**BILL ANALYSIS**

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| Senate Research Center | S.B. 16 |
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|  | State Affairs |
|  | 3/17/2025 |
|  | As Filed |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under the Texas Election Code, to be a qualified voter, a person must be a United States citizen. Questions have been raised about the state's ability to prevent noncitizens from registering to vote and to vote in Texas elections. Prior to the 2024 general election, the governor announced that since 2021, Texas had removed over 6,500 noncitizens from its voter rolls. The presence of these voters on the rolls raises questions about Texas' voter registration process and how so many noncitizens were registered to begin with.

It is possible for non-citizens to register to vote through paper application forms. Current federal law requires Texas to accept specific paper forms. These forms account for 15 percent of all registrations. While the forms do require the applicant to provide their driver's license number or the last four digits of their social security number, neither of those numbers prove citizenship.

S.B. 16 changes the law to require a paper applicant to submit proof of citizenship in addition to their affirmation. If the applicant provides DPOC, he will be registered to vote just like any other voter. If the applicant does not provide DPOC, the voter will be registered as a federal only voter meaning that the voter is only eligible to vote in federal races.

The bill includes multiple opportunities for the voter to provide DPOC including at the time of registration and post-election. The bill also requires the voter registrar to attempt to verify citizenship independently of the documents provided by the voter. If the registrar can make that verification, the voter will get to vote a full ballot.

The bill also requires the Secretary of State to petition the Election Assistance Commission (EAC) to change the federal form to require the form to require DPOC and provides mechanisms allow the Texas Attorney General sue if the EAC declines.

As proposed, S.B. 16 amends current law relating to requiring a person to submit proof of citizenship to register to vote and creates criminal offenses.

**RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the secretary of state in SECTION 13 of this bill.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 13.002, Election Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Requires a person desiring to register to vote to submit an application and proof of citizenship as required under Subsection (a-1) to the registrar of the county in which the person resides.

(a-1) Requires a person desiring to register to vote to submit to the registrar a copy of one of certain documents.

(a-2) Authorizes an applicant registering to vote under Subchapter C (Department of Public Safety), Chapter 20 (Voter Registration Agencies), to satisfy the requirements of Subsection (a-1) by providing the proof of citizenship required under Subsection (a-1) to the Texas Department of Public Safety (DPS).

SECTION 2. Amends Subchapter B, Chapter 13, Election Code, by adding Section 13.0391, as follows:

Sec. 13.0391. PROOF OF CITIZENSHIP REQUIREMENTS. (a) Requires a volunteer deputy registrar, on receipt of a registration application, to provide the applicant with a written notice that includes a statement that includes certain information.

(b) Authorizes the notice described by Subsection (a) to be included in the receipt provided to the voter under Section 13.040 (Issuance of Receipt).

(c) Prohibits a volunteer deputy registrar from receiving a voter's proof of citizenship documentation under Section 13.002(a-1).

(d) Requires the voter registrar to provide training to the volunteer deputy registrar regarding the requirements of this section using training materials prescribed by the secretary of state (SOS).

SECTION 3. Amends Section 13.072, Election Code, by amending Subsections (a) and (c) and adding Subsections (f) and (g), as follows:

(a) Requires the registrar, except as provided by Section 13.0721, and unless the registrar challenges the applicant, to approve the application if certain requirements are met, including if, for an applicant who has not submitted proof of citizenship required under Section 13.002(a-1), the registrar verifies that the person is a United States citizen through the verification process described by Section 13.0721. Makes nonsubstantive changes.

(c) Creates an exception under Section 13.0721.

(f) Provides that a person commits an offense if the person knowingly fails to reject an application as required under Subsection (c).

(g) Provides that an offense under this section is a state jail felony.

SECTION 4. Amends Subchapter C, Chapter 13, Election Code, by adding Sections 13.0721, 13.0722, and 13.0723, as follows:

Sec. 13.0721. VERIFICATION OF CITIZENSHIP BY REGISTRAR. (a) Requires the registrar, not later than the 10th day after the date an application for registration is submitted to the registrar without a proof of citizenship document required under Section 13.002(a-1), to use all available resources to verify the citizenship status of the applicant and at a minimum compare the information available on the application with information relevant to citizenship provided to the registrar by SOS from the following databases, provided SOS has access:

(1) DPS's electronic databases;

(2) the Social Security Administration databases;

(3) the United States Citizenship and Immigration Services Systematic Alien Verification for Entitlements Program, if practicable;

(4) a national association for public health statistics and information systems electronic verification of vital events system; and

(5) any other federal, state, or other political subdivision database and any other database relating to voter registration to which the registrar has access.

(b) Provides that SOS is authorized to contract with an entity that governs a database described by Subsections (a)(1)-(5) for purposes of verifying an applicant's citizenship and required to provide the information in the contracted databases to a registrar for the purpose of verifying citizenship.

(c) Requires the registrar, notwithstanding the requirement to submit documentation under Section 13.002(a-1), to approve the application if the registrar matches the applicant with information that verifies the applicant is a United States citizen and is otherwise eligible for registration under Chapter 13 (Application for Registration; Initial Registration).

(d) Requires the registrar, if the registrar matches the applicant with information that the applicant is not a United States citizen, to reject the application, notify the applicant that the application was rejected because the applicant is not a United States citizen, and forward the application to the county attorney and attorney general for investigation under Subchapter G.

(e) Requires the registrar, if the registrar is unable to match the applicant with appropriate citizenship information, to approve the application only for voting a limited federal ballot under Chapter 115 and notify the applicant of certain information.

(f) Requires the registrar to record the efforts made to verify an applicant's citizenship status as required by this section.

(g) Provides that a commits an offense if the person knowingly or intentionally registers an applicant to vote without the verification required under Subsection (a) and causes an applicant who is not a United States citizen to be registered.

(h) Provides that an offense under this section is a state jail felony.

Sec. 13.0722. LIMITATION ON VOTER QUALIFICATION. (a) Provides that an individual who fails to submit proof of citizenship under Section 13.002(a-1) to the registrar and who is unable to be verified as a United States citizen under Section 13.0721 is only qualified to vote a limited federal ballot under Chapter 115.

(b) Authorizes an individual who is qualified to vote only a limited federal ballot under Chapter 115 to remove the limitation imposed by this section by submitting proof of citizenship to the registrar as required by Section 13.002(a-1) or by being verified by the registrar as a United States citizen under Section 13.0721.

(c) Requires the registrar to enter the notation "F", or a similar notation approved by SOS, on the list of registered voters beside each voter's name who is only qualified to vote a limited federal ballot under Chapter 115.

Sec. 13.0723. VERIFICATION OF CITIZENSHIP FOR EXISTING REGISTRANTS. (a) Requires SOS, not later than December 1, 2025, to provide information to each registrar under Section 13.0721(a) for each registered voter who registered to vote before September 1, 2025, and who has not provided proof of citizenship under Section 13.002 (Application Required).

(b) Requires the registrar, if the registrar matches the registered voter with information that verifies the voter is a United States citizen and is otherwise eligible for registration under this chapter, to record the efforts made to verify the individual's citizenship status and indicate that the individual was verified as a United States citizen.

(c) Requires the registrar, if the registrar matches the registered voter with information that the voter is not a United States citizen, to record the efforts made to verify the voter's citizenship status and investigate the eligibility of the voter under Section 16.0332 (Cancellation Because of Citizenship Status).

(d) Requires the registrar, if the registrar is unable to match the registered voter with appropriate citizenship information, to record the efforts made to verify the voter's citizenship status and indicate that the registrar was unable to verify the voter's citizenship status and that the voter is qualified to vote only a limited federal ballot under Chapter 115. Provides that the registrar will notify the voter of certain information.

SECTION 5. Amends Section 13.121(a), Election Code, as follows:

(a) Requires that the officially prescribed application form for registration by mail be in the form of business reply mail, rather than in the form of a business reply postcard, unless another form or system is used under Subsection (b) (relating to requiring SOS to obtain a permit from the United States Postal Service for use of the postage-paid application form), with postage paid by the state.

SECTION 6. Amends Section 13.122(a), Election Code, as follows:

(a) Requires that each official form, in addition to the other statements and spaces for entering information that appear on an officially prescribed registration application form, include certain items, including a statement that the applicant is required to submit to the registrar information under certain provisions that allows the registrar to verify the applicant's citizenship or a copy of one of certain documents and a space for the applicant's alien registration number, certificate of naturalization number, or certificate of citizenship number, if applicable to the applicant. Makes nonsubstantive changes.

SECTION 7. Amends Chapter 13, Election Code, by adding Subchapter G, as follows:

SUBCHAPTER G. VERIFICATION OF CITIZENSHIP STATUS BY ATTORNEY GENERAL; INVESTIGATION; OFFENSE

Sec. 13.151. VERIFICATION OF CITIZENSHIP STATUS. (a) Requires SOS and each county registrar to provide certain information to the attorney general.

(b) Requires SOS and the county voter registrar, not later than the 30th day after the date a county registrar receives a voter registration application for a person who has not provided proof of citizenship as required by Section 13.002(a-1), to provide to the attorney general the voter registration application.

(c) Requires the attorney general, after receiving a voter registration application under Subsection (a) or (b), to use all available resources to verify the citizenship status of the applicant and at a minimum compare the information available on the voter registration application with the databases described by Section 13.0721(a).

(d) Requires SOS to provide to the attorney general access and any assistance necessary to satisfy the requirements of this section.

Sec. 13.152. REPORT. (a) Requires the attorney general, not later than March 31, 2026, to prepare and submit to SOS, the lieutenant governor, and the speaker of the house of representatives a report detailing all findings relating to the citizenship status of persons who are registered to vote and who have not provided a proof of citizenship document required under Section 13.002(a-1).

(b) Provides that this section expires April 1, 2026.

Sec. 13.153. ILLEGAL REGISTRATION. (a) Provides that a person commits an offense if the person knowingly or intentionally applies to register as a voter in this state and is not a United States citizen.

(b) Provides that an offense under this section is a state jail felony.

Sec. 13.154. PROSECUTION BY ATTORNEY GENERAL. Requires the attorney general, if a district attorney, criminal district attorney, or county attorney fails to prosecute conduct constituting an offense under Section 13.153 within 180 days after discovering a person engaged in the conduct, to prosecute the offense.

SECTION 8. Amends Section 15.021, Election Code, by adding Subsection (f) to provide that a voter who has previously provided proof of citizenship as required by Section 13.002(a-1) or has been verified as a United States citizen under Section 13.0721(b) is not required to provide proof of citizenship when submitting an update, change, or correction to the voter's registration information.

SECTION 9. Amends Subchapter B, Chapter 15, Election Code, by adding Section 15.0211, as follows:

Sec. 15.0211. NOTATION FOR DETERMINATION OF BALLOT. (a) Requires the registrar to enter the notation "F", or a similar notation approved by SOS, on the list of registered voters beside the name of each voter whose United States citizenship has not been verified.

(b) Requires the registrar to delete the notation from the list if the voter provides proof of citizenship in accordance with Section 13.002(a-1) or is verified as a United States citizen under Section 13.0721.

SECTION 10. Amends Chapter 63, Election Code, by adding Section 63.007 to require a voter whose name is on the precinct list of registered voters with an "F" beside the voter's name to only be accepted for voting a limited federal ballot under Chapter 115.

SECTION 11. Amends Section 111.001, Election Code, to redefine "restricted ballot."

SECTION 12. Amends Subtitle C, Title 7, Election Code, by adding Chapter 115, as follows:

CHAPTER 115. VOTING LIMITED FEDERAL BALLOT

Sec. 115.001. ELIGIBILITY. Provides that a person is eligible to vote a limited federal ballot by personal appearance during the early voting period or on election day if the person has registered to vote under Chapter 13, the person has not provided proof of citizenship as required by Section 13.002(a-1), and the county registrar is unable to match the person with appropriate citizenship information under Section 13.0721.

Sec. 115.002. PROCEDURE FOR VOTING BY PERSONAL APPEARANCE. (a) Requires a voter who votes a limited federal ballot to place the marked ballot in a sealed envelope designed for limited federal ballots. Requires the presiding judge to place the sealed envelope in a locked, sealed container that is designated specifically for limited federal ballots.

(b) Requires the presiding judge to provide a notice prescribed by SOS to a voter who votes a limited federal ballot under Subsection (a). Requires that the notice inform the voter of certain information.

(c) Requires the early voting clerk to deliver the container containing the limited federal ballots cast during the period for early voting by personal appearance and its key to the voter registrar at the end of the period for early voting by personal appearance.

(d) Requires the presiding judge to deliver the container containing the limited federal ballots cast on election day and its key to the voter registrar on election night.

Sec. 115.003. VOTER REGISTRAR REVIEW OF LIMITED FEDERAL BALLOTS. (a) Requires the voter registrar, if a voter presents proof of citizenship to the voter registrar before the sixth day after the date of the election, to indicate on the sealed envelope that the voter has provided proof of citizenship under Section 13.002(a-1) and is entitled to a full ballot. Requires the voter registrar to indicate on the voter's registration record that the voter has provided proof of citizenship.

(b) Requires the voter registrar, if a voter fails to present proof of citizenship to the voter registrar by the deadline prescribed by Subsection (a), to indicate on the sealed envelope that the voter has not provided proof of citizenship and is entitled to vote for the offices of United States senator or United States representative only.

(c) Provides that, if a voter notifies the voter registrar that the voter is not a United States citizen, then the voter registrar will notate on the sealed envelope that the limited federal ballot is canceled. Provides that the registrar will retain the sealed envelope for the duration of the preservation period for precinct election records and is required to cancel the voter's voter registration.

(d) Provides that the voter registrar will deliver the container containing the limited federal ballots that have been reviewed by the registrar to the presiding judge of the early voting ballot board (board).

(e) Requires the registrar to deliver the container containing the limited federal ballots to the presiding judge of the board on a rolling basis. Requires that the first delivery of limited federal ballots to the board be made not later than election day. Requires that the last delivery of limited federal ballots to the board be made not later than the last day for the board to meet after election day under Section 87.125 (Counting of Certain Late Ballots Voted by Mail).

Sec. 115.004. EARLY VOTING BALLOT BOARD REVIEW OF LIMITED FEDERAL BALLOTS. (a) Requires the board to separate the sealed envelopes for voters who have qualified for full ballots under Section 115.003(a) from the sealed envelopes for voters who are qualified to vote only for the offices of United States senator or United States representative under Section 115.003(b).

(b) Provides that the board will remove the ballots from the sealed envelopes and place the ballots that are qualified as full ballots in separate containers from the ballots that are restricted to only the offices of United States senator or United States representative.

(c) Provides that the board will count each race on the ballots that are qualified as full ballots.

(d) Provides that the board will only count the races of United States senator and United States representative on the ballots that are restricted to those offices. Provides that the board will strike through the remaining races on the ballot to indicate that those races cannot be counted.

(e) Provides that the board will count the ballots as follows: for ballots to be counted manually, in the manner provided by Subchapter D (Processing Manually Counted Ballots), Chapter 87 (Processing Early Voting Results), and for ballots to be counted by automatic tabulating equipment, in the manner provided by Subchapter F (Processing Ballots Counted at Central Counting Station), Chapter 87.

(f) Provides that the board will deliver the returns of limited federal ballots, the limited federal ballots, and other records to the general custodian of election records for preservation. Requires that the records be preserved for the duration of the period for preserving precinct election records.

Sec. 115.005. NOTICE OF OUTCOME TO VOTER. (a) Requires the presiding judge of the board, not later than the 10th day after the local canvass, to deliver written notice to a voter who submits a ballot under this chapter regarding whether:

(1) the ballot was counted as a full ballot;

(2) the ballot was counted as a ballot restricted to the offices of United States senator and United States representative; or

(3) the ballot could not be counted.

(b) Requires that a notice under Subsection (a)(1) include a statement that all races on the voter's ballot were counted because the voter provided proof of citizenship as required by this chapter.

(c) Requires that a notice under Subsection (a)(2) include certain information.

(d) Requires that a notice under Subsection (a)(3) include certain statements.

SECTION 13. Requires SOS, as soon as practicable after the effective date of this Act, to adopt rules necessary to implement the changes in law made by this Act.

SECTION 14. (a) Requires SOS, not later than January 1, 2026, to request that the federal Election Assistance Commission alter the mail voter registration application form requirements described in the National Voter Registration Act of 1993 (52 U.S.C. Section 20501 et seq.) to include a requirement that applicants submit documented proof of citizenship as a condition to registration in Texas.

(b) Requires the attorney general, if the federal Election Assistance Commission fails to comply with the SOS's request under Subsection (a) of this section before the 180th day following the date of that request, to seek enforcement in a court of law.

SECTION 15. Effective date: September 1, 2025.