

By: Cain

H.B. No. 4498

A BILL TO BE ENTITLED

AN ACT

relating to compliance with the National Voter Registration Act.

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

SECTION 1. Subchapter A, Chapter 13, Election Code, is amended by adding Section 13.009 to read as follows:

Sec. 13.009. VOTER REGISTRATION IN A SIMULTANEOUS TRANSACTION FOR DRIVER'S LICENSE RENEWALS BY PERSONS ELIGIBLE. (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

1 13.002(c); and

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

5 (c) For each application the program shall:

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

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

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

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

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

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

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

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

27 (h) The rules adopted under Subsection (g) must require

1 that:

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

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

10 SECTION 2. Section 13.071, Election Code, is amended by
11 adding Subsections (a-1) and (c) and amending Subsection (b) to
12 read as follows:

13 (a-1) The registrar shall send each submitted application
14 determined eligible for registration to the secretary of state for
15 verification.

16 SECTION 3. Sections 13.143(a) and (d-2), Election Code, are
17 amended to read as follows:

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

23 (d-2) For a registration application not submitted by
24 personal delivery or mail [~~telephonic facsimile machine~~] to be
25 effective, a copy of the original registration application
26 containing the voter's original signature must be submitted by
27 personal delivery or mail and be received by the registrar not later

1 than the fourth business day after the submission [~~transmission by~~
2 ~~telephonic facsimile machine~~] is received.

3 (b) If the application is submitted to the Department of
4 Public Safety in conjunction with an application for an original,
5 renewal, or duplicate driver's license the application shall be
6 approved, rejected, or challenged under this subchapter [~~The~~
7 ~~registrar shall make the determination~~] not later than the seventh
8 day after the date it was [~~the application is~~] submitted to the
9 registrar.

10 (c) If the application is submitted in a manner other than
11 the manner described by Subsection (b), the registrar shall forward
12 the information relating to the applicant to the secretary of state
13 for determining correct information necessary to prevent duplicate
14 voter registrations and assess the eligibility of the applicant as
15 provided by Section 13.0721. The registrar shall not accept an
16 application under this subsection until the secretary of state has
17 notified the registrar the applicant meets the requirements of
18 Section 13.001. The secretary of state shall adopt rules and
19 prescribe procedures to implement this subsection.

20 SECTION 4. Section 13.072, Election Code, is amended to
21 read as follows:

22 Sec. 13.072. ACTION ON APPLICATION. (a) Unless the
23 registrar challenges the applicant, the registrar shall approve the
24 application if:

25 (1) the registrar determines that an application
26 complies with Section 13.002 and indicates that the applicant is
27 eligible for registration under Section 13.001; and

1 (2) for an applicant who has not included a statement
2 described by Section 13.002(c)(8)(C), the registrar verifies with
3 the secretary of state:

4 (A) the applicant's Texas driver's license number
5 or number of a personal identification card issued by the
6 Department of Public Safety; or

7 (B) the last four digits of the applicant's
8 social security number.

9 (3) for an applicant who has included a statement
10 described by Section 13.002(c)(8)(C), the registrar has forwarded
11 the application to the secretary of state and the secretary of state
12 has verified the identity of the applicant. The secretary of state
13 shall adopt rules and prescribe procedures to implement this
14 subsection.

15 (b) After approval of an application by an applicant who was
16 registered in another county at the time of application, the
17 registrar shall deliver written notice of the applicant's change of
18 residence to the other county's registrar and include in the notice
19 the applicant's name, former residence address, and former
20 registration number, if known.

21 (c) Except as provided by Subsection (d), if the registrar
22 determines that an application does not comply with Section 13.002
23 or does not indicate that the applicant is eligible for
24 registration under Section 13.001, the registrar shall reject the
25 application.

26 (d) If an application clearly indicates that the applicant
27 resides in another county, the registrar shall forward the

1 application to the other county's registrar not later than the
2 second day after the date the application is received [~~and, if the~~
3 ~~other county is not contiguous, shall deliver written notice of~~
4 ~~that action to the applicant not later than the seventh day after~~
5 ~~the date the application is received~~]. The date of submission of a
6 completed application to the wrong registrar is considered to be
7 the date of submission to the proper registrar for purposes of
8 determining the effective date of the registration.

9 SECTION 5. Section 18.062, Election Code, is amended by
10 adding Subsection (c) to read as follows:

11 (c) To the extent practicable, a system developed under this
12 section shall allow real-time verification of identity,
13 eligibility and residency.

14 SECTION 6. Section 20.062, Election Code, is amended by
15 amending Subsection (a) and adding Subsection (d) to read as
16 follows:

17 (a) The Department of Public Safety shall prescribe and use
18 a form and procedure that combines the department's application
19 form for a license or card with an officially prescribed voter
20 registration application form for each United States citizen who
21 applies in person at the department's offices or using the
22 procedure provided in Section 13.009.

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

27 SECTION 7. Sections 20.063, Election Code, is amended to

1 read as follows:

2 (a) The Department of Public Safety shall provide to each
3 United States Citizen ~~person~~ who applies in person or using the
4 procedure provided in Section 13.009 [~~at the department's offices~~]
5 for an original or renewal of a driver's license, a personal
6 identification card, or a duplicate or corrected license or card an
7 opportunity to complete a voter registration application in a
8 simultaneous transaction [~~form~~].

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

14 (c) A change of address that relates to a license or card and
15 that is submitted to the department in person, [~~or~~] by mail, or
16 using the procedure provided in Section 13.009 serves as a change of
17 address for voter registration unless the licensee or cardholder
18 indicates that the change is not for voter registration purposes.
19 The date of submission of a change of address to a department
20 employee is considered to be the date of submission to the voter
21 registrar for the purpose of determining the effective date of
22 registration [~~only~~].

23 SECTION 8. Section 20.065(b), Election Code, is amended to
24 read as follows:

25 (b) Each weekday the department is regularly open for
26 business, the department shall electronically transfer to the
27 secretary of state the name and information designated by the

1 secretary of state for [~~of each person who completes a~~] voter
2 registration for each individual who is eligible to vote as
3 provided by Section 13.001 and applies in person, by mail, or using
4 the procedure provided in Section 13.009 for an original or renewal
5 of a driver's license, [~~application submitted to the department~~].
6 The secretary shall prescribe procedures necessary to implement
7 this subsection.

8 SECTION 9. Sections 13.143(d) and (e), Election Code, are
9 repealed.

10 SECTION 10. The changes in law made by this Act apply only
11 to an application to register to vote submitted on or after the
12 effective date of this Act.

13 SECTION 11. This Act takes effect September 1, 2021.