

CHAPTER 916

H.B. No. 74

AN ACT

relating to certain processes and procedures connected with the registration of voters; providing a criminal penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 11.004, Election Code, is amended to read as follows:

Sec. 11.004. VOTING IN PRECINCT OF FORMER RESIDENCE. (a) A registered voter who changes residence to another election precinct in the same county, if otherwise eligible, may vote a full ballot in the election precinct of former residence *for one year* [~~through the 90th day~~] after the date of the change of residence or until the voter's

registration becomes effective in the new precinct, whichever is earlier, *if the voter resides in the county in which the voter is registered and, if applicable:*

(1) *resides in the political subdivision served by the authority ordering the election if the political subdivision is other than the county; or*

(2) *resides in the territory covered by the election in a less-than-countywide election ordered by the governor or a county authority.*

(b) *Before being accepted to vote, the voter must execute and submit to an election officer at the polling place a statement including:*

(1) *a statement that the voter complies with the applicable residence requirements prescribed by Subsection (a);*

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

(3) *the month, day, and year of the voter's birth; and*

(4) *the date the statement is submitted to the election officer.*

(c) *The voter registrar shall provide to the general custodian of election records a suitable number of statements of residence for use in each applicable election.*

(d) *The voter registrar shall retain each statement of residence on file with the voter's registration application [in an election in which the ballot contains an office or proposition stating a measure on which the qualified voters of both the former and new precincts are eligible to vote].*

SECTION 2. Section 12.004, Election Code, is amended by adding Subsection (d) to read as follows:

(d) *If early voting by personal appearance is required to be conducted for extended hours under Section 85.005(c) or for weekend hours under Section 85.006(e), the registrar's office shall remain open for providing voter registration information during the extended hours or weekend hours that the main early voting polling place is open for voting.*

SECTION 3. Section 13.033(b), Election Code, is amended to read as follows:

(b) If a person is to be appointed, the registrar shall prepare a certificate of appointment in duplicate containing:

(1) the date of appointment;

(2) the statement: "I, _____, Voter Registrar for _____ County, do hereby appoint _____ as a volunteer deputy registrar for _____ County.";

(3) the person's residence address;

(4) the person's voter registration number, if any;

(5) a statement that the term of the appointment expires December 31 of an even-numbered year; and

(6) a statement that the appointment terminates on the person's final conviction for an offense for failure to deliver a registration application *and may terminate on the registrar's determination that the person failed to adequately review a registration application.*

SECTION 4. Section 13.036, Election Code, is amended to read as follows:

Sec. 13.036. TERMINATION OF APPOINTMENT. (a) An appointment as a volunteer deputy registrar is terminated on:

(1) the expiration of the volunteer deputy's term of appointment; or

(2) the final conviction of the volunteer deputy for an offense prescribed by Section 13.043.

(b) *The registrar may terminate the appointment of a volunteer deputy registrar on a determination by the registrar that the volunteer deputy failed to adequately review a registration application as required by Section 13.039.*

(c) [(b)] Immediately on the termination of an appointment, the registrar shall deliver written notice of the termination to the volunteer deputy, directing the deputy:

(1) to stop activity as a volunteer deputy registrar immediately; and

(2) to deliver the certificate of appointment, receipt forms, and registration applications and receipts in the volunteer deputy's possession to the registrar not later than the second day after the date the deputy receives the termination notice.

(d) [(e)] The registrar shall reject all registration applications received by a person purporting to act as a volunteer deputy registrar after the person's appointment is terminated.

(e) [(d)] The registrar may not reappoint a person whose appointment as a volunteer deputy registrar is terminated under Subsection (a)(2).

SECTION 5. Section 13.037(a), Election Code, is amended to read as follows:

(a) A person may not receive compensation from the county for service as a volunteer deputy registrar [~~serves without pay~~] unless compensation is authorized by the commissioners court.

SECTION 6. Section 13.143(c), Election Code, is amended to read as follows:

(c) A registration is effective until canceled *under this code*.

SECTION 7. Section 14.025(a), Election Code, is amended to read as follows:

(a) *Not later than* [~~Before~~] January 2 [1] of each even-numbered year, the registrar shall deliver a copy of the list of returned certificates to the secretary of state in the form prescribed by the secretary.

SECTION 8. Section 15.002, Election Code, is amended by adding Subsection (c) to read as follows:

(c) *A voter registration certificate may contain a jurisdictional or distinguishing number for any territorial unit in which the voter resides, including a congressional district, state senatorial district, state representative district, commissioners precinct, justice precinct, city election precinct, or school district election precinct.*

SECTION 9. Section 15.022(a), Election Code, is amended to read as follows:

(a) The registrar shall make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the list of returned certificates:

- (1) after receipt of a notice of a change in registration information under Section 15.021;
- (2) after receipt of a voter's reply to a notice of investigation given under Section 16.033;
- (3) after receipt of a registration omissions list and any affidavits executed under Section 63.007, following an election;
- (4) after receipt of a voter's *statement* or affidavit of residence executed under Section 11.004 or 14.052;
- (5) before the effective date of the abolishment of a county election precinct or a change in its boundary; or
- (6) after receipt of United States Postal Service information indicating an address reclassification.

SECTION 10. Section 15.025, Election Code, is amended to read as follows:

Sec. 15.025. EFFECTIVE DATE OF REGISTRATION IN PRECINCT OF NEW RESIDENCE. The registration of a voter whose residence is changed on the registration records to another county election precinct in the same county becomes effective in the precinct of new residence on the 30th day after:

- (1) the date the registrar receives a notice of a change in registration information under Section 15.021 or a voter's reply to a notice of investigation given under Section 16.033, as applicable, indicating the change of residence; or
- (2) the date the voter submits a *statement* or an affidavit indicating the change of residence to an election officer under Section 11.004 or 14.052.

SECTION 11. Section 15.028, Election Code, is amended to read as follows:

Sec. 15.028. NOTICE OF UNLAWFUL VOTING TO PROSECUTOR. (a) If the registrar determines that a person who is not a registered voter voted in an election, the registrar shall *execute and deliver to the county or district attorney having jurisdiction in the*

territory covered by the election an affidavit stating the relevant facts [~~notify the appropriate prosecuting attorney of that fact~~].

(b) If the election covers territory in more than one county, the registrar shall also deliver an affidavit to the attorney general.

SECTION 12. Section 16.003, Election Code, is amended to read as follows:

Sec. 16.003. **FELONY CONVICTION.** (a) Each month both the clerk of each court having felony jurisdiction and the institutional division of the Texas Department of Criminal Justice shall prepare an abstract of each final judgment of a court served by the clerk or received by the institutional division, as applicable, occurring in the month, convicting a person 18 years of age or older who is a resident of the state of a felony.

(b) The clerk and the institutional division of the Texas Department of Criminal Justice shall file each abstract 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.

SECTION 13. Section 16.037(b), Election Code, is amended to read as follows:

(b) If, after canceling a voter's registration under Section 16.032, the registrar receives an affidavit of residence executed by the voter under Section 14.052 at an election held before the date the voter's registration was required to be canceled [~~August 16~~], the registrar shall reinstate the registration.

SECTION 14. Section 18.006, Election Code, is amended to read as follows:

Sec. 18.006. **DELIVERY OF LISTS TO ELECTION AUTHORITIES.** The registrar shall deliver the lists furnished under this subchapter, including the lists furnished under Section 18.007, to the appropriate authority as soon as practicable after the request but in every case in time for receipt before the beginning of early voting by mail for the election in which the lists are to be used. *If those lists do not contain the names of all voters who will be eligible to vote as of the beginning of early voting by personal appearance, another set of the appropriate lists shall be delivered before the beginning of early voting by personal appearance. If those lists do not contain the names of all voters whose registrations will be effective on election day, another set of the appropriate lists shall be delivered as soon as practicable after the registrar has processed the remaining applications.*

SECTION 15. Section 18.008, Election Code, is amended by adding Subsection (d) to read as follows:

(d) *The copy must be accompanied by a written notice of the criminal penalty prescribed by Section 18.009.*

SECTION 16. Section 18.012, Election Code, is amended to read as follows:

Sec. 18.012. **SECRETARY OF STATE TO APPROVE COMPUTER SERVICES CONTRACTS.** (a) A county may not contract with a computer service company or other private business entity for services related to the lists required under this subchapter unless the programs, equipment, or other materials to be covered by the contract are approved by the secretary of state. *The secretary may rescind approval of the programs, equipment, or other materials at any time, and on that action the contract is nullified to the extent that it depends on the disapproved items.*

(b) *A computer service company or other private business entity may not use modified programs, equipment, or other materials under the contract unless the modifications are approved by the secretary of state.*

(c) *A person commits an offense if the person violates Subsection (b). An offense under this subsection is a Class A misdemeanor.*

SECTION 17. Section 18.041(c), Election Code, is amended to read as follows:

(c) The registrar shall file the statement with the secretary of state not later than January 2 [1].

SECTION 18. Section 18.063, Election Code, is amended to read as follows:

Sec. 18.063. **INFORMATION FURNISHED BY REGISTRAR.** (a) On or after January 1 but before January 16 and on or after September 1 but before September 16 of each even-numbered year, each registrar of a county that has not contracted with the secretary of state for electronic data services to facilitate the implementation of the registration service

program shall deliver to the secretary of state a list containing each new registration, canceled registration, and change in registration information that has occurred in the county since the delivery of the previous [~~corresponding~~] list *under this subsection or Subsection (b), as applicable.*

(b) *Not more than once each calendar year, the secretary may require the registrar of a county covered by Subsection (a) to deliver to the secretary a complete list of the county's voter registration information. The registrar shall deliver the list within the period prescribed by the secretary.*

(c) The information on the *lists required by this section* [~~list~~] must be current as of the date of delivery. The secretary shall use the information to update the state master file.

(d) [~~(b)~~] The secretary shall prescribe the form for the lists required by this section.

SECTION 19. Section 18.064, Election Code, is amended to read as follows:

Sec. 18.064. SANCTION FOR NONCOMPLIANCE. If a registrar fails to *substantially* comply with Section 14.025, 16.032, 18.042, or 18.063 [~~or 18.042~~] or with rules adopted by the secretary of state implementing the registration service program, the registrar is not entitled to receive state funds for financing voter registration in the county.

SECTION 20. Sections 18.065(a), (b), and (c), Election Code, are amended to read as follows:

(a) The secretary of state shall monitor each registrar for *substantial* compliance with Sections 14.025, 16.032, 18.042, and 18.063 [~~and 18.042~~] and with rules implementing the registration service program.

(b) On determining that a registrar is not in *substantial* compliance, the secretary shall deliver written notice of the noncompliance to:

(1) the registrar, including in the notice a description of the violation and an explanation of the action necessary for *substantial* compliance and of the consequences of noncompliance; and

(2) the comptroller of public accounts, including in the notice the identity of the noncomplying registrar.

(c) On determining that a noncomplying registrar has corrected the violation and is in *substantial* compliance, the secretary shall deliver written notice to the registrar and to the comptroller that the registrar is in *substantial* compliance.

SECTION 21. Section 19.002(d), Election Code, is amended to read as follows:

(d) The comptroller may not issue a warrant if on June 1 of the year in which the warrant is to be issued the most recent notice received by the comptroller from the secretary of state under Section 18.065 indicates that the registrar is not in *substantial* compliance with Section 14.025, 16.032, 18.042, or 18.063 [~~or 18.042~~] or with rules implementing the registration service program.

SECTION 22. Section 32.113, Election Code, is amended by adding Subsection (d) to read as follows:

(d) *The governing body of the political subdivision shall notify the voter registrar of each county in which the political subdivision is situated of the date, hour, and place of each session of the training program.*

SECTION 23. Section 32.114(c), Election Code, is amended to read as follows:

(c) The county clerk shall:

(1) post a notice of the time and place of each session on the bulletin board used for posting notice of meetings of the commissioners court and shall include on the notice a statement that the program is open to the public;

(2) notify each presiding judge appointed by the commissioners court of the time and place of each session and of the duty of each election judge to complete the training program; [~~and~~]

(3) notify the county chairman of each political party in the county of the time and place of each session; *and*

(4) *notify the voter registrar of the date, hour, and place of each session.*

SECTION 24. Section 66.0241, Election Code, is amended to read as follows:

Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4 must contain:

- (1) the precinct list of registered voters;
- (2) the registration correction list;
- (3) the registration omissions list; [and]
- (4) any *statements or affidavits* executed under Section 11.004 or 14.052; and
- (5) any *affidavits executed under Section*[,] 63.007[,], or 63.010.

SECTION 25. Sections 86.002(a) and (d), Election Code, are amended to read as follows:

(a) The early voting clerk shall provide an official ballot envelope and carrier envelope with each ballot provided to a voter. In an election in which voters are authorized to vote on an affidavit of residence under Section 14.052, the clerk shall provide a form for a *statement* [the affidavit] of residence to each affected voter.

(d) The secretary of state shall prescribe instructions to be printed on the balloting materials for the execution and return of a *statement* [an affidavit] of residence. A *statement of residence under this section is considered to be an affidavit of residence for purposes of the other applicable provisions of this code.*

SECTION 26. Section 273.001, Election Code, is amended by adding Subsection (c) to read as follows:

(c) *On receipt of an affidavit under Section 15.028, the county or district attorney having jurisdiction and, if applicable, the attorney general shall investigate the matter.*

SECTION 27. Sections 11.002 and 13.001, Election Code, are amended to read as follows:

Sec. 11.002. QUALIFIED VOTER. In this code, "qualified voter" means a person who:

- (1) is 18 years of age or older;
- (2) is a United States citizen;
- (3) has not been determined mentally incompetent by a final judgment of a court;
- (4) has not been finally convicted of a felony or, if so convicted, has:

(A) *been issued* [received a certificate of] discharge papers by the pardons and paroles division or institutional division of the Texas Department of Criminal Justice, or by a federal or other state correctional institution or parole board, or completed a period of probation ordered by any [a] court and at least two years have elapsed from the date of the issuance [receipt] or completion; or

(B) been pardoned or otherwise released from the resulting disability to vote;

- (5) is a resident of this state; and
- (6) is a registered voter.

Sec. 13.001. ELIGIBILITY FOR REGISTRATION. (a) To be eligible for registration as a voter in this state, a person must:

- (1) be 18 years of age or older;
- (2) be a United States citizen;
- (3) not have been determined mentally incompetent by a final judgment of a court;
- (4) not have been finally convicted of a felony or, if so convicted, must have:

(A) *been issued* [received a certificate of] discharge papers by the pardons and paroles division or institutional division of the Texas Department of Criminal Justice, or by a federal or other state correctional institution or parole board, or completed a period of probation ordered by any [a] court and at least two years have elapsed from the date of the issuance [receipt] or completion; or

(B) been pardoned or otherwise released from the resulting disability to vote; and

- (5) be a resident of the county in which application for registration is made.

(b) To be eligible to apply for registration, a person must, on the date the registration application is submitted to the registrar, be at least 17 years and 10 months of age and satisfy the requirements of Subsection (a) except for age.

SECTION 28. The changes in law made by this Act to Sections 11.002 and 13.001, Election Code, are intended to conform the statutes to official opinions issued by the attorney general and secretary of state.

SECTION 29. The changes in law made by this Act to Section 18.012, Election Code, apply only to a contract that is executed or renewed on or after the effective date of this Act. A contract that was executed and in force before that date is governed by the law under which it was executed or renewed, and that law is continued in effect for that purpose.

SECTION 30. (a) This section is intended only to clarify legislative intent regarding the content of a voter registration application as evidenced by Section 7, Chapter 442, Sections 2 and 3, Chapter 559, and Sections 1 and 2, Chapter 631, Acts of the 72nd Legislature, Regular Session, 1991.

(b) Section 13.122, Election Code, is amended to read as follows:

Sec. 13.122. ADDITIONAL ELEMENTS ON OFFICIAL FORM. (a) In addition to the other statements and spaces for entering information that appear on an officially prescribed registration application form, each official form must include:

(1) the statement: "Applicant is a United States citizen and a resident of the county and has not been finally convicted of a felony or is a felon eligible for registration under Section 13.001, Election Code. I understand that giving false information to procure a voter registration is a misdemeanor.";

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

(3) a space for the applicant's [~~social security number or~~] Texas driver's license number or *number of a personal identification card issued by the Department of Public Safety* [~~number or certificate number~~];

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

(5) a space for the applicant's social security number; *and*

(6) [~~a space for the applicant's Texas driver's license number or personal identification card or certificate number; and~~

[~~(7)~~] a statement indicating that the furnishing of the applicant's *driver's license number, personal identification card* [~~election precinct~~] number, telephone number, *and* social security number[, *and driver's license or personal identification card or certificate number*] is optional.

(b) The term "residence address" may not be modified on an official registration application form by terms other than those comprising the specific elements of a residence address.

(c) If it becomes permissible under federal law to require an applicant for registration who has a social security number to furnish the number, the secretary of state may implement that requirement.

(c) Section 13.002(c), Election Code, is amended to read as follows:

(c) A registration application must include:

(1) the applicant's name as follows:

(A) first name, middle name, if any, and surname; or

(B) first name, maiden name, and husband's surname if the applicant is a married woman using the husband's surname;

(2) the applicant's sex;

(3) the month, day, and year of the applicant's birth;

(4) a statement that the applicant is a United States citizen;

(5) if the applicant is a naturalized citizen, the location of the court of naturalization;

(6) a statement that the applicant is a resident of the county;

(7) 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[(a)(4)];

(8) if the applicant is currently registered in another county, the name of that county and the applicant's residence address on the registration certificate for that county;

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

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

(11) the city or county and state, or foreign country, in which the applicant was born.

SECTION 31. This Act takes effect September 1, 1993.

SECTION 32. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 11, 1993, by a non-record vote; the House concurred in Senate amendments on May 28, 1993, by a non-record vote; the House adopted H.C.R. No. 171 authorizing certain corrections in H.B. No. 74 on May 28, 1993, by a non-record vote; passed by the Senate, with amendments, on May 25, 1993, by a viva-voce vote; the Senate adopted H.C.R. No. 171 authorizing certain corrections in H.B. No. 74 on May 28, 1993.

Approved June 19, 1993.

Effective Sept. 1, 1993.