By:  Buckingham S.B. No. 1340

(In the Senate - Filed March 10, 2021; March 18, 2021, read first time and referred to Committee on State Affairs; April 7, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 6, Nays 3; April 7, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Birdwell        X

Campbell        X

Hall            X

Lucio               X

Nelson          X

Powell              X

Schwertner      X

Zaffirini           X

COMMITTEE SUBSTITUTE FOR S.B. No. 1340 By:  Hughes

A BILL TO BE ENTITLED

AN ACT

relating to voter qualification and registration.

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

SECTION 1.  Article 42.03, Code of Criminal Procedure, is amended by adding Section 6 to read as follows:

Sec. 6.  The court, after pronouncing the sentence of a defendant adjudged guilty of a felony, shall notify the defendant in writing of the nature and expected duration of the impact on the defendant's voting rights in this state under Section 11.002(a)(4), Election Code, resulting from the conviction.

SECTION 2.  Chapter 11, Election Code, is amended by adding Section 11.0021 to read as follows:

Sec. 11.0021.  MEASURES TO PREVENT NONCITIZEN VOTER REGISTRATION AND VOTING. Notwithstanding any other law, to ensure a person who is not a citizen of the United States may not register to vote or vote:

(1)  at least twice each year, the secretary of state shall use the United States Department of Homeland Security database of noncitizens living in Texas to identify noncitizens whose voter registrations should be canceled and shall take all appropriate actions; and

(2)  the Department of Public Safety shall forward to the secretary of state the file of a person who applies for a Texas driver's license or identification card and provides on the application form that the person is not a citizen of the United States.

SECTION 3.  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 chief voter registrar of the state and shall maintain the list of registered voters. The voter registrar designated under Subsection (b) is the voter registrar for all other purposes and shall assist the secretary of state in the registration of voters at the direction of the secretary of state.

(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 county voter registrar.

(c)  Unless otherwise provided by a rule adopted under Section 12.0011, a reference in this code to the voter registrar, as related to voter registration duties, means the county voter registrar.

(d)  The secretary of state shall adopt rules necessary to implement this section.

SECTION 4.  Subchapter A, Chapter 12, Election Code, is amended by adding Section 12.0011 to read as follows:

Sec. 12.0011.  CLASSIFICATION OF VOTER REGISTRATION DUTIES. (a) The secretary of state shall adopt rules consistent with Section 12.001 that classify the duties and functions placed on a voter registrar under this code or another provision of law according to whether they are to be performed by the voter registrar or by the secretary of state.

(b)  If a voter registrar is uncertain as to which person should perform a specific duty or function that the secretary of state has not classified, the person shall request the secretary to classify that duty or function, and the secretary shall comply with the request as soon as practicable.

(c)  The secretary of state shall deliver a copy of each rule proposed under this section to each voter registrar in the state not later than the fifth day after the date notice of the proposal is published in the Texas Register and shall deliver a copy of each adopted rule to those persons not later than the fifth day after the date the certified copy of the rule is filed in the secretary's office. Failure to comply with this subsection does not affect the validity of a rule.

(d)  The secretary of state may, on 30 days' notice, adopt a rule classifying a duty or function if the rule is needed in a shorter time than provided by the regular rulemaking process. The rule is considered an emergency rule for purposes of Chapter 2001, Government Code. The secretary is not required to give notice of the proposed rule under Subsection (c), but the secretary must give notice of the rule's adoption under that subsection.

(e)  Not later than January 1 of each odd-numbered year, the secretary of state shall submit a report to the committees of the senate and house of representatives with primary jurisdiction over elections a report on the implementation of this section and the secretary of state's maintenance of the list of registered voters under Section 12.001.

SECTION 5.  Sections 13.002(a) and (i), Election Code, are 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) or Subchapter C, Chapter 20, 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)~~].

(i)  An applicant who wishes to receive an exemption from the requirements of Section 63.001(b) on the basis of disability must submit [~~include with the person's application~~]:

(1)  written documentation:

(A)  from the United States Social Security Administration evidencing the applicant has been determined to have a disability; or

(B)  from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent; and

(2)  a statement in a form prescribed by the secretary of state that the applicant does not have a form of identification acceptable under Section 63.0101.

SECTION 6.  Subchapter A, Chapter 13, Election Code, is amended by adding Section 13.009 to read as follows:

Sec. 13.009.  ELECTRONIC VOTER REGISTRATION. (a) The secretary of state and the Department of Public Safety shall jointly implement a program to allow a person who is a citizen of the United States and has an unexpired driver's license issued in this state to complete a voter registration application simultaneously with the person's application for an original, renewal, or duplicate driver's license and from the official Internet website of this state. The Internet websites of the secretary of state and the Department of Public Safety must also provide a link to the location of the application on the official Internet website of this state.

(b)  An applicant for electronic voter registration must:

(1)  attest to the truth of the information provided on the application by affirmatively accepting the information as true;

(2)  affirmatively consent to the use of the signature on the applicant's driver's license or personal identification card for voter registration purposes;

(3)  provide the information required under Section 13.002(c); and

(4)  provide the audit number and date of issuance of the applicant's Texas driver's license issued by the Department of Public Safety.

(c)  For each application the program shall:

(1)  require that a digital copy of the applicant's signature be obtained from the Department of Public Safety; and

(2)  compare the information provided by the applicant against Department of Public Safety records.

(d)  If the information submitted by an applicant does not match Department of Public Safety records, the program shall:

(1)  notify the applicant that the application is incomplete; and

(2)  advise the applicant to correct and resubmit the application.

(e)  If the information submitted by an applicant matches Department of Public Safety records, the program shall forward the application to the registrar of the county in which the applicant states that the applicant resides and to the secretary of state.

(f)  An application electronically submitted under this section is considered for all purposes as an application submitted by mail under this title.

(g)  The secretary of state shall adopt rules as necessary to implement this section, including rules to provide for additional security measures necessary to ensure the accuracy and integrity of applications submitted electronically.

(h)  The rules adopted under Subsection (g) must require that:

(1)  the Internet website through which a person may complete a voter registration application include a description of the offense described by Section 13.007 in a conspicuous location on the website near the place where the person begins or submits the application; and

(2)  the state electronic Internet portal project be used to authenticate the identity of a person who submits an application electronically under this section.

SECTION 7.  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 receipt by the registrar.

SECTION 8.  Section 13.071, Election Code, is amended to read as follows:

Sec. 13.071.  REVIEW OF APPLICATION. (a) The registrar shall review each submitted application for registration to determine whether it complies with Section 13.002 and indicates that the applicant is eligible for registration under Section 13.001.

(b)  If the application is submitted to the Department of Public Safety in conjunction with an application for an original, renewal, or duplicate driver's license or personal identification card, the [~~The~~] registrar shall make the determination not later than the seventh day after the date the application is delivered [~~submitted~~] to the registrar.

(c)  If the application is submitted in a manner other than the manner described by Subsection (b), the registrar shall forward the information relating to the applicant to the secretary of state to ensure the voter is not already registered and for determining the voter's eligibility under Section 13.001 and citizenship status as provided by Section 13.0721.

(d)  In making a determination under this section, the registrar must compare the applicant to the lists maintained under Sections 16.002 and 16.003.

(e)  Notwithstanding a rule adopted under Section 12.0011, the secretary of state is the final arbiter of whether an applicant for voter registration is eligible for registration.

SECTION 9.  Section 13.072, Election Code, is amended by amending Subsections (a), (c), and (d) and adding Subsections (a-1) and (e) to read as follows:

(a)  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 under Section 13.001; 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; or

(C)  if the applicant included a statement described by Section 13.002(c)(8)(C), the identity of the applicant through other means.

(a-1)  For an applicant whose information was forwarded to the secretary of state under Section 13.071, the registrar may not make a determination under Subsection (a)(1) without confirmation from the secretary of state that the voter is not already registered and is eligible under Section 13.001.

(c)  Except as provided by Subsection (d), 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 under Section 13.001, the registrar shall reject the application.

(d)  If an application clearly indicates that the applicant resides in another county, the registrar shall forward the application to the other county's registrar not later than the second day after the date the application is received [~~and, if the other county is not contiguous, shall deliver written notice of that action to the applicant not later than the seventh day after the date the application is received~~]. The date of submission of a completed application to the wrong registrar is considered to be the date of submission to the proper registrar for purposes of determining the effective date of the registration.

(e)  The secretary of state shall adopt rules necessary to implement this section.

SECTION 10.  Subchapter C, Chapter 13, Election Code, is amended by adding Section 13.0721 to read as follows:

Sec. 13.0721.  DETERMINATION OF CITIZENSHIP. (a) This section does not apply to an application for registration submitted to the Department of Public Safety in conjunction with an application for an original, renewal, or duplicate driver's license.

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

(c)  If the applicant included a statement under Section 13.002(c)(8)(C) or the secretary of state cannot verify the citizenship status of the applicant under Subsection (b), the registrar and the applicant shall be notified as provided by secretary of state rule.

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

(1)  an unexpired passport issued to the person;

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

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

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

(f)  If an applicant does not provide proof of citizenship as required, the registrar shall reject the application and notify the secretary of state. The secretary of state shall keep a list of applicants of whom the secretary receives notice under this section.

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

SECTION 11.  Section 13.076(a), Election Code, is amended to read as follows:

(a)  To [~~Except as provided by Subsection (b), to~~] be entitled to a hearing on a challenge, the applicant must file a written, signed request for a hearing with the secretary of state [~~registrar~~] not later than the 10th day after the date of the challenge.

SECTION 12.  Sections 13.077(a), (b), and (c), Election Code, are amended to read as follows:

(a)  On the timely filing or making of a hearing request, the secretary of state [~~registrar~~] shall schedule a hearing on the challenge.

(b)  The secretary of state [~~registrar~~] shall conduct the hearing not later than the 10th day after the date the request is filed or made or at a later date on the applicant's request.

(c)  The applicant may appear personally at the hearing to offer evidence or argument. The applicant may offer evidence or argument by affidavit without personally appearing if the applicant submits the affidavit to the secretary of state [~~registrar~~] before the hearing begins.

SECTION 13.  Section 13.078(a), Election Code, is amended to read as follows:

(a)  The secretary of state [~~registrar~~] shall deliver to a challenged applicant written notice of the date, hour, and place set for the hearing on the challenge not later than the second day after the date the hearing request is filed or made.

SECTION 14.  Section 13.079, Election Code, is amended to read as follows:

Sec. 13.079.  DETERMINATION OF CHALLENGE. (a) After hearing and considering the evidence or argument, the secretary of state [~~registrar~~] shall promptly determine the challenge and issue a decision in writing.

(b)  If the secretary of state [~~registrar~~] determines that the applicant is eligible for registration or that the manner of submission of the application was authorized, the secretary of state [~~registrar~~] shall approve the application.

(c)  If the secretary of state [~~registrar~~] determines that the applicant is not eligible for registration or that the manner of submission of the application was unauthorized, the secretary of state [~~registrar~~] shall reject the application.

(d)  The secretary of state [~~registrar~~] shall retain a copy of the decision on file with the applicant's registration application and shall deliver a copy to the applicant.

SECTION 15.  Section 13.142(a), Election Code, is amended to read as follows:

(a)  After approval of a registration application, the registrar shall:

(1)  prepare a voter registration certificate [~~in duplicate~~] and issue the original certificate to the applicant; and

(2)  enter the applicant's county election precinct number and registration number on the applicant's registration application.

SECTION 16.  Sections 13.143(a) and (d-2), Election Code, are amended to read as follows:

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

(d-2)  For a registration application not submitted by personal delivery or mail [~~telephonic facsimile machine~~] to be effective, a copy of the original registration application containing the voter's original signature must be submitted by personal delivery or mail and be received by the registrar not later than the fourth business day after the submission [~~transmission by telephonic facsimile machine~~] is received.

SECTION 17.  Section 15.022(a), Election Code, is amended to read as follows:

(a)  The registrar shall make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list:

(1)  after receipt of a notice of a change in registration information under Section 15.021;

(2)  after receipt of a voter's reply to a notice of investigation given under Section 16.033;

(3)  after receipt of any affidavits executed under Section 63.006, following an election;

(4)  after receipt of a voter's statement of residence executed under Section 63.0011;

(5)  before the effective date of the abolishment of a county election precinct or a change in its boundary;

(6)  after receipt of United States Postal Service information indicating an address reclassification;

(7)  after receipt of a voter's response under Section 15.053; [~~or~~]

(8)  after receipt of a registration application or change of address under Chapter 20; or

(9)  after determining a data entry error has occurred.

SECTION 18.  Section 15.023, Election Code, is amended to read as follows:

Sec. 15.023.  TIME FOR CERTAIN DELETIONS FROM SUSPENSE LIST. If the name of a voter [~~whose residence is changed~~] on the list of registered voters [~~registration records to another county election precinct in the same county~~] appears on the suspense list, the voter's name shall be deleted from the list on the date the voter provides a completed application to register to vote in accordance with Section 13.002 [~~voter's registration in the precinct of new residence becomes effective~~].

SECTION 19.  Section 15.028, Election Code, is amended to read as follows:

Sec. 15.028.  NOTICE OF UNLAWFUL REGISTRATION OR VOTING [~~TO PROSECUTOR~~]. [~~(a)~~] If the registrar determines that a person who is not eligible to vote may have registered to vote or [~~a registered voter~~] voted in an election, the registrar shall execute and deliver to the secretary of state and the county or district attorney having jurisdiction in the territory covered by the election an affidavit stating the relevant facts.

[~~(b)  If the election covers territory in more than one county, the registrar shall also deliver an affidavit to the attorney general.~~]

SECTION 20.  Section 15.051(d), Election Code, is amended to read as follows:

(d)  The registrar shall maintain with the voter's record an indication that a confirmation notice was sent to the voter [~~a list of the confirmation notices mailed to voters, which for each notice must include the voter's name and the date the notice is mailed. The registrar shall maintain and retain the list in accordance with rules prescribed by the secretary of state~~].

SECTION 21.  Subchapter C, Chapter 15, Election Code, is amended by adding Section 15.054 to read as follows:

Sec. 15.054.  CONFIRMATION NOTICE AFTER EVIDENCE OF CHANGE OF RESIDENCE. (a) As frequently as possible, the secretary of state shall:

(1)  request from the United States Postal Service information from the National Change of Address database indicating address reclassifications or changes of address affecting the registered voters of the state;

(2)  examine any information obtained from the interstate voter registration crosscheck program under Section 18.062, indicating address reclassifications or changes of address affecting the registered voters of the state; and

(3)  identify each voter in the state who fails to vote in any election, submit an application for a ballot to be voted by mail under Chapter 84 or 101, or submit a change in voter registration under Chapter 13 or 15 for two years from the date of a general election for state and county officers.

(b)  If information obtained under Subsection (a) gives the secretary of state reason to believe a voter has changed the voter's residence to a location outside of the county in which the voter is registered to vote, the secretary of state shall forward the information to the voter registrar for the county in which the voter is registered.

(c)  After receiving information on a voter under Subsection (b), the registrar shall deliver a confirmation notice to the voter in accordance with Section 15.051.

SECTION 22.  Section 15.082(b), Election Code, is amended to read as follows:

(b)  The [~~fee for each~~] list shall be provided in accordance with Chapter 552, Government Code [~~or portion of a list furnished under this section may not exceed the actual expense incurred in reproducing the list or portion for the person requesting it and shall be uniform for each type of copy furnished. The registrar shall make reasonable efforts to minimize the reproduction expenses~~].

SECTION 23.  Section 16.001(d), Election Code, is amended to read as follows:

(d)  With the cooperation of the secretary of state, the Department of Public Safety shall, in accordance with federal law, enter into an agreement with the commissioner of social security to verify on a quarterly basis the information of voter registration records containing a social security number. At a minimum, the department shall verify if:

(1)  the name, date of birth, and social security number listed in the commissioner's records match those on record with the department; and

(2)  the commissioner's records show the person to be deceased. [~~The secretary of state shall quarterly obtain from the United States Social Security Administration available information specified by the secretary relating to deceased residents of the state.~~]

SECTION 24.  Section 16.002, Election Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b)  The clerk shall file each abstract with the secretary of state and the voter registrar of the person's county of residence not later than the 10th day of the month following the month in which the abstract is prepared.

(c)  The registrar shall maintain a list containing the name of each person for whom the registrar receives an abstract under Subsection (a)(1).

(d)  The registrar shall remove from the list maintained under Subsection (c) the name of a person on the date the registrar receives an abstract under Subsection (a)(2) or (3) regarding the person.

SECTION 25.  Section 16.003, Election Code, is amended to read as follows:

Sec. 16.003.  FELONY CONVICTION. (a) Each weekday the Department of Public Safety is regularly open for business, the department shall file with the secretary of state and the voter registrar of the person's county of residence an abstract:

(1)  [~~prepare an abstract~~] of each final judgment received by the department convicting a person 18 years of age or older who is a resident of the state of a felony, including:

(A)  the date of conviction;

(B)  the duration of a defendant's sentence or term of community supervision, as applicable; and

(C)  the date on which the defendant is expected to become eligible to vote under Section 11.002; and

(2)  of each order received by the department pardoning a person described by Subdivision (1) or that would otherwise release the person from a disability to vote caused by felony conviction [~~file each abstract with the secretary of state~~].

(b)  The registrar shall maintain a list containing the name of each person for whom the registrar receives an abstract under Subsection (a)(1).

(c)  The registrar shall remove from the list maintained under Subsection (b) the name of a person:

(1)  on the date on which the defendant is expected to become eligible to vote as indicated on the abstract received under Subsection (a)(1); or

(2)  on the date the registrar receives an abstract under Subsection (a)(2) indicating that the person has become eligible to vote.

SECTION 26.  Section 16.005, Election Code, is amended to read as follows:

Sec. 16.005.  PRESERVATION OF ABSTRACT OR ORDER. If an abstract or order received under this subchapter affects a registered voter of the county, the registrar shall retain a copy of the abstract or order on file with the affected voter's registration application.

SECTION 27.  Section 16.032, Election Code, is amended to read as follows:

Sec. 16.032.  CANCELLATION FOLLOWING END OF SUSPENSE LIST PERIOD. If on November 30 following the second general election for state and county officers that occurs after the date the voter's name is entered on the suspense list a registered voter's name appears on the suspense list, the registrar shall cancel the voter's registration unless the name is to be deleted from the list under Section 15.022 or 15.023.

SECTION 28.  Section 16.0332(a), Election Code, is amended to read as follows:

(a)  After the registrar receives notification [~~a list~~] under Section 18.068 of this code or Section 62.113, Government Code, of persons excused or disqualified from jury service or otherwise determined to be ineligible to vote because of citizenship status, the registrar shall deliver to each registered voter whose name appears in the notification [~~on the list~~] a written notice requiring the voter to submit to the registrar proof of United States citizenship in the form of a certified copy of the voter's birth certificate, United States passport, or certificate of naturalization or any other form prescribed by the secretary of state. The notice must [~~shall~~] be delivered by forwardable mail to the mailing address on the voter's registration application and to any new address of the voter known to the registrar.

SECTION 29.  Section 16.036(a), Election Code, is amended to read as follows:

(a)  Immediately after, but not later than the 30th day after the date a voter's registration is canceled under Section 16.031(a)(3) or (4), 16.033, 16.0331, or 16.0332, the registrar shall deliver written notice of the cancellation to the voter.

SECTION 30.  Subchapter C, Chapter 16, Election Code, is amended to read as follows:

SUBCHAPTER C. CHALLENGE OF CANCELLATION

Sec. 16.061.  RIGHT TO CHALLENGE CANCELLATION. A person whose voter registration is canceled may challenge the cancellation at a hearing before the secretary of state [~~registrar~~].

Sec. 16.062.  REQUEST FOR HEARING ON CHALLENGE. A person desiring to challenge the cancellation of the person's registration must file with the secretary of state [~~registrar~~] a written, signed request for a hearing on the challenge.

Sec. 16.063.  REINSTATEMENT PENDING CHALLENGE. (a) On the filing of a hearing request under Section 16.062, the secretary of state [~~registrar~~] shall reinstate the challenging voter's registration pending determination of the challenge.

(b)  Sections 16.037(c) and (d) apply to a reinstatement under this section.

Sec. 16.064.  HEARING ON CHALLENGE. (a) On the filing of a hearing request, the secretary of state [~~registrar~~] shall schedule a hearing on the challenge.

(b)  The secretary of state [~~registrar~~] shall conduct the hearing not later than the 10th day after the date the request is filed or on a later date at the request of the challenging voter.

(c)  The voter may appear personally at the hearing to offer evidence or argument. The voter may offer evidence or argument by affidavit without personally appearing if the voter submits the affidavit to the secretary of state [~~registrar~~] before the hearing begins.

Sec. 16.065.  NOTICE OF HEARING. The secretary of state [~~registrar~~] shall deliver written notice of the date, hour, and place set for the hearing on the challenge to the challenging voter not later than the second day after the date the hearing request is filed.

Sec. 16.066.  DETERMINATION OF CHALLENGE. (a) After hearing and considering the evidence or argument, the secretary of state [~~registrar~~] shall promptly determine the challenge and issue a decision in writing.

(b)  If the secretary of state [~~registrar~~] determines that the registration should not have been canceled, the registration continues in effect.

(c)  If the secretary of state [~~registrar~~] determines that the cancellation of the registration was proper, the secretary of state [~~registrar~~] shall cancel the registration on the 31st day after the date the secretary of state's [~~registrar's~~] decision is issued.

(d)  The secretary of state [~~registrar~~] shall retain a copy of the decision on file with the duplicate registration certificate of the challenging voter and shall deliver a copy to the voter.

SECTION 31.  Subchapter D, Chapter 16, Election Code, is amended to read as follows:

SUBCHAPTER D. CHALLENGE OF REGISTRATION

Sec. 16.091.  RIGHT TO CHALLENGE REGISTRATION. Except as otherwise provided by this subchapter, a registered voter may challenge the registration of another voter [~~of the same county~~] at a hearing before the secretary of state [~~registrar~~].

Sec. 16.092.  SWORN STATEMENT REQUIRED. A voter desiring to challenge a registration must file with the secretary of state [~~registrar~~] a sworn statement of the grounds for the challenge that:

(1)  identifies the voter whose registration is being challenged; and

(2)  states a specific qualification for registration that the challenged voter has not met based on the personal knowledge of the voter desiring to challenge the registration or on a public record.

Sec. 16.0921.  CONFIRMATION NOTICE ON CHALLENGE BASED ON RESIDENCE. (a) Except as provided by Subsection (c), on the filing of a sworn statement under Section 16.092 alleging a ground based on residence, the secretary of state shall promptly forward a copy of the sworn statement to the voter registrar who shall promptly deliver to the voter whose registration is challenged a confirmation notice in accordance with Section 15.051.

(b)  If the voter fails to submit a response to the registrar in accordance with Section 15.053, the registrar shall enter the voter's name on the suspense list.

(c)  The registrar may not deliver a confirmation notice resulting from a sworn statement under Section 16.092 alleging a ground based on residence filed after the 75th day before the date of the general election for state and county officers until after the date of that election. This subsection does not apply to a person who submits a registration application after the 75th day and prior to the 30th day before the general election for state and county officers.

Sec. 16.093.  HEARING ON CHALLENGE. (a) On the filing of a sworn statement under Section 16.092 alleging a ground other than residence, the secretary of state [~~registrar~~] shall schedule a hearing on the challenge. The hearing procedure does not apply to an allegation of a ground based on residence.

(b)  The secretary of state [~~registrar~~] shall conduct the hearing not later than the 20th day after the date the statement is filed or on a later date requested by either party and agreed to by both parties.

(c)  A party may appear personally at the hearing to offer evidence or argument. A party may offer evidence or argument by affidavit without personally appearing if the party submits the affidavit to the secretary of state [~~registrar~~] before the hearing begins.

Sec. 16.094.  NOTICE OF HEARING. (a) The secretary of state [~~registrar~~] shall deliver written notice of the hearing on the challenge to each party to the controversy not later than the 15th day before the date of the hearing.

(b)  The notice must include:

(1)  the date, hour, and place set for the hearing; and

(2)  a brief explanation of the right to appeal the secretary of state's [~~registrar's~~] decision.

(c)  The notice delivered to the voter whose registration is challenged must be accompanied by a copy of the sworn statement of the grounds for the challenge.

Sec. 16.095.  DETERMINATION OF CHALLENGE. (a) After hearing and considering the evidence or argument, the secretary of state [~~registrar~~] shall promptly determine the challenge and issue a decision in writing.

(b)  If the secretary of state [~~registrar~~] determines that the voter's registration should not be canceled, the registration continues in effect.

(c)  If the secretary of state [~~registrar~~] determines that the voter's registration should be canceled, the secretary of state [~~registrar~~] shall cancel the registration on the 31st day after the date the secretary of state's [~~registrar's~~] decision is issued.

(d)  The secretary of state [~~registrar~~] shall retain a copy of the decision on file [~~with the duplicate registration certificate of the voter whose registration was challenged~~] and shall deliver a copy to each party to the challenge.

SECTION 32.  Section 17.001, Election Code, is amended to read as follows:

Sec. 17.001.  RIGHT OF APPEAL BY APPLICANT FOR REGISTRATION. An applicant for voter registration is entitled to appeal an adverse decision issued by the secretary of state [~~registrar~~] under Section 13.079.

SECTION 33.  Section 17.002, Election Code, is amended to read as follows:

Sec. 17.002.  RIGHT OF APPEAL BY REGISTERED VOTER. A party to a challenge under Subchapter C or D of Chapter 16 is entitled to appeal an adverse decision issued by the secretary of state [~~registrar~~].

SECTION 34.  Section 17.004, Election Code, is amended to read as follows:

Sec. 17.004.  COPY FILED WITH SECRETARY OF STATE [~~REGISTRAR~~]. (a) Not later than the deadline for filing a petition for review, the petitioner must deliver a copy of the petition to the secretary of state [~~registrar who issued the adverse decision~~].

(b)  A petition delivered by mail is considered to be delivered at the time of its receipt by the secretary of state [~~registrar~~].

SECTION 35.  Section 17.005, Election Code, is amended to read as follows:

Sec. 17.005.  CANCELLATION DELAYED PENDING APPEAL. If a voter's registration is to be canceled following a decision from which an appeal is taken, the secretary of state [~~registrar~~] shall delay canceling the registration, pending the outcome of the appeal, on the timely delivery of the copy of the petition for review.

SECTION 36.  Section 17.006, Election Code, is amended to read as follows:

Sec. 17.006.  VENUE. Venue of an appeal under this chapter is in the county where the person whose application or registration is being challenged resides [~~served by the registrar who issued the decision from which the appeal is taken~~].

SECTION 37.  Section 17.007(c), Election Code, is amended to read as follows:

(c)  The court may not admit in evidence the fact of prior action by the secretary of state [~~registrar~~], except to the extent necessary to establish its jurisdiction.

SECTION 38.  Section 18.061(b), Election Code, is amended to read as follows:

(b)  The statewide computerized voter registration list must:

(1)  contain the name and registration information of each voter registered in the state;

(2)  assign a unique identifier to each registered voter; [~~and~~]

(3)  assign an electronic indicator to a registered voter about whom the secretary of state has received an abstract under Section 16.002 or 16.003 without removing that voter from the list; and

(4)  be available to any election official in the state through immediate electronic access.

SECTION 39.  Section 18.064, Election Code, is amended to read as follows:

Sec. 18.064.  SANCTION FOR NONCOMPLIANCE. If a registrar fails to substantially comply with Section 15.083, 16.032, 16.0332, [~~or~~] 18.061, or 18.068 or with rules adopted by the secretary of state implementing the statewide computerized voter registration list, the registrar is not entitled to receive state funds for financing voter registration in the county.

SECTION 40.  Section 18.065, Election Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a)  The secretary of state shall monitor each registrar for substantial compliance with Sections 15.083, 16.032, 16.0332, [~~and~~] 18.061, and 18.068 and with rules implementing the statewide computerized voter registration list.

(e)  The secretary of state shall annually audit the voter registrar for each county's compliance with Sections 15.083, 16.032, 16.0332, 18.061, and 18.068, and not later than December 31, file a copy of the audit with the legislature.

SECTION 41.  Section 18.068, Election Code, is amended to read as follows:

Sec. 18.068.  COMPARISON OF INFORMATION REGARDING INELIGIBILITY. (a) The secretary of state shall as frequently as possible [~~quarterly~~] compare the information received under Sections [~~Section~~] 16.001, 16.002, and 16.003 of this code and Section 62.113, Government Code, to the statewide computerized voter registration list.

(a-1)  The secretary of state shall enter into an agreement with the Department of Public Safety under which information in the database of the Department of Public Safety is provided to the secretary of state if the information concerns a person who:

(1)  is at least 18 years of age;

(2)  has a valid driver's license or personal identification card issued by the Department of Public Safety; and

(3)  has indicated the person is not a citizen in connection with an application for a new or renewal driver's license or personal identification card.

(a-2)  If the secretary of state determines from information received under Subsection (a) or (a-1) that a voter on the registration list may be ineligible to vote [~~is deceased or has been excused or disqualified from jury service because the voter is not a citizen~~], the secretary shall send notice of the determination to the attorney general and the voter registrar of the counties considered appropriate by the secretary.

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

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

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

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

(d)  On receiving notification from the secretary of state under Subsection (c) that a weak match of identifying information exists for a county voter and an individual who is deceased, the county shall investigate whether the voter is the individual who is deceased.

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

(f)  The secretary of state may obtain, for purposes of determining whether a voter is deceased or ineligible to vote, information from other state agency databases or available federal agency databases relating to a voter that is the same type of information that the secretary of state or a voter registrar collects or stores for voter registration purposes.

(g)  Not later than December 31 of each year, the secretary of state shall provide a report to the legislature of the number of voters determined to be ineligible under this section during the calendar year. The report must include the reason for ineligibility for each voter and the result of each investigation conducted by a county under Subsection (d).

SECTION 42.  Section 18.0681(d), Election Code, is amended to read as follows:

(d)  If the secretary of state determines that a voter on the registration list has more than one registration record on file based on a strong match, the secretary shall send notice of the determination to the voter registrar of each county in which the voter is registered to vote.  If the voter records identified are:

(1)  located in the same county, the voter registrar shall [~~may~~] merge the records following a determination that each record belongs to the same voter using the procedure for the correction of registration records under Section 15.022; or

(2)  located in more than one county, the registrar of the county with the oldest record shall [~~may~~] deliver a written confirmation notice in accordance with Section 15.051.

SECTION 43.  Section 18.069, Election Code, is amended to read as follows:

Sec. 18.069.  VOTING HISTORY. Not later than the 30th day after the date of the primary, runoff primary, or general election or any special election ordered by the governor, the general custodian of election records [~~registrar~~] shall electronically submit to the secretary of state the record of each voter participating in the election. The record must include a notation of whether the voter voted on election day, voted early by personal appearance, voted early by mail under Chapter 86, or voted early by mail under Chapter 101.

SECTION 44.  Section 20.062, Election Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a)  The Department of Public Safety shall prescribe and use a form and procedure that combines the department's application form for a license or card with an officially prescribed voter registration application form for each United States citizen who applies in person at the department's offices or online at the department's Internet website.

(b)  The department shall prescribe and use a change of address form and procedure that combines department and voter registration functions. The form must allow a licensee or cardholder to indicate that [~~whether~~] the change of address is not [~~also to be used~~] for voter registration purposes.

(d)  A procedure prescribed under this section must provide for the electronic transmission of an applicant's voter registration data by the department to the secretary of state in accordance with Section 20.066.

SECTION 45.  Sections 20.063(a) and (c), Election Code, are amended to read as follows:

(a)  The Department of Public Safety shall provide to each United States citizen [~~person~~] who applies in person or online at the department's Internet website [~~at the department's offices~~] for an original or renewal of a driver's license, a personal identification card, or a duplicate or corrected license or card an opportunity to complete a voter registration application form.

(c)  A change of address that relates to a license or card and that is submitted to the department in person, [~~or~~] by mail, or online at the department's Internet website serves as a change of address for voter registration unless the licensee or cardholder indicates that the change is not for voter registration purposes. The date of submission of a change of address to a department employee is considered to be the date of submission to the voter registrar for the purpose of determining the effective date of registration [~~only~~].

SECTION 46.  Section 20.091, Election Code, is amended to read as follows:

Sec. 20.091.  APPLICABILITY OF OTHER PROVISIONS. The other provisions of this chapter do not apply to a public library unless specifically provided by the provision or by a rule adopted by the secretary of state [~~except provisions that conflict with this subchapter~~].

SECTION 47.  Section 31.006(a), Election Code, is amended to read as follows:

(a)  If, based on information received or discovered [~~after receiving a complaint alleging criminal conduct in connection with an election~~], the secretary of state determines that there is reasonable cause to suspect that [~~the alleged~~] criminal conduct in connection with an election occurred, the secretary shall promptly refer the matter [~~complaint~~] to the attorney general. The secretary shall deliver to the attorney general all pertinent documents and other material in the secretary's possession.

SECTION 48.  Section 66.058, Election Code, is amended by adding Subsection (i) to read as follows:

(i)  Upon written request from a certified peace officer investigating an offense under this code or an attorney prosecuting an offense under this code, the authority who is preserving election records under this section shall provide the officer or attorney the complete, unredacted records requested. Information produced under this subsection is confidential and not subject to disclosure under Chapter 552, Government Code.

SECTION 49.  The following provisions of the Election Code are repealed:

(1)  Section 13.041;

(2)  Section 13.074(c);

(3)  Section 13.076(b);

(4)  Section 13.077(d);

(5)  Section 13.078(b);

(6)  Sections 13.143(d) and (e);

(7)  Sections 15.082(c) and (d);

(8)  Subchapter F, Chapter 15;

(9)  Section 18.0121;

(10)  Section 18.0051; and

(11)  Section 18.008(c).

SECTION 50.  The changes in law made by this Act apply only to an application to register to vote submitted on or after the effective date of this Act.

SECTION 51.  Section 6, Article 42.03, Code of Criminal Procedure, as added by this Act, and Sections 16.003 and 16.005, Election Code, as amended by this Act, apply only to a person convicted of a felony on or after the effective date of this Act.

SECTION 52.  The secretary of state and the Department of Public Safety of the State of Texas are required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the secretary of state or the Department of Public Safety of the State of Texas may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 53.  This Act takes effect September 1, 2021.

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