

By: Jetton

H.B. No. 4366

A BILL TO BE ENTITLED

AN ACT

relating to federal election practices and procedures.

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

SECTION 1. Section 31.007, Election Code, is amended to read as follows:

Sec. 31.007. SUSPENSION OF PROVISIONS IMPLEMENTING FEDERAL LAW [~~NATIONAL VOTER REGISTRATION ACT~~]. (a) If under federal law, order, regulation, or other official action any provision of federal law regarding the registration of voters or conduct of elections, including but not limited to the National Voter Registration Act of 1993 or its successors is not required to be implemented or enforced in whole or in part, an affected state law or rule is suspended to the extent that the law or rule was enacted or adopted to implement that law [~~Act~~], and it is the intent of the legislature that the applicable law in effect immediately before the enactment or adoption be reinstated and continued in effect pending enactment of corrective state legislation.

(b) On a finding by the secretary of state that a suspension of a law or rule has occurred under Subsection (a), the secretary may modify applicable procedures as necessary to give effect to the suspension and to reinstatement of the procedures of the former law.

(c) The secretary of state may adopt rules to implement this section as necessary.

1 SECTION 2. Chapter 31, Election Code, is amended by adding
2 Section 31.0075 to read as follows:

3 Sec. 31.0075. TEMPORARY MEASURES TO IMPLEMENT FEDERAL LAW.

4 (a) Pending enactment of conforming state legislation, the
5 secretary of state shall by rule, after consulting with the chair
6 and vice chair of the standing committees of the senate and house of
7 representatives having jurisdiction over elections, adopt
8 procedures to conform with federal laws enacted regarding federal
9 elections in a manner which will not substantively modify the
10 procedures for voter registration for or conduct of elections other
11 than federal elections provided in this Code, except as provided by
12 this section.

13 (b) In compliance with Subsection (a), to the extent federal
14 law modifies the requirements or procedures in this Code for voter
15 registration in federal elections, the secretary of state shall by
16 rule, establish and maintain a federal election voter registration
17 system in compliance with federal law. Any person registered under
18 this system shall not be eligible to vote in any election other than
19 federal elections unless that person is qualified and registered to
20 vote under Title 2 of this Code. Any person seeking to register to
21 vote under the federal election voter registration system provided
22 for under this subsection shall be notified upon registering to
23 vote under this system that registration to vote in federal
24 elections does not qualify a person to vote in any other election
25 conducted in this state unless that person registers to vote as
26 provided by Title 2 of this Code. All persons registered to vote as
27 provided by Title 2 of this Code shall be automatically registered

1 to vote under the federal election voter registration system
2 provided for under this subsection. Any voter registration
3 certificate issued or lists of registered voters produced under the
4 federal election voter registration system provided for under this
5 subsection shall be clearly marked "Valid for federal elections
6 only."

7 (c) In compliance with subsection (a), to the extent federal
8 law modifies the conduct of elections for federal office in a manner
9 which substantively conflicts with any provision in this Code,
10 notwithstanding any other provision in this Code, the secretary of
11 state shall by rule modify the uniform election dates and other
12 associated dates and deadlines provided in this Code so that no
13 election other than those for federal offices are held on the same
14 date as any special election for member of congress, federal
15 primary, federal primary runoff or general election for federal
16 offices.

17 SECTION 3. The changes in law made by this Act apply only to
18 an application to register to vote submitted on or after the
19 effective date of this Act.

20 SECTION 4. This Act takes effect September 1, 2021.