 2021.

8 SECTION 9. Section 20.008, Election Code, is amended to
9 read as follows:

10 Sec. 20.008. ASSISTANCE BY SECRETARY OF STATE [~~OR~~
11 ~~REGISTRAR~~]. If a question arises concerning voter registration
12 that an agency employee cannot answer, the employee shall provide
13 the person[+]

14 [~~(1)~~] the toll-free telephone number of the Elections
15 Division of the Office of the Secretary of State[~~, and~~

16 [~~(2) the telephone number of the voter registrar to~~
17 ~~whom registration applications are submitted~~].

18 SECTION 10. Sections 20.033, 20.034, and 20.035, Election
19 Code, are amended to read as follows:

20 Sec. 20.033. EFFECT OF SUBMISSION OF APPLICATION TO
21 EMPLOYEE. The date of submission of a completed registration
22 application to the agency employee is considered to be the date of
23 submission to the secretary of state [~~voter registrar~~] for the
24 purpose of determining the effective date of registration only.

25 Sec. 20.034. SUBMISSION TO SECRETARY OF STATE [~~REGISTRAR~~]
26 BY APPLICANT. (a) The applicant may keep the registration
27 application form or the completed application to submit the

1 application personally to the secretary of state [~~voter registrar~~].

2 (b) The agency employee shall enter on the declination of
3 registration form a notation that after being given the opportunity
4 to register, the applicant kept the application or application form
5 for personal submission of the application to the secretary of
6 state [~~registrar~~].

7 Sec. 20.035. DELIVERY OF APPLICATIONS TO SECRETARY OF STATE
8 [~~REGISTRAR~~]. (a) The agency shall deliver to the secretary of
9 state [~~voter registrar of the county in which the agency office is~~
10 ~~located~~] each completed registration application submitted to an
11 agency employee.

12 (b) An application shall be delivered to the secretary of
13 state [~~registrar~~] not later than the fifth day after the date the
14 application is submitted to the employee.

15 SECTION 11. Section 20.037(c), Election Code, is amended to
16 read as follows:

17 (c) An application form delivered by mail must be
18 accompanied by a notice informing the applicant that the
19 application may be submitted in person or by mail to the secretary
20 of state [~~voter registrar of the county in which the applicant~~
21 ~~resides or in person to a volunteer deputy registrar for delivery to~~
22 ~~the voter registrar of the county in which the applicant resides~~].

23 SECTION 12. Section 20.063, Election Code, is amended by
24 adding Subsection (e) to read as follows:

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

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

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

5 (3) United States citizenship papers issued to the
6 person.

7 SECTION 13. Section 20.122(c), Election Code, is amended to
8 read as follows:

9 (c) The application forms must be accompanied by a notice
10 informing the licensees that the applications may be submitted in
11 person or by mail to the secretary of state [~~voter registrar of the~~
12 ~~county in which they reside or in person to a volunteer deputy~~
13 ~~registrar for delivery to the voter registrar of the county in which~~
14 ~~they reside~~].

15 SECTION 14. Section 112.012, Election Code, is amended to
16 read as follows:

17 Sec. 112.012. NOTIFICATION TO SECRETARY OF STATE [~~VOTER~~
18 ~~REGISTRAR~~]. Not later than the 30th day after receipt of an
19 application for a limited ballot, the early voting clerk shall
20 notify the secretary of state [~~voter registrar for the voter's~~
21 ~~former county of residence~~] that the voter has applied for a limited
22 ballot.

23 SECTION 15. The following provisions of the Election Code
24 are repealed:

25 (1) Section 12.005;

26 (2) Section 12.006;

27 (3) Subchapter B, Chapter 13;

- 1 (4) Section 13.072(d);
 - 2 (5) Section 13.121(c);
 - 3 (6) Sections 13.143(d), (d-1), (d-2), and (e);
 - 4 (7) Section 15.083;
 - 5 (8) Section 18.012;
 - 6 (9) Section 18.061(c);
 - 7 (10) Section 18.064;
 - 8 (11) Section 18.065; and
 - 9 (12) Sections 20.065(a) and (c).
- 10 SECTION 16. This Act takes effect September 1, 2019.