

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. Notwithstanding any other law, 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 SECTION 3. Section 12.001, Election Code, is amended to
4 read as follows:

5 Sec. 12.001. DESIGNATION OF SECRETARY OF STATE AS VOTER
6 REGISTRAR. (a) The secretary of state is the chief voter registrar
7 of the state and shall maintain the list of registered voters. The
8 voter registrar designated under Subsection (b) is the voter
9 registrar for all other purposes and shall assist the secretary of
10 state in the registration of voters at the direction of the
11 secretary of state.

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

16 (c) Unless otherwise provided by a rule adopted under
17 Section 12.0011, a reference in this code to the voter registrar, as
18 related to voter registration duties, means the county voter
19 registrar.

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

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

24 Sec. 12.0011. CLASSIFICATION OF VOTER REGISTRATION DUTIES.

25 (a) The secretary of state shall adopt rules consistent with
26 Section 12.001 that classify the duties and functions placed on a
27 voter registrar under this code or another provision of law

1 according to whether they are to be performed by the voter registrar
2 or by the secretary of state.

3 (b) If a voter registrar is uncertain as to which person
4 should perform a specific duty or function that the secretary of
5 state has not classified, the person shall request the secretary to
6 classify that duty or function, and the secretary shall comply with
7 the request as soon as practicable.

8 (c) The secretary of state shall deliver a copy of each rule
9 proposed under this section to each voter registrar in the state not
10 later than the fifth day after the date notice of the proposal is
11 published in the Texas Register and shall deliver a copy of each
12 adopted rule to those persons not later than the fifth day after the
13 date the certified copy of the rule is filed in the secretary's
14 office. Failure to comply with this subsection does not affect the
15 validity of a rule.

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

23 (e) Not later than January 1 of each odd-numbered year, the
24 secretary of state shall submit a report to the committees of the
25 senate and house of representatives with primary jurisdiction over
26 elections a report on the implementation of this section and the
27 secretary of state's maintenance of the list of registered voters

1 under Section 12.001.

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

4 (a) A person desiring to register to vote must submit an
5 application to the registrar of the county in which the person
6 resides. Except as provided by Subsection (e) or Subchapter C,
7 Chapter 20, an application must be submitted by personal delivery,
8 by mail, or by telephonic facsimile machine in accordance with
9 Section 13.143(d-2) [~~Sections 13.143(d) and (d-2)~~].

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

13 (1) written documentation:

14 (A) from the United States Social Security
15 Administration evidencing the applicant has been determined to have
16 a disability; or

17 (B) from the United States Department of Veterans
18 Affairs evidencing the applicant has a disability rating of at
19 least 50 percent; and

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

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

25 Sec. 13.009. ELECTRONIC VOTER REGISTRATION. (a) The
26 secretary of state and the Department of Public Safety shall
27 jointly implement a program to allow a person who is a citizen of

1 the United States and has an unexpired driver's license issued in
2 this state to complete a voter registration application
3 simultaneously with the person's application for an original,
4 renewal, or duplicate driver's license and from the official
5 Internet website of this state. The Internet websites of the
6 secretary of state and the Department of Public Safety must also
7 provide a link to the location of the application on the official
8 Internet website of this state.

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

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

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

15 (3) provide the information required under Section
16 [13.002\(c\)](#); and

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

20 (c) For each application the program shall:

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

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

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

27 (1) notify the applicant that the application is

1 incomplete; and

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

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

8 (f) An application electronically submitted under this
9 section is considered for all purposes as an application submitted
10 by mail under this title.

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

15 (h) The rules adopted under Subsection (g) must require
16 that:

17 (1) the Internet website through which a person may
18 complete a voter registration application include a description of
19 the offense described by Section 13.007 in a conspicuous location
20 on the website near the place where the person begins or submits the
21 application; and

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

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

27 (f) Except as provided by this subsection, Sections

1 13.039[~~, 13.041,~~] and 13.042 apply to the submission and delivery
2 of registration applications under this section, and for that
3 purpose, "volunteer deputy registrar" in those sections includes a
4 high school deputy registrar. A high school deputy registrar may
5 review an application for completeness out of the applicant's
6 presence. A deputy may deliver a group of applications to the
7 registrar by mail in an envelope or package, and, for the purpose of
8 determining compliance with the delivery deadline, an application
9 delivered by mail is considered to be delivered at the time of its
10 receipt by the registrar.

11 SECTION 8. Section 13.071, Election Code, is amended to
12 read as follows:

13 Sec. 13.071. REVIEW OF APPLICATION. (a) The registrar
14 shall review each submitted application for registration to
15 determine whether it complies with Section 13.002 and indicates
16 that the applicant is eligible for registration under Section
17 13.001.

18 (b) If the application is submitted to the Department of
19 Public Safety in conjunction with an application for an original,
20 renewal, or duplicate driver's license or personal identification
21 card, the [The] registrar shall make the determination not later
22 than the seventh day after the date the application is delivered
23 [submitted] to the registrar.

24 (c) If the application is submitted in a manner other than
25 the manner described by Subsection (b), the registrar shall forward
26 the information relating to the applicant to the secretary of state
27 to ensure the voter is not already registered and for determining

1 the voter's eligibility under Section 13.001 and citizenship status
2 as provided by Section 13.0721.

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

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

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

12 (a) Unless the registrar challenges the applicant, the
13 registrar shall approve the application if:

14 (1) the registrar determines that an application
15 complies with Section 13.002 and indicates that the applicant is
16 eligible for registration under Section 13.001; and

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

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

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

25 (C) if the applicant included a statement
26 described by Section 13.002(c)(8)(C), the identity of the applicant
27 through other means.

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

6 (c) Except as provided by Subsection (d), if the registrar
7 determines that an application does not comply with Section 13.002
8 or does not indicate that the applicant is eligible for
9 registration under Section 13.001, the registrar shall reject the
10 application.

11 (d) If an application clearly indicates that the applicant
12 resides in another county, the registrar shall forward the
13 application to the other county's registrar not later than the
14 second day after the date the application is received [~~and, if the~~
15 ~~other county is not contiguous, shall deliver written notice of~~
16 ~~that action to the applicant not later than the seventh day after~~
17 ~~the date the application is received~~]. The date of submission of a
18 completed application to the wrong registrar is considered to be
19 the date of submission to the proper registrar for purposes of
20 determining the effective date of the registration.

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

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

25 Sec. 13.0721. DETERMINATION OF CITIZENSHIP. (a) This
26 section does not apply to an application for registration submitted
27 to the Department of Public Safety in conjunction with an

1 application for an original, renewal, or duplicate driver's
2 license.

3 (b) The secretary of state shall verify with the Department
4 of Public Safety the citizenship status of each applicant for voter
5 registration whose information is forwarded to the secretary of
6 state as provided by Section 13.071(c). If the department verifies
7 the applicant's citizenship status, the secretary of state shall
8 notify the registrar.

9 (c) If the applicant included a statement under Section
10 13.002(c)(8)(C) or the secretary of state cannot verify the
11 citizenship status of the applicant under Subsection (b), the
12 registrar and the applicant shall be notified as provided by
13 secretary of state rule.

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

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

21 (2) a certified copy of a birth certificate or other
22 document confirming the person's birth that is admissible in a
23 court of law and establishes the person's identity, presented with
24 a government-issued identification that contains the person's
25 photograph; or

26 (3) United States citizenship papers issued to the
27 person, presented with a government-issued identification that

1 contains the person's photograph.

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

5 (f) If an applicant does not provide proof of citizenship as
6 required, the registrar shall reject the application and notify the
7 secretary of state. The secretary of state shall keep a list of
8 applicants of whom the secretary receives notice under this
9 section.

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

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

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

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

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

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

27 (c) The applicant may appear personally at the hearing to

1 offer evidence or argument. The applicant may offer evidence or
2 argument by affidavit without personally appearing if the applicant
3 submits the affidavit to the secretary of state [~~registrar~~] before
4 the hearing begins.

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

7 (a) The secretary of state [~~registrar~~] shall deliver to a
8 challenged applicant written notice of the date, hour, and place
9 set for the hearing on the challenge not later than the second day
10 after the date the hearing request is filed or made.

11 SECTION 14. Section 13.079, Election Code, is amended to
12 read as follows:

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

17 (b) If the secretary of state [~~registrar~~] determines that
18 the applicant is eligible for registration or that the manner of
19 submission of the application was authorized, the secretary of
20 state [~~registrar~~] shall approve the application.

21 (c) If the secretary of state [~~registrar~~] determines that
22 the applicant is not eligible for registration or that the manner of
23 submission of the application was unauthorized, the secretary of
24 state [~~registrar~~] shall reject the application.

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

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

3 (a) After approval of a registration application, the
4 registrar shall:

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

7 (2) enter the applicant's county election precinct
8 number and registration number on the applicant's registration
9 application.

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

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

17 (d-2) For a registration application not submitted by
18 personal delivery or mail [~~telephonic facsimile machine~~] to be
19 effective, a copy of the original registration application
20 containing the voter's original signature must be submitted by
21 personal delivery or mail and be received by the registrar not later
22 than the fourth business day after the submission [~~transmission by~~
23 ~~telephonic facsimile machine~~] is received.

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

26 (a) The registrar shall make the appropriate corrections in
27 the registration records, including, if necessary, deleting a

1 voter's name from the suspense list:

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

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

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

8 (4) after receipt of a voter's statement of residence
9 executed under Section 63.0011;

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

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

14 (7) after receipt of a voter's response under Section
15 15.053; ~~or~~

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

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

19 SECTION 18. Section 15.023, Election Code, is amended to
20 read as follows:

21 Sec. 15.023. TIME FOR CERTAIN DELETIONS FROM SUSPENSE LIST.

22 If the name of a voter [~~whose residence is changed~~] on the list of
23 registered voters [~~registration records to another county election~~
24 ~~precinct in the same county~~] appears on the suspense list, the
25 voter's name shall be deleted from the list on the date the voter
26 provides a completed application to register to vote in accordance
27 with Section 13.002 [~~voter's registration in the precinct of new~~

1 ~~residence becomes effective].~~

2 SECTION 19. Section 15.028, Election Code, is amended to
3 read as follows:

4 Sec. 15.028. NOTICE OF UNLAWFUL REGISTRATION OR VOTING [~~TO~~
5 ~~PROSECUTOR~~]. [~~(a)~~] If the registrar determines that a person who
6 is not eligible to vote may have registered to vote or [~~a registered~~
7 ~~voter~~] voted in an election, the registrar shall execute and
8 deliver to the secretary of state and the county or district
9 attorney having jurisdiction in the territory covered by the
10 election an affidavit stating the relevant facts.

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

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

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

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

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

27 (1) request from the United States Postal Service

1 information from the National Change of Address database indicating
2 address reclassifications or changes of address affecting the
3 registered voters of the state;

4 (2) examine any information obtained from the
5 interstate voter registration crosscheck program under Section
6 18.062, indicating address reclassifications or changes of address
7 affecting the registered voters of the state; and

8 (3) identify each voter in the state who fails to vote
9 in any election, submit an application for a ballot to be voted by
10 mail under Chapter 84 or 101, or submit a change in voter
11 registration under Chapter 13 or 15 for two years from the date of a
12 general election for state and county officers.

13 (b) If information obtained under Subsection (a) gives the
14 secretary of state reason to believe a voter has changed the voter's
15 residence to a location outside of the county in which the voter is
16 registered to vote, the secretary of state shall forward the
17 information to the voter registrar for the county in which the voter
18 is registered.

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

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

24 (b) The ~~[fee for each]~~ list shall be provided in accordance
25 with Chapter 552, Government Code ~~[or portion of a list furnished~~
26 ~~under this section may not exceed the actual expense incurred in~~
27 ~~reproducing the list or portion for the person requesting it and~~

1 ~~shall be uniform for each type of copy furnished. The registrar~~
2 ~~shall make reasonable efforts to minimize the reproduction~~
3 ~~expenses].~~

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

6 (d) With the cooperation of the secretary of state, the
7 Department of Public Safety shall, in accordance with federal law,
8 enter into an agreement with the commissioner of social security to
9 verify on a quarterly basis the information of voter registration
10 records containing a social security number. At a minimum, the
11 department shall verify if:

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

15 (2) the commissioner's records show the person to be
16 deceased. [~~The secretary of state shall quarterly obtain from the~~
17 ~~United States Social Security Administration available information~~
18 ~~specified by the secretary relating to deceased residents of the~~
19 ~~state.]~~

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

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

27 (c) The registrar shall maintain a list containing the name

1 of each person for whom the registrar receives an abstract under
2 Subsection (a)(1).

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

7 SECTION 25. Section 16.003, Election Code, is amended to
8 read as follows:

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

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

16 (A) the date of conviction;

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

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

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

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

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

3 (1) on the date on which the defendant is expected to
4 become eligible to vote as indicated on the abstract received under
5 Subsection (a)(1); or

6 (2) on the date the registrar receives an abstract
7 under Subsection (a)(2) indicating that the person has become
8 eligible to vote.

9 SECTION 26. Section 16.005, Election Code, is amended to
10 read as follows:

11 Sec. 16.005. PRESERVATION OF ABSTRACT OR ORDER. If an
12 abstract or order received under this subchapter affects a
13 registered voter of the county, the registrar shall retain a copy of
14 the abstract or order on file with the affected voter's
15 registration application.

16 SECTION 27. Section 16.032, Election Code, is amended to
17 read as follows:

18 Sec. 16.032. CANCELLATION FOLLOWING END OF SUSPENSE LIST
19 PERIOD. If on November 30 following the second general election for
20 state and county officers that occurs after the date the voter's
21 name is entered on the suspense list a registered voter's name
22 appears on the suspense list, the registrar shall cancel the
23 voter's registration unless the name is to be deleted from the list
24 under Section 15.022 or 15.023.

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

27 (a) After the registrar receives notification [~~a list~~]

1 under Section 18.068 of this code or Section 62.113, Government
 2 Code, of persons excused or disqualified from jury service or
 3 otherwise determined to be ineligible to vote because of
 4 citizenship status, the registrar shall deliver to each registered
 5 voter whose name appears in the notification [~~on the list~~] a written
 6 notice requiring the voter to submit to the registrar proof of
 7 United States citizenship in the form of a certified copy of the
 8 voter's birth certificate, United States passport, or certificate
 9 of naturalization or any other form prescribed by the secretary of
 10 state. The notice must [~~shall~~] be delivered by forwardable mail to
 11 the mailing address on the voter's registration application and to
 12 any new address of the voter known to the registrar.

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

15 (a) Immediately after, but not later than the 30th day after
 16 the date a voter's registration is canceled under Section
 17 16.031(a)(3) or (4), 16.033, 16.0331, or 16.0332, the registrar
 18 shall deliver written notice of the cancellation to the voter.

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

21 SUBCHAPTER C. CHALLENGE OF CANCELLATION

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

25 Sec. 16.062. REQUEST FOR HEARING ON CHALLENGE. A person
 26 desiring to challenge the cancellation of the person's registration
 27 must file with the secretary of state [~~registrar~~] a written, signed

1 request for a hearing on the challenge.

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

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

8 Sec. 16.064. HEARING ON CHALLENGE. (a) On the filing of a
9 hearing request, the secretary of state [~~registrar~~] shall schedule
10 a hearing on the challenge.

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

14 (c) The voter may appear personally at the hearing to offer
15 evidence or argument. The voter may offer evidence or argument by
16 affidavit without personally appearing if the voter submits the
17 affidavit to the secretary of state [~~registrar~~] before the hearing
18 begins.

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

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

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

4 (c) If the secretary of state [~~registrar~~] determines that
5 the cancellation of the registration was proper, the secretary of
6 state [~~registrar~~] shall cancel the registration on the 31st day
7 after the date the secretary of state's [~~registrar's~~] decision is
8 issued.

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

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

14 SUBCHAPTER D. CHALLENGE OF REGISTRATION

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

19 Sec. 16.092. SWORN STATEMENT REQUIRED. A voter desiring to
20 challenge a registration must file with the secretary of state
21 [~~registrar~~] a sworn statement of the grounds for the challenge
22 that:

23 (1) identifies the voter whose registration is being
24 challenged; and

25 (2) states a specific qualification for registration
26 that the challenged voter has not met based on the personal
27 knowledge of the voter desiring to challenge the registration or on

1 a public record.

2 Sec. 16.0921. CONFIRMATION NOTICE ON CHALLENGE BASED ON
3 RESIDENCE. (a) Except as provided by Subsection (c), on the filing
4 of a sworn statement under Section 16.092 alleging a ground based on
5 residence, the secretary of state shall promptly forward a copy of
6 the sworn statement to the voter registrar who shall promptly
7 deliver to the voter whose registration is challenged a
8 confirmation notice in accordance with Section 15.051.

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

12 (c) The registrar may not deliver a confirmation notice
13 resulting from a sworn statement under Section 16.092 alleging a
14 ground based on residence filed after the 75th day before the date
15 of the general election for state and county officers until after
16 the date of that election. This subsection does not apply to a
17 person who submits a registration application after the 75th day
18 and prior to the 30th day before the general election for state and
19 county officers.

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

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

1 both parties.

2 (c) A party may appear personally at the hearing to offer
3 evidence or argument. A party may offer evidence or argument by
4 affidavit without personally appearing if the party submits the
5 affidavit to the secretary of state [~~registrar~~] before the hearing
6 begins.

7 Sec. 16.094. NOTICE OF HEARING. (a) The secretary of state
8 [~~registrar~~] shall deliver written notice of the hearing on the
9 challenge to each party to the controversy not later than the 15th
10 day before the date of the hearing.

11 (b) The notice must include:

- 12 (1) the date, hour, and place set for the hearing; and
13 (2) a brief explanation of the right to appeal the
14 secretary of state's [~~registrar's~~] decision.

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

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

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

25 (c) If the secretary of state [~~registrar~~] determines that
26 the voter's registration should be canceled, the secretary of state
27 [~~registrar~~] shall cancel the registration on the 31st day after the

1 date the secretary of state's [~~registrar's~~] decision is issued.

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

6 SECTION 32. Section 17.001, Election Code, is amended to
7 read as follows:

8 Sec. 17.001. RIGHT OF APPEAL BY APPLICANT FOR REGISTRATION.
9 An applicant for voter registration is entitled to appeal an
10 adverse decision issued by the secretary of state [~~registrar~~] under
11 Section 13.079.

12 SECTION 33. Section 17.002, Election Code, is amended to
13 read as follows:

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

18 SECTION 34. Section 17.004, Election Code, is amended to
19 read as follows:

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

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

27 SECTION 35. Section 17.005, Election Code, is amended to

1 read as follows:

2 Sec. 17.005. CANCELLATION DELAYED PENDING APPEAL. If a
3 voter's registration is to be canceled following a decision from
4 which an appeal is taken, the secretary of state [~~registrar~~] shall
5 delay canceling the registration, pending the outcome of the
6 appeal, on the timely delivery of the copy of the petition for
7 review.

8 SECTION 36. Section 17.006, Election Code, is amended to
9 read as follows:

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

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

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

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

21 (b) The statewide computerized voter registration list
22 must:

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

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

27 (3) assign an electronic indicator to a registered

1 voter about whom the secretary of state has received an abstract
2 under Section 16.002 or 16.003 without removing that voter from the
3 list; and

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

6 SECTION 39. Section 18.064, Election Code, is amended to
7 read as follows:

8 Sec. 18.064. SANCTION FOR NONCOMPLIANCE. If a registrar
9 fails to substantially comply with Section 15.083, 16.032, 16.0332,
10 [~~or~~] 18.061, or 18.068 or with rules adopted by the secretary of
11 state implementing the statewide computerized voter registration
12 list, the registrar is not entitled to receive state funds for
13 financing voter registration in the county.

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

17 (a) The secretary of state shall monitor each registrar for
18 substantial compliance with Sections 15.083, 16.032, 16.0332, and
19 18.061 and with rules implementing the statewide computerized voter
20 registration list.

21 (e) The secretary of state shall annually audit the voter
22 registrar for each county's compliance with Section 15.083, 16.032,
23 16.0332, 18.061, and 18.068, and not later than December 31, file a
24 copy of the audit with the legislature.

25 SECTION 41. Section 18.068, Election Code, is amended to
26 read as follows:

27 Sec. 18.068. COMPARISON OF INFORMATION REGARDING

1 INELIGIBILITY. (a) The secretary of state shall as frequently as
2 possible [~~quarterly~~] compare the information received under
3 Sections [~~Section~~] 16.001, 16.002, and 16.003 of this code and
4 Section 62.113, Government Code, to the statewide computerized
5 voter registration list.

6 (a-1) The secretary of state shall enter into an agreement
7 with the Department of Public Safety under which information in the
8 database of the Department of Public Safety is provided to the
9 secretary of state if the information concerns a person who:

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

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

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

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

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

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

1 and

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

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

8 (d) On receiving notification from the secretary of state
9 under Subsection (c) that a weak match of identifying information
10 exists for a county voter and an individual who is deceased, the
11 county shall investigate whether the voter is the individual who is
12 deceased.

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

15 (f) The secretary of state may obtain, for purposes of
16 determining whether a voter is deceased or ineligible to vote,
17 information from other state agency databases or available federal
18 agency databases relating to a voter that is the same type of
19 information that the secretary of state or a voter registrar
20 collects or stores for voter registration purposes.

21 (g) Not later than December 31 of each year, the secretary
22 of state shall provide a report to the legislature of the number of
23 voters determined to be ineligible under this section during the
24 calendar year. The report must include the reason for
25 ineligibility for each voter and the result of each investigation
26 conducted by a county under Subsection (d).

27 SECTION 42. Section 18.0681(d), Election Code, is amended

1 to read as follows:

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

7 (1) located in the same county, the voter registrar
8 shall [~~may~~] merge the records following a determination that each
9 record belongs to the same voter using the procedure for the
10 correction of registration records under Section 15.022; or

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

14 SECTION 43. Section 18.069, Election Code, is amended to
15 read as follows:

16 Sec. 18.069. VOTING HISTORY. Not later than the 30th day
17 after the date of the primary, runoff primary, or general election
18 or any special election ordered by the governor, the general
19 custodian of election records [~~registrar~~] shall electronically
20 submit to the secretary of state the record of each voter
21 participating in the election. The record must include a notation
22 of whether the voter voted on election day, voted early by personal
23 appearance, voted early by mail under Chapter 86, or voted early by
24 mail under Chapter 101.

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

1 (a) The Department of Public Safety shall prescribe and use
2 a form and procedure that combines the department's application
3 form for a license or card with an officially prescribed voter
4 registration application form for each United States citizen who
5 applies in person at the department's offices or online at the
6 department's Internet website.

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

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

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

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

24 (c) A change of address that relates to a license or card and
25 that is submitted to the department in person, ~~[or]~~ by mail, or
26 online at the department's Internet website serves as a change of
27 address for voter registration unless the licensee or cardholder

1 indicates that the change is not for voter registration purposes.
2 The date of submission of a change of address to a department
3 employee is considered to be the date of submission to the voter
4 registrar for the purpose of determining the effective date of
5 registration [~~only~~].

6 SECTION 46. Section 20.091, Election Code, is amended to
7 read as follows:

8 Sec. 20.091. APPLICABILITY OF OTHER PROVISIONS. The other
9 provisions of this chapter do not apply to a public library unless
10 specifically provided by the provision or by a rule adopted by the
11 secretary of state [~~except provisions that conflict with this~~
12 ~~subchapter~~].

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

15 (a) If, based on information received or discovered [~~after~~
16 ~~receiving a complaint alleging criminal conduct in connection with~~
17 ~~an election~~], the secretary of state determines that there is
18 reasonable cause to suspect that [~~the alleged~~] criminal conduct in
19 connection with an election occurred, the secretary shall promptly
20 refer the matter [~~complaint~~] to the attorney general. The secretary
21 shall deliver to the attorney general all pertinent documents and
22 other material in the secretary's possession.

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

25 (i) Upon written request from a certified peace officer
26 investigating an offense under this code or an attorney prosecuting
27 an offense under this code, the authority who is preserving

1 election records under this section shall provide the officer or
2 attorney the complete, unredacted records requested. Information
3 produced under this subsection is confidential and not subject to
4 disclosure under Chapter 552, Government Code.

5 SECTION 49. The following provisions of the Election Code
6 are repealed:

- 7 (1) Section 13.041;
- 8 (2) Section 13.074(c);
- 9 (3) Section 13.076(b);
- 10 (4) Section 13.077(d);
- 11 (5) Section 13.078(b);
- 12 (6) Sections 13.143(d) and (e);
- 13 (7) Sections 15.082(c) and (d);
- 14 (8) Subchapter F, Chapter 15;
- 15 (9) Section 18.0121;
- 16 (10) Section 18.0051; and
- 17 (11) Section 18.008(c).

18 SECTION 50. The changes in law made by this Act apply only
19 to an application to register to vote submitted on or after the
20 effective date of this Act.

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

25 SECTION 52. This Act takes effect September 1, 2021.