

By: Schatzline

H.B. No. 4059

A BILL TO BE ENTITLED

AN ACT

relating to requiring a voter to be affiliated with a political party to vote in that party's primary election; creating a criminal offense; authorizing a civil penalty.

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;

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

(G) school district election precinct.

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

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

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

(2) is eligible to vote in the election.

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

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

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

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

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

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

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

executive committee;

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

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

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

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

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

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

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

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

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

(2) indicate no affiliation with any political party.

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

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

(e) A person may also indicate a party affiliation at the
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. Chapter 162, Election Code, is amended by
10 adding Section 162.0145 to read as follows:

11 Sec. 162.0145. UNLAWFULLY PERMITTING AN UNAFFILIATED VOTER
12 TO VOTE. An election official may be liable to this state for a
13 civil penalty if the official knowingly permits a voter who is not
14 affiliated with the political party holding a primary election to
15 vote in the primary election except for a voter accepted to vote
16 under Section 112.002 or 172.1115.

17 SECTION 12. Section 162.017(e), Election Code, is amended
18 to read as follows:

19 (e) The preregistration process must [~~include the statement~~
20 ~~described by Section 162.004(a) and~~] require a preregistering
21 attendee who is not affiliated with the party to affiliate with the
22 party in accordance with Section 162.003 [~~by taking the oath~~
23 ~~described in Section 162.007(b)~~].

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

27 Sec. 172.1115. AFFILIATION WITH PARTY REQUIRED. (a) The

1 signature roster for a primary election must state at the top of
2 each page "A person commits a criminal offense if the person
3 knowingly votes in a primary election or participates in a
4 convention of a party without being affiliated with that party."

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

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

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

12 (c) A person who seeks to vote in a primary election but
13 cannot establish the person's party affiliation under Subsection
14 (b) may be accepted only for provisional voting under Section
15 [63.011](#).

16 SECTION 14. Section [172.126](#)(g), Election Code, is amended
17 to read as follows:

18 (g) A separate set of ballot boxes or other suitable
19 containers approved by the secretary of state shall be used for each
20 party's primary, except that one set of ballot boxes or other
21 containers may be used in a joint primary using an electronic voting
22 system in which the ballots are deposited by the voters directly
23 into a unit of automatic tabulating equipment. ~~[The lists of~~
24 ~~registered voters and the voters' registration certificates shall~~
25 ~~be marked and stamped to show the appropriate party affiliation for~~
26 ~~each voter.]~~ A separate list of registered voters shall be used for
27 each party's primary. The secretary of state by rule shall

1 prescribe requirements to ensure that one party's ballot is readily
2 distinguished from another's, which may include the use of
3 different colors of ink.

4 SECTION 15. The following provisions of the Election Code
5 are repealed:

6 (1) Sections 162.004, 162.005, 162.006, 162.007,
7 162.008, and 162.009;

8 (2) Section 162.010(b);

9 (3) Section 172.1141; and

10 (4) Section 172.115(c).

11 SECTION 16. (a) Not later than October 1, 2025, the voter
12 registrar of each county shall mail to each registered voter in the
13 county notice of the affiliation requirement necessary to vote in a
14 party primary election. The notice must:

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

17 (2) inform the voter of the process of affiliation
18 with the voter registrar and state that if a voter does not provide
19 an affiliation, the voter's next registration certificate will
20 indicate that the voter is "independent" and unable to vote in a
21 party's primary;

22 (3) include a postage paid postcard that may be
23 returned to the voter registrar to indicate the voter's
24 affiliation; and

25 (4) be in the form prescribed by the secretary of
26 state.

27 (b) If a registered voter does not indicate a party

1 affiliation before December 31, 2025, the voter registrar shall
2 list the voter's initial affiliation status as "independent."

3 (c) The change in law made by Section 15.001(a), Election
4 Code, as amended by this Act, requiring that each voter
5 registration certificate must indicate the political affiliation
6 of the voter applies only to a certificate effective for voting on
7 or after January 1, 2026.

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