87R9713 TSS-D

By:  Hall S.B. No. 1610

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

(c)  A registration application must include:

(1)  the applicant's first name, middle name, if any, last name, and former name, if any;

(2)  the month, day, and year of the applicant's birth;

(3)  a statement that the applicant is a United States citizen;

(4)  a statement that the applicant is a resident of the county;

(5)  a statement that the applicant has not been determined by a final judgment of a court exercising probate jurisdiction to be:

(A)  totally mentally incapacitated; or

(B)  partially mentally incapacitated without the right to vote;

(6)  a statement that the applicant has not been finally convicted of a felony or that the applicant is a felon eligible for registration under Section 13.001;

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

(8)  the following information:

(A)  the applicant's Texas driver's license number or the number of a personal identification card issued by the Department of Public Safety and the applicant's social security number;

(B)  if the applicant has not been issued one of the numbers [~~a number~~] described by Paragraph (A), the number described by Paragraph (A) that the applicant has been issued and a statement by the applicant that the applicant has not been issued the other number [~~the last four digits of the applicant's social security number~~]; or

(C)  a statement by the applicant that the applicant has not been issued a number described by Paragraph (A) [~~or (B)~~];

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

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

(11)  a list of all counties in this state in which the applicant is or has been registered to vote.

SECTION 2.  Section 13.004, Election Code, is amended by adding Subsections (f) and (g) to read as follows:

(f)  The registrar shall furnish a copy of a list of voters registered in the county to any person requesting it or shall furnish that portion of the list requested. A list or portion of a list provided under this subsection may not include information made confidential under Subsection (c) or other law.

(g)  The registrar may not charge a fee for providing a list or portion of a list under Subsection (f).

SECTION 3.  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 a United States citizen eligible for registration.

(b)  If the application is submitted to the Department of Public Safety in person with the proof of citizenship required by Section 20.063(e), the [~~The~~] registrar shall make the determination not later than the seventh day after the date the application is 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 for determining citizenship as provided by Section 13.0721.

SECTION 4.  Section 13.072, Election Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), 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; [~~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)  both the numbers described by Paragraphs (A) and (B), if provided by the applicant;

(3)  the registrar determines that the residence address or residence description provided by the applicant under Section 13.002(c)(7):

(A)  corresponds to a house, apartment building, lodging house, boarding house, dormitory, residence hall, group home, residential treatment center, nursing home, nursing or long-term care facility, correctional facility, dormitory or residence hall, shelter, or any other location at which a person could reasonably reside; and

(B)  has not been used as a residence address or description by a number of applicants for voter registration greater than the number of people that could reasonably reside at the address; and

(4)  the registrar verifies the applicant's signature by comparing it with any signature of the voter obtained from the Department of Public Safety.

(a-1)  A voter registrar shall enter into an agreement with the Department of Public Safety under which a signature in the database of the Department of Public Safety is provided to the registrar if it is a signature of a person over the age of 18 who resides in the county.

(a-2)  Before approving an application by an applicant who has indicated that they are or have been registered in another county under Section 13.002(c)(11), the registrar shall obtain from the other county's registrar any information or documentation relating to the applicant in the possession of the other county's registrar.

(e)  If the registrar is unable to make a determination regarding the residence address or description provided by the applicant under Subsection (a)(3), the registrar shall challenge the applicant under Section 13.074.

SECTION 5.  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 person with the proof of citizenship required by Section 20.063(e).

(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. If the department does not have information regarding the citizenship status of the applicant or has information indicating that the applicant is not a citizen, the registrar and the applicant shall be notified as provided by secretary of state rule.

(c)  An applicant for voter registration who receives notice under Subsection (b) must provide proof of citizenship to the registrar not later than the 60th day after the date of receipt. Except as provided by Subsection (d), 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.

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

(e)  If an applicant does not provide proof of citizenship as required, the registrar shall cancel the registration 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.

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

SECTION 6.  Section 15.021, Election Code, is amended by adding Subsection (d-1) to read as follows:

(d-1)  If the registrar receives a notification from the Department of Public Safety under Section 521.054(e), Transportation Code, that a voter registered in the registrar's county has changed the voter's address, the registrar shall consider the notification a notice submitted under Subsection (a).

SECTION 7.  Section 15.082(b), Election Code, is amended to read as follows:

(b)  The registrar may not charge a fee for a [~~each~~] list 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 8.  Section 15.084(b), Election Code, is amended to read as follows:

(b)  The secretary of state may not charge a fee for a [~~each~~] list 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~~].

SECTION 9.  Subchapter A, Chapter 16, Election Code, is amended by adding Section 16.0035 to read as follows:

Sec. 16.0035.  TAX RECORD AUDIT. (a) Once per year, the county tax assessor-collector shall audit the county's tax records to determine if the records indicate that a person 18 years or older who has resided in the county in the previous year has died, is no longer a resident of the county, is not a citizen of the United States, or is otherwise ineligible to vote.

(b)  The tax assessor-collector shall forward the records described by Subsection (a) to the registrar for cancellation following investigation under Section 16.033.

SECTION 10.  Section 16.033(b), Election Code, is amended to read as follows:

(b)  If the registrar receives a record under Section 16.0035 or otherwise has reason to believe that a voter is no longer eligible for registration, the registrar shall deliver written notice to the voter indicating that the voter's registration status is being investigated by the registrar. The notice 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. If the secretary of state has adopted or recommended a form for a written notice under this section, the registrar must use that form.

SECTION 11.  Section 16.0332(a), Election Code, is amended to read as follows:

(a)  After the registrar receives 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 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 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 12.  Section 18.005, Election Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

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

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

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

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

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

(5)  contain the voter's photograph if provided to the registrar under an agreement made under Subsection (d).

(d)  A voter registrar shall enter into an agreement with the Department of Public Safety under which a photograph in the database of the Department of Public Safety is provided to the registrar if the photograph is of a registered voter in the county.

SECTION 13.  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)  be available to any election official in the state through immediate electronic access; and

(4)  be designed to integrate and interact easily with other state computerized databases.

SECTION 14.  Section 18.068, Election Code, is amended by amending Subsections (a), (b), (c), (e), and (f) and adding Subsections (a-1) and (a-2) to read as follows:

(a)  The secretary of state shall monthly [~~quarterly~~] compare the information received under Subchapter A, Chapter 16, [~~Section 16.001~~] of this code and Sections [~~Section~~] 62.113 and 62.114, 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, the Texas Department of Criminal Justice, the vital statistics unit of the Department of State Health Services, and the Health and Human Services Commission under which information in any database maintained by the department, unit, or commission is provided to the secretary of state if the information concerns a person who is at least 18 years of age and:

(1)  has indicated in connection with a service sought by or provided to the person by the department, unit, or commission that the person is not a citizen, has changed residence addresses, or is otherwise ineligible to vote under Section 13.001; or

(2)  for whom the department, unit, or commission has received information indicating the person is deceased.

(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.

(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 maintained by state agencies not listed in Subsection (a-1) 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.

SECTION 15.  Section 20.032, Election Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a)  Except as provided by Subsection (a-1), an [~~An~~] appropriate agency employee shall routinely inform each person who applies in person for agency services of the opportunity to complete a voter registration application form and on request shall provide nonpartisan voter registration assistance to the applicant.

(a-1)  An employee of a voter registration agency may not offer voter registration assistance under this chapter if a person applies for agency services using identification issued by a foreign country.

SECTION 16.  Section 20.063, Election Code, is amended by adding Subsection (e) to read as follows:

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

(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; or

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

SECTION 17.  Section 62.113(b), Government Code, is amended to read as follows:

(b)  On the third business day of each month, the clerk shall send a copy of the list of persons excused or disqualified because of citizenship in the previous month to:

(1)  the voter registrar of the county;

(2)  the secretary of state; and

(3)  the county or district attorney, as applicable, or the attorney general for an investigation of whether the person committed an offense under Section 13.007, Election Code, or other law.

SECTION 18.  Sections 62.114(b) and (c), Government Code, are amended to read as follows:

(b)  On the third business day of each month, the clerk shall send [~~to the voter registrar of the county~~] a copy of the list of persons excused or disqualified in the previous month because the persons do not reside in the county to:

(1)  the voter registrar of the county;

(2)  the secretary of state; and

(3)  the county or district attorney, as applicable, or the attorney general for an investigation of whether the person committed an offense under Section 13.007, Election Code, or other law.

(c)  A list compiled under this section may not be used for a purpose other than a purpose described by Subsection (b) or Section 15.081 or 18.068, Election Code.

SECTION 19.  Section 521.054, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e)  If the department is notified that a person over the age of 18 has changed the person's address under this section, the department shall forward the change of address notification to the voter registrar for the county where the person previously resided.

SECTION 20.  The following provisions of the Election Code are repealed:

(1)  Section 15.082(d);

(2)  Section 15.084(d); and

(3)  Section 20.006(c).

SECTION 21.  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 22.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.