

BILL ANALYSIS

C.S.H.B. 5337
By: Isaac
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current state law, to be eligible for registration as a voter in Texas, a person must be a U.S. citizen. However, the bill author has informed the committee that some have raised concerns regarding noncitizens registering to vote and voting in Texas elections. For example, the bill author informed the committee that in 2024 Governor Greg Abbott announced that, since 2021, Texas has removed over 6,500 noncitizens from the state's voter rolls, and the bill author has also informed the committee that this raised questions about the effectiveness of the state's voter registration process. Furthermore, the bill author has informed the committee that one key issue is the use of federally mandated paper application forms, which make up approximately 15 percent of all voter registration application forms and do not verify citizenship status. C.S.H.B. 5337 seeks to address these issues by requiring a person to submit proof of U.S. citizenship to register to vote in Texas.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 13 of this bill.

ANALYSIS

C.S.H.B. 5337 amends the Election Code to require a person to submit proof of United States citizenship to register to vote in Texas, create related criminal offenses, and revise provisions relating to voter registration.

Application for Registration: Submission of Proof of Citizenship

C.S.H.B. 5337 requires a person desiring to register to vote to submit to the registrar of the county in which the person resides, in addition to the required voter registration application, proof of citizenship as required under the bill. Accordingly, the bill requires a person desiring to register to vote to submit to the registrar a copy of one of the following documents as proof of citizenship:

- a U.S. passport or passport card issued to the person;
- a certified copy of a birth certificate issued by a state or territory of the U.S., or the District of Columbia;
- U.S. citizenship papers issued to the person;
- identification issued by the agency of the U.S. responsible for citizenship and immigration; or

- for citizens born abroad, a certificate of report of birth or consular report of birth abroad issued by the U.S. Department of State.

The bill authorizes an applicant registering to vote with the Department of Public Safety (DPS) to satisfy this requirement by providing the proof of citizenship required under the aforementioned provisions to DPS.

Proof of Citizenship Requirements

C.S.H.B. 5337 requires a volunteer deputy registrar, on receipt of a registration application, to provide the applicant with a written notice that includes a statement that:

- if the applicant's citizenship status cannot be verified using the applicant's Texas driver's license number, the number of a DPS-issued personal identification card, or the last four digits of the applicant's social security number, the applicant must provide proof of citizenship to the registrar as required under the bill; and
- if the applicant does not provide the required proof of citizenship, the applicant will be qualified to vote only a limited federal ballot under the bill's provisions.

The written notice may be included in the duplicate receipt provided to the voter by a volunteer deputy registrar on receipt of a completed registration application. The bill prohibits a volunteer deputy registrar from receiving a voter's proof of citizenship under the bill's provisions and requires the voter registrar to provide training to the volunteer deputy registrar regarding the requirements of these provisions using training materials prescribed by the secretary of state.

Action on Application

C.S.H.B. 5337, with respect to the conditions under current law under which a registrar must approve an application for voter registration, requires approval of such an application with respect to an applicant who has not submitted the applicable proof of citizenship required under the bill's provisions if the registrar verifies that the applicant is a U.S. citizen through the citizenship verification process established by the bill and later described. The bill creates a state jail felony offense for a registrar who knowingly fails to reject an application that does not comply with the requirements applicable to an application for voter registration, as revised by the bill, or that does not indicate that the applicant is eligible for registration.

Verification of Citizenship by Registrar

C.S.H.B. 5337 requires the voter registrar, not later than the 10th day after the date an application for voter registration is submitted to the registrar without a proof of citizenship document required under the bill's provisions, to use all available resources to verify the applicant's citizenship status and at a minimum to compare the information available on the application with information relevant to citizenship provided to the registrar by the secretary of state from the following databases, provided the secretary of state has access:

- DPS's electronic databases;
- the federal Social Security Administration databases;
- the U.S. Citizenship and Immigration Services Systematic Alien Verification for Entitlements Program, if practicable;
- a national association for public health statistics and information systems electronic verification of vital events system; and
- any other federal, state, or other political subdivision database and any other database relating to voter registration to which the registrar has access.

The bill authorizes the secretary of state to contract with an entity that governs a database described by these provisions for purposes of verifying an applicant's citizenship and requires the secretary of state to provide the information in the contracted databases to a registrar for the purpose of verifying citizenship.

C.S.H.B. 5337 requires the registrar to approve an application if the registrar matches the applicant with information that verifies the applicant is a U.S. citizen and is otherwise eligible

for voter registration. The bill requires the registrar to do the following if the registrar matches the applicant with information that the applicant is not a U.S. citizen:

- reject the application;
- notify the applicant that the application was rejected because the applicant is not a U.S. citizen; and
- forward the application to the county attorney and attorney general for investigation under the bill's provisions.

The bill requires the registrar to do the following if the registrar is unable to match the applicant with appropriate citizenship information:

- approve the application only for voting a limited federal ballot under the bill's provisions; and
- notify the applicant:
 - that the registrar could not verify that the applicant is a U.S. citizen;
 - that the applicant will be qualified to vote only a limited federal ballot unless the applicant provides a proof of citizenship document required under the bill's provisions; and
 - of the procedures for submitting proof of citizenship to the registrar in order to qualify for a full ballot.

The bill requires the registrar to record the efforts made to verify an applicant's citizenship status as required by the bill's provisions.

C.S.H.B. 5337 creates a state jail felony offense for a person who knowingly or intentionally registers an applicant to vote without the verification required under the bill's provisions and causes an applicant who is not a U.S. citizen to be registered.

Limitation on Voter Qualification

C.S.H.B. 5337 establishes that an individual who fails to submit proof of citizenship under the bill's provisions to the registrar and who is unable to be verified as a U.S. citizen under the bill's provisions is only qualified to vote a limited federal ballot under the bill's provisions. The bill authorizes an individual who is qualified to vote only a limited federal ballot to remove the limitation imposed by these provisions by submitting proof of citizenship to the registrar or by being verified by the registrar as a U.S. citizen. The bill requires the registrar to enter the notation "F," or a similar notation approved by the secretary of state, on the list of registered voters beside each voter's name who is only qualified to vote a limited federal ballot.

Verification of Citizenship for Existing Registrants

C.S.H.B. 5337 requires the secretary of state, not later than December 1, 2025, to provide information relevant to citizenship to each registrar under the bill's provisions for each registered voter who registered to vote before September 1, 2025, and who has not provided proof of citizenship under the bill's provisions. The bill establishes the following requirements with respect to the registrar:

- if the registrar matches the registered voter with information that verifies the voter is a U.S. citizen and is otherwise eligible for voter registration, the registrar must record the efforts made to verify the individual's citizenship status and indicate that the individual was verified as a U.S. citizen;
- if the registrar matches the registered voter with information that the voter is not a U.S. citizen, the registrar must record the efforts made to verify the voter's citizenship status and investigate the eligibility of the voter under Election Code provisions governing the cancellation of a voter registration because of citizenship status; and
- if the registrar is unable to match the registered voter with appropriate citizenship information, the registrar must record the efforts made to verify the voter's citizenship status, 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, and notify the voter, as follows:

- that the registrar was unable to verify the voter's citizenship status;
- that the voter will be qualified to vote only a limited federal ballot unless the voter provides a proof of citizenship document required under the bill's provisions; and
- of the procedures for submitting proof of citizenship to the registrar in order to be qualified to vote a full ballot.

Official Form for Registration by Mail

C.S.H.B. 5337 replaces the requirement for the officially prescribed application form for voter registration by mail to be in the form of a business reply postcard with a requirement for the form to be in the form of business reply mail.

Additional Elements on Official Voter Registration Application Form

C.S.H.B. 5337, with respect to the statements that must appear on the officially prescribed voter registration application form informing the voter of certain matters, requires the form to also include a statement informing the applicant that the applicant must submit to the registrar the following information:

- the applicant's Texas driver's license number, the number of a DPS-issued personal identification card, or the last four digits of the applicant's social security number or a statement by the applicant that the applicant has not been issued one of those numbers;
- the applicant's alien registration number, the applicant's certificate of naturalization number, or the applicant's certificate of citizenship number, if applicable to the applicant, that allows the registrar to verify the applicant's citizenship; or
- a copy of one of the following documents:
 - a U.S. passport or passport card issued to the person;
 - a certified copy of a birth certificate issued by a U.S. state or territory, or the District of Columbia;
 - U.S. citizenship papers issued to the person;
 - identification issued by the U.S. agency responsible for citizenship and immigration; or
 - for citizens born abroad, a certificate of report of birth or consular report of birth abroad issued by the U.S. Department of State.

The bill also requires the form to include a space for the applicant's alien registration number, certificate of naturalization number, or certificate of citizenship number, if applicable to the applicant.

Verification of Citizenship Status by Attorney General; Investigation; Offense

Verification of Citizenship Status

C.S.H.B. 5337 requires the secretary of state and each county registrar to do the following:

- make available to the attorney general a list of all persons who are registered to vote and who have not provided proof of citizenship as required by the applicable previously described bill provision or had the person's citizenship verified under the applicable previously described bill provision; and
- provide to the attorney general the voter registration applications of those persons.

The bill requires the secretary of state 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, to provide to the attorney general the voter registration application. After receiving an application under these provisions, the attorney general must 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 the bill's provisions relating to the verification of citizenship by the registrar. The bill requires

the secretary of state to provide to the attorney general access and any assistance necessary to satisfy these requirements.

Report

C.S.H.B. 5337 requires the attorney general, not later than March 31, 2026, to prepare and submit to the secretary of state, 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 by the applicable previously described bill provision and sets this requirement to expire April 1, 2026.

Illegal Registration

C.S.H.B. 5337 creates a state jail felony offense for a person who knowingly or intentionally applies to register as a voter in Texas and is not a U.S. citizen.

Prosecution by Attorney General

C.S.H.B. 5337 requires the attorney general to prosecute the offense if a district attorney, criminal district attorney, or county attorney fails to prosecute conduct constituting the offense within 180 days after discovering a person engaged in the conduct.

Notice of Change in Registration Information by a Voter

C.S.H.B. 5337 establishes that a voter who has previously provided proof of citizenship as required by the applicable previously described bill provision or has been verified as a U.S. citizen under the applicable previously described bill provision is not required to provide proof of citizenship when submitting an update, change, or correction to the voter's registration information.

Notation for Determination of Ballot

C.S.H.B. 5337 requires the registrar to enter the notation "F," or a similar notation approved by the secretary of state, on the list of registered voters beside the name of each voter whose U.S. citizenship has not been verified. The bill requires the registrar to delete the notation from the list if the voter provides proof of citizenship in accordance with the bill's provisions or is verified as a U.S. citizen under the previously described bill provisions.

Limited Federal Ballot Voter

C.S.H.B. 5337 establishes that a voter whose name is on the precinct list of registered voters with an "F" beside the voter's name must only be accepted for voting a limited federal ballot provided for under the subsequently described bill provisions.

Restricted Ballots

C.S.H.B. 5337, with respect to the Election Code provisions governing restricted ballots generally, revises the definition of "restricted ballot" for purposes of those provisions to include as such a ballot the limited federal ballot provided for under the subsequently described bill provisions.

Voting Limited Federal Ballot

Eligibility

C.S.H.B. 5337 establishes 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 applicable state law;
- the person has not provided proof of citizenship as required by the bill's provisions; and
- the county registrar is unable to match the person with appropriate citizenship information under the bill's provisions.

Procedure for Voting by Personal Appearance

C.S.H.B. 5337 requires a voter who votes a limited federal ballot to place the marked ballot in a sealed envelope designed for limited federal ballots and requires the presiding judge to place the sealed envelope in a locked, sealed container that is designated specifically for limited federal ballots. The bill requires the presiding judge to provide a notice prescribed by the secretary of state to a voter who votes a limited federal ballot informing the voter that, as follows:

- because the voter registrar was unable to verify the voter's citizenship status, the voter is qualified to vote only a limited federal ballot;
- the voter must provide proof of citizenship to the voter registrar not later than the sixth day after election day in order for a voter's limited federal ballot to be counted as a full ballot; and
- if the voter does not provide proof of citizenship to the voter registrar not later than the sixth day after election day, then only the races for the offices of U.S. senator or U.S. representative on the voter's ballot will be counted.

The bill 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 and 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.

Voter Registrar Review of Limited Federal Ballots

C.S.H.B. 5337 requires the voter registrar, if a voter presents proof of citizenship to the voter registrar not later than the sixth day after the date of the election, to indicate on the sealed envelope that the voter has provided proof of citizenship under the bill's provisions and is entitled to a full ballot. The bill requires the voter registrar to indicate on such a voter's registration record that the voter has provided proof of citizenship.

C.S.H.B. 5337 establishes the following with respect to the voter registrar:

- if a voter fails to present proof of citizenship to the voter registrar not later than the sixth day after the date of the election, then the voter registrar must indicate on the sealed envelope that the voter has not provided proof of citizenship and is entitled to vote for the offices of U.S. senator or U.S. representative only; and
- if a voter notifies the voter registrar that the voter is not a U.S. citizen, then the voter registrar will notate on the sealed envelope that the limited federal ballot is canceled and retain the sealed envelope for the duration of the preservation period for precinct election records, and the voter registrar must cancel the voter's voter registration.

C.S.H.B. 5337 provides the following:

- 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;
- the registrar must deliver the container containing the limited federal ballots to the presiding judge of the early voting ballot board on a rolling basis;

- the first delivery of limited federal ballots to the early voting ballot board must be made not later than election day; and
- the last delivery of limited federal ballots to the early voting ballot board must be made not later than the last day for the early voting ballot board to meet after election day under Election Code provisions relating to the counting of certain late ballots voted by mail.

Early Voting Ballot Board Review of Limited Federal Ballots

C.S.H.B. 5337 requires the early voting ballot board to separate the sealed envelopes for voters who have qualified for full ballots under the bill's provisions from the sealed envelopes for voters who are qualified to vote only for the offices of U.S. senator or U.S. representative under the bill's provisions. The bill establishes that the early voting ballot board will do the following:

- 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 U.S. senator or U.S. representative;
- count each race on the ballots that are qualified as full ballots;
- only count the races of senator and representative on the ballots that are restricted to those offices and strike through the remaining races on the ballot to indicate that those races cannot be counted;
- count the ballots as follows:
 - for ballots to be counted manually, in the manner provided by Election Code provisions relating to processing manually counted ballots; and
 - for ballots to be counted by automatic tabulating equipment, in the manner provided by Election Code provisions relating to processing ballots counted at a central counting station; and
- deliver the returns of limited federal ballots, the limited federal ballots, and other records to the general custodian of election records for preservation.

The bill requires those records to be preserved for the duration of the period for preserving precinct election records.

Notice of Outcome to Voter

C.S.H.B. 5337 requires the presiding judge of the early voting ballot board, not later than the 10th day after the local canvass, to deliver written notice to a voter who submits a ballot under the bill's provisions relating to limited federal ballots regarding whether, as follows:

- the ballot was counted as a full ballot;
- the ballot was counted as a ballot restricted to the offices of U.S. senator and U.S. representative; or
- the ballot could not be counted.

C.S.H.B. 5337 establishes the following with respect to such a written notice:

- with respect to a ballot counted as a full ballot, the notice must include a statement that all races on the voter's ballot were counted because the voter provided proof of citizenship as required by the bill's provisions;
- with respect to a ballot counted as a restricted ballot as to the specified federal offices, the notice must include the following:
 - a statement that only the voter's selections for offices of U.S. senator and U.S. representative on the voter's ballot were counted because the voter did not provide proof of citizenship as required by the bill's provisions; and
 - instructions to the voter for providing proof of citizenship to the registrar required by the bill's provisions in order to receive a full ballot for future elections; and
- with respect to a ballot that could not be counted, the notice must include the following:
 - a statement that the voter's ballot was not able to be counted because the voter provided information to the registrar that the voter is not a U.S. citizen; and

- a statement that the voter's registration has been canceled.

Rules

C.S.H.B. 5337 requires the secretary of state to adopt rules necessary to implement the bill's provisions as soon as practicable after the bill's effective date.

Request for Alteration of Federal Mail Voter Registration Application Form

C.S.H.B. 5337 requires the secretary of state, 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 federal National Voter Registration Act of 1993 to include a requirement that applicants submit documented proof of citizenship as a condition to registration in Texas. If the federal Election Assistance Commission fails to comply with the secretary of state's request before the 180th day following the date of that request, the attorney general must seek enforcement in a court of law.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 5337 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Both the introduced and the substitute require the presiding judge to provide a notice prescribed by the secretary of state to a voter who votes a limited federal ballot informing the voter that, among other information, if the voter does not provide proof of citizenship to the voter registrar by a specified deadline, then only the races for the offices of U.S. senator or U.S. representative on the voter's ballot will be counted. However, the substitute changes that specified deadline from by the sixth day after election day, as in the introduced, to not later than the sixth day after election day.

Both the introduced and the substitute require the voter registrar, if a voter who votes a limited federal ballot presents proof of citizenship to the voter registrar by a specified deadline, to indicate on the sealed envelope containing the voter's limited federal ballot that the voter has provided proof of citizenship and is entitled to a full ballot. However, the substitute changes that specified deadline from before the sixth day after the date of the election, as in the introduced, to not later than the sixth day after the date of the election.