

BILL ANALYSIS

Senate Research Center
87R10814 TSS-F

S.B. 1340
By: Buckingham
State Affairs
3/23/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Federal courts have dictated that all states, including Texas, must allow citizens to register to vote when obtaining or renewing their driver's license. This process is commonly referred to as "motor voter." S.B. 1340 would codify and establish a process for electronic voter registration, or "motor voter" registration.

In order to perform "motor voter," the secretary of state (SOS) and the Department of Public Safety must enter into a data sharing agreement.

Currently there is no process to verify citizenship of voter registration applicants. S.B. 1340 establishes a process to check citizenship of applicants.

S.B. 1340 establishes a process, working with the commissioner of Social Security, to check for deceased voters. It also establishes the use of the United States Post Office National Change of Address database to verify residency and well as an interstate voter registration cross check for voters who are registered in other states concurrently to being registered in Texas.

In order to accomplish these reforms, S.B. 1340 makes SOS the statewide voter registrar, having split duties with the county registrars.

As proposed, S.B. 1340 amends current law relating to voter qualification and registration.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state in SECTION 3 (Section 12.001, Election Code), SECTION 4 (Section 12.0011, Election Code), SECTION 6 (Section 13.009, Election Code), SECTION 9 (Section 13.072, Election Code), and SECTION 10 (Section 13.0721, Election Code) of this bill.

Rulemaking authority previously granted to the secretary of state is modified in SECTION 41 (Section 18.068, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 42.03, Code of Criminal Procedure, by adding Section 6, as follows:

Sec. 6. Requires the court, after pronouncing the sentence of a defendant adjudged guilty of a felony, to notify the defendant in writing of the nature and expected duration of the impact on the defendant's voting rights in this state under Section 11.002(a)(4) (relating to the definition of a qualified voter regarding a felony conviction), Election Code, resulting from the conviction.

SECTION 2. Amends Chapter 11, Election Code, by adding Section 11.0021, as follows:

Sec. 11.0021. MEASURES TO PREVENT NONCITIZEN VOTER REGISTRATION AND VOTING. Provides that, notwithstanding any other law, to ensure a person who is not a citizen of the United States is prohibited from registering to vote or voting:

(1) at least twice each year, the secretary of state (SOS) is required to use the United States Department of Homeland Security database of noncitizens living in Texas to identify noncitizens whose voter registrations should be canceled and to take all appropriate actions; and

(2) the Department of Public Safety of the State of Texas (DPS) is required to forward to SOS the file of a person who applies for a Texas driver's license or identification card and provides on the application form that the person is not a citizen of the United States.

SECTION 3. Amends Section 12.001, Election Code, as follows:

Sec. 12.001. New heading: DESIGNATION OF SECRETARY OF STATE AS VOTER REGISTRAR. (a) Provides that SOS is the chief voter registrar of the state and is required to maintain the list of registered voters. Provides that the voter registrar designated under Subsection (b) is the voter registrar for all other purposes and is required to assist SOS in the registration of voters at the direction of SOS.

(b) Creates this subsection from existing text to provide that, except as provided by Subsection (a), the county tax assessor-collector is the voter registrar for the county unless the position of county elections administrator is created or the county clerk is designated as the county voter registrar, rather than designated as the voter registrar. Makes a nonsubstantive change.

(c) Provides that, unless otherwise provided by a rule adopted under Section 12.0011, a reference in this code to the voter registrar, as related to voter registration duties, means the county voter registrar.

(d) Requires SOS to adopt rules necessary to implement this section.

SECTION 4. Amends Subchapter A, Chapter 12, Election Code, by adding Section 12.0011, as follows:

Sec. 12.0011. CLASSIFICATION OF VOTER REGISTRATION DUTIES. (a) Requires SOS to adopt rules consistent with Section 12.001 that classify the duties and functions placed on a voter registrar under this code or another provision of law according to whether they are to be performed by the voter registrar or by SOS.

(b) Provides that if a voter registrar is uncertain as to which person should perform a specific duty or function that SOS has not classified, the person is required to request SOS to classify that duty or function, and SOS is required to comply with the request as soon as practicable.

(c) Requires SOS to deliver a copy of each rule proposed under this section to each voter registrar in this state not later than the fifth day after the date notice of the proposal is published in the Texas Register and to deliver a copy of each adopted rule to those persons not later than the fifth day after the date the certified copy of the rule is filed in SOS's office. Provides that failure to comply with this subsection does not affect the validity of a rule.

(d) Authorizes SOS, on 30 days' notice, to adopt a rule classifying a duty or function if the rule is needed in a shorter time than provided by the regular rulemaking process. Provides that the rule is considered an emergency rule for purposes of Chapter 2001 (Administrative Procedure), Government Code. Provides that SOS is not required to give notice of the proposed rule under

Subsection (c), but SOS is required to give notice of the rule's adoption under that subsection.

(e) Requires SOS to, not later than January 1 of each odd-numbered year, submit a report to the committees of the Texas Senate and Texas House of Representatives with primary jurisdiction over elections a report on the implementation of this section and SOS's maintenance of the list of registered voters under Section 12.001.

SECTION 5. Amends Sections 13.002(a) and (i), Election Code, as follows:

(a) Requires that an application from a person desiring to register to vote, except as provided by Subsection (e) (relating to eligibility of certain individuals for early voting by mail) or Subchapter C (Department of Public Safety), Chapter 20 (Voter Registration Agencies), rather than except as provided by Subsection (e), be submitted by personal delivery, by mail, or by telephonic facsimile machine in accordance with Section 13.143(d-2) (relating to the effectiveness of a registration application submitted by telephonic facsimile machine), rather than in accordance with Sections 13.143(d) (relating to the effective date of certain registration applications) and (d-2).

(i) Requires an applicant who wishes to receive an exemption from the requirements of Section 63.001(b) (relating to certain identification required for voting) on the basis of disability to submit, rather than to include with the person's application, certain documentation.

SECTION 6. Amends Subchapter A, Chapter 13, Election Code, by adding Section 13.009, as follows:

Sec. 13.009. ELECTRONIC VOTER REGISTRATION. (a) Requires SOS and DPS to jointly implement a program to allow a person who is a citizen of the United States and has an unexpired driver's license issued in this state to complete a voter registration application simultaneously with the person's application for an original, renewal, or duplicate driver's license and from the official Internet website of this state. Requires that the Internet websites of SOS and DPS also provide a link to the location of the application on the official Internet website of this state.

(b) Requires an applicant for electronic voter registration to:

(1) attest to the truth of the information provided on the application by affirmatively accepting the information as true;

(2) affirmatively consent to the use of the signature on the applicant's driver's license or personal identification card for voter registration purposes;

(3) provide the information required under Section 13.002(c) (relating to required information on a registration application); and

(4) provide the audit number and date of issuance of the applicant's Texas driver's license issued by DPS.

(c) Requires that the program, for each application:

(1) require that a digital copy of the applicant's signature be obtained from DPS; and

(2) compare the information provided by the applicant against DPS records.

(d) Requires that the program, if the information submitted by an applicant does not match DPS records, notify the applicant that the application is incomplete and advise the applicant to correct and resubmit the application.

(e) Requires that the program, if the information submitted by an applicant matches DPS records, forward the application to the registrar of the county in which the applicant states that the applicant resides and to SOS.

(f) Provides that an application electronically submitted under this section is considered for all purposes as an application submitted by mail under Title 2 (Voter Qualifications and Registration).

(g) Requires SOS to adopt rules as necessary to implement this section, including rules to provide for additional security measures necessary to ensure the accuracy and integrity of applications submitted electronically.

(h) Requires that the rules adopted under Subsection (g) require that:

(1) the Internet website through which a person is authorized to complete a voter registration application include a description of the offense described by Section 13.007 (False Statement on Application) in a conspicuous location on the website near the place where the person begins or submits the application; and

(2) the state electronic Internet portal project be used to authenticate the identity of a person who submits an application electronically under this section.

SECTION 7. Amends Section 13.046(f), Election Code, as follows:

(f) Deletes existing text providing that, except as provided by this subsection, Section 13.041 (Effect of Submission of Application) applies to the submission and delivery of registration applications under Section 13.046 (High School Deputy Registrars), and for that purpose, "volunteer deputy registrar" in Section 13.041 includes a high school deputy registrar.

SECTION 8. Amends Section 13.071, Election Code, as follows:

Sec. 13.071. REVIEW OF APPLICATION. (a) Requires the registrar to review each submitted application for registration to determine whether it complies with Section 13.002 (Application Required) and indicates that the applicant is eligible for registration under Section 13.001 (Eligibility for Registration).

(b) Requires the registrar, if the application is submitted to DPS in conjunction with an application for an original, renewal, or duplicate driver's license or personal identification card, to make the determination not later than the seventh day after the date the application is delivered, rather than submitted, to the registrar.

(c) Requires the registrar, if the application is submitted in a manner other than the manner described by Subsection (b), to forward the information relating to the applicant to SOS to ensure the voter is not already registered and for determining the voter's eligibility under Section 13.001 and citizenship status as provided by Section 13.0721.

(d) Requires the registrar, in making a determination under this section, to compare the applicant to the lists maintained under Sections 16.002 (Mental Incapacity) and 16.003 (Felony Conviction).

(e) Provides that, notwithstanding a rule adopted under Section 12.0011, SOS is the final arbiter of whether an applicant for voter registration is eligible for registration.

SECTION 9. Amends Section 13.072, Election Code, by amending Subsections (a), (c), and (d) and adding Subsections (a-1) and (e), as follows:

(a) Requires the registrar, unless the registrar challenges the applicant, to approve the application if:

(1) the registrar determines that an application complies with Section 13.002 and indicates that the applicant is eligible for registration under Section 13.001; and

(2) the registrar verifies with SOS certain information, including, if the applicant included a statement described by Section 13.002(c)(8)(C) (relating to a statement that the applicant has not been issued certain identification numbers), the identity of the applicant through other means.

Deletes existing text relating to an applicant who has not included a statement described by Section 13.002(c)(8)(C). Makes nonsubstantive changes.

(a-1) Prohibits the registrar, for an applicant whose information was forwarded to SOS under Section 13.071, from making a determination under Subsection (a)(1) without confirmation from SOS that the voter is not already registered and is eligible under Section 13.001.

(c) Requires the registrar, except as provided by Subsection (d), if the registrar determines that an application does not comply with Section 13.002 or does not indicate that the applicant is eligible for registration under Section 13.001, to reject the application.

(d) Deletes existing text requiring the registrar, if an application clearly indicates that the applicant resides in another county and, if the other county is not contiguous, to deliver to the applicant not later than the seventh day after the date the application is received written notice that the registrar has forwarded the application to the other county's registrar.

(e) Requires SOS to adopt rules necessary to implement Section 13.072 (Action on Application).

SECTION 10. Amends Subchapter C, Chapter 13, Election Code, by adding Section 13.0721, as follows:

Sec. 13.0721. DETERMINATION OF CITIZENSHIP. (a) Provides that this section does not apply to an application for registration submitted to DPS in conjunction with an application for an original, renewal, or duplicate driver's license.

(b) Requires SOS to verify with DPS the citizenship status of each applicant for voter registration whose information is forwarded to SOS as provided by Section 13.071(c). Requires SOS, if DPS verifies the applicant's citizenship status, to notify the registrar.

(c) Requires the registrar and the applicant, if the applicant included a statement under Section 13.002(c)(8)(C) or SOS cannot verify the citizenship status of the applicant under Subsection (b), to be notified as provided by SOS rule.

(d) Requires an applicant for voter registration who receives notice under Subsection (c) to provide proof of citizenship to the registrar not later than the 60th day after the date of receipt. Requires that this proof, except as provided by

Subsection (e), be presented in person. Provides that the following is acceptable as proof of citizenship under this section:

(1) an unexpired passport issued to the person;

(2) a certified copy of a birth certificate or other document confirming the person's birth that is admissible in a court of law and establishes the person's identity, presented with a government-issued identification that contains the person's photograph; or

(3) United States citizenship papers issued to the person, presented with a government-issued identification that contains the person's photograph.

(e) Authorizes an applicant to mail a certified copy of a document described by Subsection (d)(2) or (3) with a copy of the person's government-issued photo identification to the registrar.

(f) Requires the registrar, if an applicant does not provide proof of citizenship as required, to reject the application and notify SOS. Requires SOS to keep a list of applicants of whom SOS receives notice under this section.

(g) Requires SOS to adopt rules and prescribe procedures to implement this section.

SECTION 11. Amends Section 13.076(a), Election Code, as follows:

(a) Deletes existing text providing an exception as provided by Subsection (b) (relating to an applicant requesting a hearing in response to a challenge) from the requirement of an applicant to file a written, signed request for a hearing with the registrar not later than the 10th day after the date of the challenge. Makes a conforming change.

SECTION 12. Amends Sections 13.077(a), (b), and (c), Election Code, to make conforming changes.

SECTION 13. Amends Section 13.078(a), Election Code, to make a conforming change.

SECTION 14. Amends Section 13.079, Election Code, to make conforming changes.

SECTION 15. Amends Section 13.142(a), Election Code, to delete existing text requiring the registrar, after approval of a registration application, to prepare a voter registration certificate in duplicate.

SECTION 16. Amends Sections 13.143(a) and (d-2), Election Code, as follows:

(a) Provides that if an applicant's registration application is approved, except as provided by Subsection (b) (relating to a registration effective for early voting), rather than except as provided by Subsections (b) and (e) (relating to the timely submission of an application), the registration becomes effective on the 30th day after the date the application is approved, rather than submitted to the registrar, or on the date the applicant becomes 18 years of age, whichever is later.

(d-2) Requires that a copy of the original registration application containing the voter's original signature, for a registration application not submitted by personal delivery or mail to be effective, be submitted by personal delivery or mail and be received by the registrar not later than the fourth business day after the submission is received. Deletes existing text requiring that a copy of the registration, for a registration application submitted by telephonic facsimile machine to be effective, be submitted by mail and be received by the registrar not later than the fourth business day after the transmission by telephonic facsimile machine is received.

SECTION 17. Amends Section 15.022(a), Election Code, as follows:

(a) Requires the registrar to make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list in certain circumstances, including after determining a data entry error has occurred. Makes nonsubstantive changes.

SECTION 18. Amends Section 15.023, Election Code, as follows:

Sec. 15.023. TIME FOR CERTAIN DELETIONS FROM SUSPENSE LIST. Requires that if the name of a voter on the list of registered voters, rather than the name of a voter whose residence is changed on the registration records to another county election precinct in the same county, appears on the suspense list, the voter's name be deleted from the list on the date the voter provides a completed application to register to vote in accordance with Section 13.002, rather than on the date the voter's registration in the precinct of new residence becomes effective.

SECTION 19. Amends Section 15.028, Election Code, as follows:

Sec. 15.028. New heading: NOTICE OF UNLAWFUL REGISTRATION OR VOTING. Requires the registrar, if the registrar determines that a person who is not eligible to vote may have registered to vote or voted in an election, rather than a person who is not a registered voter voted in an election, to execute and deliver to SOS and the county or district attorney, rather than to the county or district attorney, having jurisdiction in the territory covered by the election an affidavit stating the relevant facts. Deletes existing text requiring the registrar, if the election covers territory in more than one county, to also deliver an affidavit to the attorney general.

SECTION 20. Amends Section 15.051(d), Election Code, as follows:

(d) Requires the registrar to maintain with the voter's record an indication that a confirmation notice was sent to the voter. Deletes existing text requiring the registrar to maintain a list of the confirmation notices mailed to voters, which for each notice must include the voter's name and the date the notice is mailed. Deletes existing text requiring the registrar to maintain and retain the list in accordance with rules prescribed by SOS.

SECTION 21. Amends Subchapter C, Chapter 15, Election Code, by adding Section 15.054, as follows:

Sec. 15.054. CONFIRMATION NOTICE AFTER EVIDENCE OF CHANGE OF RESIDENCE. (a) Requires SOS, as frequently as possible, to:

- (1) request from the United States Postal Service information from the National Change of Address database indicating address reclassifications or changes of address affecting the registered voters of the state;
- (2) examine any information obtained from the interstate voter registration crosscheck program under Section 18.062 (Interstate Voter Registration Crosscheck Program), indicating address reclassifications or changes of address affecting the registered voters of the state; and
- (3) identify each voter in the state who fails to vote in any election, submit an application for a ballot to be voted by mail under Chapter 84 (Application for Ballot) or 101 (Voting by Resident Federal Postcard Applicant), or submit a change in voter registration under Chapter 13 (Application for Registration; Initial Registration) or 15 (General Administration of Registration) for two years from the date of a general election for state and county officers.

(b) Requires SOS, if information obtained under Subsection (a) gives SOS reason to believe a voter has changed the voter's residence to a location outside of the county in which the voter is registered to vote, to forward the information to the voter registrar for the county in which the voter is registered.

(c) Requires the registrar, after receiving information on a voter under Subsection (b), to deliver a confirmation notice to the voter in accordance with Section 15.051 (Confirmation Notice).

SECTION 22. Amends Section 15.082(b), Election Code, as follows:

(b) Requires that the registrar's suspense list be provided in accordance with Chapter 552 (Public Information), Government Code. Deletes existing text prohibiting the fee for each list or portion of a list furnished under Section 15.082 (Availability of Registrar's List) from exceeding the actual expense incurred in reproducing the list or portion for the person requesting it and requiring that it be uniform for each type of copy furnished. Deletes existing text requiring the registrar to make reasonable efforts to minimize the reproduction expenses.

SECTION 23. Amends Section 16.001(d), Election Code, as follows:

(d) Requires DPS, with the cooperation of SOS, in accordance with federal law, to enter into an agreement with the commissioner of social security to verify on a quarterly basis the information of voter registration records containing a social security number. Requires DPS, at a minimum, to verify if:

(1) the name, date of birth, and social security number listed in the commissioner's records match those on record with DPS; and

(2) the commissioner's records show the person to be deceased.

Deletes existing text requiring SOS to quarterly obtain from the United States Social Security Administration available information specified by SOS relating to deceased residents of the state.

SECTION 24. Amends Section 16.002, Election Code, by amending Subsection (b) and adding Subsections (c) and (d), as follows:

(b) Requires the clerk to file each abstract with SOS and the voter registrar, rather than with the voter registrar, of the person's county of residence not later than the 10th day of the month following the month in which the abstract is prepared.

(c) Requires the registrar to maintain a list containing the name of each person for whom the registrar receives an abstract under Subsection (a)(1) (relating to certain persons adjudged to be mentally incapacitated).

(d) Requires the registrar to remove from the list maintained under Subsection (c) the name of a person on the date the registrar receives an abstract under Subsection (a)(2) or (3) (relating to certain persons' restored right to vote) regarding the person.

SECTION 25. Amends Section 16.003, Election Code, as follows:

Sec. 16.003. FELONY CONVICTION. (a) Creates this subsection from existing text. Requires DPS, each weekday DPS is regularly open for business, to file with SOS and the voter registrar of the person's county of residence an abstract:

(1) of each final judgment received by DPS convicting a person 18 years of age or older who is a resident of the state of a felony, including:

(A) the date of conviction;

(B) the duration of a defendant's sentence or term of community supervision, as applicable; and

(C) the date on which the defendant is expected to become eligible to vote under Section 11.002 (Qualified Voter); and

(2) of each order received by DPS pardoning a person described by Subdivision (1) or that would otherwise release the person from a disability to vote caused by felony conviction.

Deletes existing text requiring DPS to prepare a certain abstract and file each abstract with SOS.

(b) Requires the registrar to maintain a list containing the name of each person for whom the registrar receives an abstract under Subsection (a)(1).

(c) Requires the registrar to remove from the list maintained under Subsection (b) the name of a person on the date on which the defendant is expected to become eligible to vote as indicated on the abstract received under Subsection (a)(1) or on the date the registrar receives an abstract under Subsection (a)(2) indicating that the person has become eligible to vote.

SECTION 26. Amends Section 16.005, Election Code, as follows:

Sec. 16.005. New heading: PRESERVATION OF ABSTRACT OR ORDER. Makes conforming changes.

SECTION 27. Amends Section 16.032, Election Code, as follows:

Sec. 16.032. CANCELLATION FOLLOWING END OF SUSPENSE LIST PERIOD. Requires the registrar, if on November 30 following the second general election for state and county officers that occurs after the date the voter's name is entered on the suspense list a registered voter's name appears on the suspense list, to cancel the voter's registration unless the name is to be deleted from the list under Section 15.022 (Correction of Registration Records) or 15.023, rather than under Section 15.023.

SECTION 28. Amends Section 16.0332(a), Election Code, as follows:

(a) Requires the registrar, after the registrar receives certain notification, rather than a list, of persons excused or disqualified from jury service or otherwise determined to be ineligible to vote because of citizenship status, to deliver to each registered voter whose name appears in the notification, rather than on the list, a written notice requiring the voter to submit to the registrar proof of United States citizenship through certain documents. Makes a nonsubstantive change.

SECTION 29. Amends Section 16.036(a), Election Code, to require the registrar, immediately after, but not later than the 30th day after the date a voter's registration is canceled under certain sections, including under Section 16.031(a)(4) (relating to a notice that a voter has applied for a limited ballot in another county), to deliver written notice of the cancellation to the voter.

SECTION 30. Amends Subchapter C, Chapter 16, Election Code, to make conforming changes.

SECTION 31. Amends Subchapter D, Chapter 16, Election Code, as follows:

SUBCHAPTER D. CHALLENGE OF REGISTRATION

Sec. 16.091. RIGHT TO CHALLENGE REGISTRATION. Authorizes a registered voter, except as otherwise provided by this subchapter, to challenge the registration of another

voter, rather than another voter of the same county, at a hearing before SOS, rather than the registrar.

Sec. 16.092. SWORN STATEMENT REQUIRED. Requires a voter desiring to challenge a registration to file with SOS, rather than the registrar, a sworn statement of the grounds for the challenge that includes certain information, including that states a specific qualification for registration that the challenged voter has not met based on the personal knowledge of the voter desiring to challenge the registration or on a public record.

Sec. 16.0921. CONFIRMATION NOTICE ON CHALLENGE BASED ON RESIDENCE. (a) Requires SOS, except as provided by Subsection (c), on the filing of a sworn statement under Section 16.092 alleging a ground based on residence, to promptly forward a copy of the sworn statement to the voter registrar who is required to promptly deliver to the voter whose registration is challenged a confirmation notice in accordance with Section 15.051.

(b) Makes no changes to this subsection.

(c) Prohibits the registrar from delivering a confirmation notice resulting from a sworn statement under Section 16.092 alleging a ground based on residence filed after the 75th day before the date of the general election for state and county officers until after the date of that election.

Sec. 16.093. HEARING ON CHALLENGE. (a) - (c) Makes conforming changes to these subsections.

Sec. 16.094. NOTICE OF HEARING. (a) and (b) Makes conforming changes to these subsections.

(c) Makes no changes to this subsection.

Sec. 16.095. DETERMINATION OF CHALLENGE. (a) - (c) Makes conforming changes to these subsections.

(d) Deletes existing text requiring the registrar to retain a copy of the decision on file with the duplicate registration certificate of the voter whose registration was challenged and to deliver a copy to each party to the challenge. Makes a conforming change.

SECTION 32. Amends Section 17.001, Election Code, to make a conforming change.

SECTION 33. Amends Section 17.002, Election Code, to make a conforming change.

SECTION 34. Amends Section 17.004, Election Code, as follows:

Sec. 17.004. New heading: COPY FILED WITH SECRETARY OF STATE. (a) Requires the petitioner, not later than the deadline for filing a petition for review, to deliver a copy of the petition to SOS, rather than to the registrar who issued the adverse decision.

(b) Makes a conforming change to this subsection.

SECTION 35. Amends Section 17.005, Election Code, to make a conforming change.

SECTION 36. Amends Section 17.006, Election Code, as follows:

Sec. 17.006. VENUE. Provides that the venue of an appeal under Chapter 17 (Judicial Review) is in the county where the person whose application or registration is being challenged resides, rather than in the county served by the registrar who issued the decision from which the appeal is taken.

SECTION 37. Amends Section 17.007(c), Election Code, to make a conforming change.

SECTION 38. Amends Section 18.061(b), Election Code, as follows:

(b) Requires that the statewide computerized voter registration list meet certain criteria, including that it assign an electronic indicator to a registered voter about whom SOS has received an abstract under Section 16.002 or 16.003 without removing that voter from the list. Makes nonsubstantive changes.

SECTION 39. Amends Section 18.064, Election Code, as follows:

Sec. 18.064. SANCTION FOR NONCOMPLIANCE. Provides that if a registrar fails to substantially comply with certain sections, including Section 16.0332 (Cancellation Because of Citizenship Status) or 18.068 (Comparison of Information Regarding Ineligibility) or with rules adopted by SOS implementing the statewide computerized voter registration list, the registrar is not entitled to receive state funds for financing voter registration in the county. Makes a nonsubstantive change.

SECTION 40. Amends Section 18.065, Election Code, by amending Subsection (a) and adding Subsection (e), as follows:

(a) Requires SOS to monitor each registrar for substantial compliance with certain sections, including with Section 16.0332, and with rules implementing the statewide computerized voter registration list.

(e) Requires SOS to annually audit the voter registrar for each county's compliance with Section 15.083 (Delivery of List to Secretary of State), 16.032, 16.0332, 18.061 (Statewide Computerized Voter Registration List), and 18.068, and not later than December 31, file a copy of the audit with the legislature.

SECTION 41. Amends Section 18.068, Election Code, as follows:

Sec. 18.068. COMPARISON OF INFORMATION REGARDING INELIGIBILITY. (a) Requires SOS as frequently as possible, rather than quarterly, to compare the information received under Sections 16.001 (Death), 16.002, and 16.003, rather than under Section 16.001, of this code and Section 62.113 (Compilation of List of Noncitizens), Government Code, to the statewide computerized voter registration list.

(a-1) Requires SOS to enter into an agreement with DPS under which information in the database of DPS is provided to SOS if the information concerns a person who:

(1) is at least 18 years of age;

(2) has a valid driver's license or personal identification card issued by DPS; and

(3) has indicated the person is not a citizen in connection with an application for a new or renewal driver's license or personal identification card.

(a-2) Creates this subsection from existing text. Requires SOS, if SOS determines from information received under Subsection (a) or (a-1) that a voter on the registration list may be ineligible to vote, rather than a voter on the registration list is deceased or has been excused or disqualified from jury service because the voter is not a citizen, to send notice of the determination to the attorney general and the voter registrar of the counties considered appropriate by SOS.

(b) Requires SOS by rule to determine what information combinations identified as common to a voter and to an individual who is deceased or ineligible to vote, rather than to an individual who is deceased, constitute a weak match or a strong match for certain purposes.

(c) Prohibits SOS from determining that a voter is deceased or ineligible to vote, rather than deceased, based on a weak match.

(d) Makes no changes to this subsection.

(e) Authorizes SOS to determine that a voter is deceased or ineligible to vote, rather than deceased, based on a strong match.

(f) Authorizes SOS to obtain, for purposes of determining whether a voter is deceased or ineligible to vote, rather than deceased, information from other state agency databases or available federal agency databases, rather than from other state agency databases, relating to a voter that is the same type of information that SOS or a voter registrar collects or stores for voter registration purposes.

(g) Requires SOS, not later than December 31 of each year, to provide a report to the legislature of the number of voters determined to be ineligible under this section during the calendar year. Requires that the report include the reason for ineligibility for each voter and the result of each investigation conducted by a county under Subsection (d).

SECTION 42. Amends Section 18.0681(d), Election Code, as follows:

(d) Provides that if the voter records identified are:

(1) located in the same county, the voter registrar is required, rather than authorized, to merge the records following a determination that each record belongs to the same voter using the procedure for the correction of registration records under Section 15.022; or

(2) located in more than one county, the registrar of the county with the oldest record is required, rather than authorized, to deliver a written confirmation notice in accordance with Section 15.051.

SECTION 43. Amends Section 18.069, Election Code, as follows:

Sec. 18.069. VOTING HISTORY. Requires the general custodian of election records, rather than the registrar, not later than the 30th day after the date of the primary, runoff primary, or general election or any special election ordered by the governor, to electronically submit to SOS the record of each voter participating in the election.

SECTION 44. Amends Section 20.062, Election Code, by amending Subsections (a) and (b) and adding Subsection (d), as follows:

(a) Requires DPS to prescribe and use a form and procedure that combines DPS's application form for a license or card with an officially prescribed voter registration application form for each United States citizen who applies in person at DPS's offices or online at DPS's Internet website.

(b) Requires that the form allow a licensee or cardholder to indicate that the change of address is not for voter registration purposes, rather than to indicate whether the change of address is also to be used for voter registration purposes.

(d) Requires that a procedure prescribed under Section 20.062 (Department Forms and Procedure) provide for the electronic transmission of an applicant's voter registration data by DPS to SOS in accordance with Section 20.066 (Registration Procedures).

SECTION 45. Amends Sections 20.063(a) and (c), Election Code, as follows:

(a) Requires DPS to provide to each United States citizen who applies in person or online at DPS's Internet website, rather than to each person who applies in person or at the DPS's offices, for an original or renewal of a driver's license, a personal identification card, or a duplicate or corrected license or card an opportunity to complete a voter registration application form.

(c) Provides that a change of address that relates to a license or card and that is submitted by a certain method, including online at DPS's Internet website, serves as a change of address for voter registration unless the licensee or cardholder indicates that the change is not for voter registration purposes. Deletes existing text providing that the date of submission of a change of address to a DPS employee is considered to be the date of submission to the voter registrar only for the purpose of determining the effective date of registration. Makes nonsubstantive changes.

SECTION 46. Amends Section 20.091, Election Code, as follows:

Sec. 20.091. APPLICABILITY OF OTHER PROVISIONS. Provides that the other provisions of Chapter 20 do not apply to a public library unless specifically provided by the provision or by a rule adopted by SOS. Deletes existing text providing that the other provisions of Chapter 20 apply to a public library except provisions that conflict with Subchapter D (Public Library).

SECTION 47. Amends Section 31.006(a), Election Code, as follows:

(a) Requires SOS, if, based on information received or discovered, SOS determines that there is reasonable cause to suspect that criminal conduct in connection with an election occurred, to promptly refer the matter to the attorney general. Requires SOS to deliver to the attorney general all pertinent documents and other material in SOS's possession. Deletes existing text requiring SOS, if, after receiving a complaint alleging criminal conduct in connection with an election, SOS determines that there is reasonable cause to suspect that the alleged criminal conduct occurred, to promptly refer the complaint to the attorney general.

SECTION 48. Amends Section 66.058, Election Code, by adding Subsection (i), as follows:

(i) Requires the authority who is preserving election records under Section 66.058 (Preservation of Precinct Election Records), upon written request from a certified peace officer investigating an offense under this code or an attorney prosecuting an offense under this code, to provide the officer or attorney the complete, unredacted records requested. Provides that information produced under this subsection is confidential and not subject to disclosure under Chapter 552, Government Code.

SECTION 49. (1) Repealer: Section 13.041 (Effect of Submission of Application), Election Code.

(2) Repealer: Section 13.074(c) (relating to a deadline for the registrar to challenge an applicant), Election Code.

(3) Repealer: Section 13.076(b) (relating to an applicant orally requesting a hearing in response to a challenge), Election Code.

(4) Repealer: Section 13.077(d) (relating to scheduling a hearing that was requested orally), Election Code.

(5) Repealer: Section 13.078(b) (relating to the inapplicability of this section to a hearing conducted under Section 13.077(d)), Election Code.

(6) Repealer: Sections 13.143(d) (relating to determining the effective date of a registration) and (e) (relating to when an application is considered timely), Election Code.

(7) Repealer: Sections 15.082(c) (relating to a certain copy of the registrar's suspense list) and (d) (relating to defraying expenses of preparing copies of the registrar's suspense list), Election Code.

(8) Repealer: Subchapter F (Certificate Files), Chapter 15, Election Code.

(9) Repealer: Section 18.0121 (Contract to Investigate Voter Eligibility), Election Code.

(10) Repealer: Section 18.0051 (Contents of List: Substitute Address), Election Code.

(11) Repealer: Section 18.008(c) (relating to a certain copy of the registrar's registration list), Election Code.

SECTION 50. Makes application of this Act prospective.

SECTION 51. Makes application of Section 6, Article 42.03, Code of Criminal Procedure, as added by this Act, and Sections 16.003 and 16.005, Election Code, as amended by this Act, prospective.

SECTION 52. Effective date: September 1, 2021.