

By: Hall

S.B. No. 1610

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. Section 13.002(c), Election Code, is amended to read as follows:

(c) A registration application must include:

(1) the applicant's first name, middle name, if any, last name, and former name, if any;

(2) the month, day, and year of the applicant's birth;

(3) a statement that the applicant is a United States citizen;

(4) a statement that the applicant is a resident of the county;

(5) a statement that the applicant has not been determined by a final judgment of a court exercising probate jurisdiction to be:

(A) totally mentally incapacitated; or

(B) partially mentally incapacitated without the right to vote;

(6) a statement that the applicant has not been finally convicted of a felony or that the applicant is a felon eligible for registration under Section 13.001;

(7) the applicant's residence address or, if the residence has no address, the address at which the applicant

1 receives mail and a concise description of the location of the
2 applicant's residence;

3 (8) the following information:

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

8 (B) if the applicant has not been issued one of
9 the numbers [~~a number~~] described by Paragraph (A), the number
10 described by Paragraph (A) that the applicant has been issued and a
11 statement by the applicant that the applicant has not been issued
12 the other number [~~the last four digits of the applicant's social~~
13 ~~security number~~]; or

14 (C) a statement by the applicant that the
15 applicant has not been issued a number described by Paragraph (A)
16 [~~or (B)~~];

17 (9) if the application is made by an agent, a statement
18 of the agent's relationship to the applicant; [~~and~~]

19 (10) the city and county in which the applicant
20 formerly resided; and

21 (11) a list of all counties in this state in which the
22 applicant is or has been registered to vote.

23 SECTION 2. Section 13.004, Election Code, is amended by
24 adding Subsections (f) and (g) to read as follows:

25 (f) The registrar shall furnish a copy of a list of voters
26 registered in the county to any person requesting it or shall
27 furnish that portion of the list requested. A list or portion of a

1 list provided under this subsection may not include information
2 made confidential under Subsection (c) or other law.

3 (g) The registrar may not charge a fee for providing a list
4 or portion of a list under Subsection (f).

5 SECTION 3. Section 13.071, Election Code, is amended to
6 read as follows:

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

12 (b) If the application is submitted to the Department of
13 Public Safety in person with the proof of citizenship required by
14 Section 20.063(e), the [The] registrar shall make the determination
15 not later than the seventh day after the date the application is
16 submitted to the registrar.

17 (c) If the application is submitted in a manner other than
18 the manner described by Subsection (b), the registrar shall forward
19 the information relating to the applicant to the secretary of state
20 for determining citizenship as provided by Section 13.0721.

21 SECTION 4. Section 13.072, Election Code, is amended by
22 amending Subsection (a) and adding Subsections (a-1), (a-2), and
23 (e) to read as follows:

24 (a) Unless the registrar challenges the applicant, the
25 registrar shall approve the application if:

26 (1) the registrar determines that an application
27 complies with Section 13.002 and indicates that the applicant is

1 eligible for registration; ~~and~~

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

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

8 (B) the ~~[last four digits of the]~~ applicant's
9 social security number; or

10 (C) both the numbers described by Paragraphs (A)
11 and (B), if provided by the applicant;

12 (3) the registrar determines that the residence
13 address or residence description provided by the applicant under
14 Section 13.002(c)(7):

15 (A) corresponds to a house, apartment building,
16 lodging house, boarding house, dormitory, residence hall, group
17 home, residential treatment center, nursing home, nursing or
18 long-term care facility, correctional facility, dormitory or
19 residence hall, shelter, or any other location at which a person
20 could reasonably reside; and

21 (B) has not been used as a residence address or
22 description by a number of applicants for voter registration
23 greater than the number of people that could reasonably reside at
24 the address; and

25 (4) the registrar verifies the applicant's signature
26 by comparing it with any signature of the voter obtained from the
27 Department of Public Safety.

1 (a-1) A voter registrar shall enter into an agreement with
2 the Department of Public Safety under which a signature in the
3 database of the Department of Public Safety is provided to the
4 registrar if it is a signature of a person over the age of 18 who
5 resides in the county.

6 (a-2) Before approving an application by an applicant who
7 has indicated that they are or have been registered in another
8 county under Section 13.002(c)(11), the registrar shall obtain from
9 the other county's registrar any information or documentation
10 relating to the applicant in the possession of the other county's
11 registrar.

12 (e) If the registrar is unable to make a determination
13 regarding the residence address or description provided by the
14 applicant under Subsection (a)(3), the registrar shall challenge
15 the applicant under Section 13.074.

16 SECTION 5. Subchapter C, Chapter 13, Election Code, is
17 amended by adding Section 13.0721 to read as follows:

18 Sec. 13.0721. DETERMINATION OF CITIZENSHIP. (a) This
19 section does not apply to an application for registration submitted
20 to the Department of Public Safety in person with the proof of
21 citizenship required by Section 20.063(e).

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. If the department does not have information

1 regarding the citizenship status of the applicant or has
2 information indicating that the applicant is not a citizen, the
3 registrar and the applicant shall be notified as provided by
4 secretary of state rule.

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

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

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

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

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

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

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

3 SECTION 6. Section 15.021, Election Code, is amended by
4 adding Subsection (d-1) to read as follows:

5 (d-1) If the registrar receives a notification from the
6 Department of Public Safety under Section 521.054(e),
7 Transportation Code, that a voter registered in the registrar's
8 county has changed the voter's address, the registrar shall
9 consider the notification a notice submitted under Subsection (a).

10 SECTION 7. Section 15.082(b), Election Code, is amended to
11 read as follows:

12 (b) The registrar may not charge a fee for a [each] list or
13 portion of a list furnished under this section [~~may not exceed the~~
14 ~~actual expense incurred in reproducing the list or portion for the~~
15 ~~person requesting it and shall be uniform for each type of copy~~
16 ~~furnished. The registrar shall make reasonable efforts to minimize~~
17 ~~the reproduction expenses]~~.

18 SECTION 8. Section 15.084(b), Election Code, is amended to
19 read as follows:

20 (b) The secretary of state may not charge a fee for a [each]
21 list or portion of a list furnished under this section [~~may not~~
22 ~~exceed the actual expense incurred in reproducing the list or~~
23 ~~portion for the person requesting it and shall be uniform for each~~
24 ~~type of copy furnished]~~.

25 SECTION 9. Subchapter A, Chapter 16, Election Code, is
26 amended by adding Section 16.0035 to read as follows:

27 Sec. 16.0035. TAX RECORD AUDIT. (a) Once per year, the

1 county tax assessor-collector shall audit the county's tax records
2 to determine if the records indicate that a person 18 years or older
3 who has resided in the county in the previous year has died, is no
4 longer a resident of the county, is not a citizen of the United
5 States, or is otherwise ineligible to vote.

6 (b) The tax assessor-collector shall forward the records
7 described by Subsection (a) to the registrar for cancellation
8 following investigation under Section 16.033.

9 SECTION 10. Section 16.033(b), Election Code, is amended to
10 read as follows:

11 (b) If the registrar receives a record under Section 16.0035
12 or otherwise has reason to believe that a voter is no longer
13 eligible for registration, the registrar shall deliver written
14 notice to the voter indicating that the voter's registration status
15 is being investigated by the registrar. The notice shall be
16 delivered by forwardable mail to the mailing address on the voter's
17 registration application and to any new address of the voter known
18 to the registrar. If the secretary of state has adopted or
19 recommended a form for a written notice under this section, the
20 registrar must use that form.

21 SECTION 11. Section 16.0332(a), Election Code, is amended
22 to read as follows:

23 (a) After the registrar receives a list under Section 18.068
24 of this code or Section 62.113, Government Code, of persons excused
25 or disqualified from jury service or otherwise determined to be
26 ineligible to vote because of citizenship status, the registrar
27 shall deliver to each registered voter whose name appears on the

1 list a written notice requiring the voter to submit to the registrar
2 proof of United States citizenship in the form of a certified copy
3 of the voter's birth certificate, United States passport, or
4 certificate of naturalization or any other form prescribed by the
5 secretary of state. The notice shall be delivered by forwardable
6 mail to the mailing address on the voter's registration application
7 and to any new address of the voter known to the registrar.

8 SECTION 12. Section 18.005, Election Code, is amended by
9 amending Subsection (a) and adding Subsection (d) to read as
10 follows:

11 (a) Each original and supplemental list of registered
12 voters must:

13 (1) contain the voter's name, date of birth, and
14 registration number as provided by the statewide computerized voter
15 registration list;

16 (2) contain the voter's residence address, except as
17 provided by Subsections (b) and (c) or Section 18.0051;

18 (3) be arranged alphabetically by voter name; ~~and~~

19 (4) contain the notation required by Section 15.111;
20 and

21 (5) contain the voter's photograph if provided to the
22 registrar under an agreement made under Subsection (d).

23 (d) A voter registrar shall enter into an agreement with the
24 Department of Public Safety under which a photograph in the
25 database of the Department of Public Safety is provided to the
26 registrar if the photograph is of a registered voter in the county.

27 SECTION 13. Section 18.061(b), Election Code, is amended to

1 read as follows:

2 (b) The statewide computerized voter registration list
3 must:

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

6 (2) assign a unique identifier to each registered
7 voter; ~~and~~

8 (3) be available to any election official in the state
9 through immediate electronic access; and

10 (4) be designed to integrate and interact easily with
11 other state computerized databases.

12 SECTION 14. Section 18.068, Election Code, is amended by
13 amending Subsections (a), (b), (c), (e), and (f) and adding
14 Subsections (a-1) and (a-2) to read as follows:

15 (a) The secretary of state shall monthly ~~[quarterly]~~
16 compare the information received under Subchapter A, Chapter 16,
17 ~~[Section 16.001]~~ of this code and Sections ~~[Section]~~ 62.113 and
18 62.114, Government Code, to the statewide computerized voter
19 registration list.

20 (a-1) The secretary of state shall enter into an agreement
21 with the Department of Public Safety, the Texas Department of
22 Criminal Justice, the vital statistics unit of the Department of
23 State Health Services, and the Health and Human Services Commission
24 under which information in any database maintained by the
25 department, unit, or commission is provided to the secretary of
26 state if the information concerns a person who is at least 18 years
27 of age and:

1 (1) has indicated in connection with a service sought
2 by or provided to the person by the department, unit, or commission
3 that the person is not a citizen, has changed residence addresses,
4 or is otherwise ineligible to vote under Section 13.001; or

5 (2) for whom the department, unit, or commission has
6 received information indicating the person is deceased.

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

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

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

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

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

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

1 (f) The secretary of state may obtain, for purposes of
2 determining whether a voter is deceased or ineligible to vote,
3 information from [~~other state agency~~] databases maintained by state
4 agencies not listed in Subsection (a-1) relating to a voter that is
5 the same type of information that the secretary of state or a voter
6 registrar collects or stores for voter registration purposes.

7 SECTION 15. Section 20.032, Election Code, is amended by
8 amending Subsection (a) and adding Subsection (a-1) to read as
9 follows:

10 (a) Except as provided by Subsection (a-1), an [An]
11 appropriate agency employee shall routinely inform each person who
12 applies in person for agency services of the opportunity to
13 complete a voter registration application form and on request shall
14 provide nonpartisan voter registration assistance to the
15 applicant.

16 (a-1) An employee of a voter registration agency may not
17 offer voter registration assistance under this chapter if a person
18 applies for agency services using identification issued by a
19 foreign country.

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

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

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

26 (2) a certified copy of a birth certificate or other
27 document confirming the person's birth that is admissible in a

1 court of law and establishes the person's identity; or
2 (3) United States citizenship papers issued to the
3 person.

4 SECTION 17. Section 62.113(b), Government Code, is amended
5 to read as follows:

6 (b) On the third business day of each month, the clerk shall
7 send a copy of the list of persons excused or disqualified because
8 of citizenship in the previous month to:

- 9 (1) the voter registrar of the county;
10 (2) the secretary of state; and
11 (3) the county or district attorney, as applicable, or
12 the attorney general for an investigation of whether the person
13 committed an offense under Section 13.007, Election Code, or other
14 law.

15 SECTION 18. Sections 62.114(b) and (c), Government Code,
16 are amended to read as follows:

17 (b) On the third business day of each month, the clerk shall
18 send [~~to the voter registrar of the county~~] a copy of the list of
19 persons excused or disqualified in the previous month because the
20 persons do not reside in the county to:

- 21 (1) the voter registrar of the county;
22 (2) the secretary of state; and
23 (3) the county or district attorney, as applicable, or
24 the attorney general for an investigation of whether the person
25 committed an offense under Section 13.007, Election Code, or other
26 law.

27 (c) A list compiled under this section may not be used for a

1 purpose other than a purpose described by Subsection (b) or Section
2 [15.081](#) or [18.068](#), Election Code.

3 SECTION 19. Section [521.054](#), Transportation Code, is
4 amended by adding Subsection (e) to read as follows:

5 (e) If the department is notified that a person over the age
6 of 18 has changed the person's address under this section, the
7 department shall forward the change of address notification to the
8 voter registrar for the county where the person previously resided.

9 SECTION 20. The following provisions of the Election Code
10 are repealed:

- 11 (1) Section [15.082](#)(d);
- 12 (2) Section [15.084](#)(d); and
- 13 (3) Section [20.006](#)(c).

14 SECTION 21. The changes in law made by this Act apply only
15 to an application to register to vote submitted on or after the
16 effective date of this Act.

17 SECTION 22. This Act takes effect immediately if it
18 receives a vote of two-thirds of all the members elected to each
19 house, as provided by Section [39](#), Article III, Texas Constitution.
20 If this Act does not receive the vote necessary for immediate
21 effect, this Act takes effect September 1, 2021.