

Voter Registration Responsibilities

Texas Secretary of State
42nd Annual Election Law Seminar
for County Election Officials



Basic Resources

- **Elections Forms Index**

<https://www.sos.state.tx.us/elections/forms/pol-sub/index.shtml>

- **Conducting Your Elections Page**

<https://www.sos.state.tx.us/elections/conducting/index.shtml>

- **Voter Registration Resources Page**

<https://www.sos.state.tx.us/elections/laws/voter-registration-resources.shtml>

- **Texas Election Code**

<https://statutes.capitol.texas.gov/>

- **Texas Administrative Code**

[https://texreg.sos.state.tx.us/public/readtac\\$ext.viewtac](https://texreg.sos.state.tx.us/public/readtac$ext.viewtac)



Eligibility to Register to Vote and Designated Voter Registrars



Eligibility to Register

(TEC 13.001)

To be eligible to register to vote:

- is 18 years of age;
- is a U.S. Citizen;
- has not been determined by a final judgment of a court exercising probate jurisdiction to a totally mentally incapacitated, or partially mentally incapacitated without the right to vote;
- has not been finally convicted of a felony. If a person has a felony conviction, they can regain their right to vote when the person's sentence is fully discharged, including any term of incarceration, parole or supervision or completed a period of probation or if the person has been pardoned or released from the resulting disability to vote;
- is a resident of the county in which the application for registration is made; **and**
- must be 17 years and 10 months of age at the time of registration.



Eligibility to Register

(TEC. 11.001)

For voter who resides on property located in more than one territory, the person must choose in which territory the residence of the person is located.



Designated Voter Registrars

- County Role
 - Voter Registrar in County (12.001)
 - County Clerk (12.031)
 - Election Administrator (31.031)
- Volunteer Deputy Registrars (13.031)
- High School Deputy Registrars (13.046)
- Chapter 20 Agencies (20.001)



Designated Voter Registrars

- Chapter 20 outlines the requirements and designates the following state agencies as voter registration agencies:
 - Health and Human Services Commission (HHSC);
 - Texas Workforce Commission (TWC);
 - Department of Public Safety (DPS); and
 - Each public library, including any branch or other service outlet



Applications

Registering to Vote for the First Time:

- Voters can complete an application using the SOS online voter registration application, request print, and then mail the postage-paid voter registration application to the voter registrar.

Register to Vote When Renewing Driver's License:

- If not already registered but have a driver's license or state ID card, voters can register to vote online when renewing, replacing or changing their contact information for either of these cards through the Texas Department of Public Safety web portal.

Updating Voter Registration Information Online:

- If voters have recently moved or changed their name, they can update their information on their voter registration record through our portal on Texas.gov.
- Remember that voters may submit an FPCA to register to vote



Agents - VR Application

A voter may appoint, either **orally or in writing**, an agent to perform one or more of the following acts for the applicant:

- (1) complete and sign a registration application;
- (2) submit an application;
- (3) act on the applicant's behalf in the process of approving the application, including a challenge of the applicant;
- (4) receive a registration certificate in person; and
- (5) submit a notice or other applicable document for correcting registration information.

Sec. 13.003, Texas Election Code



Agents - VR Application

To be eligible for appointment as an agent, a person **must**:

- (1) be the applicant's **spouse, parent, or child**; and
- (2) be a qualified voter of the county or have submitted a registration application and be otherwise eligible to vote



Agents - VR Application

Agents may **NOT**:

- Cancel a registration application on behalf of a voter.
- Request a replacement certificate but can pick up a replacement certificate that has been requested by voter per 13.003(4).

May take delivery of initial registration certificate or corrected registration certificate.



Effective Date of Registration and Postmark Information

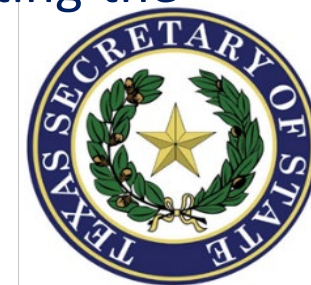


Effective Date of Registration

(TEC 13.143)

Monday, October 7, 2024

- Last day to register to vote.
- Last day for a voter to make a change of address that will be effective for the election.
- Voter who submits a change of address after this date may still be eligible to return to their previous precinct to vote under “fail-safe” voting, if they still reside in the **same** county and the same local political subdivision, if applicable, conducting the election.



Effective Date of Registration

(TEC 13.143)

Registration becomes effective the 30th day after the date the application was submitted to the registrar or on the date the applicant becomes 18 years of age.

- **County** – Date of submission is date of in person delivery or mailed postmark date.
- **Chapter 20 Agency** - Date the application was submitted to the agency employee.
- **High School Deputy Registrar** – Date the application was submitted to the High School Deputy Registrar.
- **Volunteer Deputy Registrar** - Date the application was submitted to the VDR.



Postmark Information

If voter registration application is sent directly to the county:

- A postmark directly on the voter application or accompanying envelope.
- Date written in by the applicant next to their signature.
- If none of these exist, then the date received by the voter registrar's office should be used.



Postmark Information

Applications sent from the SOS:

- The date postmarked on the envelope sent to you by the Secretary of State's office.
- If the date postmarked on an envelope sent to you is **after** the deadline, we will **include a note** stating that the applications were received on or before the deadline.



Postmark Information

Registration is effective for early voting if it will be effective on election day!

Do not stop processing registration applications just because the voter registration deadline has passed for a given election!



Confidentiality Regarding Voter Registrations



Information that is Confidential for all Voters

The following information furnished on a registration application is confidential and does not constitute public information:

- Social Security Number
- Texas Driver's License Number
- A number of a personal identification card issued by DPS
- Voter Source Code



Information that is Confidential for all Voters

Date of birth is confidential for all voters:

- Unless the request is for the list of voters with voter information under Chapter 18 of the Texas Election Code.
- Paxton v. City of Dallas



Information that is Confidential for all Voters

Voter registrar may not transcribe, copy, or otherwise record a telephone number furnished on a registration application

- Section 13.004(a) and (b), Election Code



Information that is Confidential for all Voters

May not post the following on a website:

- Telephone number
- Social security number
- Driver's license number
- Number of a personal identification card
- Date of birth of a voter



Information that is Confidential for all Voters

Voters can request that their information be suppressed from the county's website.

- Voter's information will still remain subject to disclosure under the Public Information Act, but will not be posted on the county's website.
- Voters should contact their local county voter registrar if they are interested in web suppression of voter information.
- See Advisory No. 2023-23 for guidance



Voter Registration List Maintenance Under the National Voter Registration Act of 1993 (NVRA)



National Voter Registration Act of 1993

Counties are now within the 90-day list maintenance period for the November 5, 2024 election.

- Requires that states complete their generalized programs to remove voters from the voter registration rolls not later than 90 days before a federal election
- Began August 7, 2024



National Voter Registration Act of 1993

Voter registrars must pause any programs that systematically remove the names of ineligible voters from the official list of registered voters, with the exception of the following:

- Voters who voluntarily cancel their voter registration;
- Voters who are deceased;
- Voters who are finally convicted of a felony; and
- Voters adjudicated mentally incapacitated without the right to vote.



National Voter Registration Act of 1993

If voter registrar receives a sworn statement and the challenge is based on one of the reasons previously addressed, then the voter registrar must:

- Schedule a hearing on that challenge per Section 16.093 of the Election Code
- Hearing must be scheduled to take place before the November election
- 90-day provision under the NVRA does not apply in that circumstance



National Voter Registration Act of 1993

If voter was sent a Notice of Examination and the 30-day deadline during which the voter may respond falls on or after August 7, 2024:

- May cancel the voter's registration if the voter registrar does not receive an appropriate response to the Notice of Examination by the end of the 30-day period.



National Voter Registration Act of 1993

Challenge Based on Residence

If challenge based on residence is received resulting from a sworn statement, Section 16.0921 of the Election Code requires the voter registrar to send a Notice of Address Confirmation:

- However, if the challenge is received after the 75th day before the date of the general election, then under state law no address confirmation notice may be sent to the voter prior to election day.
- The 75th day before the November election is Thursday, August 22, 2024.



National Voter Registration Act of 1993

Whether a Notice of Address Confirmation should be sent to the voter after the election based on a sworn statement should be discussed with your county attorney.

- Should consider whether the challenge is based on the challenger's personal knowledge.
- Please see SOS Opinion RP-1



Voter Registration Office Hours



Voter Registrar Office Hours

(TEC 12.004)

Voter registrar's office must remain open to provide voter registration information during the extended hours or weekend hours that the main early voting polling place is open for voting.

- Remember, House Bill 1217 removed the population threshold that required only counties above a certain population to provide extended weekday early voting hours.



Voter Registrar Office Hours

(TEC 12.004)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
October 20	21	22	23	24	25	26
X	at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours	at least 9 hours	at least 12 hours
27	28	29	30	31	November 1	2
at least 6 hours	at least 12 hours	at least 12 hours	at least 12 hours	at least 12 hours	at least 12 hours	Regular Business Hours
3	4	5	6	7	8	9
Regular Business Hours	Regular Business Hours	Election Day	X	X	X	X



Voter Registrar Office Hours

(TEC 12.004)

If county has a population of less than 55,000, it may use Chapter 19 funding to defray the cost to the registrar's county of keeping the polling places in the county open during the early voting period

- Questions about Chapter 19 funding should be directed to our office's Election Funds Management team.
- Email: EFMAdmin@sos.texas.gov
- Phone: 512-463-5966



Voter Registrar and Local Elections



Local Elections

- Send the list of registered voters (and supplemental list)
- Confirm receipt of the Notice of Election
- Request original FPCAs from local entities
- Review provisional ballot affidavits
 - Deadline to complete review of provisional ballots is Friday, November 15, 2024



FPCA and Voter Registration

EV clerk should make a copy of the FPCA (for mailing ballots, keeping records, etc.) and then must forward the original FPCA to the county voter registrar so that it may be processed for registration.

- Voter registrar determines whether to add the voter to the registration list.



FPCA Affirmation Reasons as they Relate to Voter Registration and Ballot by Mail

<p>“I am on active duty in the Uniformed Services or Merchant Marine.”</p>	<ul style="list-style-type: none"> • Ballot is issued by the EV clerk. • VR registers the individual or updates a permanent voter record.
<p>“I am a U.S. citizen living outside the country, and I intend to return.”</p>	<ul style="list-style-type: none"> • Ballot is issued by the EV clerk. • VR registers the individual or updates a permanent voter record.
<p>“I am a U.S. citizen living outside the country, and my return is uncertain.”</p>	<ul style="list-style-type: none"> • FEDERAL BALLOT only is issued by EV clerk • NOT eligible for voter registration • CANCELS an existing registration
<p>“I am a U.S. citizen living outside the country, and I have never lived in the United States.”</p>	<ul style="list-style-type: none"> • NOT eligible to receive ballots • NOT eligible for voter registration • CANCELS an existing registration



Voter Registration Application Records



Voter Registration Applications

Title 13, Texas Administrative Code Rule 7.75 provides the following:

- (a) Local governments must implement and maintain an electronic records security program for office and storage areas that:
 - (1) ensures that only authorized individuals have access to electronic records;
 - (2) provides for backup and recovery of records to protect against information loss;
 - (3) ensures that authorized individuals are trained to safeguard confidential electronic records; and
 - (4) minimizes the risk of unauthorized alteration or erasure of electronic records.
- **(b) A duplicate copy of essential records and any software or documentation required to retrieve and read the records must be maintained in a separate storage area.**



Voter Registration Applications

Instead of keeping the original registration applications and supporting documentation, a voter registrar **may** record the applications and documentation on an optical disk or other computer storage medium approved by the SOS.

Texas Administrative Code Rule 81.412 provides that:

- A voter registrar who records voter registration data for storage purposes on optical disk or other computer storage medium, **shall** follow the procedures for such storage as set forth in the rules under Title 13 of the Texas Administrative Code, Chapter 7, Subchapter C, concerning Standards and Procedures for Management of Electronic Records.



Voter Registration Applications

So what does all of this mean?

- Voter registrar **must** keep a duplicate copy of voter registration applications, whether originals of the documents or in another computer storage medium, in a separate storage area from the electronic records.



Questions?

Legal Team (800) 252-2216, Option 2
TEAM Team (800) 252-2216, Option 1

