

TEXAS

VOTER REGISTRATION

These resources are current as of 03/21/14. We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law. Please email us at advocacy@afj.org.

What's New in This Guide

The following changes/additions have been made since the previous version of this guide:

- ◆ Section on ineligibility due to death or citizenship
- ◆ Codified voter ID requirements established, under "[Voter ID Requirements](#)"

This guide summarizes key aspects of laws governing voter registration on the state level. It is not intended to provide legal advice or to serve as a substitute for legal advice.

In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.

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DEADLINES FOR REGISTRATION

- Deadline for registering?

A voter registration application must be submitted to the Voter registration office (registrar) at least 30 days before the election to be eligible to vote in that election. TEX. ELECT. CODE § 13.143(a). For the purpose of determining the effective date of a registration, an application submitted by: mail is considered to be submitted to the registrar on the date it is placed with postage prepaid and properly addressed in the United States mail or fax is considered to be submitted to the registrar on the date the transmission is received by the registrar, provided the registrar also receives a copy of the registration no more than four business days after the fax is received. TEX. ELECT. CODE §§ 13.143(d),(d-2). If the 30th day before the date of an election is a Saturday, Sunday, or legal state or national holiday, an application is considered to be timely if it is submitted to the registrar on or before the next regular business day. TEX. ELECT. CODE § 13.143(e).

- Does state offer Election Day registration?

No. See TEX. ELECT. CODE § 13.143 (requiring that an application be submitted at least 30 days before election day).

- Does state allow by-mail registration?

Yes. TEX. ELECT. CODE § 13.002(a) (“An application must be submitted by personal delivery, by mail, or” by fax.). Voter registration applications are available at [county Voter Registration offices](#), the [Secretary of State’s office](#), or at libraries, government offices, or high schools.

- May a voter register before turning 18?

Yes. To be eligible to apply for registration, a person must, on the date the registration application is submitted, be at least 17 years and 10 months of age. TEX. ELECT. CODE § 13.001(b).

VOTER ID REQUIREMENTS

- Required for registration?

No. TEX. ELECT. CODE § 13.002(c) (ID is not among the required criteria on voter registration application).

- Required for voting?

Yes. On “offering to vote, a voter must present to an election officer at the polling place one form of [acceptable photo] identification.” TEX. ELECT. CODE § 63.001(b). As provided in TEX. ELECT. CODE § 63.0101, acceptable photo identification is one of the following:

- 1) a driver's license, election identification certificate, or personal identification card issued to the person by the Department of Public Safety that has not expired or that expired no earlier than 60 days before the date of presentation;
- 2) a United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of presentation;
- 3) a United States citizenship certificate issued to the person that contains the person's photograph;
- 4) a United States passport issued to the person that has not expired or that expired no earlier than 60 days before the date of presentation; or
- 5) a license to carry a concealed handgun issued to the person by the Department of Public Safety that has not expired or that expired no earlier than 60 days before the date of presentation.

Exemption from Photo Identification Requirement

The requirement to produce identification does not apply to a voter who is disabled, and whose voter registration certificate contains an indication that the voter is disabled. TEX. ELECT. CODE § 63.001(h). In order to qualify for an exemption based on disability, the person must possess a voter registration certificate that contains an indication that the voter is disabled. TEX. ELECT. CODE § 15.001(c). As provided in TEX. ELECT. CODE § 13.002(i), to obtain a registration certificate with this indication, the voter must include with their voter registration application:

- 1) written documentation:
 - A) from the United States Social Security Administration showing the applicant has been determined to have a disability; or
 - B) from the United States Department of Veterans Affairs showing the applicant has a disability rating of at least 50 percent; and
- 2) a statement in a form prescribed by the secretary of state that the applicant does not have an acceptable form of photo identification (available [here](#)).

Provisional Voting

If a voter is unable to produce identification, the voter may be accepted for provisional voting. A voter may cast a provisional ballot if, pursuant to TEX. ELECT. CODE § 63.011(a), they execute an affidavit stating that they are:

- 1) a registered voter in the precinct in which the person seeks to vote; and
- 2) eligible to vote in the election.

A voter who casts a provisional ballot because they did not produce identification, may have the provisional ballot counted if they, within 6 days of the election:

- 1) present an acceptable form of identification to the voter registrar; or
- 2) execute an affidavit that states the voter:
 - a. has a religious objection to being photographed and the voter has consistently refused to be photographed for any governmental purpose from the time the voter has held this belief; or
 - b. does not have any identification as a result of a natural disaster that was declared by the president of the United States or the governor, occurred not earlier than 45 days before the date the ballot was cast, and caused the destruction of or inability to access the voter's identification.

TEX. ELECT. CODE §§ 65.054, 65.0541

- [Requirement to provide proof of citizenship to register?](#)

No. An applicant is simply required to state under oath that he is a citizen of the United States and a resident of the county. TEX. ELECT. CODE § 13.002(c).

However, the voter [registration application](#) (to be filled out online and then printed and mailed to your local County Voter Registrar) asks the applicant to provide a driver's license number or other ID number issued by the Texas Department of Public Safety, or in the alternative, the last four digits of the applicant's social security card. The Texas Secretary of State's office has stated that if an applicant does not include such information on the application, or if the listed ID numbers cannot be verified, then the voter's registration card is issued with a notation requiring the voter to provide an ID when voting. All of the forms of identification listed in TEX. ELECT. CODE § 63.0101 (described in detail above) are acceptable.

VOTER REGISTRATION DRIVES

- [Does the state accept a national form?](#)

Yes. Texas law does not restrict a voter registration application to any specific form. A person seeking to register to vote may use the form available from the Texas Secretary of State's [website](#) (to be filled out online and then printed and mailed to your local County Voter Registrar). Alternatively, the person may use a national form or may register by letter, as long as the national form or letter is signed by the applicant and contains the following:

- 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;
- 7) 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;
- 8) the following information:
 - A) the applicant's Texas driver's license number or the number of a personal identification card issued by the Department of Public Safety or a statement by the applicant that the applicant has not been issued a driver's license or personal identification card; or
 - B) if the applicant has not been issued a number described by Paragraph (A), the last four digits of the applicant's social security number or a statement by the applicant that the applicant has not been issued a social security number;
- 9) if the application is made by an agent, a statement of the agent's relationship to the applicant; and
- 10) the city and county in which the applicant formerly resided.

TEX. ELEC. CODE § 13.002(c).

- May groups “cage” completed registration forms (i.e. ask voters to mail them back to the group, which will then send them to the appropriate elections registrar(s))? If so, may they copy the forms or any of the data included on them? If so, any deadlines for sending the completed forms to the state or to local officials?

Voter registration applications may be accepted by the county voter registrar and by “voluntary deputy registrars.” TEX. ELECT. CODE §§ 13.031-13.046. Voluntary deputy registrars are authorized to receive registration applications submitted to the deputy in person, but are not authorized to receive application by mail. TEX. ELECT. CODE § 13.038.

A volunteer deputy registrar may not copy the completed voter registration forms. See TEX. ELECT. CODE § 13.004(c-1); Texas Secretary of State, [Texas Volunteer Deputy Registrar Guide](#) (last visited Mar. 21, 2014).

A volunteer deputy registrar must deliver in person, or by personal delivery through another designated volunteer deputy registrar, to the county registrar the completed application no later than 5 p.m. on the fifth day after the date the application is submitted to the volunteer deputy registrar. TEX. ELECT. CODE §

13.042(a),(b). An application submitted after the 34th day and before the 29th day before the date of an election must be delivered by 5 p.m. of the 29th day before election day. TEX. ELECT. CODE § 13.042(c).

- May a group “pre-fill” some or all of the form (e.g. name, address) before sending/giving it to a would-be registrant?

Yes. There is no statutory prohibition on pre-filling forms. The Texas Secretary of State’s office has indicated that it is common for registration campaigns to pre-fill forms.

- May voter registration drive workers assist a voter in completing their registration form?

Yes. See Texas Secretary of State, [Texas Volunteer Deputy Registrar Guide](#) (last visited Mar. 21, 2014).

- Does state require training of voter registration workers?

Yes. Deputy registrars are required to complete a training program. The trainings are administered at the County level, according to [standards](#) developed by the Secretary of State. TEX. ELECT. CODE §§ 12.006(f), 13031(e), 13047.

Deputy registrars must meet the requirements to be a qualified voter under TEX. ELECT. CODE § 11.002, although they need not be registered to vote themselves. TEX. ELECT. CODE § 13.031(d)(3).

A person convicted of a felony is prohibited from serving as a volunteer deputy registrar until the person’s prison sentence and probation are fully discharged or until the person is pardoned. TEX. ELECT. CODE § 13.031(d)(2).

- Does state require registration of voter registration drives?

No. Any person or organization may provide blank voter registration applications to the public without registration or other authorization. See Tex. Sec. of State, [Texas Volunteer Deputy Registrar Guide](#) (last visited Mar. 21, 2014).

But only a volunteer deputy registrar may accept applications. A volunteer deputy registrar must request a certificate of appointment by the county registrar in person or by mail. TEX. ELECT. CODE § 13.033.

- Any requirement that a group must provide information to voters about how they may contact the group to determine the status of their registration?

No. But a volunteer deputy registrar must provide applicants with a receipt for a completed registration application. TEX. ELECT. CODE § 13.040.

- May a group pay voter registration drive workers? If so, is it permissible to pay on a per-voter-registered basis?

While it is permissible to pay voter registration drive workers, state law prohibits performance-based compensation for registering voters. TEX. ELECT. CODE § 13.008.

INELIGIBILITY

Four times a year, the Secretary of State will review information to determine if a registered voter is deceased or has been excused or disqualified from jury service because the voter is not a citizen. TEX. ELECT. CODE § 18.068.

A determination that a voter is deceased must be based upon a comparison of the information provided by state and federal agencies about all individuals, 18 and older, that have died in the state, with the information contained in the voter registrations. Ineligibility due to death may only be based on a “strong match” of the information from these sources (“strong match” is not defined). TEX. ELECT. CODE §§ 16.001, 18.068

The secretary of state will notify the registrar if a person has been excused or disqualified from jury service because of citizenship status. For each registered voter on the list, the registrar will require that the individual submit to the registrar proof of United States citizenship in the form of a certified copy of the voter's birth certificate, United States passport, or certificate of naturalization. TEX. ELECT. CODE §§ 16.0332(a), 18.068. If the voter fails to respond within 30 days from the date the notice is mailed, the registration will be canceled. TEX. ELECT. CODE § 16.0332(b).

CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

Texas Ethics Commission

Natalia Luna Ashley, Interim Executive Director/Special Counsel
201 East 14th Street, 10th Floor
Austin, Texas 78701

<http://www.ethics.state.tx.us/>

Telephone: 512-463-5800
Legal, Administrative, Executive Division FAX: 512-463-5777
Disclosure Filing FAX: 512-463-8808

City of Austin

<http://www.austintexas.gov/>

City Code of Ordinances, Chapter 2-2, Austin Fair Campaign Chapter City Charter, Article III, §8 (Limits on Campaign Contributions and Expenditures)

City of Dallas

www.dallascityhall.com

City Code of Ordinances Chapter 15A, Article I “Campaign Contributions”

City of Houston

www.houstontx.gov

City Code of Ordinances
Chapter 18, Art. IV "Limitations on
Solicitations and Contributions"

City of San Antonio

www.sanantonio.gov
City Code of Ordinances
Article VII, "Municipal Campaign
Finance Regulations"
(Sec. 2.300-2.311)

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FOR FURTHER ASSISTANCE

**For assistance regarding these resources or for more
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