



**TEXAS VOTER
REGISTRATION GUIDE**
2022

These resources are current as of 06/01/2022. 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:

- Updates to voter registration laws from 2018-2022
- New registration omission lists
- Strong vs. weak match definitions
- New confidentiality provisions for victims' residential addresses

This guide summarizes key aspects of laws governing voter registration at 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



What is the deadline for registration?

A voter registration application must be submitted to a 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). The county tax assessor-collector is the default voter registrar unless the county has created the position of elections administrator or the county clerk has been designated as the voter registrar. TEX. ELECT. CODE § 12.001.

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 application containing the voter's original signature, by mail or personal delivery, 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 the 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 the 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, 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



What is required for registration?

TEX. ELECT. CODE § 13.002(c) states that **one of the following** is required for the registration application: Texas driver's license number, personal identification card number issued by Department of Public Safety, or the last four digits of social security number. If none of these are available, a statement that the applicant has not been issued any of those numbers is required.



Is some form of identification 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(a) and (b). As provided in TEX. ELECT. CODE § 63.0101(a), 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 four years 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 four years 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 book or card issued to the person that has not expired or that expired no earlier than four years before the date of presentation; or
- 5) a license to carry a handgun issued to the person by the Department of Public Safety that has not expired or that expired no earlier than four years before the date of presentation.

Election officers are prohibited from refusing to accept documentation presented in compliance with voter ID requirements solely because the address on the documentation does not match the address on the list of registered voters. TEX. ELECT. CODE § 63.001(c-1)

WRITTEN DECLARATION OF REASONABLE IMPEDIMENT

If a voter does not have a photo ID that meets the requirements of 63.0101(a) as listed above, the voter may present one of the following, along with a declaration that the voter has a reasonable impediment to obtaining an acceptable photo ID:

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- 1) a government document that shows the name and address of the voter, including the voter's voter registration certificate;
- 2) one of the following documents that shows the name and address of the voter:
 - a. current utility bill;
 - b. bank statement;
 - c. government check; or
 - d. paycheck; or
- 3) a certified copy of a domestic birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity.

A person over 70 years old may use an expired form of ID to vote as long as the ID is otherwise valid. Proof of ID is only used in this context to identify a voter, not to verify residence. TEX. ELECT. CODE 63.0101(c)

The declaration must be on a form provided by the Secretary of State, and includes:

- 1) a notice that a person is subject to prosecution for perjury under Chapter 37, Penal Code, or Section 63.0013 of the Texas Election Code for a false statement or false information on the declaration (penalty is a state jail felony);
- 2) a statement that the voter swears or affirms that the information contained in the declaration is true, that the person described in the declaration is the same person appearing at the polling place to sign the declaration, and that the voter faces a reasonable impediment to procuring the identification required;
- 3) a place for the voter to indicate one of the following impediments:
 - a. a lack of transportation
 - b. a lack of birth certificate or other documents needed to obtain the photo identification
 - c. work schedule;
 - d. lost or stolen identification
 - e. disability or illness;
 - f. family responsibilities; and
 - g. the photo ID has been applied for but not received;

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- 4) a place for the voter to sign and date the declaration;
- 5) a place for the election judge to sign and date the declaration;
- 6) a place to note the polling place at which the declaration is signed; and
- 7) a place for the election judge to note which form of identification prescribed by Subsection (b)(2) the voter presented.

TEX. ELECT. CODE § 63.001(i)

An election officer may not question the reasonableness of the impediment sworn to by a voter in the declaration. TEX. ELECT. CODE § 63.001(d)

EXEMPTION FROM PHOTO IDENTIFICATION REQUIREMENT: DISABILITY

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 submit:

- 1) written documentation from:
 - a. United States Social Security Administration showing the applicant has been determined to have a disability; or
 - b. United States Department of Veteran 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

Voters who have a mobility disability that substantially impairs their ability to ambulate may be given voting priority over other voters at the voting location. TEX. ELECT. CODE § 63.0015

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

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- 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

An election officer who impermissibly allows a person to vote who is ineligible, or refuses to allow an eligible voter to vote commits a Class A misdemeanor. TEX. ELECT. CODE § 63.012.



Is there a requirement to provide proof of citizenship to register?

No. An applicant is simply required to state under oath that she 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 number. 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.



What are the requirements for a precinct to accept or omit voters?

New requirements for accepting or omitting voters include a new "registration omissions list" which must be maintained at the polling place. If a voter is not on the precinct's list of

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of registered voters, an election officer may now contact the voter registrar regarding that voter's status. If the officer determines that the voter is in the wrong precinct, they can provide the correct precinct information to the voter.

If a voter is accepted to vote but is not on the list of registered voters for the precinct, the election officer must take down their name, address, voter registration number, and a notation of what section of code applies to that voter, which allows them to be accepted to vote. TEX. ELECT. CODE § 63.005.

Additionally, a voter must be accepted for voting if the voter's identity has been verified from documentation as required by Section 63.001 (b) and it can be determined from the voter registrar that:

- 1) the voter's registration was improperly canceled and has been reinstated under Section 16.037;
- 2) an error in the voter registration record caused the voter's name to not appear on the list of registered voters, and the error has been corrected under Section 15.022; or
- 3) the voter's name has been inadvertently left off the list of registered voters for the precinct.

After the voter is accepted, an election officer shall enter the voter's name on the registration omissions list. Otherwise, if the election officer cannot determine that the voter is a registered voter of the territory covered by the election in which the voter is offering to vote, the voter will be accepted for provisional voting instead. TEX. ELECT. CODE § 63.0051.

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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
 - 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
 - c. a statement by the applicant that the applicant has not been issued a number described in (a) or (b)

TEX. ELEC. CODE § 13.002(c).

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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, are there 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 voter registration applications submitted to the deputy in person, but they are not authorized to receive applications by mail. TEX. ELECT. CODE § 13.038.

A volunteer deputy registrar may not photocopy the completed voter registration forms because the forms contain information that is made confidential by law. TEX. ELECT. CODE § 13.004(c-1). A volunteer deputy registrar may photocopy the receipt, and may copy down relevant information in writing (just as if the person went to the registrar’s office and pulled a copy of the original application). See Texas Secretary of State, [Texas Volunteer Deputy Registrar Guide](#) (last visited May 2022).

However, certain information on the voter registration form is confidential by law, and may not be copied, including:

- Telephone number
- Social Security number
- Driver's license number
- Personal identification number issued by DPS
- Election judge interest
- Resident address
 - If the applicant is a federal or state judge, federal bankruptcy judge, US Marshall, or US attorney, this extends to their family as well
 - Additionally, victims of sexual assault/abuse, stalking, human trafficking, or family violence may have their address deemed confidential upon proof by way of protective order or other legal documents

TEX. ELECT. CODE § 13.004.

There are additional confidentiality requirements for voter registration applications for persons in certain professions. For the following professions, the home address, home telephone number, emergency contact information, date of birth, social security number and any information that indicates whether they have a family member must be kept

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confidential:

- Peace officers
- County jailers
- Current or former employees of the Texas Department of Criminal Justice
- Commissioned security officers
- Current or former district attorney, criminal district attorney or county/municipal attorney whose jurisdiction includes criminal law or child protective services law
 - This includes current or former employees of the above
- Officers and employees of a community supervision and corrections department
- U.S. criminal investigators
- Police officers and inspectors of the U.S. Federal Protective Service
- Current and former employees of the attorney general in any law enforcement division
- Current and former juvenile detention and probation officers
- Current and former employees of a juvenile justice program or facility
- Current and former employees of the Texas Juvenile Justice Department
- Federal and state judges
- Current or former employees of the Texas Civil Commitment Office

These persons must make an affirmative request to the governmental body that they request the information above be confidential and provide evidence of their protected status. TEX. GOVT. CODE § 552.1175.

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 before the date of an election and on or before the deadline to register (30th day before the election) must be delivered by 5 p.m. of the next regular business day after the registration deadline. TEX. ELECT. CODE § 13.042(c).

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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, if the applicant cannot read or has a physical disability. See Texas Secretary of State, [Texas Volunteer Deputy Registrar Guide](#) (last visited May 2022).



Does the 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), 13.031(e), 13.047. A county may adopt an alternative method of training and appointing deputy registrars, which consists of administering an examination provided on the Secretary of State’s website based on state training materials. If a county adopts this method, the county is not required to hold in-person training sessions for deputy registrars. TEX. ELECT. CODE § 13.048.

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 the 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 May 2022). 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.



Is a group required to 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

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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.



Are voters able to register to vote online?

Texas does not currently allow online voter registration, **BUT** a recent court case allows Texas drivers to register online when updating their drivers' licenses. [Stringer v. Pablos](#) 320 F. Supp. 3d 862 (W.D. Tex. 2018).

The federal district judge ruled that the National Voter Registration Act requires states to allow voter registration when drivers apply for or renew their drivers' licenses. Since Texas allows for online driver's license renewals, the Court ruled that the online system must also allow for online voter registration. The state settled with plaintiffs in September 2021, and now limited online voter registration is available for those Texans who update.

INELIGIBILITY

To be eligible as a qualified voter in Texas, a person must meet the following requirements:

- You must be at least 17 years and 10 months old to register and be 18 years old by Election Day;
- You must be a United States citizen;
- The final judgment of a court of with probate jurisdiction cannot have determined you to be totally mentally incapacitated or partially mentally incapacitated without the right to vote;
- You cannot be finally convicted of a felony;
- But if you have been convicted of a felony, to be able to vote you must:
 - Be fully discharged from your sentence, including any term of incarceration, parole, or supervision, or completed probation; or
 - Have been pardoned or otherwise released from the disability to vote
- You must be a resident of the state; and
- You must be a registered voter.

TEX. ELECT. CODE § 11.002.

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, while a weak match will trigger an investigation by the county into the voter to determine whether the voter is the person who is deceased. TEX. ELECT. CODE §§ 16.001, 18.068.

Based on Secretary of State rules, a “strong match” for a deceased voter will include last name, social security number, and date of birth match between the voter record and the deceased’s record.

A “weak match” happens when a combination of first, middle or last name, social security number (or just the last four numbers) and date of birth occurs, but does not include all of the information required to be a strong match. [1 TEX. ADMIN. CODE § 81.6](#)

The Secretary of State is required to periodically compare information on the statewide

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voter registration list to determine whether or not any voters have more than one registration record on file and to eliminate any duplicate registration files. TEX. ELECT. CODE § 18.0681.

A new requirement as of 2021 now requires the Secretary of State to run monthly checks against the voter registration list and the Department of Public Safety's database to verify the citizenship status of voters previously provided on voter registration applications. TEX. ELECT. CODE § 16.0332 (a-1).

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 & LOCAL AGENCIES

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

CITY OF AUSTIN

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

<http://www.austintexas.gov>

CITY OF DALLAS

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

<http://www.dallascityhall.com>

CITY OF HOUSTON

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

<http://www.houstontx.gov>

CITY OF SAN ANTONIO

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

<http://www.sanantonio.gov>

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FOR FURTHER ASSISTANCE

For assistance regarding these resources or for more information about federal law, please contact our free technical assistance hotline:

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