

BILL ANALYSIS

Senate Research Center

S.J.R. 37
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State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As of December 2022, municipalities in the states of California, Maryland, New York, and Vermont have passed policies to allow non-citizens of the United States to vote in local and municipal elections. In contrast, the states of Arizona, Louisiana, North Dakota, and Ohio have either amended their state constitution, or their state constitution already explicitly stated that non-citizens may not vote in any election or local elections.

The Texas Constitution does not explicitly limit Texas non-citizen voting in state or local elections. Statutorily, an individual must be a registered voter to vote in Texas elections and citizenship is a current requirement for voter registration.

The right to vote is sacred, guaranteed by the United States Constitution. With other states allowing their local governments to implement a voting mechanism to allow non-citizens to vote, Texas should proactively amend the constitution to ensure that Texas municipalities cannot implement such policies should statute change. In efforts to preserve the integrity of all elections, maintaining that only citizens have the right to vote will create additional safeguards to keep our Texas elections secure. This constitutional amendment will make it harder to reverse current statute and the general voting public will know its repeal would require a future constitutional amendment.

This constitutional amendment is a refile of S.J.R. 35 from the 88th Regular Session that passed the Senate 29-1, but failed to pass on third reading in the House of Representatives.

S.J.R. 37 proposes a constitutional amendment clarifying that non-citizens of the United States may not vote in any election within the State of Texas. Should this bill affirmatively pass the legislature, the proposed constitutional amendment shall be submitted to Texas voters as a ballot proposition.

S.J.R. 37 proposes a constitutional amendment clarifying that a voter must be a United States citizen.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1(a), Article VI, Texas Constitution, to require that certain classes of persons not be allowed to vote in this State, including persons who are not citizens of the United States, and to make nonsubstantive changes.

SECTION 2. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 4, 2025. Sets forth the required language of the ballot.