

By: Hughes, et al.

S.B. No. 16

A BILL TO BE ENTITLED
AN ACT

relating to requiring a person to submit proof of citizenship to register to vote; creating criminal offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 13.002, Election Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) A person desiring to register to vote must submit an application and proof of citizenship as required under Subsection (a-1) to the registrar of the county in which the person resides. Except as provided by Subsection (e), an application must be submitted by personal delivery, by mail, or by telephonic facsimile machine in accordance with Sections 13.143(d) and (d-2).

(a-1) A person desiring to register to vote shall submit to the registrar a copy of one of the following documents:

(1) a United States passport or passport card issued to the person;

(2) a certified copy of a birth certificate issued by a United States state or territory, or the District of Columbia;

(3) United States citizenship papers issued to the person;

(4) identification issued by the agency of the United States responsible for citizenship and immigration; or

(5) for citizens born abroad, a certificate of report of birth or consular report of birth abroad issued by the United States Department of State.

(a-2) An applicant registering to vote under Subchapter C, Chapter 20, may satisfy the requirements of Subsection (a-1) by providing the proof of citizenship required under Subsection (a-1) to the Department of Public Safety.

SECTION 2. Subchapter B, Chapter 13, Election Code, is amended by adding Section 13.0391 to read as follows:

Sec. 13.0391. PROOF OF CITIZENSHIP REQUIREMENTS. (a) On receipt of a registration application, a volunteer deputy registrar shall provide the applicant with a written notice that includes a statement that:

(1) if the applicant's citizenship status cannot be verified using the applicant's identification number provided under Section 13.002(c)(8), the applicant must provide proof of citizenship to the registrar under Section 13.002(a-1); and

(2) if the applicant does not provide the required proof of citizenship, the applicant will be qualified to vote only a limited federal ballot under Chapter 115.

(b) The notice described by Subsection (a) may be included in the receipt provided to the voter under Section 13.040.

(c) A volunteer deputy registrar may not receive a voter's proof of citizenship documentation under Section 13.002(a-1).

(d) The voter registrar shall provide training to the volunteer deputy registrar regarding the requirements of this section using training materials prescribed by the secretary of state.

SECTION 3. Section 13.072, Election Code, is amended by amending Subsections (a) and (c) and adding Subsections (f) and (g) to read as follows:

(a) Except as provided by Section 13.0721, and unless ~~Unless~~ the registrar challenges the applicant, the registrar shall 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; ~~and~~

(2) for an applicant who has not included a statement described by Section 13.002(c)(8)(C), the registrar verifies with the secretary of state:

(A) the applicant's Texas driver's license number or number of a personal identification card issued by the Department of Public Safety; or

(B) the last four digits of the applicant's social security number; and

(3) for an applicant who has not submitted proof of citizenship required under Section 13.002(a-1), the registrar verifies that the person is a United States citizen through the verification process described by Section 13.0721.

(c) Except as provided by Subsection (d) and Section 13.0721, 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, the registrar shall reject the application.

(f) A person commits an offense if the person knowingly fails to reject an application as required under Subsection (c).

(g) An offense under this section is a state jail felony.

SECTION 4. Subchapter C, Chapter 13, Election Code, is amended by adding Sections 13.0721, 13.0722, and 13.0723 to read as follows:

Sec. 13.0721. VERIFICATION OF CITIZENSHIP BY REGISTRAR.

(a) Not later than the 10th day after the date an application for registration is submitted to the registrar without a proof of citizenship document required under Section 13.002(a-1), the registrar shall use all available resources to verify the citizenship status of the applicant and at a minimum shall compare the information available on the application with information relevant to citizenship provided to the registrar by the secretary of state from the following databases, provided the secretary of state has access:

(1) the Department of Public Safety's electronic databases;

(2) the Social Security Administration databases;

(3) the United States Citizenship and Immigration Services Systematic Alien Verification for Entitlements Program, if practicable;

(4) a national association for public health statistics and information systems electronic verification of vital events system; and

(5) any other federal, state, or other political subdivision database and any other database relating to voter registration to which the registrar has access.

(b) The secretary of state is authorized to contract with an entity that governs a database described by Subsections (a)(1)-(5) for purposes of verifying an applicant's citizenship and shall provide the information in the contracted databases to a registrar for the purpose of verifying citizenship.

(c) Notwithstanding the requirement to submit documentation under Section 13.002(a-1), the registrar shall approve the application if the registrar matches the applicant with information that verifies the applicant is a United States citizen and is otherwise eligible for registration under this chapter.

(d) If the registrar matches the applicant with information that the applicant is not a United States citizen, the registrar shall:

(1) reject the application;

(2) notify the applicant that the application was rejected because the applicant is not a United States citizen; and

(3) forward the application to the county attorney and attorney general for investigation under Subchapter G.

(e) If the registrar is unable to match the applicant with



appropriate citizenship information, the registrar shall:

(1) approve the application only for voting a limited federal ballot under Chapter 115;

(2) notify the applicant:

(A) that the registrar could not verify that the applicant is a United States citizen;

(B) that the applicant will be qualified to vote only a limited federal ballot under Chapter 115 unless the applicant provides a proof of citizenship document required under Section 13.002(a-1); and

(C) of the procedures for submitting proof of citizenship to the registrar in order to qualify for a full ballot.

(f) The registrar shall record the efforts made to verify an applicant's citizenship status as required by this section.

(g) A person commits an offense if the person knowingly or intentionally:

(1) registers an applicant to vote without the verification required under Subsection (a); and

(2) causes an applicant who is not a United States citizen to be registered.

(h) An offense under this section is a state jail felony.

Sec. 13.0722. LIMITATION ON VOTER QUALIFICATION. (a) An individual who fails to submit proof of citizenship under Section 13.002(a-1) to the registrar and who is unable to be verified as a United States citizen under Section 13.0721 is only qualified to vote a limited federal ballot under Chapter 115.

(b) An individual who is qualified to vote only a limited federal ballot under Chapter 115 may remove the limitation imposed by this section by submitting proof of citizenship to the registrar as required by Section 13.002(a-1) or by being verified by the registrar as a United States citizen under Section 13.0721.

(c) The registrar shall enter the notation "F", or a similar notation approved by the secretary of state, on the list of registered voters beside each voter's name who is only qualified to vote a limited federal ballot under Chapter 115.

Sec. 13.0723. VERIFICATION OF CITIZENSHIP FOR EXISTING REGISTRANTS. (a) Not later than December 1, 2025, the secretary of state shall provide information to each registrar under Section 13.0721(a) for each registered voter who registered to vote before September 1, 2025, and who has not provided proof of citizenship under Section 13.002.

(b) If the registrar matches the registered voter with information that verifies the voter is a United States citizen and is otherwise eligible for registration under this chapter, the registrar shall record the efforts made to verify the individual's citizenship status and indicate that the individual was verified as a United States citizen.

(c) If the registrar matches the registered voter with information that the voter is not a United States citizen, the registrar shall record the efforts made to verify the voter's citizenship status and investigate the eligibility of the voter under Section 16.0332.

(d) If the registrar is unable to match the registered voter with appropriate citizenship information, the registrar shall record the efforts made to verify the voter's citizenship status and indicate that the registrar was unable to verify the voter's citizenship status and that the voter is qualified to vote only a limited federal ballot under Chapter 115. The registrar will notify the voter:

(1) that the registrar was unable to verify the voter's citizenship status;

(2) that the voter will be qualified to vote only a limited federal ballot under Chapter 115 unless the voter provides a proof of citizenship document required under Section 13.002(a-1); and



(3) of the procedures for submitting proof of citizenship to the registrar in order to be qualified to vote a full ballot.

SECTION 5. Section 13.121(a), Election Code, is amended to read as follows:

(a) The officially prescribed application form for registration by mail must be in the form of [✱] business reply mail [postcard], unless another form or system is used under Subsection (b), with postage paid by the state. The secretary of state shall design the form to enhance the legibility of its contents.

SECTION 6. Section 13.122(a), Election Code, is amended to read as follows:

(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: "I understand that giving false information to procure a voter registration is perjury and a crime under state and federal law.";

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

(3) a space for the applicant's Texas driver's license number or number of a personal identification card issued by the Department of Public Safety;

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

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

(6) a space for the applicant's sex;

(7) a statement indicating that the furnishing of the applicant's telephone number and sex is optional;

(8) a space or box for indicating whether the applicant or voter is submitting new registration information or a change in current registration information;

(9) a statement instructing a voter who is using the form to make a change in current registration information to enter the voter's name and the changed information in the appropriate spaces on the form;

(10) a statement that if the applicant declines to register to vote, that fact will remain confidential and will be used only for voter registration purposes;

(11) a statement that if the applicant does register to vote, information regarding the agency or office to which the application is submitted will remain confidential and will be used only for voter registration purposes;

(12) a space or box for indicating whether the applicant is interested in working as an election judge;

(13) a statement warning that a conviction for making a false statement may result in imprisonment for up to the maximum amount of time provided by law, a fine of up to the maximum amount provided by law, or both the imprisonment and the fine;

(14) a statement that the applicant shall submit to the registrar information under Section 13.002(c)(8) or Subdivision (15) of this subsection that allows the registrar to verify the applicant's citizenship or a copy of one of the following documents:

(A) a United States passport or passport card issued to the person;

(B) a certified copy of a birth certificate issued by a United States state or territory, or the District of Columbia;

(C) United States citizenship papers issued to the person;

(D) identification issued by the agency of the United States responsible for citizenship and immigration; or

(E) for citizens born abroad, a certificate of report of birth or consular report of birth abroad issued by the United States Department of State;



(15) a space for the applicant's alien registration number, certificate of naturalization number, or certificate of citizenship number, if applicable to the applicant; and

(16) ~~[(14)]~~ any other voter registration information required by federal law or considered appropriate and required by the secretary of state.

SECTION 7. Chapter 13, Election Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. VERIFICATION OF CITIZENSHIP STATUS BY ATTORNEY GENERAL; INVESTIGATION; OFFENSE

Sec. 13.151. VERIFICATION OF CITIZENSHIP STATUS. (a) The secretary of state and each county registrar shall:

(1) make available to the attorney general a list of all persons who are registered to vote and who have not provided proof of citizenship as required by Section 13.002(a-1) or had the person's citizenship verified under Section 13.0721; and

(2) provide to the attorney general the voter registration applications of persons described by Subdivision (1).

(b) Not later than the 30th day after the date a county registrar receives a voter registration application for a person who has not provided proof of citizenship as required by Section 13.002(a-1), the secretary of state and the county voter registrar shall provide to the attorney general the voter registration application.

(c) After receiving a voter registration application under Subsection (a) or (b), the attorney general shall use all available resources to verify the citizenship status of the applicant and at a minimum compare the information available on the voter registration application with the databases described by Section 13.0721(a).

(d) The secretary of state shall provide to the attorney general access and any assistance necessary to satisfy the requirements of this section.

Sec. 13.152. REPORT. (a) Not later than March 31, 2026, the attorney general shall prepare and submit to the secretary of state, the lieutenant governor, and the speaker of the house of representatives a report detailing all findings relating to the citizenship status of persons who are registered to vote and who have not provided a proof of citizenship document required under Section 13.002(a-1).

(b) This section expires April 1, 2026.

Sec. 13.153. ILLEGAL REGISTRATION. (a) A person commits an offense if the person:

(1) knowingly or intentionally applies to register as a voter in this state; and

(2) is not a United States citizen.

(b) An offense under this section is a state jail felony.

Sec. 13.154. PROSECUTION BY ATTORNEY GENERAL. If a district attorney, criminal district attorney, or county attorney fails to prosecute conduct constituting an offense under Section 13.153 within 180 days after discovering a person engaged in the conduct, the attorney general shall prosecute the offense.

SECTION 8. Section 15.021, Election Code, is amended by adding Subsection (f) to read as follows:

(f) A voter who has previously provided proof of citizenship as required by Section 13.002(a-1) or has been verified as a United States citizen under Section 13.0721(b) is not required to provide proof of citizenship when submitting an update, change, or correction to the voter's registration information.

SECTION 9. Subchapter B, Chapter 15, Election Code, is amended by adding Section 15.0211 to read as follows:

Sec. 15.0211. NOTATION FOR DETERMINATION OF BALLOT. (a) The registrar shall enter the notation "F", or a similar notation approved by the secretary of state, on the list of registered voters beside the name of each voter whose United States citizenship has not been verified.



(b) The registrar shall delete the notation from the list if the voter provides proof of citizenship in accordance with Section 13.002(a-1) or is verified as a United States citizen under Section 13.0721.

SECTION 10. Chapter 63, Election Code, is amended by adding Section 63.007 to read as follows:

Sec. 63.007. LIMITED FEDERAL BALLOT VOTER. A voter whose name is on the precinct list of registered voters with an "F" beside the voter's name shall only be accepted for voting a limited federal ballot under Chapter 115.

SECTION 11. Section 111.001, Election Code, is amended to read as follows:

Sec. 111.001. RESTRICTED BALLOT. In this subtitle, "restricted ballot" means a ballot that is restricted to the offices and propositions stating measures on which a person is entitled to vote under Chapter 112, 113, ~~[or]~~ 114, or 115.

SECTION 12. Subtitle C, Title 7, Election Code, is amended by adding Chapter 115 to read as follows:

CHAPTER 115. VOTING LIMITED FEDERAL BALLOT

Sec. 115.001. ELIGIBILITY. A person is eligible to vote a limited federal ballot by personal appearance during the early voting period or on election day if:

(1) the person has registered to vote under Chapter 13;

(2) the person has not provided proof of citizenship as required by Section 13.002(a-1); and

(3) the county registrar is unable to match the person with appropriate citizenship information under Section 13.0721.

Sec. 115.002. PROCEDURE FOR VOTING BY PERSONAL APPEARANCE.

(a) A voter who votes a limited federal ballot shall place the marked ballot in a sealed envelope designed for limited federal ballots. The presiding judge shall place the sealed envelope in a locked, sealed container that is designated specifically for limited federal ballots.

(b) The presiding judge shall provide a notice prescribed by the secretary of state to a voter who votes a limited federal ballot under Subsection (a). The notice must inform the voter that:

(1) because the voter registrar was unable to verify the voter's citizenship status, the voter is qualified to vote only a limited federal ballot under this chapter;

(2) the voter must provide proof of citizenship to the voter registrar not later than the sixth day after election day in order for a voter's limited federal ballot to be counted as a full ballot; and

(3) if the voter does not provide proof of citizenship to the voter registrar during the period described by Subdivision (2), then only the races for the offices of United States senator or United States representative on the voter's ballot will be counted.

(c) The early voting clerk shall deliver the container containing the limited federal ballots cast during the period for early voting by personal appearance and its key to the voter registrar at the end of the period for early voting by personal appearance.

(d) The presiding judge shall deliver the container containing the limited federal ballots cast on election day and its key to the voter registrar on election night.

Sec. 115.003. VOTER REGISTRAR REVIEW OF LIMITED FEDERAL BALLOTS. (a) If a voter presents proof of citizenship to the voter registrar before the sixth day after the date of the election, then the voter registrar shall indicate on the sealed envelope that the voter has provided proof of citizenship under Section 13.002(a-1) and is entitled to a full ballot. The voter registrar shall indicate on the voter's registration record that the voter has provided proof of citizenship.

(b) If a voter fails to present proof of citizenship to the



voter registrar by the deadline prescribed by Subsection (a), then the voter registrar shall indicate on the sealed envelope that the voter has not provided proof of citizenship and is entitled to vote for the offices of United States senator or United States representative only.

(c) If a voter notifies the voter registrar that the voter is not a United States citizen, then the voter registrar will notate on the sealed envelope that the limited federal ballot is canceled. The registrar will retain the sealed envelope for the duration of the preservation period for precinct election records and shall cancel the voter's voter registration.

(d) The voter registrar will deliver the container containing the limited federal ballots that have been reviewed by the registrar to the presiding judge of the early voting ballot board.

(e) The registrar shall deliver the container containing the limited federal ballots to the presiding judge of the early voting ballot board on a rolling basis. The first delivery of limited federal ballots to the early voting ballot board must be made not later than election day. The last delivery of limited federal ballots to the early voting ballot board must be made not later than the last day for the early voting ballot board to meet after election day under Section 87.125.

Sec. 115.004. EARLY VOTING BALLOT BOARD REVIEW OF LIMITED FEDERAL BALLOTS. (a) The early voting ballot board shall separate the sealed envelopes for voters who have qualified for full ballots under Section 115.003(a) from the sealed envelopes for voters who are qualified to vote only for the offices of United States senator or United States representative under Section 115.003(b).

(b) The early voting ballot board will remove the ballots from the sealed envelopes and place the ballots that are qualified as full ballots in separate containers from the ballots that are restricted to only the offices of United States senator or United States representative.

(c) The early voting ballot board will count each race on the ballots that are qualified as full ballots.

(d) The early voting ballot board will only count the races of United States senator and United States representative on the ballots that are restricted to those offices. The early voting ballot board will strike through the remaining races on the ballot to indicate that those races cannot be counted.

(e) The early voting ballot board will count the ballots as follows:

(1) for ballots to be counted manually, in the manner provided by Subchapter D, Chapter 87; and

(2) for ballots to be counted by automatic tabulating equipment, in the manner provided by Subchapter F, Chapter 87.

(f) The early voting ballot board will deliver the returns of limited federal ballots, the limited federal ballots, and other records to the general custodian of election records for preservation. The records shall be preserved for the duration of the period for preserving precinct election records.

Sec. 115.005. NOTICE OF OUTCOME TO VOTER. (a) Not later than the 10th day after the local canvass, the presiding judge of the early voting ballot board shall deliver written notice to a voter who submits a ballot under this chapter regarding whether:

(1) the ballot was counted as a full ballot;

(2) the ballot was counted as a ballot restricted to the offices of United States senator and United States representative; or

(3) the ballot could not be counted.

(b) A notice under Subsection (a)(1) must include a statement that all races on the voter's ballot were counted because the voter provided proof of citizenship as required by this chapter.



(c) A notice under Subsection (a)(2) must include:

(1) a statement that only the voter's selections for offices of United States senator and United States representative on the voter's ballot were counted because the voter did not provide proof of citizenship as required by this chapter; and

(2) instructions to the voter for providing proof of citizenship to the registrar required by Section 13.002(a-1) in order to receive a full ballot for future elections.

(d) A notice under Subsection (a)(3) must include:

(1) a statement that the voter's ballot was not able to be counted because the voter provided information to the registrar that the voter is not a United States citizen; and

(2) a statement that the voter's registration has been canceled.

SECTION 13. As soon as practicable after the effective date of this Act, the secretary of state shall adopt rules necessary to implement the changes in law made by this Act.

SECTION 14. (a) Not later than January 1, 2026, the secretary of state shall request that the federal Election Assistance Commission alter the mail voter registration application form requirements described in the National Voter Registration Act of 1993 (52 U.S.C. Section 20501 et seq.) to include a requirement that applicants submit documented proof of citizenship as a condition to registration in Texas.

(b) If the federal Election Assistance Commission fails to comply with the secretary of state's request under Subsection (a) of this section before the 180th day following the date of that request, the attorney general shall seek enforcement in a court of law.

SECTION 15. This Act takes effect September 1, 2025.

