

By: Middleton

H.B. No. 1026

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

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

- 25 (1) an unexpired passport issued to the person;
26 (2) a certified copy of a birth certificate or other
27 document confirming the person's birth that is admissible in a

1 court of law and establishes the person's identity, presented with
2 a government-issued identification that contains the person's
3 photograph; or

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

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

10 (d) If an applicant does not provide proof of citizenship as
11 required, the secretary of state shall reject the application.

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

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

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

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

23 (a) The [~~At the times prescribed by the~~] secretary of
24 state[~~, the registrar~~] shall produce [~~deliver to the secretary~~] a
25 statement containing the voter registration information determined
26 [~~by the secretary~~] to be necessary to comply with reporting
27 requirements prescribed under federal law.

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

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

6 (b) Information furnished under this section may not
7 include:

8 (1) a voter's social security number; or

9 (2) the residence address of a voter whose residence
10 address is confidential under Section 13.004.

11 SECTION 8. Section 18.068, Election Code, is amended to
12 read as follows:

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

19 (a-1) If the secretary determines from information received
20 under Subsection (a) that a voter on the registration list may be
21 ineligible to vote [~~is deceased or has been excused or disqualified~~
22 ~~from jury service because the voter is not a citizen~~], the secretary
23 shall determine under this section whether the voter is ineligible
24 to vote [~~send notice of the determination to the voter registrar of~~
25 ~~the counties considered appropriate by the secretary~~].

26 (b) The secretary of state shall by rule determine what
27 information combinations identified as common to a voter and to an

1 individual who is deceased or ineligible to vote constitute a weak
2 match or a strong match in order to:

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

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

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

11 (d) On determining [~~receiving notification from the~~
12 ~~secretary of state under Subsection (c)~~] that a weak match of
13 identifying information exists for a [county] voter and an
14 individual who is deceased or ineligible to vote, the secretary of
15 state [county] shall investigate whether the voter is that [~~the~~
16 individual [~~who is deceased~~].

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

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

25 (g) The secretary of state shall conduct a review under this
26 section of every voter whose voter registration is effective on
27 September 1, 2021. This subsection expires January 1, 2023.

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

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

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

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

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

13 Sec. 20.033. EFFECT OF SUBMISSION OF APPLICATION TO
14 EMPLOYEE. The date of submission of a completed registration
15 application to the agency employee is considered to be the date of
16 submission to the secretary of state [~~voter registrar~~] for the
17 purpose of determining the effective date of registration only.

18 Sec. 20.034. SUBMISSION TO SECRETARY OF STATE [~~REGISTRAR~~]
19 BY APPLICANT. (a) The applicant may keep the registration
20 application form or the completed application to submit the
21 application personally to the secretary of state [~~voter registrar~~].

22 (b) The agency employee shall enter on the declination of
23 registration form a notation that after being given the opportunity
24 to register, the applicant kept the application or application form
25 for personal submission of the application to the secretary of
26 state [~~registrar~~].

27 Sec. 20.035. DELIVERY OF APPLICATIONS TO SECRETARY OF STATE

1 ~~[REGISTRAR]~~. (a) The agency shall deliver to the secretary of
2 state ~~[voter registrar of the county in which the agency office is~~
3 ~~located]~~ each completed registration application submitted to an
4 agency employee.

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

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

10 (c) An application form delivered by mail must be
11 accompanied by a notice informing the applicant that the
12 application may be submitted in person or by mail to the secretary
13 of state ~~[voter registrar of the county in which the applicant~~
14 ~~resides or in person to a volunteer deputy registrar for delivery to~~
15 ~~the voter registrar of the county in which the applicant resides]~~.

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

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

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

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

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

27 SECTION 13. Section 20.122(c), Election Code, is amended to

1 read as follows:

2 (c) The application forms must be accompanied by a notice
3 informing the licensees that the applications may be submitted in
4 person or by mail to the secretary of state [~~voter registrar of the~~
5 ~~county in which they reside or in person to a volunteer deputy~~
6 ~~registrar for delivery to the voter registrar of the county in which~~
7 ~~they reside~~].

8 SECTION 14. Section [112.012](#), Election Code, is amended to
9 read as follows:

10 Sec. 112.012. NOTIFICATION TO SECRETARY OF STATE [~~VOTER~~
11 ~~REGISTRAR~~]. Not later than the 30th day after receipt of an
12 application for a limited ballot, the early voting clerk shall
13 notify the secretary of state [~~voter registrar for the voter's~~
14 ~~former county of residence~~] that the voter has applied for a limited
15 ballot.

16 SECTION 15. The following provisions of the Election Code
17 are repealed:

- 18 (1) Section [12.005](#);
- 19 (2) Section [12.006](#);
- 20 (3) Subchapter B, Chapter [13](#);
- 21 (4) Section [13.072](#)(d);
- 22 (5) Section [13.121](#)(c);
- 23 (6) Sections [13.143](#)(d), (d-1), (d-2), and (e);
- 24 (7) Section [15.083](#);
- 25 (8) Section [18.012](#);
- 26 (9) Section [18.061](#)(c);
- 27 (10) Section [18.064](#);

1 (11) Section 18.065; and

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

3 SECTION 16. This Act takes effect September 1, 2021.