

By: Buckingham

S.B. No. 1340

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. (a) Notwithstanding any other law and subject to Subsections (c), (d), and (e), 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

1 application form that the person is not a citizen of the United  
2 States.

3 (b) The secretary of state shall by rule determine what  
4 information combinations identified as common to a voter and to an  
5 individual who is not a citizen of the United States constitute a  
6 weak match or a strong match in order to:

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

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

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

15 (d) On receiving notification from the secretary of state  
16 under Subsection (c) that a weak match of identifying information  
17 exists for an applicant for voter registration or a voter in the  
18 county and an individual who is a noncitizen, the county shall  
19 investigate whether the applicant or voter is a citizen.

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

22 SECTION 3. Section 12.001, Election Code, is amended to  
23 read as follows:

24 Sec. 12.001. DESIGNATION OF SECRETARY OF STATE AS VOTER  
25 REGISTRAR. (a) The secretary of state is the chief voter registrar  
26 of the state and shall maintain the list of registered voters. The  
27 voter registrar designated under Subsection (b) is the voter

1 registrar for all other purposes and shall assist the secretary of  
2 state in the registration of voters at the direction of the  
3 secretary of state.

4 (b) Except as provided by Subsection (a), the [The] county  
5 tax assessor-collector is the voter registrar for the county unless  
6 the position of county elections administrator is created or the  
7 county clerk is designated as the county voter registrar.

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

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

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

16 Sec. 12.0011. CLASSIFICATION OF VOTER REGISTRATION DUTIES.

17 (a) The secretary of state shall adopt rules consistent with  
18 Section 12.001 that classify the duties and functions placed on a  
19 voter registrar under this code or another provision of law  
20 according to whether they are to be performed by the voter registrar  
21 or by the secretary of state.

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

27 (c) The secretary of state shall deliver a copy of each rule

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

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

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

21 SECTION 5. Sections 13.002(a) and (i), Election Code, are  
22 amended to read as follows:

23 (a) A person desiring to register to vote must submit an  
24 application to the registrar of the county in which the person  
25 resides. Except as provided by Subsection (e) or Subchapter C,  
26 Chapter 20, an application must be submitted by personal delivery,  
27 by mail, or by telephonic facsimile machine in accordance with

1 Section 13.143(d-2) [~~Sections 13.143(d) and (d-2)~~].

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

5 (1) written documentation:

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

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

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

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

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

1        (b) An applicant for electronic voter registration must:

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

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

7            (3) provide the information required under Section  
8 13.002(c); and

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

12        (c) For each application the program shall:

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

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

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

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

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

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

27        (f) An application electronically submitted under this

1 section is considered for all purposes as an application submitted  
2 by mail under this title.

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

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

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

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

17 SECTION 7. Section 13.046(f), Election Code, is amended to  
18 read as follows:

19 (f) Except as provided by this subsection, Sections  
20 13.039[~~13.041~~] and 13.042 apply to the submission and delivery  
21 of registration applications under this section, and for that  
22 purpose, "volunteer deputy registrar" in those sections includes a  
23 high school deputy registrar. A high school deputy registrar may  
24 review an application for completeness out of the applicant's  
25 presence. A deputy may deliver a group of applications to the  
26 registrar by mail in an envelope or package, and, for the purpose of  
27 determining compliance with the delivery deadline, an application

1 delivered by mail is considered to be delivered at the time of its  
2 receipt by the registrar.

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

5 Sec. 13.071. REVIEW OF APPLICATION. (a) The registrar  
6 shall review each submitted application for registration to  
7 determine whether it complies with Section 13.002 and indicates  
8 that the applicant is eligible for registration under Section  
9 13.001.

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

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

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

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



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

4 (a) Unless the registrar challenges the applicant, the  
5 registrar shall approve the application if:

6 (1) the registrar determines that an application  
7 complies with Section 13.002 and indicates that the applicant is  
8 eligible for registration under Section 13.001; and

9 ~~(2) [for an applicant who has not included a statement~~  
10 ~~described by Section 13.002(c)(8)(C),]~~ the registrar verifies with  
11 the secretary of state:

12 (A) the applicant's Texas driver's license number  
13 or number of a personal identification card issued by the  
14 Department of Public Safety; ~~[or]~~

15 (B) the last four digits of the applicant's  
16 social security number; or

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

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

25 (c) Except as provided by Subsection (d), if the registrar  
26 determines that an application does not comply with Section 13.002  
27 or does not indicate that the applicant is eligible for

1 registration under Section 13.001, the registrar shall reject the  
2 application.

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

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

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

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

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

1 (c) If the applicant included a statement under Section  
2 13.002(c)(8)(C) or the secretary of state cannot verify the  
3 citizenship status of the applicant under Subsection (b), the  
4 registrar and the applicant shall be notified as provided by  
5 secretary of state rule.

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

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

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

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

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

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

1 section.

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

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

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

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

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

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

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

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

26 (a) The secretary of state [~~registrar~~] shall deliver to a  
27 challenged applicant written notice of the date, hour, and place

1 set for the hearing on the challenge not later than the second day  
2 after the date the hearing request is filed or made.

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

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

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

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

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

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

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

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

26 (2) enter the applicant's county election precinct  
27 number and registration number on the applicant's registration

1 application.

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

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

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

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

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

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

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

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

27 (4) after receipt of a voter's statement of residence

1 executed under Section 63.0011;

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

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

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

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

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

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

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

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

23 Sec. 15.028. NOTICE OF UNLAWFUL REGISTRATION OR VOTING [~~TO~~  
24 ~~PROSECUTOR~~]. [~~(a)~~] If the registrar determines that a person who  
25 is not eligible to vote may have registered to vote or [~~a registered~~  
26 ~~voter~~] voted in an election, the registrar shall execute and  
27 deliver to the secretary of state and the county or district

1 attorney having jurisdiction in the territory covered by the  
2 election an affidavit stating the relevant facts.

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

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

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

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

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

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

23 (2) examine any information obtained from the  
24 interstate voter registration crosscheck program under Section  
25 18.062, indicating address reclassifications or changes of address  
26 affecting the registered voters of the state; and

27 (3) identify each voter in the state who fails to vote



1 in any election, submit an application for a ballot to be voted by  
2 mail under Chapter 84 or 101, or submit a change in voter  
3 registration under Chapter 13 or 15 for two years from the date of a  
4 general election for state and county officers.

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

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

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

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

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

25 (d) With the cooperation of the secretary of state, the  
26 Department of Public Safety shall, in accordance with federal law,  
27 enter into an agreement with the commissioner of social security to

1 verify on a quarterly basis the information of voter registration  
2 records containing a social security number. At a minimum, the  
3 department shall verify if:

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

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

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

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

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

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

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

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

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

8                   (A) the date of conviction;

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

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

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

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

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

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

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

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

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

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

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

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

19 (a) After the registrar receives notification [~~a list~~]  
20 under Section 18.068 of this code or Section 62.113, Government  
21 Code, of persons excused or disqualified from jury service or  
22 otherwise determined to be ineligible to vote because of  
23 citizenship status, the registrar shall deliver to each registered  
24 voter whose name appears in the notification [~~on the list~~] a written  
25 notice requiring the voter to submit to the registrar proof of  
26 United States citizenship in the form of a certified copy of the  
27 voter's birth certificate, United States passport, or certificate

1 of naturalization or any other form prescribed by the secretary of  
2 state. The notice must [~~shall~~] be delivered by forwardable mail to  
3 the mailing address on the voter's registration application and to  
4 any new address of the voter known to the registrar.

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

7 (a) Immediately after, but not later than the 30th day after  
8 the date a voter's registration is canceled under Section  
9 16.031(a)(3) or (4), 16.033, 16.0331, or 16.0332, the registrar  
10 shall deliver written notice of the cancellation to the voter.

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

13 SUBCHAPTER C. CHALLENGE OF CANCELLATION

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

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

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

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

27 Sec. 16.064. HEARING ON CHALLENGE. (a) On the filing of a

1 hearing request, the secretary of state [~~registrar~~] shall schedule  
2 a hearing on the challenge.

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

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

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

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

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

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

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

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

6 SUBCHAPTER D. CHALLENGE OF REGISTRATION

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

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

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

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

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

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

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

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

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

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

26 Sec. 16.094. NOTICE OF HEARING. (a) The secretary of state  
27 [~~registrar~~] shall deliver written notice of the hearing on the



1 challenge to each party to the controversy not later than the 15th  
2 day before the date of the hearing.

3 (b) The notice must include:

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

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

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

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

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

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

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

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

27 Sec. 17.001. RIGHT OF APPEAL BY APPLICANT FOR REGISTRATION.

1 An applicant for voter registration is entitled to appeal an  
2 adverse decision issued by the secretary of state [~~registrar~~] under  
3 Section 13.079.

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

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

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

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

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

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

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

27 SECTION 36. Section 17.006, Election Code, is amended to

1 read as follows:

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

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

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

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

13           (b) The statewide computerized voter registration list  
14 must:

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

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

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

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

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

27           Sec. 18.064. SANCTION FOR NONCOMPLIANCE. If a registrar

1 fails to substantially comply with Section 15.083, 16.032, 16.0332,  
2 [~~or~~] 18.061, or 18.068 or with rules adopted by the secretary of  
3 state implementing the statewide computerized voter registration  
4 list, the registrar is not entitled to receive state funds for  
5 financing voter registration in the county.

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

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

13 (e) The secretary of state shall annually audit the voter  
14 registrar for each county's compliance with Sections 15.083,  
15 16.032, 16.0332, 18.061, and 18.068, and not later than December  
16 31, file a copy of the audit with the legislature.

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

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

25 (a-1) The secretary of state shall enter into an agreement  
26 with the Department of Public Safety under which information in the  
27 database of the Department of Public Safety is provided to the

1 secretary of state if the information concerns a person who:

2 (1) is at least 18 years of age;

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

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

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

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

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

20 and

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

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

27 (d) On receiving notification from the secretary of state

1 under Subsection (c) that a weak match of identifying information  
2 exists for a county voter and an individual who is deceased, the  
3 county shall investigate whether the voter is the individual who is  
4 deceased.

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

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

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

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

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

26 (1) located in the same county, the voter registrar  
27 shall ~~may~~ merge the records following a determination that each

1 record belongs to the same voter using the procedure for the  
2 correction of registration records under Section 15.022; or

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

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

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

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

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

26 (b) The department shall prescribe and use a change of  
27 address form and procedure that combines department and voter

1 registration functions. The form must allow a licensee or  
2 cardholder to indicate that ~~[whether]~~ the change of address is not  
3 ~~[also to be used]~~ for voter registration purposes.

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

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

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

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

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

27 Sec. 20.091. APPLICABILITY OF OTHER PROVISIONS. The other



1 provisions of this chapter do not apply to a public library unless  
2 specifically provided by the provision or by a rule adopted by the  
3 secretary of state [~~except provisions that conflict with this~~  
4 ~~subchapter~~].

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

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

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

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

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

- 26 (1) Section 13.041;  
27 (2) Section 13.074(c);

- 1           (3) Section 13.076(b);
- 2           (4) Section 13.077(d);
- 3           (5) Section 13.078(b);
- 4           (6) Sections 13.143(d) and (e);
- 5           (7) Sections 15.082(c) and (d);
- 6           (8) Subchapter F, Chapter 15;
- 7           (9) Section 18.0121;
- 8           (10) Section 18.0051; and
- 9           (11) Section 18.008(c).

10           SECTION 50. 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 51. Section 6, Article 42.03, Code of Criminal  
14 Procedure, as added by this Act, and Sections 16.003 and 16.005,  
15 Election Code, as amended by this Act, apply only to a person  
16 convicted of a felony on or after the effective date of this Act.

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

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