By: Fallon   S.B. No. 1929

A BILL TO BE ENTITLED

1   AN ACT

2   relating to the duties of the secretary of state relating to voter

3   registration.

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

5   SECTION 1. Section 12.001, Election Code, is amended to

6   read as follows:

7   Sec. 12.001. DESIGNATION OF SECRETARY OF STATE AS VOTER

8   REGISTRAR. (a) The secretary of state is the voter registrar of

9   every county for the purpose of the registration of voters and

10   maintenance of the list of registered voters. The voter registrar

11   designated under Subsection (b) is the voter registrar for all

12   other purposes.

13   (b) Except as provided by Subsection (a), the [The] county

14   tax assessor-collector is the voter registrar for the county unless

15   the position of county elections administrator is created or the

16   county clerk is designated as the voter registrar.

17   (c) A reference in this code to the voter registrar, as

18   related to voter registration duties, means the secretary of state.

19   (d) The secretary of state may adopt rules for the

20   transition of the voter registration duties of the voter registrars

21   under this code to the secretary of state.

22   SECTION 2. Section 13.071, Election Code, is amended to

23   read as follows:

24   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. Section 16.031(a), Election Code, is amended to

25 read as follows:

26 (a) The registrar shall cancel a voter's registration

27 immediately on receipt of:

1   (1) notice under Section 13.072(b) or 15.021 or a

2 response under Section 15.053 that the voter's residence is outside

3 the county;

4   (2) an abstract of the voter's death certificate under

5 Section 16.001(a) or an abstract of an application indicating that

6 the voter is deceased under Section 16.001(b);

7   (3) an abstract of a final judgment of the voter's

8 total mental incapacity, partial mental incapacity without the

9 right to vote, conviction of a felony, or disqualification under

10 Section 16.002, 16.003, or 16.004;

11   (4) notice under Section 112.012 that the voter has

12 applied for a limited ballot in another county; or

13   (5) notice from a voter registration official in

14 another state that the voter has registered to vote outside this

15 state[,

16   [~~(6)~~ ~~notice from the early voting clerk under Section~~

17 ~~101.053 that a federal postcard application submitted by an~~

18 ~~applicant states a voting residence address located outside the~~

19 ~~registrar's county; or~~

20   [~~(7) notice from the secretary of state that the voter~~

21 ~~has registered to vote in another county, as determined by the~~

22 ~~voter's driver's license number or personal identification card~~

23 ~~number issued by the Department of Public Safety or social security~~

24 ~~number~~].

25   SECTION 7. Sections 18.043(a) and (c), Election Code, are

26 amended to read as follows:

27   (a) The [~~At the times prescribed by the~~] secretary of

1   state[, the registrar] shall produce [deliver to the secretary] a
2   statement containing the voter registration information determined
3   [by the secretary] to be necessary to comply with reporting
4   requirements prescribed under federal law.
5   (c) The secretary of state [registrar] shall maintain the
6   information required for the statements in accordance with
7   procedures prescribed by this section [the secretary of state].
8   SECTION 8. Section 18.061(e), Election Code, is amended to
9   read as follows:
10   (e) The secretary of state shall prescribe procedures to
11   ensure that:
12   (1) when a voter registers in another county, [as
13   determined under Section 16.031(a)(6),] the statewide computerized
14   voter registration list is updated to reflect the voter's
15   registration in the new county; and
16   (2) a voter is not registered to vote in multiple
17   counties.
18   SECTION 9. Section 18.066(b), Election Code, is amended to
19   read as follows:
20   (b) Information furnished under this section may not
21   include:
22   (1) a voter's social security number; or
23   (2) the residence address of a voter who is a federal
24   judge or state judge, as defined by Section 13.0021, or the spouse
25   of a federal judge or state judge, if the voter included an
26   affidavit with the voter's registration application under Section
27   13.0021 or the [applicable] registrar has received an affidavit

1 submitted under Section 15.0215.

2   SECTION 10. Section 18.068, Election Code, is amended to

3 read as follows:

4   Sec. 18.068. COMPARISON   OF   INFORMATION   REGARDING

5 INELIGIBILITY. (a) The secretary of state shall quarterly compare

6 the information received under Subchapter A, Chapter 16, and

7 Section 18.062 [Section 16.001] of this code and Section 62.113,

8 Government Code, to the statewide computerized voter registration

9 list.

10   (a-1) If the secretary determines from information received

11 under Subsection (a) that a voter on the registration list may be

12 ineligible to vote [is deceased or has been excused or disqualified

13 from jury service because the voter is not a citizen], the secretary

14 shall determine under this section whether the voter is ineligible

15 to vote [send notice of the determination to the voter registrar of

16 the counties considered appropriate by the secretary].

17   (b) The secretary of state shall by rule determine what

18 information combinations identified as common to a voter and to an

19 individual who is deceased or ineligible to vote constitute a weak

20 match or a strong match in order to:

21   (1) produce the least possible impact on Texas voters;

22 and

23   (2) fulfill its responsibility to manage the voter

24 rolls.

25   (c) The secretary of state may not determine that a voter is

26 deceased or ineligible to vote based on a weak match. The secretary

27 of state may inform the county of the voter's residence that a weak

1 match exists.

2   (d) On determining [receiving notification from the

3 secretary of state under Subsection (c)] that a weak match of

4 identifying information exists for a [county] voter and an

5 individual who is deceased or ineligible to vote, the secretary of

6 state [county] shall investigate whether the voter is that [the]

7 individual [who is deceased].

8   (e) The secretary of state may determine that a voter is

9 deceased or ineligible to vote based on a strong match.

10   (f) The secretary of state may obtain, for purposes of

11 determining whether a voter is deceased or ineligible to vote,

12 information from other state agency databases relating to a voter

13 that is the same type of information that the secretary of state or

14 a voter registrar collects or stores for voter registration

15 purposes.

16   SECTION 11. Section 20.008, Election Code, is amended to

17 read as follows:

18   Sec. 20.008. ASSISTANCE BY SECRETARY OF STATE [OR

19 REGISTRAR].   If a question arises concerning voter registration

20 that an agency employee cannot answer, the employee shall provide

21 the person[:

22   [(1)] the toll-free telephone number of the Elections

23 Division of the Office of the Secretary of State[; and

24   [(2) the telephone number of the voter registrar to

25 whom registration applications are submitted].

26   SECTION 12. Sections 20.033, 20.034, and 20.035, Election

27 Code, are amended to read as follows:

1   Sec. 20.033. EFFECT OF SUBMISSION OF APPLICATION TO

2   EMPLOYEE. The date of submission of a completed registration

3   application to the agency employee is considered to be the date of

4   submission to the <u>secretary of state</u> [~~voter registrar~~] for the

5   purpose of determining the effective date of registration only.

6   Sec. 20.034. SUBMISSION TO <u>SECRETARY OF STATE</u> [~~REGISTRAR~~]

7   BY APPLICANT. (a) The applicant may keep the registration

8   application form or the completed application to submit the

9   application personally to the <u>secretary of state</u> [~~voter registrar~~].

10   (b) The agency employee shall enter on the declination of

11   registration form a notation that after being given the opportunity

12   to register, the applicant kept the application or application form

13   for personal submission of the application to the <u>secretary of</u>

14   <u>state</u> [~~registrar~~].

15   Sec. 20.035. DELIVERY OF APPLICATIONS TO <u>SECRETARY OF STATE</u>

16   [~~REGISTRAR~~]. (a) The agency shall deliver to the <u>secretary of</u>

17   <u>state</u> [~~voter registrar of the county in which the agency office is~~

18   ~~located~~] each completed registration application submitted to an

19   agency employee.

20   (b) An application shall be delivered to the <u>secretary of</u>

21   <u>state</u> [~~registrar~~] not later than the fifth day after the date the

22   application is submitted to the employee.

23   SECTION 13. Section 20.037(c), Election Code, is amended to

24   read as follows:

25   (c) An application form delivered by mail must be

26   accompanied by a notice informing the applicant that the

27   application may be submitted in person or by mail to the <u>secretary</u>

9

1 of state [voter registrar of the county in which the applicant

2 resides or in person to a volunteer deputy registrar for delivery to

3 the voter registrar of the county in which the applicant resides].

4   SECTION 14.   Section 20.063, Election Code, is amended by

5 adding Subsection (e) to read as follows:

6   (e)   A person who submits a voter registration application to

7 the department in person shall at the time of submission present as

8 proof of citizenship:

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

10   (2)   a certified copy of a birth certificate or other

11 document confirming the person's birth that is admissible in a

12 court of law and establishes the person's identity; or

13   (3)   United States citizenship papers issued to the

14 person.

15   SECTION 15.   Section 20.122(c), Election Code, is amended to

16 read as follows:

17   (c)   The application forms must be accompanied by a notice

18 informing the licensees that the applications may be submitted in

19 person or by mail to the secretary of state [voter registrar of the

20 county in which they reside or in person to a volunteer deputy

21 registrar for delivery to the voter registrar of the county in which

22 they reside].

23   SECTION 16.   Section 112.012, Election Code, is amended to

24 read as follows:

25   Sec. 112.012.   NOTIFICATION TO SECRETARY OF STATE [VOTER

26 REGISTRAR].   Not later than the 30th day after receipt of an

27 application for a limited ballot, the early voting clerk shall

1 notify the secretary of state [~~voter registrar for the voter's~~

2 ~~former county of residence~~] that the voter has applied for a limited

3 ballot.

4 SECTION 17. The following provisions of the Election Code

5 are repealed:

6 (1) Section 12.005;

7 (2) Section 12.006;

8 (3) Subchapter B, Chapter 13;

9 (4) Section 13.072(d);

10 (5) Section 13.121(c);

11 (6) Sections 13.143(d), (d-1), (d-2), and (e);

12 (7) Section 15.083;

13 (8) Section 18.012;

14 (9) Section 18.061(c);

15 (10) Section 18.064;

16 (11) Section 18.065; and

17 (12) Sections 20.065(a) and (c).

18 SECTION 18. This Act takes effect September 1, 2019.