

By: Shaheen

H.B. No. 1353

A BILL TO BE ENTITLED

AN ACT

relating to requiring a voter to be affiliated with a political party to vote in that party's primary election or otherwise participate in that party's affairs; creating a criminal offense; amending provisions subject to a criminal penalty.

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

SECTION 1. Section 13.002(c), Election Code, is amended to read as follows:

(c) A registration application must include:

(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

1 eligible for registration under Section 13.001;

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

6 (8) the following information:

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

10 (B) if the applicant has not been issued a number  
11 described by Paragraph (A), the last four digits of the applicant's  
12 social security number; or

13 (C) a statement by the applicant that the  
14 applicant has not been issued a number described by Paragraph (A) or  
15 (B);

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

18 (10) the city and county in which the applicant  
19 formerly resided; and

20 (11) the applicant's political party affiliation, if  
21 any.

22 SECTION 2. Section 13.122(a), Election Code, is amended to  
23 read as follows:

24 (a) In addition to the other statements and spaces for  
25 entering information that appear on an officially prescribed  
26 registration application form, each official form must include:

27 (1) the statement: "I understand that giving false

1 information to procure a voter registration is perjury and a crime  
2 under state and federal law.";

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

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

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

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

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

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

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

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

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

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

27 (12) a space or box for indicating whether the

1 applicant is interested in working as an election judge;

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

6 (14) a space for the applicant's political party  
7 affiliation; and

8 (15) any other voter registration information  
9 required by federal law or considered appropriate and required by  
10 the secretary of state.

11 SECTION 3. Section 15.001(a), Election Code, is amended to  
12 read as follows:

13 (a) Each voter registration certificate issued must  
14 contain:

15 (1) the voter's name in the form indicated by the  
16 voter, subject to applicable requirements prescribed by Section  
17 13.002 and by rule of the secretary of state;

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

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

22 (4) the number of the county election precinct in  
23 which the voter resides;

24 (5) the voter's effective date of registration if an  
25 initial certificate;

26 (6) the voter's registration number;

27 (7) an indication of the period for which the

1 certificate is issued;

2 (8) a statement explaining the circumstances under  
3 which the voter will receive a new certificate;

4 (9) a space for indicating [~~stamping~~] the voter's  
5 political party affiliation;

6 (10) a statement that voting with the certificate by a  
7 person other than the person in whose name the certificate is issued  
8 is a felony;

9 (11) a space for the voter's signature;

10 (12) a statement that the voter must sign the  
11 certificate personally, if able to sign, immediately on receipt;

12 (13) a space for the voter to correct the information  
13 on the certificate followed by a signature line;

14 (14) the statement: "If any information on this  
15 certificate changes or is incorrect, correct the information in the  
16 space provided, sign below, and return this certificate to the  
17 voter registrar.";

18 (15) the registrar's mailing address and telephone  
19 number; and

20 (16) the jurisdictional or distinguishing number for  
21 the following territorial units in which the voter resides, as  
22 determined by the voter registrar:

23 (A) congressional district;

24 (B) state senatorial district;

25 (C) state representative district;

26 (D) commissioners precinct;

27 (E) justice precinct;

(F) city election precinct; and

(G) school district election precinct.

SECTION 4. Section 15.025(a), Election Code, is amended to read as follows:

(a) Except as provided by Subsections (b) and (d) and Section 162.003(d), the registration of a voter described by this subsection whose information is changed on the registration records becomes effective as to the change on the 30th day after:

(1) the date the voter submits to the registrar a notice of a change in registration information under Section 15.021 or a response under Section 15.053, indicating the change; or

(2) the date the voter submits a statement of residence to an election officer under Section 63.0011 or a registration application or change of address to an agency employee under Chapter 20, indicating the change.

SECTION 5. Section 18.005(a), Election Code, is amended to read as follows:

(a) Each original and supplemental list of registered voters must:

(1) contain the voter's name, date of birth, and registration number as provided by the statewide computerized voter registration list;

(2) contain the voter's residence address, except as provided by Subsections (b) and (c) or Section 18.0051;

(3) be arranged alphabetically by voter name; ~~and~~

(4) contain the notation required by Section 15.111;

and

1           (5) contain the political party affiliation of each  
2 voter, if any.

3           SECTION 6. Section 63.011(a), Election Code, is amended to  
4 read as follows:

5           (a) A person to whom Section 63.001(g), ~~[or]~~ 63.009, or  
6 172.1114(c) applies may cast a provisional ballot if the person  
7 executes an affidavit stating that the person:

8               (1) is a registered voter in the precinct in which the  
9 person seeks to vote; and

10              (2) is eligible to vote in the election.

11           SECTION 7. Section 112.002, Election Code, is amended by  
12 adding Subsection (g) to read as follows:

13           (g) If the voter seeks a limited ballot for a party primary  
14 election, the voter must indicate the political party the voter was  
15 affiliated with at the address where the voter was previously  
16 registered on the statement executed under Subsection (c). If the  
17 early voting clerk can establish the voter's affiliation from the  
18 previous registration, the voter is entitled to vote a limited  
19 ballot in that party's primary.

20           SECTION 8. Section 142.004(a), Election Code, is amended to  
21 read as follows:

22           (a) To be entitled to a place on the general election  
23 ballot, a candidate must:

24               (1) make an application for a place on the ballot; and

25               (2) not be affiliated with a political party at the  
26 time the application is made.

27           SECTION 9. Section 142.008, Election Code, is amended to

1 read as follows:

2       Sec. 142.008. STATEMENT ON PETITION.       The following  
3 statement must appear at the top of each page of a candidate's  
4 petition: "I know the purpose of this petition. I am not  
5 affiliated with a political party that holds a primary election  
6 ~~[have not voted in the general primary election or runoff primary~~  
7 ~~election of any political party that has nominated, at either~~  
8 ~~election, a candidate for the office of (insert office title) for~~  
9 ~~which (insert candidate's name) is a candidate]."~~

10       SECTION 10. Section 142.009, Election Code, is amended to  
11 read as follows:

12       Sec. 142.009. PETITION TO BE CIRCULATED AFTER PRIMARY. A  
13 signature on a candidate's petition is invalid if the signer:

14               (1) signed the petition on or before general primary  
15 election day or, if a runoff primary is held for the office sought  
16 by the candidate, on or before runoff primary election day; or

17               (2) is affiliated with a political party that holds a  
18 primary election ~~[voted in the general or runoff primary election~~  
19 ~~of a political party that made a nomination, at either primary, for~~  
20 ~~the office sought by the candidate].~~

21       SECTION 11. Section 161.005(a), Election Code, is amended  
22 to read as follows:

23       (a) To be eligible to be a candidate for or to serve as a  
24 county or precinct chair of a political party, a person must:

25               (1) be a qualified voter of the county and affiliated  
26 with that political party; and

27               (2) except as provided by Subsection (c), not be a



1 candidate for nomination or election to, or be the holder of, an  
2 elective office of the federal, state, or county government.

3 SECTION 12. Section 162.001(a), Election Code, is amended  
4 to read as follows:

5 (a) A person must be affiliated with a political party to be  
6 eligible:

7 (1) to serve as a delegate to or otherwise participate  
8 in a convention held by the party under this code;

9 (2) to be elected as a member of or be appointed to  
10 fill a vacancy on a state executive committee;

11 (3) to be appointed to fill a vacancy on a county  
12 executive committee;

13 (4) to vote in the party's primary election;

14 (5) to be a candidate in the party's primary election;

15 (6) to be the party's nominee for an office elected at  
16 the general election for state and county officers;

17 (7) to be a presidential elector for the political  
18 party; or

19 (8) [(4)] for any other purpose within the party as  
20 adopted by state party rules.

21 SECTION 13. Section 162.003, Election Code, is amended to  
22 read as follows:

23 Sec. 162.003. AFFILIATION PROCEDURE [~~BY VOTING IN PRIMARY~~].

24 (a) A person becomes affiliated with a political party by notifying  
25 the registrar of the person's affiliation [~~when the person-~~

26 ~~[(1) is accepted to vote in the party's primary~~  
27 ~~election; or~~

1           ~~[(2) applies for and is provided an early voting or~~  
2 ~~limited primary ballot to be voted by mail].~~

3           (b) At the time a person registers to vote the person may:

4                 (1) affiliate with a political party that holds a  
5 primary election or a political party that makes its nominations by  
6 convention regardless of whether the party has a state  
7 organization; or

8                 (2) indicate no affiliation with any political party.

9           (c) A registered voter who does not indicate an affiliation  
10 with a political party of this state shall be listed as  
11 "independent" on the voter's registration certificate and on the  
12 list of registered voters.

13           (d) A registered voter may change the voter's affiliation  
14 status by notifying the registrar as provided by Section 15.021.  
15 The change becomes effective:

16                 (1) in an odd-numbered year, the 30th day after the  
17 date the voter submits notice of the change to the registrar under  
18 Section 15.021; or

19                 (2) in an even-numbered year:

20                         (A) if the change is submitted on or before the  
21 31st day before the date of the general primary, the 30th day after  
22 the date the voter submits notice of the change; or

23                         (B) for a change submitted after the time  
24 described in Paragraph (A), January 1 of the following year.

25           (e) A person may also indicate a party affiliation at the  
26 time the person submits a federal postcard application under  
27 Chapter 101. For an application that indicates a party preference

submitted by a person:

(1) who is not a registered voter, the affiliation takes effect on the earlier of:

(A) the first election at which the person is eligible to vote following the submission of the application; or

(B) the 30th day after the date the application is received; or

(2) who is a registered voter, any change in affiliation takes effect at the time provided for a change under Subsection (d).

(f) The secretary of state shall prescribe any additional procedures necessary to implement this section.

SECTION 14. Section 162.010(a), Election Code, is amended to read as follows:

(a) A ~~[Except as provided by Subsection (b), a]~~ party affiliation expires on cancellation of a voter's registration or at the time a change in affiliation takes effect under Section 162.003(d) ~~[at the end of the voting year in which the person became affiliated]~~.

SECTION 15. Section 162.013, Election Code, is amended to read as follows:

Sec. 162.013. VOID VOTE. A vote in a primary election is void if the voter is not affiliated with the political party holding the primary ~~[previously voted in a primary election of another party or participated in a convention of another party during the same voting year]~~.

SECTION 16. Section 162.014(a), Election Code, is amended

1 to read as follows:

2 (a) A person commits an offense if the person knowingly  
3 votes or attempts to vote in a primary election or participates or  
4 attempts to participate in a convention of a party without being  
5 affiliated with that party ~~[after having voted in a primary~~  
6 ~~election or participated in a convention of another party during~~  
7 ~~the same voting year]~~.

8 SECTION 17. Section 162.017(e), Election Code, is amended  
9 to read as follows:

10 (e) The preregistration process must ~~[include the statement~~  
11 ~~described by Section 162.004(a) and]~~ require a preregistering  
12 attendee who is not affiliated with the party to affiliate with the  
13 party in accordance with Section 162.003 ~~[by taking the oath~~  
14 ~~described in Section 162.007(b)]~~.

15 SECTION 18. Section 172.021, Election Code, is amended by  
16 amending Subsection (b) and adding Subsections (b-3) and (e) to  
17 read as follows:

18 (b) In ~~[An application must, in]~~ addition to complying with  
19 Section 141.031, an application must:

20 (1) indicate that, at the time of the application, the  
21 applicant is affiliated with the political party whose nomination  
22 for office the candidate seeks; and

23 (2) be accompanied by the appropriate filing fee or a  
24 petition in lieu of the filing fee that satisfies the requirements  
25 prescribed by Section 141.062. ~~[A political party may not require~~  
26 ~~payment of a fee as a condition to applying for a place on the ballot~~  
27 ~~as a candidate for county chair or precinct chair.]~~

1        (b-3) A political party may not require payment of a fee  
2 under this section as a condition to applying for a place on the  
3 ballot as a candidate for county chair or precinct chair.

4        (e) A signature on a petition under this section is not  
5 valid if at the time of signing the signer is affiliated with a  
6 political party other than the party whose nomination for office  
7 the candidate seeks. A signature on a petition under this section  
8 is valid if at the time of signing the signer is unaffiliated with a  
9 political party.

10        SECTION 19. Section 172.026, Election Code, is amended to  
11 read as follows:

12        Sec. 172.026. RESTRICTION ON PETITION SIGNER. On signing a  
13 petition to be filed under Section 172.021, the signer becomes  
14 ineligible to affiliate with ~~[vote in a primary election or~~  
15 ~~participate in a convention of]~~ another political party during the  
16 voting year in which the primary election is held.

17        SECTION 20. Section 172.027, Election Code, is amended to  
18 read as follows:

19        Sec. 172.027. STATEMENT ON PETITION. The following  
20 statement must appear at the top of each page of a petition to be  
21 filed under Section 172.021: "I know that the purpose of this  
22 petition is to entitle (insert candidate's name) to have his or her  
23 name placed on the ballot for the office of (insert office title,  
24 including any place number or other distinguishing number) for the  
25 (insert political party's name) primary election. I understand  
26 that by signing this petition I become ineligible to affiliate with  
27 another political party or to vote ~~[in a primary election]~~ or

1 participate in a primary election or convention of another party,  
2 including a party not holding a primary election, during the voting  
3 year in which this primary election is held."

4 SECTION 21. Section 172.086, Election Code, is amended to  
5 read as follows:

6 Sec. 172.086. PLEDGE ON BALLOT. The following pledge shall  
7 be placed on the primary election ballot above the listing of  
8 candidates' names: "I am a (insert appropriate political party)  
9 and understand that I am ineligible to affiliate with another  
10 political party or to vote or participate in another political  
11 party's primary election or convention during this voting year."

12 SECTION 22. Section 172.088(c), Election Code, is amended  
13 to read as follows:

14 (c) A petition signer may not at the time of signing be  
15 affiliated with another political party. A political party by rule  
16 may provide for permitting voters who are not affiliated with any  
17 political party to be eligible to sign a petition under this section  
18 ~~[restricting petition signers on the basis of party alignment or~~  
19 ~~preference]~~.

20 SECTION 23. Subchapter E, Chapter 172, Election Code, is  
21 amended by adding Section 172.1114 to read as follows:

22 Sec. 172.1114. AFFILIATION WITH PARTY REQUIRED. (a) The  
23 signature roster for a primary election must state at the top of  
24 each page "A person commits a criminal offense if the person  
25 knowingly votes in a primary election or participates in a  
26 convention of a party without being affiliated with that party."

27 (b) Except as provided by Subsection (c), a person may not

1 be accepted for voting in a primary election of a political party  
2 unless:

3 (1) the list of registered voters indicates that the  
4 person is affiliated with that political party; or

5 (2) the voter's registration certificate indicates  
6 that the voter is affiliated with that political party.

7 (c) A person who seeks to vote in a primary election but  
8 cannot establish the person's party affiliation under Subsection  
9 (b) may be accepted only for provisional voting under Section  
10 63.011.

11 SECTION 24. Section 172.126(g), Election Code, is amended  
12 to read as follows:

13 (g) A separate set of ballot boxes or other suitable  
14 containers approved by the secretary of state shall be used for each  
15 party's primary, except that one set of ballot boxes or other  
16 containers may be used in a joint primary using an electronic voting  
17 system in which the ballots are deposited by the voters directly  
18 into a unit of automatic tabulating equipment. ~~[The lists of~~  
19 ~~registered voters and the voters' registration certificates shall~~  
20 ~~be marked and stamped to show the appropriate party affiliation for~~  
21 ~~each voter.]~~ A separate list of registered voters shall be used for  
22 each party's primary. The secretary of state by rule shall  
23 prescribe requirements to ensure that one party's ballot is readily  
24 distinguished from another's, which may include the use of  
25 different colors of ink.

26 SECTION 25. Sections 181.006(f) and (g), Election Code, are  
27 amended to read as follows:

1 (f) The following statement must appear at the top of each  
2 page of the petition: "I know that the purpose of this petition is  
3 to entitle the \_\_\_\_\_ Party to have its nominees placed on the  
4 ballot in the general election for state and county officers. I am  
5 not affiliated with another political party. ~~[I have not voted in a~~  
6 ~~primary election or participated in a convention of another party~~  
7 ~~during this voting year, and I understand that I become ineligible~~  
8 ~~to do so by signing this petition.]~~ I understand that signing more  
9 than one petition to entitle a party to have its nominees placed on  
10 the general election ballot in the same election is prohibited."

11 (g) A person who is affiliated with another political party  
12 ~~[has voted in a primary election or participated in a convention of~~  
13 ~~another party during the voting year in which the petition is~~  
14 ~~circulated]~~ is ineligible to sign the petition, and the signature  
15 of such a person is invalid.

16 SECTION 26. Section 181.031(a), Election Code, is amended  
17 to read as follows:

18 (a) To be entitled to be considered for nomination by a  
19 convention held under this chapter, a person must:

- 20 (1) make an application for nomination; and  
21 (2) be affiliated with the political party whose  
22 nomination for office the candidate seeks.

23 SECTION 27. Section 181.065, Election Code, is amended to  
24 read as follows:

25 Sec. 181.065. PARTICIPANT TO BE AFFILIATED WITH PARTY  
26 ~~[REGISTERED VOTER]~~. To be eligible to participate in a precinct  
27 convention held under this chapter, a person must be affiliated



1 with the political party [~~a registered voter of the precinct or a~~  
2 ~~precinct resident who is eligible to vote a limited ballot~~].

3 SECTION 28. Section 182.0041(a), Election Code, is amended  
4 to read as follows:

5 (a) To be entitled to be considered for nomination by a  
6 convention held under this chapter, a person must:

- 7 (1) make an application for nomination; and  
8 (2) be affiliated with the political party whose  
9 nomination for office the candidate seeks.

10 SECTION 29. Sections 192.032(f) and (g), Election Code, are  
11 amended to read as follows:

12 (f) The following statement must appear at the top of each  
13 page of the petition: "I am not affiliated with a political party  
14 that has held [~~did not vote this year in~~] a presidential primary  
15 election this year."

16 (g) A signature on the petition is invalid if the signer:

- 17 (1) signs the petition on or before the date of the  
18 presidential primary election in the presidential election year; or  
19 (2) is affiliated with a political party that has held  
20 [~~voted in~~] a presidential primary election during the presidential  
21 election year.

22 SECTION 30. Section 203.011, Election Code, is amended to  
23 read as follows:

24 Sec. 203.011. PARTY ALIGNMENT ON BALLOT. The party  
25 alignment of each candidate shall be printed on the official ballot  
26 next to the candidate's name. If a candidate is affiliated with a  
27 political party, that party shall be printed next to the

1 candidate's name regardless of the party alignment provided on the  
2 application under Section 203.005(b).

3 SECTION 31. Sections 162.001(b), 162.004, 162.005,  
4 162.006, 162.007, 162.008, 162.009, 162.010(b), 162.011, 162.012,  
5 172.1141, and 172.125, Election Code, are repealed.

6 SECTION 32. (a) Not later than October 1, 2017, the voter  
7 registrar of each county shall mail to each registered voter in the  
8 county notice of the affiliation requirement necessary to vote in a  
9 party primary election or to participate in the affairs of a  
10 political party. The notice must:

11 (1) inform the voter that to vote in a party primary  
12 election or to otherwise participate in the affairs of a political  
13 party the voter must be affiliated with that party;

14 (2) inform the voter of the process of affiliation  
15 with the voter registrar and state that if a voter does not provide  
16 an affiliation, the voter's next registration certificate will  
17 indicate that the voter is "independent" and unable to vote in a  
18 party's primary;

19 (3) include a postage paid postcard that may be  
20 returned to the voter registrar to indicate the voter's  
21 affiliation; and

22 (4) be in the form prescribed by the secretary of  
23 state.

24 (b) If a registered voter does not indicate a party  
25 affiliation before December 1, 2017, the voter registrar shall list  
26 the voter's initial affiliation status as "independent." A person  
27 whose initial affiliation status is established as independent

1 under this subsection may affiliate with a political party not  
2 later than the 31st day before the date of the general primary  
3 election in 2018 by providing notice of affiliation to the voter  
4 registrar. Notwithstanding Section 162.003(d), Election Code, as  
5 added by this Act, the affiliation takes effect on receipt of the  
6 notice by the voter registrar.

7 (c) The change in law made by Section 18.005(a), Election  
8 Code, as amended by this Act, requiring that each list of registered  
9 voters must indicate the political affiliation of each voter  
10 applies only to a list of registered voters produced by a voter  
11 registrar on or after December 1, 2017.

12 (d) The change in law made by Section 15.001(a), Election  
13 Code, as amended by this Act, requiring that each voter  
14 registration certificate must indicate the political affiliation  
15 of the voter applies only to a certificate effective for voting on  
16 or after January 1, 2018.

17 SECTION 33. This Act takes effect September 1, 2017.