

By: Tinderholt

H.B. No. 3432

A BILL TO BE ENTITLED

1 AN ACT
2 relating to requiring a voter to be affiliated with a political
3 party to vote in that party's primary election; creating a criminal
4 offense.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 13.002(c), Election Code, is amended to
7 read as follows:

8 (c) A registration application must include:

- 9 (1) the applicant's first name, middle name, if any,
10 last name, and former name, if any;
- 11 (2) the month, day, and year of the applicant's birth;
- 12 (3) a statement that the applicant is a United States
13 citizen;
- 14 (4) a statement that the applicant is a resident of the
15 county;
- 16 (5) a statement that the applicant has not been
17 determined by a final judgment of a court exercising probate
18 jurisdiction to be:
- 19 (A) totally mentally incapacitated; or
20 (B) partially mentally incapacitated without the
21 right to vote;
- 22 (6) a statement that the applicant has not been
23 finally convicted of a felony or that the applicant is a felon
24 eligible for registration under Section 13.001;

1 (7) the applicant's residence address or, if the
2 residence has no address, the address at which the applicant
3 receives mail and a concise description of the location of the
4 applicant's residence;

5 (8) the following information:

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

9 (B) if the applicant has not been issued a number
10 described by Paragraph (A), the last four digits of the applicant's
11 social security number; or

12 (C) a statement by the applicant that the
13 applicant has not been issued a number described by Paragraph (A) or
14 (B);

15 (9) if the application is made by an agent, a statement
16 of the agent's relationship to the applicant; ~~and~~

17 (10) the city and county in which the applicant
18 formerly resided; and

19 (11) the applicant's political party affiliation, if
20 any.

21 SECTION 2. Section 13.122(a), Election Code, is amended to
22 read as follows:

23 (a) In addition to the other statements and spaces for
24 entering information that appear on an officially prescribed
25 registration application form, each official form must include:

26 (1) the statement: "I understand that giving false
27 information to procure a voter registration is perjury and a crime

1 under state and federal law.";

2 (2) a space for the applicant's registration number;

3 (3) a space for the applicant's Texas driver's license
4 number or number of a personal identification card issued by the
5 Department of Public Safety;

6 (4) a space for the applicant's telephone number;

7 (5) a space for the applicant's social security
8 number;

9 (6) a space for the applicant's sex;

10 (7) a statement indicating that the furnishing of the
11 applicant's telephone number and sex is optional;

12 (8) a space or box for indicating whether the
13 applicant or voter is submitting new registration information or a
14 change in current registration information;

15 (9) a statement instructing a voter who is using the
16 form to make a change in current registration information to enter
17 the voter's name and the changed information in the appropriate
18 spaces on the form;

19 (10) a statement that if the applicant declines to
20 register to vote, that fact will remain confidential and will be
21 used only for voter registration purposes;

22 (11) a statement that if the applicant does register
23 to vote, information regarding the agency or office to which the
24 application is submitted will remain confidential and will be used
25 only for voter registration purposes;

26 (12) a space or box for indicating whether the
27 applicant is interested in working as an election judge;

1 (13) a statement warning that a conviction for making
2 a false statement may result in imprisonment for up to the maximum
3 amount of time provided by law, a fine of up to the maximum amount
4 provided by law, or both the imprisonment and the fine; ~~and~~

5 (14) a space for the applicant's political party
6 affiliation; and

7 (15) any other voter registration information
8 required by federal law or considered appropriate and required by
9 the secretary of state.

10 SECTION 3. Section 15.001(a), Election Code, is amended to
11 read as follows:

12 (a) Each voter registration certificate issued must
13 contain:

14 (1) the voter's name in the form indicated by the
15 voter, subject to applicable requirements prescribed by Section
16 13.002 and by rule of the secretary of state;

17 (2) the voter's residence address or, if the residence
18 has no address, the address at which the voter receives mail and a
19 concise description of the location of the voter's residence;

20 (3) the year of the voter's birth;

21 (4) the number of the county election precinct in
22 which the voter resides;

23 (5) the voter's effective date of registration if an
24 initial certificate;

25 (6) the voter's registration number;

26 (7) an indication of the period for which the
27 certificate is issued;

1 (8) a statement explaining the circumstances under
2 which the voter will receive a new certificate;

3 (9) a space for indicating [~~stamping~~] the voter's
4 political party affiliation;

5 (10) a statement that voting with the certificate by a
6 person other than the person in whose name the certificate is issued
7 is a felony;

8 (11) a space for the voter's signature;

9 (12) a statement that the voter must sign the
10 certificate personally, if able to sign, immediately on receipt;

11 (13) a space for the voter to correct the information
12 on the certificate followed by a signature line;

13 (14) the statement: "If any information on this
14 certificate changes or is incorrect, correct the information in the
15 space provided, sign below, and return this certificate to the
16 voter registrar.";

17 (15) the registrar's mailing address and telephone
18 number; and

19 (16) the jurisdictional or distinguishing number for
20 the following territorial units in which the voter resides, as
21 determined by the voter registrar:

22 (A) congressional district;

23 (B) state senatorial district;

24 (C) state representative district;

25 (D) commissioners precinct;

26 (E) justice precinct;

27 (F) city election precinct; and

1 (G) school district election precinct.

2 SECTION 4. Section 63.011(a), Election Code, is amended to
3 read as follows:

4 (a) A person to whom Section 63.001(g), ~~[or]~~ 63.009, or
5 172.1115(c) applies may cast a provisional ballot if the person
6 executes an affidavit stating that the person:

7 (1) is a registered voter in the precinct in which the
8 person seeks to vote; and

9 (2) is eligible to vote in the election.

10 SECTION 5. Section 112.002, Election Code, is amended by
11 adding Subsection (g) to read as follows:

12 (g) If the voter seeks a limited ballot for a party primary
13 election, the voter must indicate the political party the voter was
14 affiliated with at the address where the voter was previously
15 registered on the statement executed under Subsection (c). If the
16 early voting clerk can establish the voter's affiliation from the
17 previous registration, the voter is entitled to vote a limited
18 ballot in that party's primary.

19 SECTION 6. Section 162.001(a), Election Code, is amended to
20 read as follows:

21 (a) A person must be affiliated with a political party to be
22 eligible:

23 (1) to serve as a delegate to or otherwise participate
24 in a convention held by the party under this code;

25 (2) to be elected as a member of or be appointed to
26 fill a vacancy on a state executive committee;

27 (3) to be appointed to fill a vacancy on a county

1 executive committee;

2 (4) to vote in the party's primary election; or

3 (5) [~~(4)~~] for any other purpose within the party as
4 adopted by state party rules.

5 SECTION 7. Section 162.003, Election Code, is amended to
6 read as follows:

7 Sec. 162.003. AFFILIATION PROCEDURE [~~BY VOTING IN PRIMARY~~].

8 (a) A person becomes affiliated with a political party by notifying
9 the registrar of the person's affiliation [~~when the person:~~

10 [~~(1) is accepted to vote in the party's primary~~
11 ~~election; or~~

12 [~~(2) returns an early voting or limited primary ballot~~
13 ~~voted by mail]~~.

14 (b) At the time a person registers to vote the person may:

15 (1) affiliate with a political party that holds a
16 primary election or a political party that makes its nominations by
17 convention regardless of whether the party has a state
18 organization; or

19 (2) indicate no affiliation with any political party.

20 (c) A registered voter who does not indicate an affiliation
21 with a political party of this state shall be listed as
22 "independent" on the voter's registration certificate and on the
23 list of registered voters.

24 (d) A registered voter may change the voter's affiliation
25 status by notifying the registrar as provided by Section 15.021.

26 (e) A person may also indicate a party affiliation at the
27 time the person submits a federal postcard application under

1 Chapter 101.

2 (f) The secretary of state shall prescribe any additional
3 procedures necessary to implement this section.

4 SECTION 8. Section 162.010(a), Election Code, is amended to
5 read as follows:

6 (a) A [~~Except as provided by Subsection (b), a~~] party
7 affiliation expires on cancellation of a voter's registration or at
8 the time a change in affiliation takes effect under Section 15.025
9 [~~at the end of the voting year in which the person became~~
10 ~~affiliated~~].

11 SECTION 9. Section 162.013, Election Code, is amended to
12 read as follows:

13 Sec. 162.013. VOID VOTE. A vote in a primary election is
14 void if the voter is not affiliated with the political party holding
15 the primary [~~previously voted in a primary election of another~~
16 ~~party or participated in a convention of another party during the~~
17 ~~same voting year~~].

18 SECTION 10. Sections 162.014(a), (c), and (d), Election
19 Code, are amended to read as follows:

20 (a) A person commits an offense if the person knowingly
21 votes or attempts to vote in a primary election or participates or
22 attempts to participate in a convention of a party without being
23 affiliated with that party [~~after having voted in a primary~~
24 ~~election or participated in a convention of another party during~~
25 ~~the same voting year~~].

26 (c) An offense under this section is a felony of the second
27 degree if the conduct constituting an offense under Subsection (a)

1 consists of knowingly voting in a primary election of a party
2 without being affiliated with that party [~~after having voted in a~~
3 ~~primary election of another party during the same voting year~~].

4 (d) An offense under this section is a state jail felony if
5 the conduct constituting an offense under Subsection (a) consists
6 of knowingly attempting to vote in a primary election of a party
7 without being affiliated with that party [~~after having voted in a~~
8 ~~primary election of another party during the same voting year~~].

9 SECTION 11. Section 162.017(e), Election Code, is amended
10 to read as follows:

11 (e) The preregistration process must [~~include the statement~~
12 ~~described by Section 162.004(a) and~~] require a preregistering
13 attendee who is not affiliated with the party to affiliate with the
14 party in accordance with Section 162.003 [~~by taking the oath~~
15 ~~described in Section 162.007(b)~~].

16 SECTION 12. Section 171.0231(b), Election Code, is amended
17 to read as follows:

18 (b) If the county executive committee authorizes write-in
19 candidates:

20 (1) a write-in vote for the office of county chair or
21 precinct chair may not be counted unless:

22 (A) the name written in appears on the list of
23 write-in candidates; and

24 (B) the write-in candidate receiving the vote is
25 affiliated with the political party holding the primary;

26 (2) to be entitled to a place on the list of write-in
27 candidates, a candidate must make a declaration of write-in

1 candidacy;

2 (3) a declaration of write-in candidacy must be filed
3 with the authority with whom an application for a place on the
4 ballot is required to be filed for the office;

5 (4) a declaration of write-in candidacy must be filed
6 not later than 6 p.m. of the fifth day after the date of the filing
7 deadline for the general primary election;

8 (5) with the appropriate modifications and to the
9 extent practicable, Subchapter B, Chapter 146, applies to write-in
10 voting for the office of county chair or precinct chair; and

11 (6) the secretary of state shall prescribe any
12 procedures necessary to implement this subsection.

13 SECTION 13. Effective September 1, 2026, Subchapter E,
14 Chapter 172, Election Code, is amended by adding Section 172.1115
15 to read as follows:

16 Sec. 172.1115. AFFILIATION WITH PARTY REQUIRED. (a) The
17 signature roster for a primary election must state at the top of
18 each page "A person commits a criminal offense if the person
19 knowingly votes in a primary election or participates in a
20 convention of a party without being affiliated with that party."

21 (b) Except as provided by Subsection (c), a person may not
22 be accepted for voting in a primary election of a political party
23 unless:

24 (1) the list of registered voters indicates that the
25 person is affiliated with that political party; or

26 (2) the voter's registration certificate indicates
27 that the voter is affiliated with that political party.

1 (c) A person who seeks to vote in a primary election but
2 cannot establish the person's party affiliation under Subsection
3 (b) may be accepted only for provisional voting under Section
4 63.011.

5 SECTION 14. Section 172.126(g), Election Code, is amended
6 to read as follows:

7 (g) A separate set of ballot boxes or other suitable
8 containers approved by the secretary of state shall be used for each
9 party's primary, except that one set of ballot boxes or other
10 containers may be used in a joint primary using an electronic voting
11 system in which the ballots are deposited by the voters directly
12 into a unit of automatic tabulating equipment. ~~[The lists of~~
13 ~~registered voters and the voters' registration certificates shall~~
14 ~~be marked and stamped to show the appropriate party affiliation for~~
15 ~~each voter.]~~ A separate list of registered voters shall be used for
16 each party's primary. The secretary of state by rule shall
17 prescribe requirements to ensure that one party's ballot is readily
18 distinguished from another's, which may include the use of
19 different colors of ink.

20 SECTION 15. The following provisions of the Election Code
21 are repealed:

22 (1) Sections 162.004, 162.005, 162.006, 162.007,
23 162.008, and 162.009;

24 (2) Section 162.010(b);

25 (3) Section 172.1141; and

26 (4) Section 172.115(c).

27 SECTION 16. (a) Not later than October 1, 2025, the voter

1 registrar of each county shall mail to each registered voter in the
2 county notice of the affiliation requirement necessary to vote in a
3 party primary election. The notice must:

4 (1) inform the voter that to vote in a party primary
5 election the voter must be affiliated with that party;

6 (2) inform the voter of the process of affiliation
7 with the voter registrar and state that if a voter does not provide
8 an affiliation, the voter's next registration certificate will
9 indicate that the voter is "independent" and unable to vote in a
10 party's primary;

11 (3) include a postage paid postcard that may be
12 returned to the voter registrar to indicate the voter's
13 affiliation; and

14 (4) be in the form prescribed by the secretary of
15 state.

16 (b) If a registered voter does not indicate a party
17 affiliation before December 31, 2025, the voter registrar shall
18 list the voter's initial affiliation status as "independent."

19 (c) The change in law made by Section [15.001\(a\)](#), Election
20 Code, as amended by this Act, requiring that each voter
21 registration certificate must indicate the political affiliation
22 of the voter applies only to a certificate effective for voting on
23 or after January 1, 2026.

24 SECTION 17. Except as otherwise provided by this Act, this
25 Act takes effect September 1, 2025.