

No. 1-25-00301-CV

**In the First Court of Appeals  
Houston, Texas**

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**Annette Ramirez, in her official capacity**  
*Appellant,*  
v.  
**Steven Hotze, M.D., et al.,**  
*Appellees.*

On Appeal From the 157<sup>th</sup> Judicial District Court, Harris County, Texas  
Cause No. 2024-72883, Hon. Tanya Garrison, Presiding Judge

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*Oral Argument Requested*

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Collector & Voter Registrar**

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## RECORD REFERENCES

The appellate record includes a one-volume Clerk's Record cited as "CR. \_\_\_\_" and a one-volume Reporter's Record cited as "RR. \_\_\_\_."

In this brief, citations to "TAB \_\_\_\_" refer to the tabs in the Appendix.

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## STATEMENT OF THE CASE

### Nature of the Case:

Steven Hotze, M.D., Joseph L. Trahan, Caroline Kane, and the Honorable Sid Miller (collectively “Hotze”) sued Harris County and the Harris County Registrar days before the November 2024 Election. Based on his interpretation of Texas Election Code § 15.022(b), Hotze alleges the Registrar is violating the law by not obtaining and utilizing data, every month, from the National Change of Address database to remove registered voters from the voter rolls. Hotze’s *ultra vires* lawsuit seeks declaratory and injunctive relief. *See* CR. 3 and 119.

Harris County and the Harris County Registrar filed a Plea to the Jurisdiction, arguing the trial court lacked jurisdiction because Hotze lacks standing and there is no waiver of immunity. *See* CR. 42.

### Trial Court:

The Honorable Tanya Garrison, Presiding Judge, 157th Judicial District Court, Harris County, Texas.

### Trial Court Disposition:

After a hearing, the trial court granted Harris County’s Plea to the Jurisdiction, dismissing the County from this lawsuit. However, the trial court denied the Harris County Registrar’s Plea to the Jurisdiction. CR. 164

## ISSUES PRESENTED

1. Whether the trial court erred in denying the Harris County Registrar's Plea to the Jurisdiction because the trial court lacked jurisdiction. This issue includes the following sub-issues:
  - a. Statutory Interpretation: Whether the statutory construction and statutory history clearly show "address reclassification" is not "change of address," meaning Hotze's interpretation of Texas Election Code § 15.022(b) is wrong and there is no violation.
  - b. Lack of Standing: Whether Hotze lacks standing because there is no violation of § 15.022(b), meaning there is no illegal activity, and he has suffered no injury.
  - c. No Waiver of Immunity: Whether the Harris County Registrar has immunity because there is no violation of § 15.022(b), meaning there is no *ultra vires* exception, and no cited law provides a clear and unambiguous waiver of immunity.

## **STATEMENT REGARDING ORAL ARGUMENT**

This appeal involves the statutory construction and statutory history of a 40-year-old, undefined term in Texas Election Code § 15.022(b). It also involves issues of standing and governmental immunity. For these reasons, the Harris County Registrar respectfully requests oral argument and suggests that such argument will assist the Court in its decision.

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## INTRODUCTION

Steven Hotze is an unabashed Republican activist well-known in this region. He, along with his fellow Appellees, filed this lawsuit just days prior to the November 2024 Election, seeking to purge “tens of thousands” of registered voters from the rolls to prevent them from possibly “cast[ing] ballots for Democratic candidates.” CR. 120, 126.

Armed with nothing more than his wrong interpretation of a single term in the Texas Election Code (the “Code”), Hotze calls on the judiciary to ride alongside as he tilts at windmills, seeking to upend elections in Harris County—and thus far, he has successfully defeated part of a plea to the jurisdiction. But Hotze’s fantasy should not disguise what this appeal is truly about. It’s wonky, yes. It’s minutiae and statutory construction and statutory history, but it’s not a quest to save the Texas electoral system.

Instead, this appeal boils down to the meaning of “address reclassifications,” a 40-year-old, undefined term in Code § 15.022(b).

Hotze’s interpretation of the term is wrong because the statutory construction and statutory history clearly show “address reclassification” is not “change of address.” As such, Hotze lacks standing and the Harris County Registrar has immunity, meaning the trial court lacked jurisdiction and erred when it denied the Harris County Registrar’s Plea to the Jurisdiction.

This Court should reverse the trial court's order and render judgment dismissing the Harris County Registrar from this lawsuit.

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## STATEMENT OF FACTS

The parties agree: at the heart of this appeal, circulates a dispute about the meaning of “address reclassifications” in Texas Election Code (the “Code”) § 15.022(b). Hotze interprets the term to mean “change of address.” The Harris County Registrar does not.

### *“Address reclassification” added in 1985, “address changes” in 1995*

Unfortunately, the Code provides no definition for “address reclassification.”<sup>1</sup> And it only contains the term in three sections—§§ 14.022, 15.022(a)(6), and 15.022(b)—all added when the Code was recodified in 1985. *See* Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986 (TAB 3). All three have remained substantially the same since, except that § 14.022 was renumbered from § 14.023 and the Legislature amended “list of returned certificates” to “suspense list” in 1995. *See* Acts 1995, 74th Leg., ch. 797, Sec. 9, eff. Sept. 1, 1995 (TAB 4).

Section 14.022, titled “ERRONEOUS RETURN OF RENEWAL CERTIFICATE,” states in its entirety:

If the registrar determines that a voter's renewal certificate was returned undelivered solely because of postal service error, *address reclassification*, or the registrar's clerical error, the registrar shall delete the voter's name from the suspense list, make any other appropriate

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<sup>1</sup> It also does not define “address” or “reclassification.” However, since the 1985 recodification, there have been definitions for “residence address” and “residence,” demonstrating their significance.<sup>1</sup> Tex. Elec. Code §§ 1.005(17), 1.015. *See also* Tex. Elec. Code § 13.002 (noting that when registering to vote, an applicant must include their “residence address” or “residence”); CR. 130, 138-40 (Hotze’s Amend. Pet., repeatedly noting “residence address” and “residence” are the operative terms for where a voter lives) (citing §§ 1.005(17), 1.015, and 13.002).

corrections in the registration records, and deliver the certificate to the voter.

Tex. Elec. Code § 14.022 (emphasis added).<sup>2</sup>

Section 15.022, titled “CORRECTION OF REGISTRATION RECORDS,” states in relevant parts:

- (a) The registrar shall make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list:

...

- (6) after receipt of United States Postal Service information indicating an *address reclassification*;

...

- (b) At least monthly, the registrar shall request from the United States Postal Service any available information indicating *address reclassifications* affecting the registered voters of the county.

Tex. Elec. Code §§ 15.022(a)(6) and (b) (emphasis added).

Although included now, the Legislature did not include the term “change of address” when it recodified the Code. *See* Acts 1985, 69<sup>th</sup> Leg., ch. 211 (TAB 3). In fact, it was not until 1995, in response to the National Voter Registration Act of 1993 (“NVRA”),<sup>3</sup> that the term was added to many sections. *See* Acts 1995, 74<sup>th</sup> Leg., ch.

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<sup>2</sup> *See also* Tex. Elec. Code § 12.001 (noting that generally a “county tax assessor-collector is the voter registrar for the county ...”). In Harris County, the tax assessor-collector is the voter registrar.

<sup>3</sup> Congress enacted the NVRA to increase voter registrations and promote voter participation. *See* 52 U.S.C. § 20501 (“Findings and purposes”). Notably here, the NVRA places a moratorium on



797 (captioned: “AN ACT relating to implementation of the National Voter Registration Act of 1993 and to related election processes and procedures ...”) (TAB 4). Moreover, although the Legislature chose not to add the term to 15.022(b) in 1995—or ever—it did include “change of address” in § 15.022(a)(8) when it was added in that year. *See* Acts 1995, 74th Leg., ch. 797 (TAB 4). Like “address reclassifications,” “change of address” is undefined.

Relatedly and relevant to this appeal, 1995 was also when the Legislature added the subchapters relating to the “suspense list.” *See* Acts 1995, 74th Leg., ch. 797 (TAB 4); *see also* Tex. Elec. Code ch. 15, subchapters C and D. However, those new subchapters did not include the term “change of address.”<sup>4</sup> *Id.* Instead, then as now, “residence” and “residence address” are the operative terms<sup>5</sup> that dictate where a voter is registered and when a registrar might need to augment that registration. *Id.*

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registration activities “90 days prior to the date of a primary or general election for Federal office.” 52 U.S.C. § 20507(c)(2)); *see e.g.*, SOS Election Advisory No. 2024-18 (reminding Texas election officials that the NVRA “imposes a list maintenance moratorium for 90 days before a federal election” which began “August 7, 2024, [for] the November 5, 2024 general election”)(citing 52 U.S.C. § 20507(c)(2)); SOS Election Advisory No. 2023-26 (the 90-day moratorium for the March 2024 primaries began in December 2023). Hotze acknowledges this 90-day moratorium. CR. 143-44 (noting, “Under NVRA, any program designed to identify voters who have moved must be conducted no later than 90 days prior to a primary or general election for federal office”)(citing DOJ guidance).

<sup>4</sup> In 2021, the Legislature added Tex. Elec. Code § 15.054, which contains the term “change of address” to subchapter C.

<sup>5</sup> *See also* Tex. Elec. Code § 13.002 (noting when registering to vote, “A person ... must submit an application to the registrar in which the person resides” and the applicant must include their “residence address” or “residence”); CR. 130, 138-40 (Hotze’s Amend. Pet., citing § 13.002 and repeatedly noting “residence address” or “residence” are the operative terms for where a voter lives).

### *“Address classification” since 1985*

Although there is no definition and “address reclassification” is used sparingly, the Texas Legislature has confirmed what it thinks “address classifications” means ... and specifically what it does not mean. So has the Secretary of State (“SOS”), “the chief election officer” whose office regulates Texas elections.<sup>6</sup>

For example, during a 2005 committee hearing about H.B. 2261, the bill’s author noted a committee substitute would amend § 15.022 to add “change of address” language and, for the first time, require county registrars to verify a voter’s address with the United States Postal Service’s (“USPS”) National Change of Address (“NCOA”) database.<sup>7</sup> CR. 52-53<sup>8</sup> Specifically, that representative confirmed “address reclassifications” in § 15.022(b) is commonly understood to

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<sup>6</sup> See Tex. Elec. Code § 31.001. See also Tex. Elec. Code §§ 31.004 (SOS “shall obtain and maintain uniformity in the application, operation, and interpretation of” the Code and related laws), 16.039 (“if a registrar fails to timely perform a duty ... [the SOS] may withhold funds ...”), 18.061 (SOS “shall implement and maintain a statewide computerized voter registration list that serves as the single system for storing and managing the official list of registered voters in the state”), 18.065 (the SOS “shall monitor each registrar for substantial compliance ...”), and 18.0681 (the SOS helps county registrars maintain voter rolls, including “the correction of registration records under Section 15.022”). The SOS also promulgates state elections regulations. See 1 Tex. Admin. Code Chapter 81.

<sup>7</sup> The Code was recodified in 1985, but the NCOA was not created until a year later, in 1986. See CR 52 (citing Office of Inspector General, United States Postal Service, *Performance Audit of the USPS National Change of Address Program*, Audit Report Number DS-AR-99-001, March 31, 1999 <https://www.uspsoig.gov/sites/default/files/reports/2023-01/DS-AR-99-001.pdf>) (TAB 5).

<sup>8</sup> See April 20, 2005, hearing before the House Elections Committee, available at [https://tlchouse.granicus.com/MediaPlayer.php?view\\_id=23&clip\\_id=6180](https://tlchouse.granicus.com/MediaPlayer.php?view_id=23&clip_id=6180) (testimony starting at 1:13:45, acknowledging “address reclassifications” means only “minor changes” like reclassifying or renaming a roadway from “boulevard” to “drive”).

mean only “minor changes,” such as reclassifying or renaming a roadway from “Airport Boulevard” to “Airport Drive,” but does not mean “address changes.” CR. 52-53.<sup>9</sup> So, he wanted to amend the law.

This understanding was confirmed when, during that same hearing, Ann McGeehan, then-Director of Elections for the SOS and the committee’s resources witness, explained § 15.022 contains no “change of address” language and no NCOA requirement. CR. 52-53. Director McGeehan noted the Legislature had considered adding a NCOA requirement in 1995, in response to the NVRA, but decided against it for several practical concerns. *Id.* For example, NCOA data could relate to a temporary move and “doesn’t necessarily mean that you changed your permanent residence,” meaning it could result in a voter being wrongly removed from the voter rolls.<sup>10</sup> CR. 52-53.

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<sup>9</sup> *Id.* Compare Tex. Elec. Code § 15.022(b) with § 15.022(a)(8), which does include the term “change of address.” Section 15.022(a)(8) was added in 1995. *See* Acts 1995, 74th Leg., ch. 797 (Tab 4).

<sup>10</sup> A person might only be changing their mailing address, say to receive mail at a P.O. Box, or making only a temporary move. *See e.g.*, Tex. Elec. Code §§ 1.015(a) and (c) (“‘residence’ means domicile, that is, one’s home and fixed place of habitation to which one intends to return after any temporary absence.” A voter “does not lose [their] residence by leaving [] for temporary purposes only”). In fact, the hearing’s committee chair lamented that USPS had wrongly changed her residence in its system when she temporarily forwarded her mail to Austin during a legislative session. *Id.* She expressed concerns about the obvious hardship and undue burden this could place on voters if an NCOA requirement was added to § 15.022. *Id.*

Moreover, Director McGeehan acknowledged that while county registrars may choose to review NCOA, it's up to their discretion and not required by any law. CR. 52-53.

Finally, Director McGeehan acknowledged the SOS would implement a statewide voter registration list in 2006 to ensure the rolls are properly maintained. *Id.*; *see also* Tex. Elec. Code § 18.061 (effective since Jan. 1, 2006, stating, SOS “shall implement and maintain a statewide computerized voter registration list that serves as the single system for storing and managing the official list of registered voters in the state”), 18.065 (the SOS “shall monitor each registrar for substantial compliance ...”), and 18.0681 (the SOS helps county registrars maintain voter rolls, including “the correction of registration records under Section 15.022”).

During several other sessions, the Legislature's actions confirm “address reclassifications” in § 15.022 cannot mean “change of address” or mandate an NCOA requirement. For example, an amendment failed to add such language in 2009. *See* H.B. 3046 (2009) (would have amended § 15.022(a)(6) to state “... address change or reclassification ...” and 15.022(b) to “... address reclassifications affecting the registered voters of the county and any information relating to changes of address ...”) and its fiscal note (acknowledging H.B. 3046 “would require the registrar to monthly request from USPS information relating to address changes ...”) (TAB 6).

An attempt also failed in 2011. *See* H.B. 1100 (2011) (again attempting to add the same language to §§ 15.022(a)(6) and (b) (TAB 6). And in 2013. *See* H.B. 198 (2013) (attempting to add the same language) (TAB 6). Like in 2005, all bills that sought to add this language have failed to become law.

***The NCOA, not created until 1986, only applies to the SOS***

As for “address classification” mandating an NCOA requirement for the Harris County Registrar, the statutory history shows that is impossible because §§ 14.022 and 15.022 were enacted in 1985, at year before the NCOA was created in 1986.<sup>11</sup> In fact, no NCOA requirement was added to the Code until 2023. *See* Tex. Elec. Code § 18.062. But notable here, that requirement specifically only applies to the SOS, not the Harris County Registrar or any other election officials. *Id.* *See* Tex. Elec. Code § 18.062(h) and (i) (the only two sections in the Code that reference NCOA apply solely to the SOS).

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<sup>11</sup> *Compare* Acts 1985, 69th Leg., ch. 211, TAB 3, with CR 52 (citing Office of Inspector General, United States Postal Service, *Performance Audit of the USPS National Change of Address Program*, Audit Report Number DS-AR-99-001, March 31, 1999 <https://www.uspsoig.gov/sites/default/files/reports/2023-01/DS-AR-99-001.pdf>) (TAB 5).

## STATEMENT OF PROCEDURAL HISTORY

On October 18, 2024, the weekend before early voting started in the November 2024 Election and during the NVRA's 90-day moratorium,<sup>12</sup> Hotze (along with other two other Appellees,<sup>13</sup> collectively "Hotze") sued Harris County and the Harris County Registrar<sup>14</sup> in her official capacity.<sup>15</sup> CR. 3, 119.

Based on his interpretation that "address reclassifications" means "change of address", Hotze alleges "tens of thousands of" voters<sup>16</sup> should not be registered because § 15.022(b) requires the Harris County Registrar to obtain and utilize NCOA data "on a monthly basis." CR. 120, CR. 125-27. He further alleges these

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<sup>12</sup> The timing is curious because, as Hotze acknowledges, the NVRA's moratorium prohibits changing a voter's registration within 90 days of a federal election. CR. 143-44 (noting, "Under NVRA, any program designed to identify voters who have moved must be conducted no later than 90 days prior to a primary or general election for federal office") (citing DOJ guidance).

<sup>13</sup> A fourth Appellee, Agricultural Commissioner Sid Miller, joined when Hotze amended his petition. CR. 121. Miller is not a resident of Harris County; instead, the Amended Petition states he is "a resident of Erath County" and nothing more about him. CR. 121. When Miller was briefly mentioned at the Plea hearing, Hotze informed the trial court "I've got a statewide-elected official in the agricultural commissioner, who I also believe standing [sic]—because my concern was if we ever got to or they tried to argue that it was somehow moot, we have addressed that ..." RR. 21. Hotze failed to clarify what this means during the hearing or in the pleadings.

<sup>14</sup> Hotze originally sued Ann Harris Bennett in her official capacity as voter registrar. But Ms. Bennett's term ended, and she is no longer in office. She was replaced by Annette Ramirez, who is now the duly elected Tax Assessor-Collector & Voter Registrar for Harris County, Texas. As such, Ms. Ramirez is automatically substituted for Ms. Bennett in this lawsuit. *See* Tex. R. App. P. 7.2 ("public officer's successor is automatically substituted as a party ...").

<sup>15</sup> Suing an official in their official capacity is the same as "a suit against the entity." *Tex. A & M Univ. Sys. v. Koseoglu*, 233 S.W.3d 835, 844 (Tex. 2007)(cleaned up). As such, it is duplicative to sue an entity, e.g., a county, twice for the same claims. *See City of El Paso v. Heinrich*, 284 S.W.3d 366, 377 n.10 (Tex. 2009) (holding that because a mayor was sued "in his official capacity," it was duplicative to also sue the city, and the "claims against the [c]ity itself must be dismissed").

<sup>16</sup> Harris County had 2,693,055 registered voters in the November 2024 Election. *See* CR 44 (citing SOS data).

unspecified voters “on the registration roll should have been purged from that role [sic]—or at least placed in category [sic] known as a suspense voter ...” CR. 120, 126.<sup>17</sup> Hotze argues that “Houston citizens are left with the very real probability that persons who are currently listed as validly registered Harris County” voters should not be, and many of those “voters will cast ballots for Democratic candidates ...” CR. 126.

Based solely on his interpretation of “address reclassifications” in § 15.022(b), Hotze “summarize[s his claim] as follows: If [the Harris County Registrar] had faithfully performed [its] obligation every month to compare its Voter Role [sic] with the NCOA database,” there might be fewer “voters [who] will cast ballots for Democratic candidates.” CR. 125-27, 148. For a remedy, Hotze asks that the Harris County Registrar be ordered to obtain NCOA every month, using that data to put registered voters on the suspense list for ultimate removal from the voter rolls. CR. 120, 125-27, 150. Until it’s ordered to do so, he claims the Harris County Registrar will be violating Code § 276.019, which relates to “unlawful altering of election procedures.” CR. 125.

Joining Appellee Hotze—a self-described “major political activist” who

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<sup>17</sup> Hotze devotes much of his petition to Code statutes about voter registration and the suspense list, as well as related SOS guidance, including its “Statement of Residence” form. CR. 130-41. Throughout those statutes and guidance, “residence address” and “residence” are the operative terms relating to a voter’s registration. *Id.* See also Tex. Elec. Code § 13.002 (noting when registering to vote, an applicant must include their “residence address” or residence”).

“support[s] Republican candidates”—were two candidates from the November 2024 Election. CR. 121. Appellee Trahan was “the Republican nominee for Texas State Senate District 15,” and lost by 66,212 votes, or 37.5% of the vote. CR. 121, CR 43. Appellee Kane was “the Republican nominee for Congressional District 7 of the United States House of Representatives,” and lost by 55,169 votes, or 38.7% of the vote. CR. 121, CR. 43.<sup>18</sup> All three “intend[] to vote in future elections” and Trahan and Kane “intend to run” again. CR. 151. All three claim to be “taxpayers in Harris County, Texas.” CR. 121.

Harris County and the Harris County Registrar filed a Plea to the Jurisdiction, arguing the trial court lacked jurisdiction because Hotze lacks standing and they have immunity. CR. 42.

In a Response and in an Amended Petition filed a day before the hearing on the Plea to the Jurisdiction, Hotze argues he has standing under Texas Election Code § 273.081, via a taxpayer standing exception (the word “taxpayer” is stated once in the live petition), and via the Uniform Declaratory Judgments Act (“UDJA”) CR. 82,119. He also argues immunity has been waived by an *ultra vires* exception, the UDJA, and Code § 273.081. *Id.*

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<sup>18</sup> Hotze fails to note whether the “tens of thousands of” registered voters he wants removed from the rolls is equal to—or less than or greater than—the 66,212 votes or 55,169 votes Trahan and Kane lost by, respectively.



After Harris County filed a Reply, which incorporated and applied all previous arguments to the Amended Petition. CR. 155. The Reply also responded to Hotze’s new taxpaying standing claims. *Id.*

The trial court heard the matter on April 8, 2025. At the hearing, Hotze confirmed his interpretation of Code § 15.022(b)—that the Registrar must obtain and utilize NCOA data every month—is the foundation of his case. *See* RR. 8-9 (not seeking this data every month is “the heart of the underlying Dec action”), 26-27 (agreeing the meaning of “address reclassifications” in § 15.022(b) is “the underlying issue”), and (confirming “So it all gets down to, I think, what this Court believes 15.022(b) means”). In fact, Hotze acknowledged that if his interpretation of § 15.022(b) is wrong, “then obviously [the Harris County Registrar doesn’t] have to be doing it and the case will ultimately be mooted ...”. RR. 11.

On April 10, 2025, the trial court granted Harris County’s Plea to the Jurisdiction, “dismiss[ing it] from this lawsuit,” but denied the Harris County Registrar’s Plea. CR. 164.

The Harris County Registrar timely filed its notice of appeal on April 28, 2025. CR. 168.

## STANDARD OF REVIEW

“A plea to the jurisdiction challenges the court’s authority to decide a case.” *Heckman v. Williamson County*, 369 S.W.3d 137, 149 (Tex. 2012) (citation omitted). “The burden is on the plaintiff to affirmatively demonstrate the trial court’s jurisdiction.” *Id.* at 150 (citation omitted).

“When a plea to the jurisdiction challenges the pleadings, [a court] determine[s] if the pleader has alleged facts that affirmatively demonstrate the court’s jurisdiction to hear the cause.” *Tex. Dep’t of Parks & Wildlife v. Miranda*, 133 S.W.3d 217, 226 (Tex. 2004). And when “a plea to the jurisdiction challenges the existence of jurisdictional facts, [a court] consider[s] relevant evidence submitted by the parties when necessary to resolve the jurisdictional issues raised ....” *Id.*

“[J]urisdiction is a question of law reviewed *de novo*.” *Id.*

## SUMMARY OF ARGUMENT

Hotze lacks standing and the Harris County Registrar has immunity, meaning the trial court lacked jurisdiction and erred when it denied the Registrar's Plea to the Jurisdiction. The Court should reverse the trial court's order and render judgment dismissing the Harris County Registrar from this lawsuit.

Hotze's entire case, including his alleged injury, stems from his wrong interpretation of "address reclassifications" in Code § 15.022(b). Under his wrong interpretation, the Harris County Registrar is violating an alleged duty by not obtaining NCOA data monthly and using that data to put registered voters on the suspense list for ultimate removal from the voter rolls. However, the statutory construction and statutory history show Hotze's interpretation of the law is wrong. This includes the statute's plain meaning and context, the fact NCOA had not yet been created when the law was enacted, the fact the Legislature repeatedly chose not to add an NCAO duty, and the fact the SOS has confirmed county registrars have no such duty.

As his interpretation is wrong and the Harris County Registrar is not violating § 15.022(b), Hotze cannot establish standing because he has suffered no alleged injury based on a nonexistent violation. Because he only asserts a generalize grievance without an injury and is unable to establish taxpayer standing or any other standing exceptions, Hotze lacks standing.

Moreover, there is no waiver of immunity. Because his interpretation is wrong and there is no violation of law, Hotze has failed to show an *ultra vires* exception that waives immunity. Moreover, none of the statutes he cites, including the UDJA, provide a clear and ambiguous waiver of immunity. Therefore, the Harris County Registrar has immunity.

For these reasons, the trial court lacked jurisdiction. The Court should reverse the trial court's order and render judgment dismissing the Harris County Registrar from this lawsuit.

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## ARGUMENT

Hotze acknowledges his entire case is based on his interpretation of § 15.022(b). *See* RR. 11 (if his interpretation is wrong, “then obviously [the Harris County Registrar doesn’t] have to be doing it and the case will ultimately be mooted ...”).

Accordingly, because it circulates through the heart of this appeal, bleeding into everything else, the meaning of “address reclassification” must be addressed first. Afterwards, it will be clear Hotze’s interpretation is wrong and there is no violation of law, meaning the trial court lacked jurisdiction because Hotze lacks standing and the Harris County Registrar has immunity.

### **I. Hotze’s Interpretation of “Address Reclassification” is Wrong.**

When Code § 15.022(b) is construed, its plain meaning contradicts Hotze’s interpretation of “address reclassifications.” So does the statutory history.

#### **a. The statutory construction shows Hotze is wrong—“address classification” is not “change of address.”**

When interpreting a statute’s meaning, appellate courts “review issues of statutory construction *de novo*,” and the “primary objective is to give effect to the Legislature’s intent.” *Tex. Lottery Comm’n v. First State Bank of DeQueen*, 325 S.W.3d 628, 635 (Tex. 2010) (cleaned up). Courts “rely on the plain meaning of the text as expressing legislative intent unless a different meaning is supplied by

legislative definition or is apparent from the context, or the plain meaning leads to absurd results.” *Id.* (citation omitted). Courts “presume the Legislature selected language in a statute with care and that every word or phrase was used with a purpose in mind.” *Id.* (citation omitted).

Moreover, “[c]onstruction of a statute by the administrative agency charged with its enforcement is entitled to serious consideration, so long as the construction is reasonable and does not contradict the plain language of the statute.” *Tarrant Appraisal Dist. v. Moore*, 845 S.W.2d 820, 823 (Tex. 1993) (citation omitted).

Here, there is no definition for “address reclassifications.” So, courts must look at its plain meaning, its context, and look for absurd results, while also giving the SOS’s interpretation serious consideration. When doing so, it’s clear Hotze’s interpretation is wrong for four reasons.

First, the terms “change of address,” and “NCOA” are not stated in § 15.022(b). *See* Tex. Elec. Code § 15.022(b). Instead, Hotze infers (i.e., mentally reverses the order of the words and makes an addition and a subtraction) that “address reclassifications” means “change of address ~~reclassifications~~” and then extends his inference to include “NCOA.” Order reversing and extension notwithstanding, this inference requires the definition of “reclassifications” to mean “changes of.” But it is not so.

Merriam-Webster’s Dictionary defines “reclassification” to mean “the act or

process of classifying something again or anew.”<sup>19</sup> It further defines “classify” to mean “to arrange in classes” or “to consider (someone or something) as belonging to a particular group.”<sup>20</sup> See Tex. Gov’t Code §§ 311.011(a)(“words and phrases shall be read in context and construed according to the rules of grammar and common usage”) and 311.012(b) (“The singular include the plural and the plural includes the singular”); Tex. Elec. Code § 1.003(a)(“The Code of Construction Act (Chapter 311, Government Code) applies to the” Code).

These definitions show “reclassification” plainly means to rearrange into a new class or reconsider as part of a new group. This corroborates the Legislature’s understanding<sup>21</sup> of “address reclassifications,” that it means to reclassify or rename a roadway for mail delivery purposes, i.e., “Airport Boulevard” becomes “Airport Drive,” and does not mean a voter has moved residences, e.g., from 1313 Mockingbird Lane to 1600 Pennsylvania Avenue.<sup>22</sup> See CR. 52-53.<sup>23</sup>

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<sup>19</sup> Merriam-Webster Dictionary, *reclassification*, available at <https://www.merriam-webster.com/dictionary/reclassification> (TAB 7).

<sup>20</sup> Merriam-Webster Dictionary, *classifying*, available at <https://www.merriam-webster.com/dictionary/classifying> (TAB 7).

<sup>21</sup> See Tex. Gov’t Code 311.011(b)(“words and phrases that have acquired a technical or particular meaning, whether by legislative definition of otherwise, shall be construed accordingly”).

<sup>22</sup> This is logical. With its population increasing for decades, Texas has continued to transition from rural farming communities to more urban areas, meaning roadways have transitioned from cow trails to rural routes to streets in towns and cities.

<sup>23</sup> See April 20, 2005, hearing before the House Elections Committee, available at [https://tlchouse.granicus.com/MediaPlayer.php?view\\_id=23&clip\\_id=6180](https://tlchouse.granicus.com/MediaPlayer.php?view_id=23&clip_id=6180) (testimony starting at 1:13:45, acknowledging “address reclassifications” means only “minor changes” like reclassifying or renaming a roadway from “boulevard” to “drive”).

Second, in context, “address reclassification” in §§ 14.022 and 15.022(a)(6)<sup>24</sup> relates to *deleting* voters from the suspense list, not adding them to it. *See* Tex. Elec. Code §§ 14.022 (“If the registrar determines that a voter's [mailed] renewal certificate was returned undelivered solely because of ... *address reclassification* ... the registrar *shall delete the voter's name from the suspense list* ...”)(emphasis added) and 15.022(a)(6) (“registrar shall make the appropriate corrections in the registration records, including, if necessary, *deleting a voter's name from the suspense list* ... after receipt of United States Postal Service information indicating an *address reclassification*”)(emphasis added).

Instead of adding a voter to the suspense list, as Hotze argues, “address reclassifications” clearly relates to *removing* a voter from that list if a mail delivery error occurs because the voter’s roadway was reclassified, e.g., renamed from boulevard to drive. Hotze’s interpretation would result in the inverse of what he seeks—requiring the Harris County registrar *to utilize NCOA data to remove* voters from the suspense list.<sup>25</sup> That is an absurd result, especially for Hotze, because it would run counter to his entire argument and the remedy he seeks.

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<sup>24</sup> Under the presumption of consistent usage, “address reclassification” must mean the same thing in these sections as it does in §15.022(b). *See also* Tex. Gov’t Code § 311.012 (“The singular includes the plural and the plural includes the singular”).

<sup>25</sup> Under Hotze’s interpretation, § 14.022 would state “[i]f the registrar determines that a voter's [mailed] renewal certificate was returned undelivered solely because of ... [NCOA data] ... the registrar *shall delete the voter's name from the suspense list*.” *Id.* And § 15.022(a)(6) would state “[t]he registrar shall ... delet[e] a voter's name from the suspense list ... after receipt of United States Postal Service [NCOA data].” *Id.*



Third, if Hotze’s interpretation were correct (it’s not), requiring NCOA data to be collected every month would lead to another absurd result—an unlawful one.

As Hotze acknowledges, “[u]nder NVRA, any program designed to identify voters who have moved must be conducted no later than 90 days prior to a primary or general election for federal office.” CR 143-44 (citing DOJ guidance); *see also* SOS Election Advisory No. 2024-18 (the NVRA “imposes a list maintenance moratorium for 90 days before a federal election” which was “August 7, 2024, [for] the November 5, 2024, general election”) (TAB 8); SOS Election Advisory No. 2023-26 (the 90-day moratorium for the March 2024 primaries began in December 2023) (TAB 8). As federal elections occur every two years, the primary and general elections result in a 180-day (i.e. six month) moratorium every other year. How could § 15.022(b) require the Harris County Registrar to collect NCOA *every month* if it is legally prohibited from utilizing that data to perform registration list maintenance for six months every other year? Hotze’s interpretation would lead to a conflict between the NVRA and § 15.022(b)—a clearly absurd result.

Fourth and finally, the SOS has confirmed § 15.022(b) contains no “change of address” language and no NCOA requirement. CR 52-53. (McGeehan, then-Director of Elections at SOS, during 2005 legislative hearing); *see also Tarrant Appraisal Dist.*, 845 S.W.2d at 823 (“[c]onstruction of a statute by the administrative agency charged with its enforcement is entitled to serious consideration”). In 2005

the SOS explained an NCOA requirement was not added to § 15.022 for several practical concerns, e.g., the data could relate to a temporary move and “doesn’t necessarily mean that you changed your permanent residence,” meaning its use could result in voters being wrongly removed from the rolls. CR 52-53.<sup>26</sup> The SOS has also explained county registrars may choose to review NCOA, but it’s up to their discretion and not required by any law. CR 52-53.

Moreover, as the SOS maintains a statewide voter registration list, *see* Tex. Elec. Code § 18.061, “monitor[s] each registrar for substantial compliance,” § 18.065, and helps county registrars maintain voter rolls, including “the correction of registration records under Section 15.022,” § 18.0681, isn’t it more logical that Hotze’s interpretation of “address reclassifications” is wrong? Otherwise, wouldn’t the SOS have publicly disavowed its previous understanding? Wouldn’t there be evidence the SOS penalized the Harris County Registrar and all other applicable counties until they complied? *See e.g.* Tex. Elec. Code §§ 16.039 (“if a registrar fails to timely perform a [registration] duty ... [the SOS] may withhold funds” for registration maintenance) and 18.065 (SOS has a duty to cite violations and penalize

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<sup>26</sup> A person might only be changing their mailing address, say to receive mail at a P.O. Box, or making only a temporary move. *See e.g.*, Tex. Elec. Code §§ 1.015(a) and (c) (“‘residence’ means domicile, that is, one’s home and fixed place of habitation to which one intends to return after any temporary absence.” A voter “does not lose [their] residence by leaving [] for temporary purposes only”). In fact, during a 2005 legislative hearing, the committee chair lamented USPS had wrongly changed her residence in its system when she temporarily forwarded her mail to Austin during a legislative session. CR 52-53.

noncompliant registrars, including requiring them to attend training courses and pay civil penalties).

Given all this—the common usage, the context, the otherwise absurd results, and the understanding of the Legislature and SOS—the statutory construction of “address reclassifications” shows the term clearly does not mean “change of address” or “NCOA.” Hotze’s interpretation beggars belief.

**b. The statutory history shows Hotze is wrong—“address classification” is not “change of address.”**

“[S]tatutory history—the statutes repealed or amended by the statute under consideration—help form part of the context of the statute that is the law.” *Am. Pearl Group, L.L.C. v. Nat’l Payment Sys., L.L.C.*, No. 24-0759, 2025 WL 1478179, at \*4 (Tex. May 23, 2025) (cleaned up). “Statutory history is therefore probative and sometimes indispensable in statutory interpretation.” *Brown v. City of Houston*, 660 S.W.3d 749, 755 (Tex. 2023). It “concerns *how the law changed*, which can help clarify *what the law means*.” *Id.* (emphasis in original).

Hotze’s argues “address reclassifications” in § 15.022(b) means “change of address,” which would then require the Harris County Registrar to obtain and utilize NCOA data to place voters on the suspense list. CR. 120, CR. 125-27. The statutory history shows this is wrong for four reasons.

First, as noted many times above, § 15.022(b) was enacted in 1985. Yet, the

NCOA was not created until a year later, in 1986.<sup>27</sup> How could it be possible that a database not yet created is implicitly included in a statute?<sup>28</sup> It's not.

Second, when the Code was recodified in 1985, it included the term “address classifications” but did not include the term “change of address.” *See* Acts 1985, 69th Leg., ch. 211 (TAB 3). “Change of address” was not added to the Code until 10 years later, in 1995, after being borrowed from the NVRA. *See* Acts 1995, 74th Leg., ch. 797 (captioned: “AN ACT relating to implementation of the National Voter Registration Act of 1993 and to related election processes and procedures ...”) (Tab 4). This shows the term “change of address” was not complicated when § 15.022 was enacted in 1985.

Third, even when it finally added the term “change of address” to the Code, the Legislature chose to add it to multiple sections, including § 15.022(a)(8), but to exclude from 15.022(b). *See* Acts 1995, 74th Leg., ch. 797 (Tab 4). *Compare* Tex. Elec. Code § 15.022(a)(8) (stating, “after receipt of a registration application or change of address ...”) *with* § 15.022(b) (remains unchanged since 1985, meaning no “change of address” addition). The Legislature’s “change of address” silence in

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<sup>27</sup> *Compare* Acts 1985, 69th Leg., ch. 211, TAB 3, *with* CR 52 (citing Office of Inspector General, United States Postal Service, *Performance Audit of the USPS National Change of Address Program*, Audit Report Number DS-AR-99-001, March 31, 1999 <https://www.uspsoig.gov/sites/default/files/reports/2023-01/DS-AR-99-001.pdf>) (TAB 5).

<sup>28</sup> Does Hotze argue members of the 1985 Texas Legislature were fortune tellers who looked into crystal balls when drafting election statutes?

§ 15.022(b) speaks volumes.<sup>29</sup> *See Tex. Lottery Comm'n*, 325 S.W.3d at 635 (courts “presume the Legislature selected language in a statute with care and that every word or phrase was used with a purpose in mind”)(citation omitted).

Fourth and finally, in 2023 the Legislature finally succeeded in adding an NCOA requirement to the Code. *See Tex. Elec. Code* § 18.062(h) and (i) (the only two sections in the Code that reference NCOA). But the Legislature specifically chose to make that requirement apply only to the SOS, not the Harris County Registrar or any other election officials. *Id.* Under the presumption of consistent usage, this NCOA requirement would mean the same thing throughout the Code, if it were anywhere else, and the Legislature’s choice to exclude it from § 15.022(b) means it does not apply there. *See Tex. Lottery Comm'n*, 325 S.W.3d at 635 (courts “presume the Legislature selected language in a statute with care and that every word or phrase was used with a purpose in mind”)(citation omitted). Here again, the Legislature’s silence speaks volumes.

As NCOA and “change of address” were not yet contemplated when § 15.022(b) was enacted in 1985, and as the Legislature specifically chose not to add

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<sup>29</sup> After § 15.022 was enacted in 1985, subsequent legislative sessions attempted—but failed—to add the term “change of address” and an NCOA duty to § 15.022(a)(6) and (b). *See e.g.*, H.B. 3046 (2009) (seeking to add “change of address” language) and its fiscal note (acknowledging the bill would add a requirement relating to address changes); H.B. 1100 (2011) (again attempting to add the language); and H.B. 198 (2013) (yet again, seeking to add this language) (TAB 6).

them in the subsequent decades, the statutory history clearly shows they are not the meaning of “address reclassification” and Hotze’s interpretation is wrong.

## **II. The Trial Court Lacks Jurisdiction.**

As he acknowledges, Hotze based his entire case on his interpretation of “address reclassifications” in § 15.022(b). *See* RR. 11 (Hotze acknowledging that if his interpretation is wrong, “then obviously [the Harris County Registrar doesn’t] have to be doing it and the case will ultimately be mooted ...”).

As shown in Section I. above, Hotze’s interpretation is wrong—the Harris County Registrar is not violating the law, meaning his claims of standing and waivers of immunity based on that alleged violation fail.

Therefore, the trial court lacked jurisdiction because Hotze lacks standing and the Harris County Registrar has immunity.

### **a. Hotze lacks standing.**

Under Texas law, “[s]tanding is a constitutional prerequisite to suit.” *Heckman*, 369 S.W.3d at 150 (citation omitted). “A court has no jurisdiction over a claim made by a plaintiff who lacks standing to assert it” and a court “*must dismiss*” all claims for which a plaintiff lacks standing. *Id.* (citation omitted) (emphasis added).

To establish standing, a plaintiff must plead facts that show an alleged injury is “concrete and particularized, actual or imminent, not hypothetical.” *Id.* at 155 (cleaned up). The injury must be “fairly traceable to the defendant’s conduct ... [and something] likely to be redressed by the requested relief ...” *Id.* at 155 (cleaned up).

Hotze lacks standing because (i) he has plead only generalized grievances and fails to show a concrete and particularized, actual or imminent, injury, (ii) he cannot show taxpayer standing, and (iii) Code § 273.081 does not create standing.

**i. Hotze has plead only generalized grievances and fails to show a concrete and particularized, actual or imminent, injury.**

“Generally, a citizen lacks standing to bring a lawsuit challenging the lawfulness of governmental acts.” *Andrade v. NAACP of Austin*, 345 S.W.3d 1, 7 (Tex. 2011) (citation omitted). This “recognizes that other branches of government may more appropriately decide abstract questions of wide public significance, particularly when judicial intervention is unnecessary to protect individual rights.” *Id.* (cleaned up).

“[T]he ‘generalized grievance’ bar to standing is constitutional.” *Id.* (citing *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 573-74, 112 S. Ct. 2130, 2143 (1992) (a plaintiff “seeking relief that no more directly and tangibly benefits him than it does the public at large ... does not state an Article III case or controversy”)). But the bar is not based “on the number of people affected ... where a harm is concrete, though

widely shared, the Court has found injury in fact.” *Id.* at 7-8 (cleaned up). “Instead, the proper inquiry is whether the plaintiffs sue solely as citizens who insist that the government follow the law.” *Id.* at 8.

Here, Hotze insists that the Harris County Registrar must comply with his wrong interpretation of § 15.022(b). Specifically, he alleges “tens of thousands of” unspecified voters “on the registration roll should have been purged from that role [sic]—or at least placed in category [sic] known as a suspense voter ...” CR. 120, 125-27. Hotze argues he and all other “Houston citizens are left with the very real probability that persons who are currently listed as validly registered Harris County” voters should not be, and many of those “voters will cast ballots for Democratic candidates ...” CR. 126.

Hotze’s request that a government official follow his wrong interpretation of the law on behalf of all “Houston citizens” is a quintessential generalize grievance. But more importantly here: because Hotze’s interpretation of the law is wrong and there is no violation, as shown in Section I. above, he has failed to show he suffered any injury—concrete and particularized, actual or imminent, or otherwise.<sup>30</sup>

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<sup>30</sup> That Appellee Trahan and Kane were candidates, and might be candidates in the future, fails to confer standing. *See Andrade*, 345 S.W.3d at 18 n. 29 (holding “a former candidate” who sued the secretary of state and merely questioned, without more, the accuracy of election results, had “[a]t most ... alleged a hypothetical harm—one that does not give him standing to pursue his claims”). Similarly, Hotze’s voter status also fails to confer standing. *See Id.* at 8 (acknowledging “[n]o Texas court has ever recognized that a plaintiff’s status as a voter, without more, confers standing to challenge the lawfulness of government acts” there must be “some injury distinct from that sustained by the public at large”) (cleaned up).



Accordingly, Hotze’s “injury” is not only hypothetical, meaning it cannot establish standing, it’s untethered from reality. *See* RR. 11 (Hotze acknowledging that if his interpretation is wrong, “then obviously [the Harris County Registrar doesn’t] have to be doing it and the case will ultimately be mooted ...”).

**ii. Hotze cannot show taxpayer standing.**

“[U]nder Texas law ... a taxpayer has standing to sue to enjoin the illegal expenditure of public funds ... and need not demonstrate a particularized injury.” *Andrade v. Venable*, 372 S.W.3d 134, 137 (Tex. 2012) (citation omitted). There “are two requirements: (1) that the plaintiff is a taxpayer; and (2) that public funds are expended on the allegedly illegal activity.” *Id.* (citation omitted). For the second part, the “plaintiff must plead facts showing that the government is *actually* spending money on the allegedly illegal activity—not on a related legal activity.” *Id.* at 138. (citation omitted). “Moreover, the expenditure cannot be *de minimis*—it must be significant.” *Id.* (citation omitted)

Hotze’s petition only mentions the word “taxpayer” once, stating he and Appellees “Trahan, and Kane are taxpayers in Harris County.” CR. 121. Assuming this bare statement is enough for the first part of taxpayer standing, Hotze has still failed to show the second part.

For example, Hotze alleges the Harris County Registrar is “paying government employees ... to assist in illegal voting or by not doing what they are

required to be done [sic] to prevent illegal voting, taxpayer funds are being spent unlawfully.” RR. 20:15-19. But this fails to connect the required dots because, as shown in Section I. above, Hotze’s interpretation of § 15.022(b) is wrong, meaning there is no illegal activity. *See e.g., Pidgeon v. Turner*, 625 S.W.3d 583, 608 (Tex. App.—Houston [14th Dist.] 2021, no pet.) (taxpayers failed to establish taxpayer standing because they could not show an illegal expenditure); *See* RR. 11 (Hotze acknowledging that if his interpretation is wrong, “then obviously [the Harris County Registrar doesn’t] have to be doing it and the case will ultimately be mooted ...”).

Moreover, Hotze has failed to allege any facts whatsoever to support a claim that the Harris County Registrar is spending a “significant” amount of funds on an activity that is separate from her normal (and lawful) registrar duties. *See e.g., Venable*, 372 S.W.3d at 138-39 (taxpayer failed to establish taxpayer standing because he could not show a county was spending a significant increase in employee time and costs on an activity distinct from its normal ballot preparation duties”).

**iii. Section 273.081 does not create standing.**

In his search for standing, Hotze proclaims Code § 273.081 to be his holy grail.<sup>31</sup> CR. 123, RR. 7. It offers no such salvation.

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<sup>31</sup> Tex. Elec. Code § 273.081 states, “[a] person who is being harmed or is in danger of being harmed by a violation or threatened violation of this code is entitled to appropriate injunctive relief.”

Over a decade ago, the Supreme Court of Texas soundly rejected the notion § 273.081 confers standing. *See Andrade*, 345 S.W.3d at 17-18. In *Andrade*, the Court considered whether a group of voters had standing to bring a suit alleging the SOS violated the Code by certifying a paperless voting system. *Id.* And like here, those plaintiffs specifically cited Code § 273.081 to establish standing. *Id.* But the *Andrade* Court rejected that argument, holding § 273.081 “*does not create standing—it merely authorizes injunctive relief.*” *Id.* (emphasis added); *see also In re Kherkher*, 604 S.W.3d 548, 553-54 (Tex. App.—Houston [14th Dist.] 2020, no pet.) (acknowledging *Andrade* when holding a voter lacked standing in an election case because § 273.081 only relates to injunctive relief—it does not confer standing).

So, prior to § 273.081 applying here, Hotze must first establish standing. As he failed to do that, as shown above, Code § 273.081 is inapplicable.

Therefore, Hotze lacks standing because he plead only a generalize grievance and has no injury, cannot establish taxpayer standing, and Code § 273.081 does not create standing. As such, the trial court lacked jurisdiction and its order should be reversed.

**b. The Harris County Registrar has immunity.**

“Sovereign immunity encompasses immunity from suit, which bars a suit unless the state has consented, and immunity from liability, which protects the state from judgments even if it has consented to the suit.” *Reata Const. Corp. v. City of*

*Dallas*, 197 S.W.3d 371, 374 (Tex. 2006) (citation omitted). This “immunity deprives a trial court of subject-matter jurisdiction.” *Id.* “Political subdivisions of the state, including [counties], are entitled to such immunity—referred to as governmental immunity—unless it has been waived.”<sup>32</sup> *Id.* (citation omitted).

A plaintiff must overcome a high burden when asserting the existence of a waiver of immunity—it must be “clear and unambiguous.” Texas Gov’t Code § 311.034 (providing, “a statute shall not be construed as a waiver of sovereign immunity unless the waiver is effected by clear and unambiguous language”); *see also Wichita Falls State Hosp. v. Taylor*, 106 S.W.3d 692, 697 (Tex. 2003) (holding courts “generally resolve ambiguities by retaining immunity” and do not permit private claims against a governmental entity unless an underlying statute waives immunity “beyond doubt”).

Here, the Harris County Registrar has immunity because there is (i) no violation of law, meaning there cannot be an *ultra vires* exception, and (ii) no clear and unambiguous waiver of immunity.

**i. No violation of law, meaning there is no *ultra vires* exception.**

For immunity to be waived under an “*ultra vires* exception, a suit must not complain of a government officer's exercise of discretion, but rather must allege, and

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<sup>32</sup> Suing an official in their official capacity is the same as “a suit against the entity,” and that official may assert immunity. *Koseoglu*, 233 S.W.3d at 843-44 (cleaned up).

ultimately prove, that the officer acted without legal authority or failed to perform a purely ministerial act.” *City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009). In other words, if an official has any discretion to act, or not to act, a plaintiff’s *ultra vires* exception fails and immunity is not waived. *Id.*

Here, Hotze argues an *ultra vires* exception exists based on his interpretation that the Harris County Registrar has a duty, under § 15.022(b), to obtain and utilize NCOA data every month but is not. CR. 124-25.

But as show in Section I. above, Hotze’s interpretation is wrong. *See also* CR 52-53 (in a 2005 legislative hearing, the SOS explained county registrars may choose to review NCOA, but it’s up to their discretion and not required by any law).

Accordingly, because there is no violation of § 15.022(b), there is no *ultra vires* exception. *See Heinrich*, 284 S.W.3d at 372 (if an official has any discretion to act, or not to act, under the complained of statute, a plaintiff’s *ultra vires* exception fails, and immunity is not waived); *see also Pidgeon*, 625 S.W.3d 583 (concluding immunity was not waived because the plaintiffs failed to establish a violation of law, meaning the *ultra vires* exception was inapplicable).

Additionally, Hotze argues Code § 276.019 tangentially supports an *ultra vires* exception. CR. 125. But that statute is inapplicable. Section 276.019 reads, in its entirety:

A public official or election official may not create, alter, modify, waive, or suspend any election standard, practice, or procedure

**mandated by law or rule in a manner not expressly authorized by this code.**

Tex. Elec. Code § 276.019 (emphasis added).

But again, as Hotze’s interpretation of § 15.022(b) is wrong, he has failed to show the Harris County Registrar acted in any way contrary to a “mandated ... law or rule” or in any “manner not expressly authorized by” the Code. *Id.* See RR. 11 (Hotze acknowledging that if his interpretation is wrong, “then obviously [the Harris County Registrar doesn’t] have to be doing it and the case will ultimately be mooted ...”).

Therefore, because there is no *ultra vires* exception and § 276.019 is inapplicable, the Harris County Registrar has immunity. As such, the trial court lacked jurisdiction and its order should be reversed.

**ii. No clear and unambiguous waiver of immunity.**

Throughout his petition, Hotze cites the UDJA and several other statutes for the proposition they provide a waiver of immunity. None do.

**1. The UDJA does not provide a waiver of immunity**

Without support, Hotze flatly asserts the UDJA “contains a waiver of immunity from suit for governmental bodies whose presence is necessary to

effectuate and bind them to a judicial declaration.” CR. 123-25. Again, he is wrong.<sup>33</sup> See e.g., *Tex. Dep’t of Transp. v. Sefzik*, 355 S.W.3d 618, 620 (Tex. 2011) (“conclude[ing] that ... sovereign immunity bars UDJA actions against the state and its political subdivisions absent a legislative waiver”).

Instead, the UDJA only provides a limited waiver for claims challenging the validity or constitutionality of statutes<sup>34</sup> and ordinances, which is inapplicable here; instead, Hotze wants the Harris County Registrar to follow his wrong interpretation of § 15.022(b). See *Heinrich*, 284 S.W.3d at 373 n.6 (citing Tex. Civ. Prac. & Rem. Code § 37.006 and noting the waiver did not apply because the plaintiff was “not challenging the validity of the bylaws or the governing statute, but rather [a government’s] actions under them”); *Sefzik*, 355 S.W.3d 618, 622 and n.3 and 4 (when a plaintiff does not “challeng[e] the validity of a statute [but] instead ... challeng[es a governmental entity’s] actions under it,” immunity is not waived under

---

<sup>33</sup> In addition to not providing a waiver of immunity, the UDJA also does not enlarge or provide jurisdiction. See *Tex. Dep’t of Transp. v. Sefzik*, 355 S.W.3d 618, 622 (Tex. 2011) (noting the UDJA “does not enlarge the trial court’s jurisdiction but is merely a procedural device for deciding cases already within a court’s jurisdiction”) (original quotation and citation omitted); *Heinrich*, 284 S.W.3d at 370 (the UDJA “does not enlarge a trial court’s jurisdiction, and a litigant’s request for declaratory relief does not alter a suit’s underlying nature”); *Chenault v. Phillips*, 914 S.W.2d 140, 141 (Tex. 1996) (a declaratory judgment is inapplicable when a court does not already have jurisdiction).

<sup>34</sup> Hotze failed to show that he noticed the Office of the Attorney General. See Tex. Civ. Prac. & Rem. Code § 37.006(b) (“if the statute, ordinance, or franchise is alleged to be unconstitutional, the attorney general of the state must also be served with a copy of the proceeding and is entitled to be heard”). Nevertheless, as the Harris County Registrar did not draft or enact § 15.022, she would not be a proper party in such a lawsuit.

the UDJA). *See also Pidgeon*, 625 S.W.3d at 598 (holding the UDJA did not apply because appellants sought a declaration “to address violations of state law” not to “challenge a statute or ordinance”).

## **2. Remaining laws also provide no waiver of immunity.**

The remaining laws cited by Hotze also provide no clear and unambiguous waiver of immunity. *See* CR. 125, 146. For example, §§ 15.022 and 276.019 do not contain waiver of immunity language. *See* Tex. Elec. Code §§ 15.022 and 276.019; *see also* Texas Gov’t Code § 311.034 (“a statute shall not be construed as a waiver of sovereign immunity unless the waiver is effected by clear and unambiguous language”); *see also Wichita Falls State Hosp*, 106 S.W.3d at 697 (holding courts do not permit private claims against a governmental entity unless an underlying statute waives immunity “beyond doubt”).

Hotze also cites Code § 273.081. *See* CR. 123. But as noted in the standing section above, § 273.081 only relates to injunctive relief. *See Andrade*, 345 S.W.3d at 17 (§ 273.081 “merely authorizes injunctive relief”); *see also In re Kherkher*, 604 S.W.3d at 553-54 (acknowledging § 273.081 only relates to injunctive relief). It, like §§ 15.022 and 276.019, contains no clear and unambiguous waiver of immunity.

Finally, Hotze inexplicably cites a couple of sections of Texas Election Code ch. 221, insinuating these somehow give a whiff of jurisdiction. CR. 148 (citing Tex. Elec. Code §§ 221.003 and .012). But they do not because these sections also fail to



include language that clearly and unambiguously waive immunity

Therefore, the Harris County Registrar has immunity because neither the UDJA nor any other cited laws provide a clear and unambiguous waiver. As such, the trial court lacked jurisdiction and its order should be reversed.

### **PRAYER**

The Court should reverse the trial court's order and render judgment dismissing the Harris County Registrar from this lawsuit. The Harris County Registrar further requests all other legal and equitable relief to which she is entitled.

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Dated: June 2, 2025

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served on all counsel of record in this case, identified below, on June 2, 2025, electronically through the electronic filing manager in compliance with the Texas Rules of Appellate Procedure:

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/s/Christopher Garza  
Christopher Garza

## CERTIFICATE OF COMPLIANCE

I certify that this brief complies with Texas Rule of Appellate Procedure 9.4. It contains 8,853 words, excluding the parts of the brief exempted by Texas Rule of Appellate Procedure 9.4(i)(1).

This brief complies with the typeface requirements because it has been prepared in a proportionally spaced typeface using Microsoft 365 in 14-point Times New Roman for text and 12-point Times New Roman font for footnotes.

Dated: June 2, 2025

/s/Christopher Garza

Christopher Garza

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**In the First Court of Appeals  
Houston, Texas**

---

**Annette Ramirez, in her official capacity**  
*Appellant,*  
v.  
**Steven Hotze, M.D., et al.,**  
*Appellees.*

---

On Appeal From the 157<sup>th</sup> Judicial District Court, Harris County, Texas  
Cause No. 2024-72883, Hon. Tanya Garrison, Presiding Judge

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**BRIEF OF APPELLANT**

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**APPENDIX**

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1. Trial Court's Order
2. Election Code §§ 14.022, 15.022, and 18.062
3. Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986) (excerpt)
4. Acts 1995, 74th Leg., ch. 797, Sec. 9, eff. Sept. 1, 1995).
5. NCOA report March 31, 1999
6. House Bills.
7. Merriam-Webster Dictionary
8. SOS Election Advisories Nos. 2024-18 and 2023-26

# TAB 1

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CAUSE NO. 2024-72883

HOTZE, STEVEN (MD),	§	IN THE DISTRICT COURT OF
<i>Plaintiff(s)</i>	§	
	§	
vs.	§	HARRIS COUNTY, TEXAS
BENNETT, ANN HARRIS (IN HER	§	
OFFICIAL CAPACITY AS THE HARRIS	§	157th JUDICIAL DISTRICT
COUNTY,	§	
<i>Defendant(s)</i>	§	

**ORDER ON DEFENDANT'S PLEA TO THE JURISDICTION**

Defendant Ann Harris Bennett's Plea to the Jurisdiction is denied. Defendant Harris County's Plea to the Jurisdiction is granted. Defendant Harris County is dismissed from this lawsuit.

Signed April 10, 2025

  
\_\_\_\_\_

Hon. TANYA GARRISON  
Judge, 157th District Court



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 14, 2025

Certified Document Number: 119971023 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS



# TAB 2

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Proposed Legislation

Vernon's Texas Statutes and Codes Annotated  
Election Code (Refs & Annos)  
Title 2. Voter Qualifications and Registration  
Chapter 14. Renewal of Registration  
Subchapter B. Return of Renewal Certificate

V.T.C.A., Election Code § 14.022

§ 14.022. Erroneous Return of Renewal Certificate

Currentness

If the registrar determines that a voter's renewal certificate was returned undelivered solely because of postal service error, address reclassification, or the registrar's clerical error, the registrar shall delete the voter's name from the suspense list, make any other appropriate corrections in the registration records, and deliver the certificate to the voter.

#### Credits

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Redesignated from [V.T.C.A., Election Code § 14.023](#) and amended by [Acts 1995, 74th Leg., ch. 797, § 9, eff. Sept. 1, 1995](#).

V. T. C. A., Election Code § 14.022, TX ELECTION § 14.022

Current through legislation effective May 20, 2025, of the 2025 Regular Session of the 89th Legislature. Some statute sections may be more current, but not necessarily complete through the whole Session. See credits for details.

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Proposed Legislation

Vernon's Texas Statutes and Codes Annotated  
Election Code (Refs & Annos)  
Title 2. Voter Qualifications and Registration  
Chapter 15. General Administration of Registration  
Subchapter B. Correction of Registration Information

V.T.C.A., Election Code § 15.022

§ 15.022. Correction of Registration Records

Currentness

(a) The registrar shall make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list:

- (1) after receipt of a notice of a change in registration information under [Section 15.021](#);
- (2) after receipt of a voter's reply to a notice of investigation given under [Section 16.033](#);
- (3) after receipt of any affidavits executed under [Section 63.006](#), following an election;
- (4) after receipt of a voter's statement of residence executed under [Section 63.0011](#);
- (5) before the effective date of the abolishment of a county election precinct or a change in its boundary;
- (6) after receipt of United States Postal Service information indicating an address reclassification;
- (7) after receipt of a voter's response under [Section 15.053](#);
- (8) after receipt of a registration application or change of address under Chapter 20; or
- (9) after notification of a data entry error of which the voter registrar is made aware under [Section 63.0051](#).

(b) At least monthly, the registrar shall request from the United States Postal Service any available information indicating address reclassifications affecting the registered voters of the county.

**Credits**

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by Acts 1987, 70th Leg., ch. 54, § 12(b), eff. Sept. 1, 1987; Acts 1993, 73rd Leg., ch. 916, § 9, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 797, § 12, eff. Sept. 1, 1995; Acts 2011, 82nd Leg., ch. 123 (S.B. 14), § 4, eff. Jan. 1, 2012; Acts 2011, 82nd Leg., ch. 1002 (H.B. 2194), § 7, eff. Jan. 1, 2012; Acts 2013, 83rd Leg., ch. 161 (S.B. 1093), § 5.002, eff. Sept. 1, 2013; Acts 2021, 87th Leg., ch. 711 (H.B. 3107), § 16, eff. Sept. 1, 2021.

V. T. C. A., Election Code § 15.022, TX ELECTION § 15.022

Current through legislation effective May 20, 2025, of the 2025 Regular Session of the 89th Legislature. Some statute sections may be more current, but not necessarily complete through the whole Session. See credits for details.

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KeyCite Yellow Flag

Proposed Legislation

Vernon's Texas Statutes and Codes Annotated

Election Code (Refs & Annos)

Title 2. Voter Qualifications and Registration

Chapter 18. Procedures for Identifying Registered Voters (Refs & Annos)

Subchapter C. Statewide Voter Registration List

V.T.C.A., Election Code § 18.062

§ 18.062. Interstate Voter Registration Crosscheck Program

Currentness

(a) To maintain the statewide voter registration list and to prevent duplication of registration in more than one state or jurisdiction, the secretary of state shall:

(1) cooperate with other states and jurisdictions to develop systems to compare voters, voter history, and voter registration lists to identify voters:

(A) whose addresses have changed;

(B) who are not qualified under [Section 11.002\(a\)\(4\)](#); or

(C) who are registered to vote in more than one state; or

(2) identify and contract with the provider of a private sector data system to identify voters:

(A) whose addresses have changed;

(B) who are registered to vote in more than one state;

(C) who are deceased; or

(D) who are not qualified under [Section 11.002\(a\)\(4\)](#).

(a-1) A private sector data system under Subsection (a)(2) must have demonstrated an ability to work with registered voter identification and matching systems.

(b) A system developed under this section and any vendor involved with the system must comply with:

(1) the National Voter Registration Act of 1993 ([52 U.S.C. Section 20501 et seq.](#)) and the Help America Vote Act of 2002 ([52 U.S.C. Section 20901 et seq.](#)); and

(2) all state and federal laws relating to the protection of personal information.

(c) The cost to begin operations with a system under Subsection (a)(2) may not exceed \$100,000.

(d) The cost of continuing operations with a system under Subsection (a)(2) may not exceed one dollar for each voter identified under Subsection (a)(2).

(e) The secretary of state may not provide to a system under Subsection (a)(2) any information that is not:

(1) found in a voter roll; and

(2) necessary to identify voters under Subsection (a)(2).

(f) The secretary of state shall record information related to the system under Subsection (a)(2) and shall submit to the legislature a report on that information not later than the first day of each quarter of the state's fiscal year.

(g) A contract with a system under Subsection (a)(2) may not require any additional duty of the state not required by this section.

(h) The secretary of state may not contract with a private sector data system under Subsection (a)(2) unless the system:

(1) requires a background check for each employee of a potential vendor for the system; and

(2) uses data from the National Change of Address database.

(i) In addition to using a system described by Subsection (a), the secretary of state shall use data from the National Change of Address database to identify voters whose addresses have changed for the purpose of preventing duplication of registration in more than one state or jurisdiction.

#### Credits

Added by [Acts 2015, 84th Leg., ch. 473 \(S.B. 795\), § 1, eff. Sept. 1, 2015](#). Amended by [Acts 2023, 88th Leg., ch. 1156 \(S.B. 1070\), § 2, eff. Sept. 1, 2023](#).

Current through legislation effective May 20, 2025, of the 2025 Regular Session of the 89th Legislature. Some statute sections may be more current, but not necessarily complete through the whole Session. See credits for details.

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**TAB 3**

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**SECTION 15. REPEALER.** Chapter 654, Acts of the 64th Legislature, Regular Session, 1975 (Article 1970-366, Vernon's Texas Civil Statutes), is repealed.

**SECTION 16. EFFECTIVE DATE.** This Act takes effect January 1, 1986.

**SECTION 17. EMERGENCY.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 18, 1985, by a non-record vote; passed by the Senate on May 9, 1985, by the following vote: Yeas 31, Nays 0.

Approved: May 24, 1985

Effective: January 1, 1985

---

## CHAPTER 211

### S.B. No. 616

An Act relating to the adoption of an election code; making conforming amendments and repeals and coordinating provisions; providing penalties.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** The Election Code is adopted to read as follows:

#### ELECTION CODE

##### TITLE 1. INTRODUCTORY PROVISIONS

- Chapter 1. General Provisions
- Chapter 2. Vote Required for Election to Office
- Chapter 3. Ordering Election
- Chapter 4. Notice of Election

##### TITLE 2. VOTER QUALIFICATIONS AND REGISTRATION

- Chapter 11. Qualifications and Requirements for Voting
- Chapter 12. Voter Registrar
- Chapter 13. Application for Registration; Initial Registration
- Chapter 14. Renewal of Registration
- Chapter 15. General Administration of Registration
- Chapter 16. Cancellation of Registration
- Chapter 17. Judicial Review
- Chapter 18. Procedures for Identifying Registered Voters
- Chapter 19. Financing Voter Registration

##### TITLE 3. ELECTION OFFICERS AND OBSERVERS

- Chapter 31. Officers to Administer Elections
- Chapter 32. Election Judges and Clerks
- Chapter 33. Watchers
- Chapter 34. State Inspectors

##### TITLE 4. TIME AND PLACE OF ELECTIONS

- Chapter 41. Election Dates and Hours for Voting
- Chapter 42. Election Precincts
- Chapter 43. Polling Places

##### TITLE 5. ELECTION SUPPLIES

- Chapter 51. Election Supplies
- Chapter 52. Ballot Form, Content, and Preparation

##### TITLE 6. CONDUCT OF ELECTIONS

- Chapter 61. Conduct of Voting Generally
- Chapter 62. Preliminary Arrangements
- Chapter 63. Accepting Voter

- Chapter 64. Voting Procedures
- Chapter 65. Counting Votes and Preparing Returns
- Chapter 66. Disposition of Records and Supplies After Election
- Chapter 67. Canvassing Elections
- Chapter 68. Tabulation of Unofficial Results of Certain Races by Secretary of State

**TITLE 7. ABSENTEE VOTING****SUBTITLE A. ABSENTEE VOTING**

- Chapter 81. General Provisions
- Chapter 82. Eligibility to Vote Absentee
- Chapter 83. Officer Conducting Absentee Voting
- Chapter 84. Application for Ballot
- Chapter 85. Conduct of Voting by Personal Appearance
- Chapter 86. Conduct of Voting by Mail
- Chapter 87. Processing Absentee Results
- Chapter 88. Challenge of Person Voting by Mail

**SUBTITLE B. SPECIAL FORMS OF ABSENTEE VOTING**

- Chapter 101. Voting by Resident Federal Postcard Applicant
- Chapter 102. Late Absentee Voting by Disabled Voter
- Chapter 103. Late Absentee Voting Because of Death in Immediate Family
- Chapter 104. Voting on Election Day by Disabled Voter From Voting System Precinct

**SUBTITLE C. RESTRICTED BALLOT**

- Chapter 111. General Provisions
- Chapter 112. Voting Limited Ballot After Changing County of Residence
- Chapter 113. Voting Presidential Ballot by Former Resident
- Chapter 114. Voting Federal Ballot by Overseas Citizen

**TITLE 8. VOTING SYSTEMS**

- Chapter 121. General Provisions
- Chapter 122. State Supervision Over Voting Systems
- Chapter 123. Adoption and Acquisition of Voting System
- Chapter 124. Voting System Ballot
- Chapter 125. Conduct of Voting With Voting System
- Chapter 126. Processing Mechanical Voting Machine Results
- Chapter 127. Processing Electronic Voting System Results

**TITLE 9. CANDIDATES**

- Chapter 141. Candidacy for Public Office Generally
- Chapter 142. Independent Candidate in General Election for State and County Officers
- Chapter 143. Candidate for City Office
- Chapter 144. Candidate for Office of Political Subdivision Other Than County or City
- Chapter 145. Withdrawal, Death, and Ineligibility of Candidate
- Chapter 146. Write-In Candidate

**TITLE 10. POLITICAL PARTIES****SUBTITLE A. INTRODUCTORY PROVISIONS**

- Chapter 161. General Provisions
- Chapter 162. Regulating Participation in Party Affairs
- Chapter 163. Party Rules

**SUBTITLE B. PARTIES NOMINATING BY PRIMARY ELECTION**

- Chapter 171. Organization
- Chapter 172. Primary Elections
- Chapter 173. Primary Election Financing
- Chapter 174. Conventions

**SUBTITLE C. PARTIES NOMINATING BY CONVENTION**

- Chapter 181. Party With State Organization
- Chapter 182. Party Without State Organization

**TITLE 11. PRESIDENTIAL ELECTIONS**

- Chapter 191. Selection of Delegates to National Nominating Convention
- Chapter 192. Presidential Electors and Candidates

**TITLE 12. ELECTIONS TO FILL VACANCY IN OFFICE**

- Chapter 201. Determination of and Election to Fill Vacancy
- Chapter 202. Vacancy in Office of State or County Government
- Chapter 203. Vacancy in Legislature
- Chapter 204. Vacancy in Congress

**TITLE 13. RECOUNTS**

- Chapter 211. General Provisions
- Chapter 212. Requesting Recount
- Chapter 213. Conduct of Recount
- Chapter 214. Counting Procedures
- Chapter 215. Costs of Recount

**TITLE 14. ELECTION CONTESTS**

**SUBTITLE A. INTRODUCTORY PROVISIONS**

- Chapter 221. General Provisions

**SUBTITLE B. CONTESTS IN DISTRICT COURT**

- Chapter 231. Contest in District Court Generally
- Chapter 232. Contest for Office
- Chapter 233. Contest on Measure

**SUBTITLE C. CONTESTS IN OTHER TRIBUNALS**

- Chapter 241. Contest for State Senator or Representative
- Chapter 242. Contest for Constitutional Executive Office
- Chapter 243. Contest for Presidential Electors

**TITLE 15. [reserved]**

**TITLE 16. MISCELLANEOUS PROVISIONS**

- Chapter 271. Joint Elections
- Chapter 272. Bilingual Requirements
- Chapter 273. Criminal Investigation and Other Enforcement Proceedings
- Chapter 274. Constitutional Amendments
- Chapter 275. Election for Officers of City With 200,000 Population
- Chapter 276. Miscellaneous Offenses and Other Provisions

**TITLE 1. INTRODUCTORY PROVISIONS**

- Chapter 1. General Provisions
- Chapter 2. Vote Required for Election to Office
- Chapter 3. Ordering Election
- Chapter 4. Notice of Election

**ELECTION CODE**

**TITLE 1. INTRODUCTORY PROVISIONS**

**CHAPTER 1. GENERAL PROVISIONS**

- Sec. 1.001. SHORT TITLE
- Sec. 1.002. APPLICABILITY OF CODE
- Sec. 1.003. CONSTRUCTION OF CODE
- Sec. 1.004. INTERNAL REFERENCES
- Sec. 1.005. DEFINITIONS
- Sec. 1.006. EFFECT OF WEEKEND OR HOLIDAY
- Sec. 1.007. DELIVERING, SUBMITTING, AND FILING DOCUMENTS
- Sec. 1.008. TIMELINESS OF ACTION BY MAIL
- Sec. 1.009. TIME OF RECEIPT OF MAILED DOCUMENT
- Sec. 1.010. AVAILABILITY OF OFFICIAL FORMS
- Sec. 1.011. SIGNING DOCUMENT BY WITNESS
- Sec. 1.012. PUBLIC INSPECTION OF ELECTION RECORDS

Sec. 1.013. DESTRUCTION OF RECORDS

Sec. 1.014. ELECTION EXPENSES

Sec. 1.015. RESIDENCE

Sec. 1.016. COMPUTATION OF AGE ELECTION CODE

## TITLE 1. INTRODUCTORY PROVISIONS

### CHAPTER 1. GENERAL PROVISIONS

Sec. 1.001. SHORT TITLE. This code may be cited as the Election Code. (New.)

Sec. 1.002. APPLICABILITY OF CODE. (a) This code applies to all general, special, and primary elections held in this state.

(b) This code supersedes a conflicting statute outside this code unless this code or the outside statute expressly provides otherwise. (New.)

Sec. 1.003. CONSTRUCTION OF CODE. The Code Construction Act (Article 5429b-2, Vernon's Texas Civil Statutes) applies to the construction of each provision in this code, except as otherwise expressly provided by this code. (New.)

Sec. 1.004. INTERNAL REFERENCES. In this code:

(1) a reference to a title, chapter, or section without further identification is a reference to a title, chapter, or section of this code; and

(2) a reference to a subtitle, subchapter, subsection, subdivision, paragraph, or other numbered or lettered unit without further identification is a reference to a unit of the next larger unit of this code in which the reference appears. (New.)

Sec. 1.005. DEFINITIONS. In this code:

(1) "City secretary" includes a city clerk or, in a city that has no city secretary or clerk, the city officer who performs the duties of a city secretary. (New.)

(2) "County election precinct" means an election precinct established under Section 42.001. (New.)

(3) "County office" means an office of the county government that is voted on countywide. (New.)

(4) "District office" means an office of the federal or state government that is not voted on statewide. (New.)

(5) "Final canvass" means the canvass from which the official result of an election is determined. (New.)

(6) "General election" means an election, other than a primary election, that regularly recurs at fixed dates. (New.)

(7) "General election for state and county officers" means the general election at which officers of the federal, state, and county governments are elected. (V.T.E.C. Art. 1.01a(a)(23).)

(8) "Gubernatorial general election" means the general election held every four years to elect a governor for a full term. (New.)

(9) "Independent candidate" means a candidate in a nonpartisan election or a candidate in a partisan election who is not the nominee of a political party. (V.T.E.C. Art. 13.56(i).)

(10) "Law" means a constitution, statute, city charter, or city ordinance. (New.)

(11) "Local canvass" means the canvass of the precinct election returns. (New.)

(12) "Measure" means a question or proposal submitted in an election for an expression of the voters' will. (New.)

(13) "Political subdivision" means a county, city, or school district or any other governmental entity that:

(A) embraces a geographic area with a defined boundary;

(B) exists for the purpose of discharging functions of government; and

(C) possesses authority for subordinate self-government through officers selected by it. (New.)

(14) "Primary election" means an election held by a political party under Chapter 172 to select its nominees for public office. (V.T.E.C. Art. 1.01a(a)(42); Art. 13.01.)

(15) "Proposition" means the wording appearing on a ballot to identify a measure. (New.)

(16) "Registered voter" means a person registered to vote in this state whose registration is effective. (New.)

(17) "Residence address" means the street address and any apartment number, or the address at which mail is received if the residence has no address, and the city, state, and zip code that correspond to a person's residence. (New.)

(18) "Special election" means an election that is not a general election or a primary election. (V.T.E.C. Art. 1.01a(a)(52).)

(19) "Statewide office" means an office of the federal or state government that is voted on statewide. (New.)

(20) "Straight-party vote" means a vote by a single mark, punch, or other action by the voter for all the nominees of one political party and for no other candidates. (New.)

(21) "Uniform election date" means an election date prescribed by Section 41.001. (New.)

(22) "Voting station" means the voting booth or other place where voters mark their ballots or otherwise indicate their votes at a polling place. (New.)

(23) "Voting year" means the 12-month period beginning March 1 of each year. (V.T.E.C. Art. 1.01a(a)(60).)

Sec. 1.006. EFFECT OF WEEKEND OR HOLIDAY. If the last day for performance of an act is a Saturday, Sunday, or legal state or national holiday, the act is timely if performed on the next regular business day, except as otherwise provided by this code. (V.T.E.C. Art. 14.07(F); New.)

Sec. 1.007. DELIVERING, SUBMITTING, AND FILING DOCUMENTS. (a) When this code provides for the delivery, submission, or filing of an application, notice, report, or other document or paper with an authority having administrative responsibility under this code, a delivery, submission, or filing with an employee of the authority at the authority's usual place for conducting official business constitutes filing with the authority.

(b) The authority to whom a delivery, submission, or filing is required by this code to be made may accept the document or paper at a place other than his usual place for conducting official business.

(c) A delivery, submission, or filing of a document or paper under this code may be made by personal delivery, mail, or any other method of transmission.

(d) Any other provision of this code supersedes this section to the extent of any conflict. (New.)

Sec. 1.008. TIMELINESS OF ACTION BY MAIL. When this code requires an application, notice, report, or other document or paper to be delivered, submitted, or filed within a specified period or before a specified deadline, a delivery, submission, or filing by first-class United States mail is timely, except as otherwise provided by this code, if:

(1) it is properly addressed with postage prepaid; and

(2) it bears a post office cancellation mark indicating a time within the period or before the deadline, or if the person required to take the action furnishes satisfactory proof that it was deposited in the mail within the period or before the deadline. (V.T.E.C. Art. 14.07(F); New.)

Sec. 1.009. TIME OF RECEIPT OF MAILED DOCUMENT. (a) When this code provides that an application, notice, or other document or paper that is delivered, submitted, or filed by mail is considered to be delivered, submitted, or filed at the time of its receipt by the appropriate authority, the time of receipt is the time at which a post office employee:

(1) places it in the actual possession of the authority or his agent; or

(2) deposits it in the authority's mailbox or at the usual place of delivery for the authority's official mail.

(b) If the authority cannot determine the time at which a deposit under Subsection (a)(2) occurred or whether it occurred before a specified deadline, the deposit is considered to have occurred at the time the mailbox or usual place of mail delivery, as applicable, was last inspected for removal of mail. (New.)

Sec. 1.010. AVAILABILITY OF OFFICIAL FORMS. (a) The office, agency, or other authority with whom this code requires an application, report, or other document or paper to be submitted or filed shall make printed forms for that purpose, as officially prescribed, readily and timely available.

(b) The authority shall furnish forms in a reasonable quantity to a person requesting them for the purpose of submitting or filing the document or paper.

(c) The forms shall be furnished without charge, except as otherwise provided by this code. (V.T.E.C. Art. 5.05, Subdiv. 2(a); Art. 5.13a, Subdiv. 1; Art. 5.18c, Subdiv. 4; Art. 13.08a(g); Art. 14.13(G)(3); New.)

Sec. 1.011. SIGNING DOCUMENT BY WITNESS. (a) When this code requires a person to sign an application, report, or other document or paper, except as otherwise provided by this code, the document or paper may be signed for the person by a witness, as provided by this section, if the person required to sign cannot do so because of a physical disability or illiteracy.

(b) The person who cannot sign must affix his mark to the document or paper, which the witness must attest. If the person cannot make the mark, the witness must state that fact on the document or paper.

(c) The witness must state on the document or paper the name, in printed form, of the person who cannot sign.

(d) The witness must affix his own signature to the document or paper and state his own name, in printed form, near the signature. The witness must also state his residence address unless he is an election officer, in which case he must state his official title.

(e) The procedure prescribed by this section must be conducted in the presence of the person who cannot sign. (V.T.E.C. Art. 5.05, Subdiv. 2(a); Art. 5.13a, Subdiv. 2; New.)

**Sec. 1.012. PUBLIC INSPECTION OF ELECTION RECORDS.** (a) Subject to Subsection (b), an election record that is public information shall be made available to the public during the regular business hours of the record's custodian.

(b) For the purpose of safeguarding the election records or economizing the custodian's time, the custodian may adopt reasonable rules limiting public access. (V.T.E.C. Art. 5.05, Subdiv. 11(c); Art. 5.05d.)

**Sec. 1.013. DESTRUCTION OF RECORDS.** After expiration of the prescribed period for preserving voted ballots, election returns, other election records, or other records that are preserved under this code, the records may be destroyed or otherwise disposed of unless, at the expiration of the preservation period, an election contest or a criminal investigation or proceeding in connection with an election to which the records pertain is pending. In that case, the records shall be preserved until the contest, investigation, or proceeding is completed and the judgment, if any, becomes final. (V.T.E.C. Art. 8.29b(c); Art. 8.32.)

**Sec. 1.014. ELECTION EXPENSES.** (a) Except as otherwise provided by law, the expenses incurred in the conduct of a general or special election shall be paid by the political subdivision served by the authority ordering the election.

(b) Each county in the territory covered by an election ordered by the governor shall pay the expenses incurred in that particular county in the conduct of the election. (V.T.E.C. Art. 7.12; Art. 7.13; New.)

**Sec. 1.015. RESIDENCE.** (a) In this code, "residence" means domicile, that is, one's home and fixed place of habitation to which he intends to return after any temporary absence.

(b) Residence shall be determined in accordance with the common-law rules, as enunciated by the courts of this state, except as otherwise provided by this code.

(c) A person does not lose his residence by leaving his home to go to another place for temporary purposes only.

(d) A person does not acquire a residence in a place to which he has come for temporary purposes only and without the intention of making that place his home.

(e) A person who is an inmate in a penal institution or who is an involuntary inmate in a hospital or eleemosynary institution does not, while an inmate, acquire residence at the place where the institution is located. (V.T.E.C. Art. 5.08.)

**Sec. 1.016. COMPUTATION OF AGE.** A person attains a specified age on the day before the anniversary of the person's birthday. (V.T.E.C. Art. 5.13a, Subdiv. 4.)

## CHAPTER 2. VOTE REQUIRED FOR ELECTION TO OFFICE

### SUBCHAPTER A. ELECTION BY PLURALITY

**Sec. 2.001. PLURALITY VOTE REQUIRED**

**Sec. 2.002. TIE VOTE**

[Sections 2.003-2.020 reserved for expansion]

### SUBCHAPTER B. RUNOFF ELECTION

**Sec. 2.021. RUNOFF ELECTION REQUIRED**

**Sec. 2.022. CONFLICTS WITH OTHER LAW**

**Sec. 2.023. RUNOFF CANDIDATES**

**Sec. 2.024. ORDERING RUNOFF**

**Sec. 2.025. RUNOFF ELECTION DAY**

**Sec. 2.026. NOTICE OF RUNOFF**

**Sec. 2.027. CERTIFICATION OF RUNOFF CANDIDATES**

**Sec. 2.028. TIE VOTE IN RUNOFF**

[Sections 13.123-13.140 reserved for expansion]

#### SUBCHAPTER F. INITIAL REGISTRATION

Sec. 13.141. **REGISTRATION NUMBER.** (a) The registrar shall assign a registration number to each person to be registered as a voter.

(b) The secretary of state may prescribe a uniform system for assigning voter registration numbers. If a uniform system is not prescribed, the registrar shall use a system that promotes efficient and accurate administration of voter registration. (V.T.E.C. Art. 5.14a, Subdiv. 1(b).)

Sec. 13.142. **INITIAL REGISTRATION CERTIFICATE.** (a) After approval of a registration application, the registrar shall:

(1) prepare a voter registration certificate in duplicate and issue the original certificate to the applicant; and

(2) enter the applicant's county election precinct number and registration number on the applicant's registration application.

(b) In this code, "initial certificate" means a registration certificate issued under this section.

(c) An initial certificate takes effect on the effective date of the registration and expires the following March 1 of an even-numbered year. (V.T.E.C. Art. 5.14a, Subdivs. 1, 2.)

Sec. 13.143. **EFFECTIVE DATE OF REGISTRATION; PERIOD OF EFFECTIVENESS.** (a) Except as provided by Subsection (b), if an applicant's registration application is approved, the registration becomes effective on the 30th day after the date the application is submitted to the registrar or on the date the applicant becomes 18 years of age, whichever is later.

(b) A registration is effective for purposes of voting absentee if it will be effective on election day.

(c) A registration is effective until canceled.

(d) For purposes 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. The date indicated by the post office cancellation mark is considered to be the date the application was placed in the mail unless proven otherwise. (V.T.E.C. Art. 5.13a, Subdiv. 4; New.)

Sec. 13.144. **DELIVERY OF INITIAL CERTIFICATE TO VOTER.** (a) The registrar shall deliver the original of an initial certificate:

(1) in person to the applicant or the applicant's agent appointed under Section 13.003; or

(2) by mail to the applicant.

(b) If delivery is by mail, the registrar shall send the certificate to the mailing address on the applicant's registration application.

(c) The registrar shall deliver the certificate in time for the applicant to receive it before the effective date of the registration. (V.T.E.C. Art. 5.14a, Subdiv. 2(a).)

Sec. 13.145. **UNLAWFUL DELIVERY OF CERTIFICATE.** (a) A voter registrar commits an offense if the registrar knowingly delivers a registration certificate to a person other than the applicant or the applicant's agent appointed under Section 13.003.

(b) An offense under this section is a felony of the third degree. (V.T.E.C. Art. 5.14a, Subdiv. 2(d).)

### CHAPTER 14. RENEWAL OF REGISTRATION

#### SUBCHAPTER A. ISSUANCE OF RENEWAL CERTIFICATE

Sec. 14.001. **RENEWAL REGISTRATION CERTIFICATE**

Sec. 14.002. **DELIVERY OF RENEWAL CERTIFICATE TO VOTER**

[Sections 14.003-14.020 reserved for expansion]

#### SUBCHAPTER B. RETURN OF RENEWAL CERTIFICATE

Sec. 14.021. **LIST OF RETURNED CERTIFICATES**

Sec. 14.022. **DISPOSITION OF RETURNED CERTIFICATE**

Sec. 14.023. **ERRONEOUS RETURN OF RENEWAL CERTIFICATE**

Sec. 14.024. **AVAILABILITY OF REGISTRAR'S LIST**

Sec. 14.025. **DELIVERY OF LIST TO SECRETARY OF STATE**

Sec. 14.026. **AVAILABILITY OF SECRETARY OF STATE'S LIST**

**Sec. 14.027. UNLAWFUL USE OF INFORMATION ON LISTS OF RETURNED CERTIFICATES**

[Sections 14.028-14.050 reserved for expansion]

**SUBCHAPTER C. VOTING ON AFFIDAVIT OF RESIDENCE****Sec. 14.051. NOTATION ON LIST OF REGISTERED VOTERS****Sec. 14.052. AUTHORIZATION TO VOTE BY AFFIDAVIT****Sec. 14.053. DISPOSITION OF AFFIDAVIT****CHAPTER 14. RENEWAL OF REGISTRATION****SUBCHAPTER A. ISSUANCE OF RENEWAL CERTIFICATE**

**Sec. 14.001. RENEWAL REGISTRATION CERTIFICATE.** (a) During the first 15 days of each even-numbered year, the registrar shall issue a voter registration certificate to each voter in the county whose registration is effective on the preceding December 31.

(b) In this code, "renewal certificate" means a registration certificate issued under this section.

(c) A renewal certificate is valid for two years beginning on March 1 of the year in which it is issued.

(d) At the time the registrar issues an initial certificate for a voter whose registration will be effective after December 31 of an odd-numbered year and before March 1 of the following year, the registrar shall also issue the voter a renewal certificate. (V.T.E.C. Art. 5.14a, Subdivs. 2(b), (c).)

**Sec. 14.002. DELIVERY OF RENEWAL CERTIFICATE TO VOTER.** (a) Except as provided by Subsection (d), the registrar shall deliver a voter's renewal certificate by mail to the mailing address on the voter's registration application.

(b) The certificate, if mailed without an envelope, or the envelope containing the certificate must contain an instruction to the postal authorities not to forward it to any other address and to return it to the registrar if the addressee is no longer at the address to which the certificate was mailed.

(c) The registrar may not mail the certificate in the same envelope with a tax statement.

(d) The registrar shall deliver a renewal certificate issued under Section 14.001(d) with the voter's initial certificate. (V.T.E.C. Art. 5.14a, Subdivs. 2(b), (c).)

[Sections 14.003-14.020 reserved for expansion]

**SUBCHAPTER B. RETURN OF RENEWAL CERTIFICATE**

**Sec. 14.021. LIST OF RETURNED CERTIFICATES.** (a) The registrar shall maintain a list of the renewal certificates mailed to voters and returned undelivered.

(b) The list shall be arranged alphabetically by voter name and for each certificate must contain the voter's name, residence address, date of birth, and registration number. The names shall be grouped according to county election precincts.

(c) The registrar shall retain the list for two years after the last day of each January mailing. (V.T.E.C. Art. 5.14a, Subdiv. 2(b); New.)

**Sec. 14.022. DISPOSITION OF RETURNED CERTIFICATE.** On the return of an undelivered renewal certificate to the registrar, the registrar shall file the certificate with the voter's registration application and enter the appropriate information on the list of returned certificates. (V.T.E.C. Art. 5.14a, Subdiv. 2(b); New.)

**Sec. 14.023. ERRONEOUS RETURN OF RENEWAL CERTIFICATE.** If the registrar determines that a voter's renewal certificate was returned undelivered solely because of postal service error, address reclassification, or the registrar's clerical error, the registrar shall delete the voter's name from the list of returned certificates, make any other appropriate corrections in the registration records, and deliver the certificate to the voter. (V.T.E.C. Art. 5.14a, Subdiv. 2(b); New.)

**Sec. 14.024. AVAILABILITY OF REGISTRAR'S LIST.** (a) The registrar shall furnish a copy of the list of returned certificates to any person requesting it or shall furnish that portion of the list requested.

(b) The fee for each list or portion of a list furnished under this section may not exceed the actual expense incurred in reproducing the list or portion for the person requesting it and shall be uniform for each type of copy furnished. The registrar shall make reasonable efforts to minimize the reproduction expenses.



**CHAPTER 15. GENERAL ADMINISTRATION OF REGISTRATION****SUBCHAPTER A. FORM AND CONTENTS OF REGISTRATION  
CERTIFICATE; REPLACEMENT OF CERTIFICATE**

- Sec. 15.001. REQUIRED CONTENTS
- Sec. 15.002. OPTIONAL CONTENTS
- Sec. 15.003. SIGNING CERTIFICATE BY VOTER
- Sec. 15.004. REPLACEMENT CERTIFICATE

[Sections 15.005-15.020 reserved for expansion]

**SUBCHAPTER B. CORRECTION OF REGISTRATION INFORMATION**

- Sec. 15.021. NOTICE OF CHANGE IN REGISTRATION INFORMATION BY VOTER
- Seq. 15.022. CORRECTION OF REGISTRATION RECORDS
- Sec. 15.023. TIME FOR CERTAIN DELETIONS FROM LIST OF RETURNED CERTIFICATES
- Sec. 15.024. CORRECTED REGISTRATION CERTIFICATE
- Sec. 15.025. EFFECTIVE DATE OF REGISTRATION IN PRECINCT OF NEW RESIDENCE
- Sec. 15.026. EFFECTIVE DATE OF REGISTRATION UNDER NEW NAME
- Sec. 15.027. NOTICE TO VOTER OF PRECINCT BOUNDARY CHANGE
- Sec. 15.028. NOTICE OF UNLAWFUL VOTING TO PROSECUTOR

[Sections 15.029-15.050 reserved for expansion]

**SUBCHAPTER C. CERTIFICATE FILES**

- Sec. 15.051. ACTIVE CERTIFICATE FILE
- Sec. 15.052. INACTIVE CERTIFICATE FILE
- Sec. 15.053. MAINTENANCE OF FILES AS ELECTRONIC DATA-PROCESSING INFORMATION
- Sec. 15.054. PLACE FOR KEEPING FILES; SECURITY

**CHAPTER 15. GENERAL ADMINISTRATION OF REGISTRATION****SUBCHAPTER A. FORM AND CONTENTS OF REGISTRATION  
CERTIFICATE; REPLACEMENT OF CERTIFICATE**

Sec. 15.001. REQUIRED CONTENTS. (a) Each voter registration certificate issued must contain:

- (1) the voter's name;
- (2) the voter's residence address or, if the residence has no address, the address at which the voter receives mail;
- (3) the month, day, and year of the voter's birth and the voter's sex;
- (4) the number of the county election precinct in which the voter resides;
- (5) the voter's effective date of registration if an initial certificate;
- (6) the voter's registration number;
- (7) an indication of the period for which the certificate is issued;
- (8) a statement that the voter will receive a new certificate every two years as long as the voter's registration is not canceled;
- (9) a space for stamping the voter's political party affiliation;
- (10) a statement that voting with the certificate by a person other than the person in whose name the certificate is issued is a felony;
- (11) a space for the voter's signature;
- (12) a statement that the voter must sign the certificate personally, if able to sign, immediately on receipt;
- (13) a space for the voter to correct the information on the certificate followed by a signature line;

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

(15) the registrar's mailing address and telephone number.

(b) A certificate may not contain:

(1) the voter's telephone number;

(2) the voter's social security number; or

(3) except as provided by Section 15.002, any other information not specified by Subsection (a). (V.T.E.C. Art. 5.14a, Subdivs. 2(b), 3(a), 3(b); New.)

Sec. 15.002. **OPTIONAL CONTENTS.** (a) A voter registration certificate may contain an explanation of the voter's rights or duties under this code, including:

(1) the procedure by which the voter will receive a renewal certificate;

(2) the necessity of notifying the registrar if the voter changes residence;

(3) the necessity of applying for a new registration if the voter changes residence to another county;

(4) the period during which the voter may vote a limited ballot after changing residence to another county;

(5) the procedure for voting without a certificate; and

(6) the procedure for obtaining a replacement for a lost or destroyed certificate.

(b) An explanation authorized by Subsection (a) may appear on a separate sheet accompanying the certificate when it is delivered. (V.T.E.C. Art. 5.14a, Subdiv. 3(b).)

Sec. 15.003. **SIGNING CERTIFICATE BY VOTER.** (a) On receipt of a voter registration certificate issued under this title, the person to whom the certificate is issued must personally sign it in the appropriate space.

(b) This section does not apply to a person who cannot sign the certificate because of a physical disability or illiteracy. (V.T.E.C. Art. 5.14a, Subdiv. 3(a).)

Sec. 15.004. **REPLACEMENT CERTIFICATE.** (a) A voter whose registration certificate is lost or destroyed may obtain a replacement certificate by delivering a written, signed notice of the loss or destruction to the registrar.

(b) On receipt of the notice, the registrar shall deliver to the voter a replacement certificate containing:

(1) the registration number and other information on the lost or destroyed certificate; and

(2) a notation that the certificate is a replacement.

(c) The registrar shall retain the notice on file with the voter's registration application. (V.T.E.C. Art. 5.16a, Subdiv. 6.)

[Sections 15.005-15.020 reserved for expansion]

#### **SUBCHAPTER B. CORRECTION OF REGISTRATION INFORMATION**

Sec. 15.021. **NOTICE OF CHANGE IN REGISTRATION INFORMATION BY VOTER.** (a) If a voter discovers incorrect information on the voter's registration certificate or if any of the information becomes incorrect because of a change in circumstances, the voter shall promptly deliver to the registrar a written, signed notice of the incorrect information and the corresponding correction.

(b) The voter shall use the registration certificate as the notice, indicating the correct information in the appropriate space on the certificate unless the voter does not have possession of the certificate at the time of giving the notice.

(c) The registrar shall retain the notice on file with the voter's registration application. If the correction is a change of the voter's name, the registrar shall file the application under the new name. (V.T.E.C. Art. 5.16a, Subdiv. 1; Art. 5.18a, Subdivs. 1, 2; Art. 5.18d, Subdiv. 1.)

Sec. 15.022. **CORRECTION OF REGISTRATION RECORDS.** (a) The registrar shall make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the list of returned certificates:

(1) after receipt of a notice of a change in registration information under Section 15.021;

(2) after receipt of a voter's reply to a notice of investigation given under Section 16.033;

(3) after receipt of a registration omissions list following an election;

(4) after receipt of a voter's affidavit of residence executed under Section 14.052;

(5) before the effective date of the abolishment of a county election precinct or a change in its boundary; or

(6) after receipt of United States Postal Service information indicating an address reclassification.

(b) At least monthly, the registrar shall request from the United States Postal Service any available information indicating address reclassifications affecting the registered voters of the county. (V.T.E.C. Art. 5.16a, Subdivs. 1, 5; Art. 5.16b; Art. 5.18a, Subdivs. 1, 2, 5; Art. 5.18d, Subdiv. 1; New.)

**Sec. 15.023. TIME FOR CERTAIN DELETIONS FROM LIST OF RETURNED CERTIFICATES.** If the name of a voter whose residence is changed on the registration records to another county election precinct in the same county appears on the list of returned certificates, the voter's name shall be deleted from the list on the date the voter's registration in the precinct of new residence becomes effective. (V.T.E.C. Art. 5.18a, Subdiv. 2.)

**Sec. 15.024. CORRECTED REGISTRATION CERTIFICATE.** (a) Except as provided by Subsection (b), after correcting the registration records with respect to a voter, if necessary, the registrar shall promptly issue the voter a registration certificate containing the appropriate corrections and deliver it to the voter.

(b) A corrected certificate is not required for a correction to the registration records under Section 15.022(a)(5). (V.T.E.C. Art. 5.16a, Subdivs. 1, 5; Art. 5.16b; Art. 5.18a, Subdivs. 1, 2, 5; Art. 5.18d, Subdiv. 1.)

**Sec. 15.025. EFFECTIVE DATE OF REGISTRATION IN PRECINCT OF NEW RESIDENCE.** The registration of a voter whose residence is changed on the registration records to another county election precinct in the same county becomes effective in the precinct of new residence on the 30th day after:

(1) the date the registrar receives a notice of a change in registration information under Section 15.021 or a voter's reply to a notice of investigation given under Section 16.033, as applicable, indicating the change of residence; or

(2) the date the voter submits an affidavit indicating the change of residence to an election officer under Section 14.052. (V.T.E.C. Art. 5.18a, Subdiv. 2; New.)

**Sec. 15.026. EFFECTIVE DATE OF REGISTRATION UNDER NEW NAME.** The registration of a voter whose name is changed on the registration records becomes effective under the new name on the 30th day after the date the registrar receives notice of the change of name. (V.T.E.C. Art. 5.18d, Subdiv. 2.)

**Sec. 15.027. NOTICE TO VOTER OF PRECINCT BOUNDARY CHANGE.** (a) Before the effective date of the abolishment of a county election precinct or a change in its boundary, the registrar shall deliver written notice of that action to each affected registered voter.

(b) If the voter is not issued a corrected registration certificate, the notice shall inform the voter of the new precinct number and direct the voter to correct the precinct number on his registration certificate and to retain the certificate for continued use. (V.T.E.C. Art. 5.16b.)

**Sec. 15.028. NOTICE OF UNLAWFUL VOTING TO PROSECUTOR.** If the registrar determines that a person who is not a registered voter voted in an election, the registrar shall notify the appropriate prosecuting attorney of that fact. (V.T.E.C. Art. 5.16a, Subdiv. 5.)

[Sections 15.029-15.050 reserved for expansion]

#### SUBCHAPTER C. CERTIFICATE FILES

**Sec. 15.051. ACTIVE CERTIFICATE FILE.** (a) The registrar shall maintain a file containing the duplicate initial registration certificates of voters whose registrations are effective.

(b) The registrar shall maintain the file in numerical order by registration number on a countywide basis.

(c) Each certificate shall be retained on file during the time the registration is effective. (V.T.E.C. Art. 5.15a, Subdiv. 2(a).)

**Sec. 15.052. INACTIVE CERTIFICATE FILE.** (a) The registrar shall maintain a file containing the duplicate initial registration certificates of voters whose registrations have been canceled.

(b) The registrar shall maintain the file in numerical order by registration number on a countywide basis for each voting year.

(c) Each certificate shall be retained on file for two years after the date of cancellation. (V.T.E.C. Art. 5.15a, Subdiv. 2(b).)

**Sec. 15.053. MAINTENANCE OF FILES AS ELECTRONIC DATA-PROCESSING INFORMATION.** The registrar may maintain the active or inactive certificate file as information stored in a form suitable for use with electronic data-processing equipment. After the appropriate information is stored, the registrar may destroy or otherwise dispose of a duplicate certificate. (V.T.E.C. Art. 5.15a, Subdiv. 2(c).)

**Sec. 15.054. PLACE FOR KEEPING FILES; SECURITY.** (a) The registration certificate files maintained under this subchapter shall be kept in the registrar's office at all times in a place and manner ensuring their security.

# TAB 4

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1995 Tex. Sess. Law Serv. Ch. 797 (H.B. 127) (VERNON'S)

VERNON'S TEXAS SESSION LAW SERVICE 1995

Seventy-Fourth Legislature, 1995 Regular Session

Additions are indicated by <<+ Text +>>; deletions by <<- Text ->>

Changes in tables are made but not highlighted.

CHAPTER 797

H.B. No. 127

ELECTIONS—NATIONAL VOTER REGISTRATION ACT—IMPLEMENTATION

AN ACT relating to implementation of the National Voter Registration Act of 1993 and to related election processes and procedures; providing criminal penalties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 11.004, Election Code, is amended to read as follows:

<< TX ELECTION § 11.004 >>

Sec. 11.004. VOTING IN PRECINCT OF FORMER RESIDENCE. <<-(a)->> A registered voter who changes residence to another election precinct in the same county, if otherwise eligible, may vote a full ballot in the election precinct of former residence <<-for one year after the date of the change of residence or->> until the voter's registration becomes effective in the new precinct<<-, whichever is earlier,->> if the voter <<+satisfies the residence requirements prescribed by Section 63.0011 and submits a statement of residence in accordance with that section+>> <<-resides in the county in which the voter is registered and, if applicable:->>

<<-(1) resides in the political subdivision served by the authority ordering the election if the political subdivision is other than the county; or->>

<<-(2) resides in the territory covered by the election in a less-than-countywide election ordered by the governor or a county authority.->>

<<-(b) Before being accepted to vote, the voter must execute and submit to an election officer at the polling place a statement including:->>

<<-(1) a statement that the voter complies with the applicable residence requirements prescribed by Subsection (a);->>

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

<<-(3) the month, day, and year of the voter's birth; and->>

<<-(4) the date the statement is submitted to the election officer.->>

<<-(c) The voter registrar shall provide to the general custodian of election records a suitable number of statements of residence for use in each applicable election.->>

<<-(d) The voter registrar shall retain each statement of residence on file with the voter's registration application->>.

SECTION 2. Sections 13.002(c) and (d), Election Code, are amended to read as follows:

<< TX ELECTION § 13.002 >>

(c) A registration application must include:

(1) the applicant's <<-name as follows:->>

<<-(A)->> first name, middle name, if any, <<+last name,+>> and <<+former name, if any+>> <<-surname; or->>

<<-(B) first name, maiden name, and husband's surname if the applicant is a married woman using the husband's surname->>;  
 (2) <<-the applicant's sex;->>  
 <<-(3)->> the month, day, and year of the applicant's birth;  
 <<+(3)+>> <<-(4)->> a statement that the applicant is a United States citizen;  
 <<+(4)+>> <<-(5) if the applicant is a naturalized citizen, the location of the court of naturalization;->>  
 <<-(6)->> a statement that the applicant is a resident of the county;  
 <<+(5) a statement that the applicant has not been determined mentally incompetent by a final judgment of a court;+>>  
 <<+(6)+>> <<-(7)->> 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)+>> <<-(8) if the applicant is currently registered in another county, the name of that county and the applicant's residence address on the registration certificate for that county;->>  
 <<-(9)->> 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)+>> <<-(10)->> if the application is made by an agent, a statement of the agent's relationship to the applicant; and  
 <<+(9)+>> <<-(11)->> the city <<+and+>> <<-or->> county <<- and state, or foreign country,->> in which the applicant <<+formerly resided+>> <<-was born->>.  
 (d) The omission of the applicant's middle or <<+former+>> <<- maiden->> name under Subsection (c)(1) or the applicant's zip code under Subsection (c)<<+(7)+>><<-(8) or (9)->> does not affect the validity of a registration application, and the registrar may not reject the application because of that omission.

SECTION 3. Section 13.007, Election Code, is amended by adding Subsection (c) to read as follows:

<< TX ELECTION § 13.007 >>

<<+(c) For purposes of this code, an offense under this section is considered to be perjury, but may be prosecuted only under this section.+>>

SECTION 4. Sections 13.046(d) and (f), Election Code, are amended to read as follows:

<< TX ELECTION § 13.046 >>

(d) <<+At least twice+>> <<-During the final month of->> each school <<+year+>> <<-semester->>, a high school deputy registrar shall distribute an officially prescribed registration application form to each student who is or will be 18 years of age or older during that <<+year, subject to rules prescribed by the secretary of state+>> <<-semester->>.

(f) Except as provided by this subsection, Sections 13.039, <<-13.040,->> 13.041, and 13.042 apply to the submission and delivery of registration applications under this section, and for that purpose, "volunteer deputy registrar" in those sections includes a high school deputy registrar. A high school deputy registrar may review an application for completeness out of the applicant's presence. A deputy may deliver a group of applications to the registrar by mail in an envelope or package, and, for the purpose of determining compliance with the delivery deadline, an application delivered by mail is considered to be delivered at the time of its receipt by the registrar.

SECTION 5. Subchapter D, Chapter 13, Election Code, is amended by adding Section 13.104 to read as follows:

<< TX ELECTION § 13.104 >>

<<+Sec. 13.104. OPTIONAL STORAGE METHOD. (a) Instead of keeping the original registration applications and supporting documentation as required by this title, the registrar may record the applications and documentation on an optical disk or other computer storage medium approved by the secretary of state.+>>

<<+(b) The storage medium must allow for the creation of a copy of an application or supporting documentation.+>>

<<+(c) The secretary of state shall prescribe any procedures necessary to implement this section.+>>

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

<< TX ELECTION § 13.122 >>

(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: “<<-Applicant is a United States citizen and a resident of the county and has not been finally convicted of a felony or is a felon eligible for registration under Section 13.001, Election Code.->> I understand that giving false information to procure a voter registration is <<+perjury and a crime under state and federal law+>> <<-a misdemeanor->>.”;

(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; <<-and->>

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

<<+(7)+>> a statement indicating that the furnishing of the applicant's driver's license number, personal identification card number, telephone number, <<-and->> social security number<<+, and sex+>> is optional<<+;+>>

<<+(8) 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;+>>

<<+(9) 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; and+>>

<<+(10) any other voter registration information required by federal law or considered appropriate and required by the secretary of state+>>.

SECTION 7. Subchapter F, Chapter 13, Election Code, is amended by adding Section 13.146 to read as follows:

<< TX ELECTION § 13.146 >>

<<+Sec. 13.146. CONFIRMATION NOTICE ON RETURN OF INITIAL CERTIFICATE. (a) If an initial certificate delivered to the applicant by mail is returned to the registrar undelivered, the registrar shall promptly deliver to the applicant a confirmation notice in accordance with Section 15.051.+>>

<<+(b) If the applicant fails to deliver a response to the registrar in accordance with Section 15.053, the registrar shall enter the applicant's name on the suspense list.+>>

SECTION 8. Section 14.001(a), Election Code, is amended to read as follows:

<< TX ELECTION § 14.001 >>

(a) On or after November 15 but before December 6 of each odd-numbered year, the registrar shall issue a voter registration certificate to each voter in the county whose registration is effective on the preceding November 14 <<+and whose name does not appear on the suspense list+>>.

SECTION 9. Sections 14.021, 14.022, and 14.023, Election Code, are amended to read as follows:

<< TX ELECTION § 14.021 >>

Sec. 14.021. <<-LIST OF RETURNED CERTIFICATES. (a) The registrar shall maintain a list of the renewal certificates mailed to voters and returned undelivered.->>

<<-(b) The list shall be arranged alphabetically by voter name and for each certificate must contain the voter's name, residence address, date of birth, and registration number. The names shall be grouped according to county election precincts.->>

<<-(c) The registrar shall retain the list for two years after the last day of each mailing of renewal certificates.->>

<<-Sec. 14.022.->> DISPOSITION OF RETURNED <<+RENEWAL+>> CERTIFICATE. On the return <<+to the registrar +>> of an undelivered renewal certificate <<+that was mailed to a voter+>> <<-to the registrar->>, the registrar shall file the certificate with the voter's registration application and<<+, not later than January 2 following the mailing of certificates,+>> enter the <<+voter's name+>> <<-appropriate information->> on the <<+suspense+>> list <<-of returned certificates->>.

<< TX ELECTION § 14.022 >>



Sec. <<+14.022+>> <<-14.023->>. ERRONEOUS RETURN OF RENEWAL CERTIFICATE. If the registrar determines that a voter's renewal certificate was returned undelivered solely because of postal service error, address reclassification, or the registrar's clerical error, the registrar shall delete the voter's name from the <<+suspense+>> list <<-of returned certificates->>, make any other appropriate corrections in the registration records, and deliver the certificate to the voter.

<< TX ELECTION § 14.023 >>

<<+Sec. 14.023. CONFIRMATION NOTICE AFTER RETURN OF RENEWAL CERTIFICATE. (a) After January 1 but not later than March 1 of each even-numbered year, the registrar shall deliver a confirmation notice in accordance with Section 15.051 to each voter whose name appears on the suspense list under this subchapter.+>>

<<+(b) If the voter fails to deliver a response to the registrar in accordance with Section 15.053, the voter's name remains on the suspense list.+>>

SECTION 10. Section 15.001(a), Election Code, is amended to read as follows:

<< TX ELECTION § 15.001 >>

(a) Each voter registration certificate issued must contain:

- (1) the voter's name;
- (2) the voter's residence address or, if the residence has no address, the address at which the voter receives mail and a concise description of the location of the voter's residence;
- (3) the month, day, and year of the voter's birth <<-and the voter's sex->>;
- (4) the number of the county election precinct in which the voter resides;
- (5) the voter's effective date of registration if an initial certificate;
- (6) the voter's registration number;
- (7) an indication of the period for which the certificate is issued;
- (8) a statement <<+explaining the circumstances under which+>> <<- that->> the voter will receive a new certificate <<- every two years as long as the voter's registration is not canceled->>;
- (9) a space for stamping the voter's political party affiliation;
- (10) a statement that voting with the certificate by a person other than the person in whose name the certificate is issued is a felony;
- (11) a space for the voter's signature;
- (12) a statement that the voter must sign the certificate personally, if able to sign, immediately on receipt;
- (13) a space for the voter to correct the information on the certificate followed by a signature line;
- (14) the statement: "If any information on this certificate changes or is incorrect, correct the information in the space provided, sign below, and return this certificate to the voter registrar."; and
- (15) the registrar's mailing address and telephone number.

SECTION 11. Section 15.002, Election Code, is amended by adding Subsection (d) to read as follows:

<< TX ELECTION § 15.002 >>

<<+(d) A voter registration certificate may contain the voter's sex.+>>

SECTION 12. Section 15.022(a), Election Code, is amended to read as follows:

<< TX ELECTION § 15.022 >>

(a) The registrar shall make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the <<+ suspense+>> list <<-of returned certificates->>:

- (1) after receipt of a notice of a change in registration information under Section 15.021;
- (2) after receipt of a voter's reply to a notice of investigation given under Section 16.033;
- (3) after receipt of a registration omissions list and any affidavits executed under Section 63.007, following an election;



- (4) after receipt of a voter's statement <<-or affidavit->> of residence executed under Section <<+63.0011+>> <<-11.004 or 14.052->>;
- (5) before the effective date of the abolishment of a county election precinct or a change in its boundary; <<-or->>
- (6) after receipt of United States Postal Service information indicating an address reclassification<<+;+>>
- <<+(7) after receipt of a voter's response under Section 15.053; or+>>
- <<+(8) after receipt of a registration application or change of address under Chapter 20+>>.

SECTION 13. Section 15.023, Election Code, is amended to read as follows:

<< TX ELECTION § 15.023 >>

Sec. 15.023. TIME FOR CERTAIN DELETIONS FROM <<+SUSPENSE+>> LIST <<-OF RETURNED CERTIFICATES->>. If the name of a voter whose residence is changed on the registration records to another county election precinct in the same county appears on the <<+suspense+>> list <<-of returned certificates->>, the voter's name shall be deleted from the list on the date the voter's registration in the precinct of new residence becomes effective.

SECTION 14. Section 15.025, Election Code, is amended to read as follows:

<< TX ELECTION § 15.025 >>

Sec. 15.025. EFFECTIVE DATE OF REGISTRATION IN PRECINCT OF NEW RESIDENCE. The registration of a voter whose residence is changed on the registration records to another county election precinct in the same county becomes effective in the precinct of new residence on the 30th day after:

- (1) the date the registrar receives a notice of a change in registration information under Section 15.021 or a voter's <<+response+>> <<-reply to a notice of investigation given->> under Section <<+15.053+>> <<- 16.033, as applicable->>, indicating the change of residence; or
- (2) the date the voter submits a statement <<-or an affidavit indicating the change->> 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 of residence+>> <<-11.004 or 14.052->>.

SECTION 15. Chapter 15, Election Code, is amended by redesignating Subchapter C as Subchapter F and adding Subchapters C–E to read as follows:

<<+SUBCHAPTER C. CONFIRMATION OF RESIDENCE+>>

<< TX ELECTION § 15.051 >>

<<+Sec. 15.051. CONFIRMATION NOTICE. (a) If the registrar has reason to believe that a voter's current residence is different from that indicated on the registration records, the registrar shall deliver to the voter a written confirmation notice requesting confirmation of the voter's current residence.+>>

<<+(b) The registrar shall include an official confirmation notice response form with each confirmation notice delivered to a voter.+>>

<<+(c) The confirmation notice shall be delivered by forwardable mail to the voter's last known address.+>>

<<+(d) The registrar shall maintain a list of the confirmation notices mailed to voters, which for each notice must include the voter's name and the date the notice is mailed. The registrar shall maintain and retain the list in accordance with rules prescribed by the secretary of state.+>>

<< TX ELECTION § 15.052 >>

<<+Sec. 15.052. OFFICIAL CONFIRMATION NOTICE AND CONFIRMATION NOTICE RESPONSE FORMS. (a) The officially prescribed form for a confirmation notice must include:+>>

<<+(1) a statement that, if the voter fails to deliver to the registrar a written, signed response confirming the voter's current residence on or before the 30th day after the date the confirmation notice is mailed:+>>

<<+(A) the voter is subject to submission of a statement of residence before the voter may be accepted for voting in an election held after that deadline; or+>>

<<+(B) for a notice delivered under Section 14.023, the voter will remain subject to submission of a statement of residence before the voter may be accepted for voting in an election; and+>>

<<+(2) a warning that the voter's registration is subject to cancellation if the voter fails to confirm the voter's current residence either by notifying the registrar in writing or voting on a statement of residence before November 30 following the second general election for state and county officers that occurs after the date the confirmation notice is mailed.+>>

<<+(b) The official confirmation notice response form must be postage prepaid and preaddressed for delivery to the registrar.+>>

<<+(c) The registrar may prescribe a different design from that prescribed by the secretary of state for an official form, if approved by the secretary.+>>

#### << TX ELECTION § 15.053 >>

<<+Sec. 15.053. RESPONSE TO CONFIRMATION NOTICE. (a) Not later than the 30th day after the date a confirmation notice is mailed, the voter shall deliver to the registrar a written, signed response to the notice that confirms the voter's current residence.+>>

<<+(b) The voter shall use an official confirmation notice response form for the response unless the voter does not have possession of the official form at the time of making the response.+>>

<<+(c) The registrar shall retain the response on file with the voter's registration application.+>>

<<+[Sections 15.054–15.080 reserved for expansion]+>>

#### <<+SUBCHAPTER D. SUSPENSE LIST+>>

#### << TX ELECTION § 15.081 >>

<<+Sec. 15.081. SUSPENSE LIST. (a) The registrar shall maintain a suspense list containing the name of each voter who fails to deliver a response to the registrar in accordance with Section 15.053 or whose renewal certificate is returned to the registrar in accordance with Subchapter B, Chapter 14.+>>

<<+(b) The list shall be arranged alphabetically by voter name and for each voter must contain the voter's name, residence address, date of birth, registration number, and date the name is entered on the list. The names shall be grouped according to county election precincts.+>>

<<+(c) The secretary of state may prescribe an alternative form or procedure for maintaining the list.+>>

#### << TX ELECTION § 15.082 >>

<<+Sec. 15.082. AVAILABILITY OF REGISTRAR'S LIST. (a) The registrar shall furnish a copy of the suspense list to any person requesting it or shall furnish that portion of the list requested.+>>

<<+(b) The fee for each list or portion of a list furnished under this section may not exceed the actual expense incurred in reproducing the list or portion for the person requesting it and shall be uniform for each type of copy furnished. The registrar shall make reasonable efforts to minimize the reproduction expenses.+>>

<<+(c) If the list is recorded on magnetic tape, the copy shall be furnished in the form of a tape or a printout, as requested.+>>

<<+(d) The registrar shall use fees collected under this section to defray expenses incurred in the preparation of the copy.+>>

#### << TX ELECTION § 15.083 >>

<<+Sec. 15.083. DELIVERY OF LIST TO SECRETARY OF STATE. (a) The secretary of state may require the registrar to deliver a copy of the suspense list to the secretary in the form prescribed by the secretary.+>>

<<+(b) The registrar shall deliver the list within the period prescribed by the secretary of state.+>>

#### << TX ELECTION § 15.084 >>

<<+Sec. 15.084. AVAILABILITY OF SECRETARY OF STATE'S LIST. (a) The secretary of state shall furnish a copy of a suspense list delivered under Section 15.083 to any person requesting it or shall furnish that portion of the list requested.+>>

<<+(b) The fee for each list or portion of a list furnished under this section may not exceed the actual expense incurred in reproducing the list or portion for the person requesting it and shall be uniform for each type of copy furnished.+>>

<<+(c) The copy shall be furnished in the form in which the list is stored or, if practicable, in any other form requested.+>>

<<+(d) The secretary of state shall use fees collected under this section to defray expenses incurred in the preparation of the copy.+>>

#### << TX ELECTION § 15.085 >>

<<+Sec. 15.085. UNLAWFUL USE OF INFORMATION ON SUSPENSE LISTS. (a) A person commits an offense if the person uses information in connection with advertising or promoting commercial products or services that the person knows was obtained under Section 15.082 or 15.084.+>>

<<+(b) An offense under this section is a Class A misdemeanor.+>>

<<+[Sections 15.086–15.110 reserved for expansion]+>>

### <<+SUBCHAPTER E. VOTING ON STATEMENT OF RESIDENCE+>>

#### << TX ELECTION § 15.111 >>

<<+Sec. 15.111. NOTATION ON LIST OF REGISTERED VOTERS. (a) The registrar shall enter the notation “S”, or a similar notation approved by the secretary of state, on the list of registered voters beside each voter's name that also appears on the suspense list.+>>

<<+(b) The registrar shall delete the notation from the list if the voter's name is deleted from the suspense list.+>>

#### << TX ELECTION § 15.112 >>

<<+Sec. 15.112. AUTHORIZATION TO VOTE ON STATEMENT. In an election held on or after the date the voter's name is entered on the suspense list and before November 30 following the second general election for state and county officers that occurs after the beginning of the period, a voter whose name appears on a precinct list of registered voters with the notation “S”, or a similar notation, may vote in the election precinct in which the list is used if the voter satisfies the residence requirements prescribed by Section 63.0011 and submits a statement of residence in accordance with that section.+>>

<<+[Sections 15.113–15.140 reserved for expansion]+>>

### SUBCHAPTER <<+F+>> <<-C->>. CERTIFICATE FILES

#### << TX ELECTION § 15.051 >>

#### << TX ELECTION § 15.141 >>

Sec. <<+15.141+>> <<-15.051->>. ACTIVE CERTIFICATE FILE. (a) The registrar shall maintain a file containing the duplicate initial registration certificates of voters whose registrations are effective.

(b) The registrar shall maintain the file in numerical order by registration number on a countywide basis.

(c) Each certificate shall be retained on file during the time the registration is effective.

#### << TX ELECTION § 15.052 >>

#### << TX ELECTION § 15.142 >>

Sec. <<+15.142+>> <<-15.052->>. INACTIVE CERTIFICATE FILE. (a) The registrar shall maintain a file containing the duplicate initial registration certificates of voters whose registrations have been canceled.

(b) The registrar shall maintain the file in numerical order by registration number on a countywide basis for each voting year.

(c) Each certificate shall be retained on file for two years after the date of cancellation.

&lt;&lt; TX ELECTION § 15.053 &gt;&gt;

&lt;&lt; TX ELECTION § 15.143 &gt;&gt;

Sec. <<+15.143+>> <<-15.053->>. MAINTENANCE OF FILES AS ELECTRONIC DATA-PROCESSING INFORMATION. The registrar may maintain the active or inactive certificate file as information stored in a form suitable for use with electronic data-processing equipment. After the appropriate information is stored, the registrar may destroy or otherwise dispose of a duplicate certificate.

&lt;&lt; TX ELECTION § 15.054 &gt;&gt;

&lt;&lt; TX ELECTION § 15.144 &gt;&gt;

Sec. <<+15.144+>> <<-15.054->>. PLACE FOR KEEPING FILES; SECURITY. (a) The registration certificate files maintained under this subchapter shall be kept in the registrar's office at all times in a place and manner ensuring their security.

(b) Certificates may be removed from the registrar's office temporarily, in a manner ensuring their security, for use in preparing registration certificates, lists of registered voters, and other registration documents by electronic data-processing methods.

SECTION 16. Section 16.031(a), Election Code, is amended to read as follows:

&lt;&lt; TX ELECTION § 16.031 &gt;&gt;

(a) The registrar shall cancel a voter's registration immediately on receipt of:

(1) notice under Section 13.072(b) or 15.021 <<+or a response under Section 15.053+>> that the voter's residence is outside the county;

(2) an abstract of the voter's death certificate under Section 16.001(a) or an abstract of an application indicating that the voter is deceased under Section 16.001(b);

(3) an abstract of a final judgment of the voter's mental incompetence, conviction of a felony, or disqualification under Section 16.002, 16.003, or 16.004;

(4) notice under Section 112.012 that the voter has applied for a limited ballot in another county; or

(5) notice from a voter registration official in another state that the voter has registered to vote outside this state.

SECTION 17. Section 16.032, Election Code, is amended to read as follows:

&lt;&lt; TX ELECTION § 16.032 &gt;&gt;

Sec. 16.032. CANCELLATION FOLLOWING <<+END OF SUSPENSE LIST PERIOD+>> <<-RETURN OF RENEWAL CERTIFICATE->>. If on <<+November 30 following the second general election for state and county officers that occurs after the date the voter's name is entered on the suspense list+>> <<- August 16 of an even-numbered year->> a registered voter's name appears on the <<+suspense+>> list <<-of returned certificates->>, the registrar shall cancel the voter's registration unless the name is to be deleted from the list under Section 15.023.

SECTION 18. Sections 16.033(a), (b), (c), and (e), Election Code, are amended to read as follows:

&lt;&lt; TX ELECTION § 16.033 &gt;&gt;

(a) The registrar may use any lawful means to investigate whether a registered <<-voter's current residence is different from the residence indicated on the registration records or whether a->> voter is currently eligible for registration in the county. <<+This section does not authorize an investigation of eligibility that is based solely on residence.+>>

(b) If the registrar has reason to believe that a <<-voter's current residence is different from that indicated on the registration records or that the->> voter is no longer eligible for registration, the registrar shall deliver written notice to the voter indicating that the voter's registration status is being investigated by the registrar. The notice shall be delivered by forwardable mail to the mailing address on the voter's registration application and to any new address of the voter known to the registrar.

(c) The notice must include:

- (1) a request for <<-verification of the voter's current residence or a request for other->> information relevant to determining the voter's eligibility for registration; and
- (2) a warning that the voter's registration is subject to cancellation if the registrar does not receive an appropriate reply on or before the 60th day after the date the notice is mailed.
- (e) A voter's registration may not be canceled under Subsection (d) if the voter's name appears on the <<+suspense+>> list <<-of returned certificates->> unless the notice mailed to the voter indicated that the registrar had reason to believe that the voter is not eligible for registration because of a <<+ground other than a ground based on+>> <<-change of->> residence <<-to a place outside the county or for some other reason->>.

SECTION 19. Subchapter B, Chapter 16, Election Code, is amended by adding Section 16.0331 to read as follows:

<< TX ELECTION § 16.0331 >>

- <<+Sec. 16.0331. CANCELLATION ON REQUEST BY VOTER. (a) A voter desiring to cancel the voter's registration must submit to the registrar a written, signed request for the cancellation. A request may not be submitted by an agent.+>>
- <<+(b) The registrar shall cancel a voter's registration immediately on receipt of a request under Subsection (a).+>>
- <<+(c) The registrar shall retain the request on file with the voter's registration application.+>>

SECTION 20. Section 16.036(a), Election Code, is amended to read as follows:

<< TX ELECTION § 16.036 >>

- (a) Immediately after cancellation of a voter's registration under Section 16.031(a)(3)<<+,+>> <<-or->> 16.033, <<+or 16.0331,+>> the registrar shall deliver written notice of the cancellation to the voter.

SECTION 21. Section 16.037(b), Election Code, is amended to read as follows:

<< TX ELECTION § 16.037 >>

- (b) If, after canceling a voter's registration under Section 16.032, the registrar receives <<+a statement+>> <<-an affidavit->> of residence executed by the voter under Section <<+63.0011+>> <<-14.052->> at an election held before the date the voter's registration was required to be canceled, the registrar shall reinstate the registration.

SECTION 22. Section 16.091, Election Code, is amended to read as follows:

<< TX ELECTION § 16.091 >>

- Sec. 16.091. RIGHT TO CHALLENGE REGISTRATION. <<+Except as otherwise provided by this subchapter, a+>> <<-A->> registered voter may challenge the registration of another voter of the same county at a hearing before the registrar.

SECTION 23. Subchapter D, Chapter 16, Election Code, is amended by adding Section 16.0921 to read as follows:

<< TX ELECTION § 16.0921 >>

- <<+Sec. 16.0921. CONFIRMATION NOTICE ON CHALLENGE BASED ON RESIDENCE. (a) On the filing of a sworn statement under Section 16.092 alleging a ground based on residence, the registrar shall promptly deliver to the voter whose registration is challenged a confirmation notice in accordance with Section 15.051.+>>

- <<+(b) If the voter fails to deliver a response to the registrar in accordance with Section 15.053, the registrar shall enter the voter's name on the suspense list.+>>

SECTION 24. Section 16.093(a), Election Code, is amended to read as follows:

<< TX ELECTION § 16.093 >>

- (a) On the filing of a sworn statement under Section 16.092 <<+alleging a ground other than residence+>>, the registrar shall schedule a hearing on the challenge. <<+The hearing procedure does not apply to an allegation of a ground based on residence.+>>

SECTION 25. Section 18.005(a), Election Code, is amended to read as follows:

## &lt;&lt; TX ELECTION § 18.005 &gt;&gt;

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

- (1) contain the voter's name, residence address, <<-sex,->> date of birth, and registration number; <<-and->>
- (2) be arranged alphabetically by voter name<<+; and+>>
- <<+(3) contain the notation required by Section 15.111+>>.

SECTION 26. Section 18.008(a), Election Code, is amended to read as follows:

## &lt;&lt; TX ELECTION § 18.008 &gt;&gt;

(a) The registrar shall furnish a copy of any list prepared under this subchapter to any person requesting it. <<+The copy shall be furnished without the names of voters whose names appear on a list with the notation "S", or a similar notation, if requested in that form.+>>

SECTION 27. Section 18.041, Election Code, is amended to read as follows:

## &lt;&lt; TX ELECTION § 18.041 &gt;&gt;

Sec. 18.041. ANNUAL REGISTRATION STATEMENT. (a) Each voting year, the registrar shall prepare a written statement of the number of persons <<+whose voter registrations in the county and+>> in each county election precinct <<-whose voter registrations->> will be effective on January 1.

(b) <<+The secretary of state shall prescribe the categories of voters and computations required in the statement.+>>

<<+(c)+>> The registrar shall retain a copy of the statement on file as a registration record for two years.

<<+(d)+>> <<-(c)->> The registrar shall file the statement with the secretary of state not later than January 2.

<<+(e)+>> <<-(d)->> The secretary of state shall retain the statement on file for two years.

SECTION 28. Section 18.042, Election Code, is amended to read as follows:

## &lt;&lt; TX ELECTION § 18.042 &gt;&gt;

Sec. 18.042. PREELECTION REGISTRATION STATEMENT. <<+(a)+>> Not later than the 20th day before the date of the general primary election and the date of the general election for state and county officers, the registrar shall file with the secretary of state a statement of the number of persons whose voter registrations in the county and in each county election precinct will be effective on election day.

<<+(b) The secretary of state shall prescribe the categories of voters and computations required in the statement.+>>

SECTION 29. Subchapter B, Chapter 18, Election Code, is amended by adding Section 18.043 to read as follows:

## &lt;&lt; TX ELECTION § 18.043 &gt;&gt;

<<+Sec. 18.043. STATEMENT REQUIRED UNDER FEDERAL LAW. (a) At the times prescribed by the secretary of state, the registrar shall deliver to the secretary a statement containing the voter registration information determined by the secretary to be necessary to comply with reporting requirements prescribed under federal law.+>>

<<+(b) The secretary of state shall prescribe the form, content, and procedure for each statement required under this section.+>>

<<+(c) The registrar shall maintain the information required for the statements in accordance with procedures prescribed by the secretary of state.+>>

SECTION 30. Section 18.062(c), Election Code, is amended to read as follows:

## &lt;&lt; TX ELECTION § 18.062 &gt;&gt;

(c) The file must include each voter's:

- (1) name;
- (2) county of residence;
- (3) county election precinct number;
- (4) residence address or, if the residence has no address, the address at which the voter receives mail;



(5) <<-sex;->>

<<-(6)->> date of birth; and

<<+(6)+>> <<-(7)->> registration number.

SECTION 31. Section 18.063(a), Election Code, is amended to read as follows:

<< TX ELECTION § 18.063 >>

(a) On or after <<+the first day but before the 16th day of January, March, June, September, and December+>> <<-January 1 but before January 16 and on or after September 1 but before September 16->> of each <<-even-numbered->> year, each registrar of a county that has not contracted with the secretary of state for electronic data services to facilitate the implementation of the registration service program shall deliver to the secretary of state a list containing each new registration, canceled registration, and change in registration information that has occurred in the county since the delivery of the previous list under this subsection or Subsection (b), as applicable.

SECTION 32. Section 19.004, Election Code, is amended to read as follows:

<< TX ELECTION § 19.004 >>

Sec. 19.004. USE OF STATE FUNDS RESTRICTED. State funds disbursed under this chapter may be used only to defray expenses of the registrar's office in connection with voter registration<<+, including additional expenses related to implementation of the National Voter Registration Act of 1993 (42 U.S.C. Section 1973gg et seq.). The secretary of state shall specify the procedures that result in additional expenses and that are required to implement that federal law+>>.

SECTION 33. Title 2, Election Code, is amended by adding Chapter 20 to read as follows:

<<+CHAPTER 20. VOTER REGISTRATION AGENCIES+>>

<<+SUBCHAPTER A. GENERAL PROVISIONS+>>

<< TX ELECTION § 20.001 >>

<<+Sec. 20.001. DESIGNATION OF VOTER REGISTRATION AGENCIES. (a) The following state agencies are designated as voter registration agencies:+>>

<<+(1) any agency or program that provides public assistance, including:+>>

<<+(A) Texas Department of Human Services (AFDC program, Medicaid program, food stamp program, programs for the aged);+>>

<<+(B) Texas Department of Health (special supplemental food program for women, infants, and children); and+>>

<<+(C) any other agency or program as determined by the secretary of state;+>>

<<+(2) Texas Department of Mental Health and Mental Retardation;+>>

<<+(3) Texas Commission for the Deaf and Hearing Impaired;+>>

<<+(4) Texas School for the Deaf;+>>

<<+(5) Texas Commission for the Blind;+>>

<<+(6) Texas School for the Blind and Visually Impaired;+>>

<<+(7) Texas Rehabilitation Commission; and+>>

<<+(8) any other agency that provides a state-funded program primarily engaged in providing services to persons with disabilities, as determined by the secretary of state.+>>

<<+(b) The Department of Public Safety is designated as a voter registration agency.+>>

<<+(c) Each public library, including any branch or other service outlet, is designated as a voter registration agency. In this chapter, "public library" means a library that:+>>

<<+(1) is regularly open for business for more than 30 hours a week;+>>

<<+(2) is operated by a single public agency or board;+>>

<<+(3) is open without charge to all persons under identical conditions; and+>>

<<+(4) receives its financial support wholly or partly from public funds.+>>

<<+(d) Each marriage license office of the county clerk is designated as a voter registration agency.+>>  
 <<+(e) The secretary of state shall designate other agencies or offices as voter registration agencies as necessary for compliance with federal law.+>>

## &lt;&lt; TX ELECTION § 20.002 &gt;&gt;

<<+Sec. 20.002. AGENCY-PRESCRIBED REGISTRATION APPLICATION FORM. Instead of using the official voter registration application form prescribed by the secretary of state, a voter registration agency may use an official form prescribed by the agency, if approved by the secretary of state.+>>

## &lt;&lt; TX ELECTION § 20.003 &gt;&gt;

<<+Sec. 20.003. OFFICIAL DECLINATION OF REGISTRATION FORM. The officially prescribed form for a declination of a voter registration must include:+>>

- <<+(1) spaces for the person's signature and printed name and the date of signing;+>>
- <<+(2) the following question, followed by appropriate boxes preceding "YES" and "NO": "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";+>>
- <<+(3) if the agency provides public assistance, the statement: "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";+>>
- <<+(4) the statement: "IF YOU HAVE NOT CHECKED EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";+>>
- <<+(5) the statement: "If you would like help filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.";+>>
- <<+(6) the statement: "If you believe that someone has interfered with your right to register or to decline to register to vote or with your right to privacy in deciding whether to register or in applying to register to vote, you may file a complaint with the Elections Division of the Office of the Secretary of State, P.O. Box 12060, Austin, Texas 78711.";+>>
- <<+(7) 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;+>>
- <<+(8) 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; and+>>
- <<+(9) a space for indicating that the applicant refused to sign the declination or kept the application to personally submit it to the voter registrar.+>>

## &lt;&lt; TX ELECTION § 20.004 &gt;&gt;

<<+Sec. 20.004. AGENCY COORDINATOR. (a) A voter registration agency shall designate one or more persons to coordinate the agency's voter registration program. The agency shall notify the secretary of state of the name of each coordinator.+>>

<<+(b) The registration coordinator shall conduct training for agency employees in voter registration procedures with the assistance of the secretary of state.+>>

<<+(c) The agency shall submit to the secretary of state a plan to implement voter registration procedures under this chapter.+>>

## &lt;&lt; TX ELECTION § 20.005 &gt;&gt;

<<+Sec. 20.005. DEGREE OF ASSISTANCE. A voter registration agency shall provide the same degree of assistance, including any necessary bilingual assistance, to a person in completing a voter registration form as is provided to a person in completing the agency's forms, unless the assistance is refused.+>>

## &lt;&lt; TX ELECTION § 20.006 &gt;&gt;



<<+Sec. 20.006. DETERMINATION OF ELIGIBILITY. (a) An employee of a voter registration agency may not make a determination about a person's eligibility for registration other than a determination of whether the person is of voting age or is a United States citizen.+>>

<<+(b) A person's age or citizenship may be determined by the employee only if the age or citizenship can be readily determined from information filed with the agency by the person for purposes other than voter registration.+>>

<<+(c) A person shall be offered voter registration assistance as provided by this chapter even if the person's age or citizenship cannot be determined.+>>

#### << TX ELECTION § 20.007 >>

<<+Sec. 20.007. PROHIBITED ACTS. An employee of a voter registration agency may not:+>>

<<+(1) seek to influence an applicant's political party preference;+>>

<<+(2) display any political party preference or allegiance; or+>>

<<+(3) make any statement or take any action the purpose or effect of which is to:+>>

<<+(A) discourage the applicant from registering to vote; or+>>

<<+(B) lead the applicant to believe that a decision of whether to register has any bearing on the availability of services or benefits.+>>

#### << TX ELECTION § 20.008 >>

<<+Sec. 20.008. ASSISTANCE BY SECRETARY OF STATE OR REGISTRAR. If a question arises concerning voter registration that an agency employee cannot answer, the employee shall provide the person:+>>

<<+(1) the toll-free telephone number of the Elections Division of the Office of the Secretary of State; and+>>

<<+(2) the telephone number of the voter registrar to whom registration applications are submitted.+>>

#### << TX ELECTION § 20.009 >>

<<+Sec. 20.009. ADDITIONAL PROCEDURES. The secretary of state shall prescribe any additional procedures necessary for the orderly and proper administration of voter registration procedures under this chapter.+>>

<<+[Sections 20.010–20.030 reserved for expansion]+>>

### <<+SUBCHAPTER B. REGISTRATION ASSISTANCE GENERALLY+>>

#### << TX ELECTION § 20.031 >>

<<+Sec. 20.031. FORM PROVIDED. A voter registration agency shall provide a voter registration application form to each person who is of voting age and a United States citizen in connection with the person's application for initial services, and also in connection with any recertification, renewal, or change of address, unless the person declines in writing to register to vote.+>>

#### << TX ELECTION § 20.032 >>

<<+Sec. 20.032. REGISTRATION PROCEDURES. (a) An appropriate agency employee shall routinely inform each person who applies in person for agency services of the opportunity to complete a voter registration application form and on request shall provide nonpartisan voter registration assistance to the applicant.+>>

<<+(b) An agency that provides services at a person's residence shall provide the opportunity to complete the form and the assistance under Subsection (a) at the residence.+>>

<<+(c) On receipt of a registration application, the appropriate agency employee shall review it for completeness in the applicant's presence. If the application does not contain all the required information and the required signature, the agency employee shall return the application to the applicant for completion and resubmission.+>>

<<+(d) Information regarding the agency or office to which an application is submitted is confidential and may be used only for voter registration purposes.+>>

## &lt;&lt; TX ELECTION § 20.033 &gt;&gt;

<<+Sec. 20.033. EFFECT OF SUBMISSION OF APPLICATION TO EMPLOYEE. The date of submission of a completed registration application to the agency employee is considered to be the date of submission to the voter registrar for the purpose of determining the effective date of registration only.+>>

## &lt;&lt; TX ELECTION § 20.034 &gt;&gt;

<<+Sec. 20.034. SUBMISSION TO REGISTRAR BY APPLICANT. (a) The applicant may keep the registration application form or the completed application to submit the application personally to the voter registrar.+>>

<<+(b) The agency employee shall enter on the declination of registration form a notation that after being given the opportunity to register, the applicant kept the application or application form for personal submission of the application to the registrar.+>>

## &lt;&lt; TX ELECTION § 20.035 &gt;&gt;

<<+Sec. 20.035. DELIVERY OF APPLICATIONS TO REGISTRAR. (a) The agency shall deliver to the voter registrar of the county in which the agency office is located each completed registration application submitted to an agency employee.+>>

<<+(b) An application shall be delivered to the registrar not later than the fifth day after the date the application is submitted to the employee.+>>

## &lt;&lt; TX ELECTION § 20.036 &gt;&gt;

<<+Sec. 20.036. DECLINATION OF REGISTRATION. (a) If the applicant does not wish to complete a voter registration application form, the agency employee shall request that the applicant complete and sign an official declination of registration form unless the employee determines that the applicant has previously completed and signed the form.+>>

<<+(b) If the applicant refuses to sign the declination form, the agency employee shall enter on the form a notation of that fact.+>>

<<+(c) The agency shall preserve each declination for at least 22 months after the date of signing. The declination may be retained in the applicant's file at the agency or in a separate declination file.+>>

<<+(d) A declination is confidential and may be used only for voter registration purposes.+>>

<<+(e) The secretary of state shall prescribe the procedures necessary to eliminate the filing of multiple declinations by an applicant.+>>

## &lt;&lt; TX ELECTION § 20.037 &gt;&gt;

<<+Sec. 20.037. TELEPHONE OR MAIL SERVICES. (a) A voter registration agency that allows a person to apply for services by mail shall deliver to an applicant by mail a voter registration application form on the approval of services for the applicant.+>>

<<+(b) An agency shall deliver to an applicant by mail a voter registration application form if:+>>

<<+(1) the agency automatically notifies an applicant to renew or recertify a service by mailing a form to the applicant; or+>>

<<+(2) the applicant requests services by telephone and the agency provides services in that manner.+>>

<<+(c) An application form delivered by mail must be accompanied by a notice informing the applicant that the application may be submitted in person or by mail to the voter registrar of the county in which the applicant resides or in person to a volunteer deputy registrar for delivery to the voter registrar of the county in which the applicant resides.+>>

<<+(d) The agency may maintain a written record indicating that a registration application was delivered to an applicant.+>>

<<+(e) The agency is not required to deliver a declination of registration form under this section.+>>

<<+[Sections 20.038–20.060 reserved for expansion]+>>

## &lt;&lt;+SUBCHAPTER C. DEPARTMENT OF PUBLIC SAFETY+&gt;&gt;

## &lt;&lt; TX ELECTION § 20.061 &gt;&gt;

<<+Sec. 20.061. APPLICABILITY OF OTHER PROVISIONS. The other provisions of this chapter apply to the Department of Public Safety except provisions that conflict with this subchapter.+>>

<< TX ELECTION § 20.062 >>

<<+Sec. 20.062. DEPARTMENT FORMS AND PROCEDURE. (a) The Department of Public Safety shall prescribe and use a form and procedure that combines the department's application form for a license or card with an officially prescribed voter registration application form.+>>

<<+(b) The department shall prescribe and use a change of address form and procedure that combines department and voter registration functions. The form must allow a licensee or cardholder to indicate whether the change of address is also to be used for voter registration purposes.+>>

<<+(c) The design, content, and physical characteristics of the department forms must be approved by the secretary of state.+>>

<< TX ELECTION § 20.063 >>

<<+Sec. 20.063. REGISTRATION PROCEDURES. (a) The Department of Public Safety shall provide to each person who applies in person at the department's offices for an original or renewal of a driver's license, a personal identification card, or a duplicate or corrected license or card an opportunity to complete a voter registration application form.+>>

<<+(b) When the department processes a license or card for renewal by mail, the department shall deliver to the applicant by mail a voter registration application form.+>>

<<+(c) A change of address that relates to a license or card and that is submitted to the department in person or by mail serves as a change of address for voter registration unless the licensee or cardholder indicates that the change is not for voter registration purposes. The date of submission of a change of address to a department employee is considered to be the date of submission to the voter registrar for the purpose of determining the effective date of registration only.+>>

<< TX ELECTION § 20.064 >>

<<+Sec. 20.064. DECLINATION FORM NOT REQUIRED. The Department of Public Safety is not required to comply with the procedures prescribed by this chapter relating to the form for a declination of voter registration.+>>

<< TX ELECTION § 20.065 >>

<<+Sec. 20.065. DELIVERY OF APPLICATIONS AND CHANGES OF ADDRESS. At the end of each day a Department of Public Safety office is regularly open for business, the manager of the office shall deliver by mail or in person to the voter registrar of the county in which the office is located each completed voter registration application and applicable change of address submitted to a department employee.+>>

<<+[Sections 20.066–20.090 reserved for expansion]+>>

<<+SUBCHAPTER D. PUBLIC LIBRARY+>>

<< TX ELECTION § 20.091 >>

<<+Sec. 20.091. APPLICABILITY OF OTHER PROVISIONS. The other provisions of this chapter apply to a public library except provisions that conflict with this subchapter.+>>

<< TX ELECTION § 20.092 >>

<<+Sec. 20.092. REGISTRATION PROCEDURE. (a) A public library shall provide to each person of voting age who applies in person for an original or renewal of a library card an opportunity to complete a voter registration application form.+>>

<<+(b) A public library shall use the official form prescribed by the secretary of state.+>>

<< TX ELECTION § 20.093 >>

<<+Sec. 20.093. DECLINATION FORM NOT REQUIRED. A public library is not required to comply with the procedures prescribed by this chapter relating to the form for a declination of voter registration.+>>

<<+[Sections 20.094–20.120 reserved for expansion]+>>

#### <<+SUBCHAPTER E. MARRIAGE LICENSE OFFICE+>>

##### << TX ELECTION § 20.121 >>

<<+Sec. 20.121. APPLICABILITY OF OTHER PROVISIONS. The other provisions of this chapter do not apply to a marriage license office of the county clerk unless expressly provided otherwise by the other provision or by rule of the secretary of state.+>>

##### << TX ELECTION § 20.122 >>

<<+Sec. 20.122. REGISTRATION PROCEDURES. (a) When an original marriage license is returned to the licensees after being recorded, the county clerk shall also deliver to the licensees by mail two voter registration application forms.+>>

<<+(b) The county clerk shall use the official form prescribed by the secretary of state.+>>

<<+(c) The application forms must be accompanied by a notice informing the licensees that the applications may be submitted in person or by mail to the voter registrar of the county in which they reside or in person to a volunteer deputy registrar for delivery to the voter registrar of the county in which they reside.+>>

<<+(d) The county clerk may maintain a written record indicating that a registration application was delivered to a licensee.+>>

##### << TX ELECTION § 20.123 >>

<<+Sec. 20.123. DECLINATION FORM NOT REQUIRED. The county clerk is not required to comply with the procedures prescribed by this chapter relating to the form for a declination of voter registration.+>>

SECTION 34. Section 31.002(d), Election Code, is amended to read as follows:

##### << TX ELECTION § 31.002 >>

(d) An authority having administrative duties under this code shall use an official form in performing the administrative functions, except in an emergency in which an official form is unavailable <<+or as otherwise provided by this code+>>. Other persons are not required to use an official form unless expressly required to do so by this code.

SECTION 35. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.007 to read as follows:

##### << TX ELECTION § 31.007 >>

<<+Sec. 31.007. SUSPENSION OF PROVISIONS IMPLEMENTING NATIONAL VOTER REGISTRATION ACT. (a) If under federal law, order, regulation, or other official action the National Voter Registration Act of 1993 is not required to be implemented or enforced in whole or in part, an affected state law or rule is suspended to the extent that the law or rule was enacted or adopted to implement that Act, and it is the intent of the legislature that the applicable law in effect immediately before the enactment or adoption be reinstated and continued in effect pending enactment of corrective state legislation.+>>

<<+(b) On a finding by the secretary of state that a suspension of a law or rule has occurred under Subsection (a), the secretary may modify applicable procedures as necessary to give effect to the suspension and to reinstatement of the procedures of the former law.+>>

<<+(c) The secretary of state may adopt rules to implement this section as necessary.+>>

SECTION 36. Section 42.006, Election Code, is amended by adding Subsection (e) to read as follows:

##### << TX ELECTION § 42.006 >>

<<+(e) In computing a number of registered voters under this section, voters whose names appear on the list of registered voters with the notation “S”, or a similar notation, shall be excluded.+>>

SECTION 37. Section 51.005, Election Code, is amended to read as follows:

<< TX ELECTION § 51.005 >>

Sec. 51.005. NUMBER OF BALLOTS. <<+(a)+>> The authority responsible for procuring the election supplies for an election shall provide for each election precinct a number of ballots equal to at least the percentage of voters who voted in that precinct in the most recent corresponding election plus 25 percent of that number, except that the number of ballots provided may not exceed the total number of registered voters in the precinct.

<<+(b) In computing a number of registered voters under this section, voters whose names appear on the list of registered voters with the notation "S", or a similar notation, shall be excluded.+>>

SECTION 38. Section 63.001(a), Election Code, is amended to read as follows:

<< TX ELECTION § 63.001 >>

(a) Except as otherwise provided by this code, acceptance of voters shall be conducted as provided by this section <<+and Section 63.0011+>>.

SECTION 39. Chapter 63, Election Code, is amended by adding Section 63.0011 to read as follows:

<< TX ELECTION § 63.0011 >>

<<+Sec. 63.0011. STATEMENT OF RESIDENCE REQUIRED. (a) Before a voter may be accepted for voting, an election officer shall ask the voter if the voter's residence address on the precinct list of registered voters is current and whether the voter has changed residence within the county.+>>

<<+(b) If the voter's residence address is not current because the voter has changed residence within the county, the voter may vote, if otherwise eligible, in the election precinct in which the voter is registered if the voter resides in the county in which the voter is registered and, if applicable:+>>

<<+(1) resides in the political subdivision served by the authority ordering the election if the political subdivision is other than the county; or+>>

<<+(2) resides in the territory covered by the election in a less-than-countywide election ordered by the governor or a county authority.+>>

<<+(c) Before being accepted for voting, the voter must execute and submit to an election officer a statement including:+>>

<<+(1) a statement that the voter satisfies the applicable residence requirements prescribed by Subsection (b);+>>

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

<<+(3) the month, day, and year of the voter's birth; and+>>

<<+(4) the date the statement is submitted to the election officer.+>>

<<+(d) The voter registrar shall provide to the general custodian of election records a sufficient number of statements of residence for use in each election.+>>

<<+(e) The voter registrar shall retain each statement of residence on file with the voter's voter registration application.+>>

SECTION 40. Section 66.0241, Election Code, is amended to read as follows:

<< TX ELECTION § 66.0241 >>

Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4 must contain:

(1) the precinct list of registered voters;

(2) the registration correction list;

(3) the registration omissions list;

(4) any statements <<+of residence+>> <<-or affidavits->> executed under Section <<+63.0011+>> <<-11.004 or 14.052->>; and

(5) any affidavits executed under Section 63.007 or 63.010.

SECTION 41. Sections 86.002(a), (c), and (d), Election Code, are amended to read as follows:

## &lt;&lt; TX ELECTION § 86.002 &gt;&gt;

(a) The early voting clerk shall provide an official ballot envelope and carrier envelope with each ballot provided to a voter. <<+If the voter's name appears on the list of registered voters with the notation "S", or a similar notation, or the residence address on the voter's early voting ballot application is not the same as the voter's residence address on the list of registered voters+>> <<-In an election in which voters are authorized to vote on an affidavit of residence under Section 14.052->>, the clerk shall provide a form for a statement of residence to <<+the+>> <<-each affected->> voter.

(c) The clerk shall enter on a carrier envelope the voter's name in printed form<<+, a notation that a statement of residence is enclosed, if applicable,+>> and any other information the clerk determines necessary for proper processing of the ballot.

(d) The secretary of state shall prescribe instructions to be printed on the balloting materials for the execution and return of a statement of residence. <<+The instructions must include an explanation of the circumstances under which the ballot must be rejected with respect to the statement+>> <<-A statement of residence under this section is considered to be an affidavit of residence for purposes of the other applicable provisions of this code->>.

SECTION 42. Section 87.041(b), Election Code, is amended to read as follows:

## &lt;&lt; TX ELECTION § 87.041 &gt;&gt;

(b) A ballot may be accepted only if:

- (1) the carrier envelope certificate is properly executed;
- (2) neither the voter's signature on the ballot application nor the signature on the carrier envelope certificate is determined to have been executed by a person other than the voter, unless signed by a witness;
- (3) the voter's ballot application states a legal ground for early voting by mail;
- (4) the voter is registered to vote, if registration is required by law; <<-and->>
- (5) the address to which the ballot was mailed to the voter, as indicated by <<+the+>> <<-his->> application, was outside the voter's county of residence, if the ground for early voting is absence from the county of residence<<+; and+>>
- <<+(6) for a voter to whom a statement of residence form was required to be sent under Section 86.002(a), the statement of residence is returned in the carrier envelope and indicates that the voter satisfies the residence requirements prescribed by Section 63.0011+>>.

SECTION 43. Chapter 277, Election Code, is amended by adding Section 277.0024 to read as follows:

## &lt;&lt; TX ELECTION § 277.0024 &gt;&gt;

<<+Sec. 277.0024. COMPUTING NUMBER OF SIGNATURES. If the minimum number of signatures required for a petition is determined by a computation applied to the number of registered voters of a particular territory, voters whose names appear on the list of registered voters with the notation "S", or a similar notation, shall be excluded from the computation.+>>

SECTION 44. The following provisions in the Election Code are repealed:

## &lt;&lt; Repealed: TX ELECTION § 13.051 &gt;&gt;

(1) Subchapter B-1, Chapter 13;

## &lt;&lt; Repealed: TX ELECTION §§ 14.024, 14.025, 14.026, 14.027 &gt;&gt;

(2) Sections 14.024-14.027; and

## &lt;&lt; Repealed: TX ELECTION §§ 14.051, 14.052, 14.053 &gt;&gt;

(3) Subchapter C, Chapter 14.

SECTION 45. This Act takes effect September 1, 1995.

SECTION 46. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 9, 1995, by a non-record vote; passed by the Senate on May 27, 1995: Yeas 31, Nays 0.

Approved June 16, 1995.

Effective September 1, 1995.

TX LEGIS 797 (1995)

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# TAB 5

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## A. Purpose and Background

The purpose of this review was to conduct an independent assessment of the full costs of running the National Change of Address (NCOA) program, whether the USPS was recovering costs, and what were the related benefits of the NCOA program.

The Postal Service estimates that approximately 17 percent of the nation's population moves each year. These moves result in approximately 2.7 billion pieces of forwarded mail and 43.5 million change of address cards in 1997.<sup>1</sup> Such volume creates formidable obstacles in maintaining a high quality mailing list for customers that will be used for the preparation of mailings.

The NCOA program makes change-of-address information available to USPS customers who have name and address list that will be used for the preparation of mailing, to help reduce undeliverable or duplicate mail pieces. In 1986, the Postal Service implemented the NCOA program, which extends the Postal Service's use of mail forwarding information to update business mailers' address lists.

Before introducing this program, business mailers were notified of change of address information after their mail had been sent out and forwarded, returned, or discarded. The USPS now confronts this problem before the mail piece enters the mail stream by using licensees licensed by the Postal Service to provide commercial customers a mailing correction service for lists used for the preparation of mail.

## B. Approach

The approach taken was to first determine the full costs of the NCOA program, then determine the revenues generated from the program, and finally to determine the related benefits. Additionally, this is the first of two reports to be issued on the NCOA program. The second report will assess the industry implications of including advertisements in the Welcome Kits.

### B.1. Costs of Running the NCOA program

In determining the costs of running the NCOA program, we conducted interviews of key personnel, and reviewed the relevant cost data at the National Customer Support Center in Memphis, TN. Based on our review, we concluded there were three main categories of costs: direct costs, directly associated indirect costs, and indirect costs.

In calculating direct costs, we accumulated all costs that could be traced to the NCOA program directly in an economically feasible way. An example of such costs would be

<sup>1</sup> Comprehensive Statement of Postal Operations 1997, Pg. 52

the costs of all direct salaries and wages, (including benefits) of the employees who directly participate or support activities that can be traced directly to the NCOA program. Directly associated indirect costs are the costs of the support departments that are essential to the NCOA operations. An example of such costs would be the salaries and wages (including benefits) of the employees maintaining the microcomputers that support the NCOA program, but not in a directly traceable manner.

Moreover, indirect costs are those costs that could not be traced to the NCOA program in an economically feasible manner. Such costs would be overhead costs that have to be allocated to the NCOA program based on an estimated level (percent) of usage. Examples of such costs would be rent and utilities.

## B.2. Assigning and Allocating Costs to the Three Stated Categories

1. Direct costs were assigned to the NCOA program on a 100 percent basis.
2. Directly associated indirect costs were allocated to the NCOA program based on the level of resources consumed by the NCOA program. For instance, the costs of operating and maintaining the mainframes in the Technical Support Department was allocated to the NCOA program based on central processing unit seconds utilized.
3. Indirect costs were allocated to the NCOA program based on surveys we conducted. We calculated that the NCOA program consumed seven percent (weighted) of the Administrative Support Department resources. Therefore, we used this rate to allocate rent and other general overhead expenses, such as depreciations to the NCOA program.

## B.3. Full Costing of the National Change of Address Program

Based on the concept of full costing, we were able to determine the full costs of operating the NCOA program for fiscal year (FY) 1998. The costs by the three categories mentioned earlier are as follows:

➤ Total estimated direct costs:	\$1,044,597
➤ Total estimated directly associated indirect costs:	\$1,652, 817
➤ Total estimated indirect costs:	\$318,502
➤ Full Costing	<u><u>\$3,015,916</u></u>

Our analysis disclosed that the NCOA program generated \$1,918,521 in revenues from its licensees in FY 1998. Therefore, the full costs of running the NCOA program exceeded revenues generated in fiscal year 1998 by \$1,097,395.

Based on the concept of marginal costing (i.e., direct costs + directly associated indirect cost), the USPS revenues from its licensees would have exceeded the marginal costs of running the NCOA program in FY 1998. It appears that the NCOA program managers could have applied the concept of marginal costing when initially determining the prices set for the service provided to the mailing community. We discussed revising this paragraph for clarity during the outbrief any suggestions?????

#### **B.4. Determining the Benefits of the NCOA program:**

The simple concept of providing the mailing community with the opportunity to update their mailing list prior to mail entering the mail stream allows the Postal Service to avoid the rehandling costs associated with forwarding mail.

In order to quantify the benefits of the NCOA program we used an existing study conducted by Price Waterhouse in 1995 (Volume, Characteristics, and Costs of Processing Undeliverable-AS-Addressed Mail)

We applied a conservative approach in determining the benefits of the NCOA program. We started with the costs to forward a single piece of mail. Since the costs to forward a piece of mail in 1995 was \$0.2316<sup>2</sup>, we started with this base cost and applied the consumer price index for 1996, 1997, and 1998 to arrive at an estimated costs to forward a piece of mail in 1998, \$0.2472.

After calculating the estimated costs of forwarding a piece of mail in 1998, we multiplied that by the number of addresses updated on mailers' address lists as a result of the NCOA program. The result would show the costs avoided by the USPS.

During fiscal year 1998, the NCOA licensees processed 109,634,114,940 addresses. Of that total, 4,830,521,256 addresses were updated on mailers' address list.

The calculation of benefits was based on the following assumptions:

- For every postal customer who moved and processed a change of address order the postal customer received one piece of mail during FY 1998 at their new address.
- Every address updated on a mailer's address list resulted in a correctly addressed piece of mail.

---

<sup>2</sup> Price Waterhouse Report, Volume, Characteristics, and Costs of Processing Undeliverable-AS-Addressed Mail, Contract # 104230-91-H-H053, and Pg. 5-5.

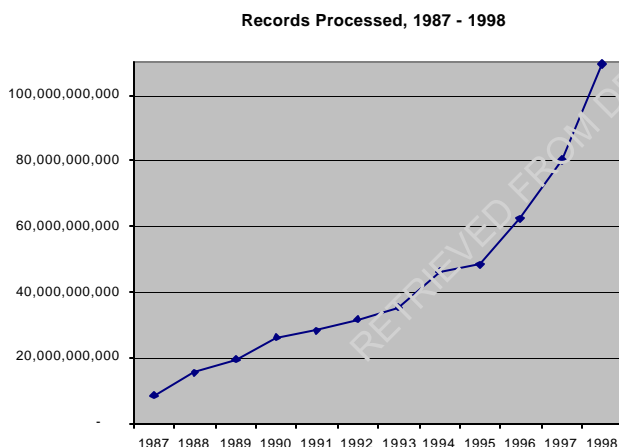
- For the 4,830,521,256 addresses updated on mailers' address lists in FY 1998, the USPS avoided the costs of forwarding mail to the new addresses.

During FY 1998 the Postal Service was able to avoid \$1,194 billiong in rehandling costs associated with forwarding mail.

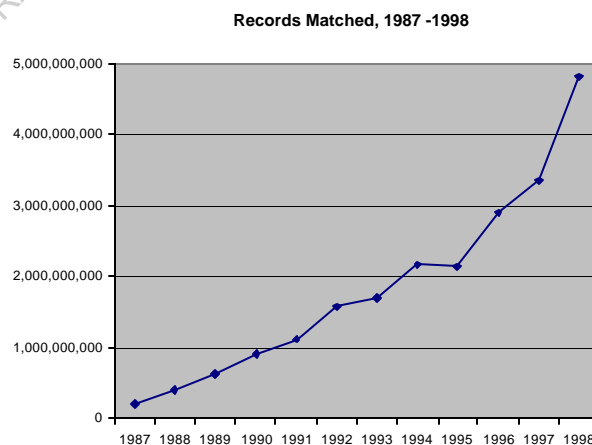
### C. Graphical Analysis, Change of Address Records Processed, and the Match Rate for Records Processed, 1987 – 1998

During the period 1987 to 1998, over five hundred billion mailers' addresses were processed by NCOA. Of that total more than twenty-one billion addresses were updated on multiple mailers' address lists, therefore reducing the amount of mail needing to be forwarded by the USPS.

Our analysis disclosed that the number of records processed by the NCOA licensees as a result of the NCOA program, and the number matched has been steadily increasing over the last ten years, as depicted in graph #1 and # 2.



Graph # 1



Graph # 2

### D. Conclusions

Based on our analysis, it appears that under marginal costing the USPS NCOA program revenues exceeded expenses for FY 1998. However, under full costing, the estimated costs of the NCOA program for FY 1998 exceeded the revenues generated by \$1,097,395.

However, the rehandling costs avoided by the USPS in FY 1998 as a result of not having to forward mail when individuals, families, and businesses move was estimated at \$1,194,119,153. Therefore, the benefits of the NCOA program far outweigh the net costs (excess of expenses over revenues) of the NCOA program in FY 1998.

## **E. Recommendation**

We recommend the Manager, Address Management, use full costing to establish rates NCOA licensees pay to receive NCOA service if the goal of the NCOA program management is to recover the full costs of the service they provide to the licensees.

## **F. Management Comments**

The Vice President of Operations Planning concurred with the finding and the recommendation and provided a plan to implement the recommendation. See Appendix I. The plan indicates that adjustments to the annual licensing fee will increase during years 2000 and 2001. In addition, they will continue to monitor the annual license fees and adjust based on full-costing.

## **G. Evaluation of Management Comments**

Management's comments were responsive to the issue raised in this report.

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# PERFORMANCE AUDIT OF THE USPS NATIONAL CHANGE OF ADDRESS PROGRAM

NICHOLAS F. BARRANCA  
VICE PRESIDENT, OPERATIONS PLANNING



March 30, 1999

COLLEEN A. MCANTEE

SUBJECT: Performance Audit of the NCOA Program

We have reviewed your draft report titled *Performance Audit of the National Change of Address Program*. As you know, we welcome your office's review and analysis of the National Change of Address (NCOA) operations and the calculation of the cost of providing NCOA to mailers through licensed commercial providers.

Your report indicates that, based on the full-costing method, the cost of operating NCOA during fiscal year 1998 was \$3,015,916. The report also notes the significant operational benefit of NCOA to the Postal Service. We are aware of the cost avoidance associated with providing address corrections prior to mailing, which eliminates the additional costs associated with forwarding a mailpiece. Your audit confirms the benefit of NCOA by identifying a cost avoidance of more than \$1 billion per year.

We agree with your conclusion that the estimated cost of the program for fiscal year 1998 exceeded the total amount of licensing fees collected; therefore, we have developed the following plan to support your recommendation that we recover that additional cost.

- To recover the full cost of providing administrative, operational, and technical support to NCOA licensees and their customers, we will increase the annual licensing fee to \$100,000 on July 1, 2000 and \$125,000 on July 1, 2001.
- We will continue to monitor annual license fees and adjust them based on the full-costing method identified during your audit.

If you would like to discuss our new licensing fee plan further, my staff is available at your convenience.

A handwritten signature in black ink, appearing to read "Nicholas F. Barranca".

Nicholas F. Barranca

cc: Michael L. Murphy

475 L'ENFANT PLAZA SW, ROOM 1021  
WASHINGTON DC 20260-7000  
202 268-5766  
Fax: 202-268-2577

# TAB 6

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By: Farias

H.B. No. 3046

A BILL TO BE ENTITLED

AN ACT

relating to the correction of voter registration records following  
a change of address submitted to the United States Postal Service.

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

SECTION 1. Section 15.022, Election Code, is amended to  
read as follows:

Sec. 15.022. CORRECTION OF REGISTRATION RECORDS. (a) The  
registrar shall make the appropriate corrections in the  
registration records, including, if necessary, deleting a voter's  
name from the suspense list:

(1) after receipt of a notice of a change in  
registration information under Section 15.021;

(2) after receipt of a voter's reply to a notice of  
investigation given under Section 16.033;

(3) after receipt of a registration omissions list and  
any affidavits executed under Section 63.007, following an  
election;

(4) after receipt of a voter's statement of residence  
executed under Section 63.0011;

(5) before the effective date of the abolishment of a  
county election precinct or a change in its boundary;

(6) after receipt of any United States Postal Service  
information indicating an address change or reclassification;

(7) after receipt of a voter's response under Section



1 15.053; or

2 (8) after receipt of a registration application or  
3 change of address under Chapter 20.

4 (b) At least monthly, the registrar shall request from the  
5 United States Postal Service any available information indicating  
6 address reclassifications affecting the registered voters of the  
7 county and any information relating to changes of address submitted  
8 by persons in the county to the United States Postal Service that  
9 may be provided to the registrar under federal law.

10 SECTION 2. Subchapter B, Chapter 15, Election Code, is  
11 amended by adding Section 15.029 to read as follows:

12 Sec. 15.029. TRANSFER OF REGISTRATION. The secretary of  
13 state shall prescribe procedures to provide for the registrar to  
14 transfer the registration of a voter from one county to another on  
15 notification described by Section 15.022 that the voter's residence  
16 has moved to the other county.

17 SECTION 3. This Act takes effect September 1, 2009.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 24, 2009**

**TO:** Honorable Todd Smith, Chair, House Committee on Elections

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3046** by Farias (Relating to the correction of voter registration records following a change of address submitted to the United States Postal Service.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would require registrars to correct registration records after receipt of any United States Postal Service (USPS) information indicating an address change. The bill would require the registrar to monthly request from USPS information relating to address changes submitted to USPS by persons in the county. The bill would require the Secretary of State to prescribe procedures to provide for the registrar to transfer the registration of a voter from one county to another on notification that the voter's residence has moved to the other county. It is assumed costs associated with this bill could be absorbed within existing resources. The bill would be effective September 1, 2009.

**Local Government Impact**

Local registrars would have some additional costs related to correcting voter registration records, and making monthly requests for voter address changes; however, no significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JOB, TP, BTA

By: Farias

H.B. No. 1100

A BILL TO BE ENTITLED

AN ACT

relating to the correction of voter registration records following  
a change of address submitted to the United States Postal Service.

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

SECTION 1. Section 15.022, Election Code, is amended to  
read as follows:

Sec. 15.022. CORRECTION OF REGISTRATION RECORDS. (a) The  
registrar shall make the appropriate corrections in the  
registration records, including, if necessary, deleting a voter's  
name from the suspense list:

(1) after receipt of a notice of a change in  
registration information under Section 15.021;

(2) after receipt of a voter's reply to a notice of  
investigation given under Section 16.033;

(3) after receipt of a registration omissions list and  
any affidavits executed under Section 63.007, following an  
election;

(4) after receipt of a voter's statement of residence  
executed under Section 63.0011;

(5) before the effective date of the abolishment of a  
county election precinct or a change in its boundary;

(6) after receipt of any United States Postal Service  
information indicating an address change or reclassification;

(7) after receipt of a voter's response under Section

1 15.053; or

2 (8) after receipt of a registration application or  
3 change of address under Chapter 20.

4 (b) At least monthly, the registrar shall request from the  
5 United States Postal Service any available information indicating  
6 address reclassifications affecting the registered voters of the  
7 county and any information relating to changes of address submitted  
8 by persons in the county to the United States Postal Service that  
9 may be provided to the registrar under federal law.

10 SECTION 2. Subchapter B, Chapter 15, Election Code, is  
11 amended by adding Section 15.029 to read as follows:

12 Sec. 15.029. TRANSFER OF REGISTRATION. The secretary of  
13 state shall prescribe procedures to provide for the registrar to  
14 transfer the registration of a voter from one county to another on  
15 notification described by Section 15.022 that the voter's residence  
16 has moved to the other county.

17 SECTION 3. This Act takes effect September 1, 2011.

By: Farias

H.B. No. 198

A BILL TO BE ENTITLED

AN ACT

relating to the correction of voter registration records following  
a change of address submitted to the United States Postal Service.

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

SECTION 1. Section 15.022, Election Code, as amended by  
Chapters 123 (S.B. 14) and 1002 (H.B. 2194), Acts of the 82nd  
Legislature, Regular Session, 2011, is reenacted and amended to  
read as follows:

Sec. 15.022. CORRECTION OF REGISTRATION RECORDS. (a) The  
registrar shall make the appropriate corrections in the  
registration records, including, if necessary, deleting a voter's  
name from the suspense list:

(1) after receipt of a notice of a change in  
registration information under Section 15.021;

(2) after receipt of a voter's reply to a notice of  
investigation given under Section 16.033;

(3) after receipt of any affidavits executed under  
Section 63.006, following an election;

(4) after receipt of a voter's statement of residence  
executed under Section 63.0011;

(5) before the effective date of the abolishment of a  
county election precinct or a change in its boundary;

(6) after receipt of any United States Postal Service  
information indicating an address change or reclassification;

1 (7) after receipt of a voter's response under Section  
2 15.053; or

3 (8) after receipt of a registration application or  
4 change of address under Chapter 20.

5 (b) At least monthly, the registrar shall request from the  
6 United States Postal Service any available information indicating  
7 address reclassifications affecting the registered voters of the  
8 county and any information relating to changes of address submitted  
9 by persons in the county to the United States Postal Service that  
10 may be provided to the registrar under federal law.

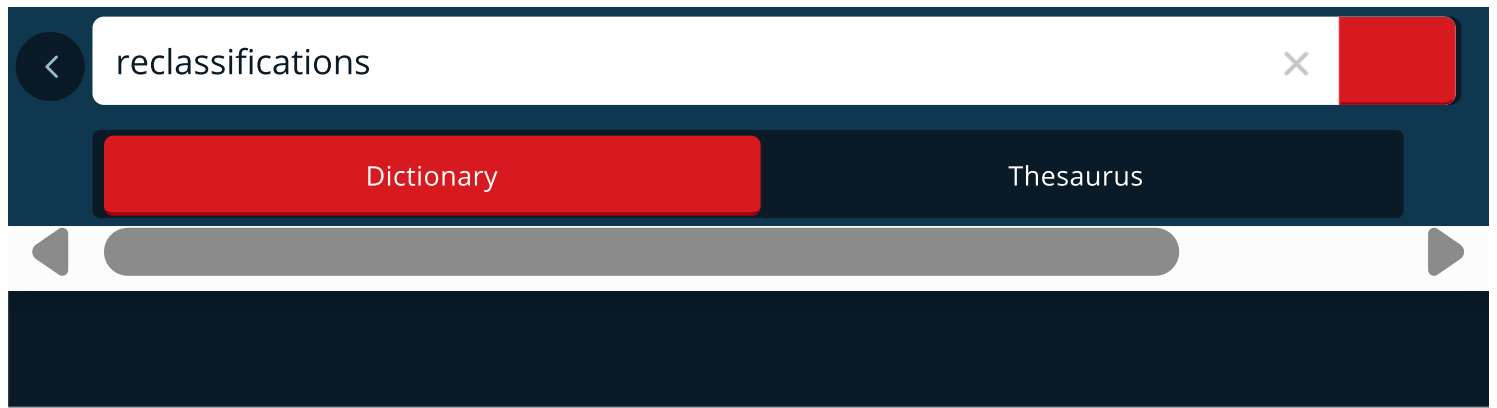
11 SECTION 2. Subchapter B, Chapter 15, Election Code, is  
12 amended by adding Section 15.029 to read as follows:

13 Sec. 15.029. TRANSFER OF REGISTRATION. The secretary of  
14 state shall prescribe procedures to provide for the registrar to  
15 transfer the registration of a voter from one county to another on  
16 notification described by Section 15.022 that the voter's residence  
17 has moved to the other county.

18 SECTION 3. This Act takes effect September 1, 2013.

# TAB 7

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# reclassification noun

re·clas·si·fi·ca·tion (,rē-ˌkla-sə-fə-ˈkā-shən ◀▶)

## plural reclassifications

: the act or process of [classifying](#) something again or anew

U.S. Fish and Wildlife Service officials said chub populations appear steady enough for a legal *reclassification* from endangered to threatened.

— Bruce Finley

## Examples of *reclassification* in a Sentence

### Recent Examples on the Web

 Examples are automatically compiled from online sources to show current usage. [Read More](#)

Per conference policy, no more than two schools undergoing ***reclassification*** may have full championship access at the same time.

— Kels Dayton, *Hartford Courant*, 6 May 2025

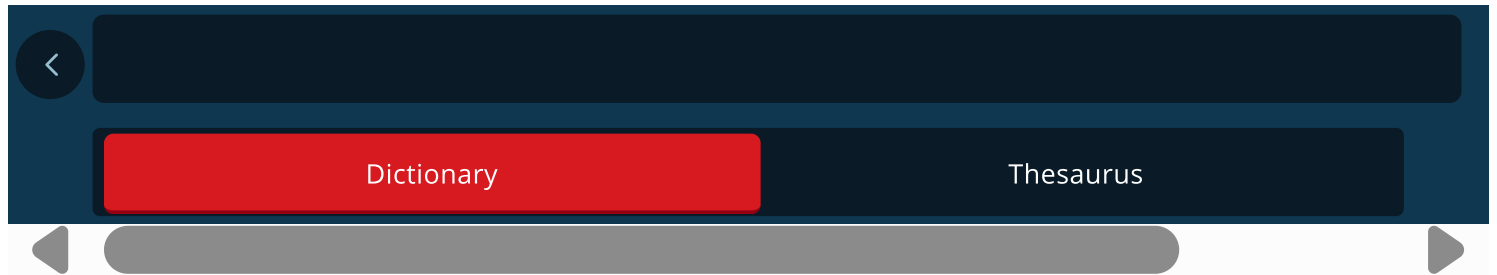
Repeated ***reclassifications*** have demonstrated that traditional fungal taxonomy could not fully accommodate the unique features of Prototaxites.

— Scott Travers, *Forbes.com*, 7 Apr. 2025

In April 2024, Spotify announced an accounting ***reclassification***, converting all U.S. subscribers to a bundled product that includes both music and audiobooks.

— Kristin Westcott Grant, *Forbes*, 18 Mar. 2025





## • Word History

### First Known Use

1849, in the meaning defined [above](#)

### Time Traveler

**The first known use of *reclassification* was in 1849**

[See more words from the same year](#)

## • Rhymes for *reclassification*

[acclimatisation](#)

[acclimatization](#)

[acidification](#)

[actualization](#)

[annualization](#)

[autocorrelation](#)

[autoregulation](#)

[beatification](#)

[beneficiation](#)

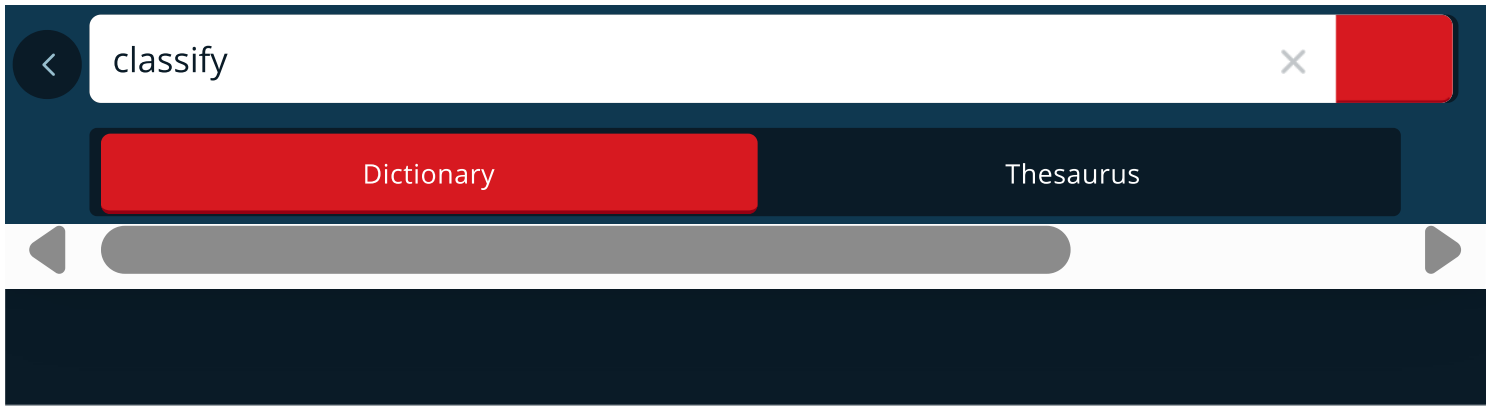
[biodegradation](#)

[biotransformation](#)

[bureaucratization](#)

[See All Rhymes for \*reclassification\* >](#)

## • Browse Nearby Words



# classify verb

clas·si·fy 'kla-sə-,fī

## classified; classifying

[Synonyms of classify >](#)

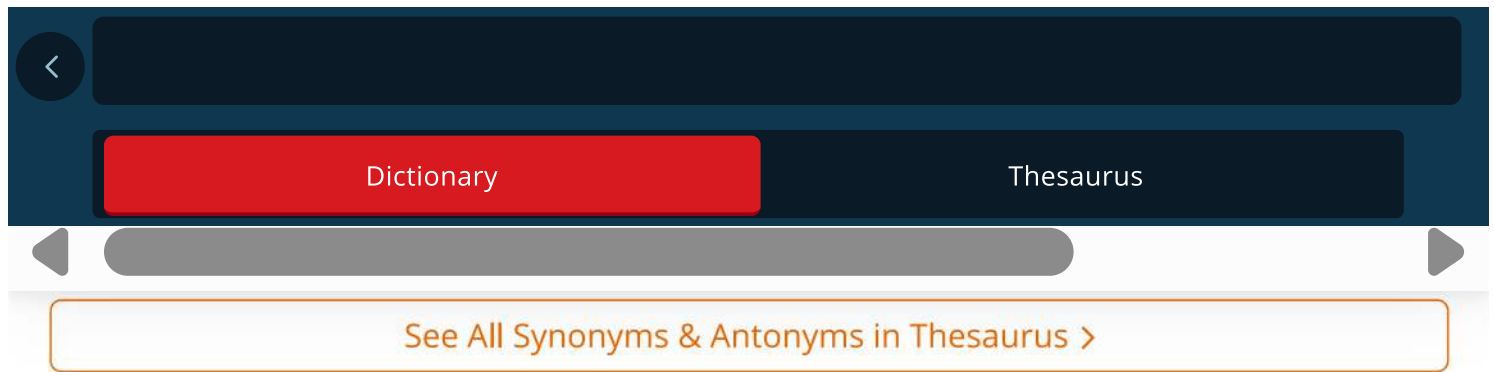
*transitive verb*

- 1 : to arrange in classes (see [CLASS entry 1 sense 3](#))  
| *classifying* books according to subject matter
- 2 : to consider (someone or something) as belonging to a particular group  
| The movie is *classified* as a comedy.  
| The vehicle is *classified* as a truck.

• **classifiable** 'kla-sə-'fī-ə-bəl **adjective**

## • Synonyms

assort	break down
categorize	class
codify	compartment
compartmentalize	digest
distinguish	distribute
grade	group



## Examples of *classify* in a Sentence

Students will be learning about the ways scientists **classify** animals.

The online system can **classify** books by subject.

## Recent Examples on the Web

**i** Examples are automatically compiled from online sources to show current usage. [Read More](#)

Our writers picked a few obvious candidates (anytime Lamar Jackson-Patrick Mahomes clash in any year **classifies** as must-see).

— Dan Pompei, *New York Times*, 19 May 2025

Based on double-occupancy stateroom bookings, groups typically need to have a minimum of five to eight cabins to be **classified** as a group.

— Linnea Bailey, *Southern Living*, 18 May 2025

Caught by the Tides, which premiered at Cannes last year and is finally opening theatrically in the U.S., is understandably impossible to **classify**.

— Bilge Ebiri, *Vulture*, 17 May 2025

The current government has **classified** more than 800 Bangladeshi protesters killed last year as martyrs – which now allows their families to receive lifetime benefits, just like those of freedom fighters.

— Simon Montlake, *Christian Science Monitor*, 16 May 2025

**TAB 8**

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**EFFECTIVE SEPTEMBER 1, 2023, OUR LOBBY WALK-IN HOURS WILL BE 9 A.M. - 4 P.M. (CENTRAL), MONDAY - FRIDAY.**



**Texas Secretary of State**  
Jane Nelson

[About  
SOS](#)[Elections  
& Voting](#)[Business  
Services](#)[Notary &  
Apostilles](#)[Rules &  
Meetings](#)[International  
Relations](#)[Forms &  
Other  
Services](#)

Note - Navigational menus along with other non-content related elements have been removed for your convenience. Thank you for visiting us online.

## Election Advisory No. 2024-18

**To:** All Election Officials

**From:** Christina Worrell Adkins, Director of Elections

**Date:** June 4, 2024

**RE:** Required List Maintenance Activities

### Introduction

As a reminder, the National Voter Registration Act of 1993 ("NVRA") imposes a list maintenance moratorium for 90 days before a federal election. During the moratorium, 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 voters who voluntarily cancel their voter registration, voters who are deceased, and voters who are finally convicted of a felony or adjudicated mentally incapacitated without the right to vote. 52 U.S.C. § 20507(c)(2).

The 90-day list maintenance moratorium for the May 28, 2024 primary runoff election has ended. Counties will not be subject to the NVRA moratorium again until August 7, 2024, 90 days before the November 5, 2024 general election.

During this critical ten-week period, voter registrars have the opportunity to engage in routine list maintenance activities that were paused due to the moratorium. Voter registrars should diligently review their list maintenance data and make every effort possible to resolve potential issues. Voter registrars have an obligation to ensure accurate and current voter registration rolls. Accurate and timely list maintenance efforts can prevent subsequent challenges to an election, and can prevent ineligible voters from voting illegally and subjecting themselves to potential criminal penalties.

We are issuing this advisory to provide guidance to election officials regarding their list maintenance obligation under state law, challenges to voter registration eligibility, and the Secretary of State's monitoring of counties' list maintenance activities.

All statutory references in this advisory are to the Texas Election Code, unless otherwise indicated.

## List Maintenance Requirements

Chapter 16 of the Texas Election Code provides guidance on required list maintenance activities. This chapter defines the data sources that county voter registrars must utilize in performing list maintenance, the procedures for investigating potential ineligibilities, and the process for cancellation, if appropriate.

### Data Sources for List Maintenance Activities

- **Deceased Voters**

- **Notification by Local Registrars of Death:** The **local registrars of death** prepare an abstract of each death certificate that has been issued each month for a deceased individual 18 years of age or older who was a resident of the state at the time of death. The abstract is filed with the voter registrar of the deceased individual's county of residence and the Secretary of State **no later than the seventh day** after the date the abstract is prepared. Upon receipt by the Secretary of State, the list is immediately compared to the statewide voter registration database and matches are provided to county voter registrars for investigation. [ Sec. 16.001(a)]
- **Notification by Clerks of Courts:** The **clerks of all courts that have probate jurisdiction** must prepare an abstract of death for each application for probate of a will, administration of a decedent's estate, determination of heirship proceedings, and affidavits under Chapter 205 of the Texas Estates Code. The abstracts are filed with the voter registrar of the deceased individual's county of residence and the Secretary of State **no later than the seventh day** after the date the abstract is prepared. Upon receipt by the Secretary of State, the list is immediately compared to the statewide voter registration database and matches are provided to county voter registrars for investigation. [Sec. 16.001(b)]
- **Notification by Bureau of Vital Statistics:** The Department of State Health Services' **Bureau of Vital Statistics** provides the Secretary of State all information relating to deceased residents of the State of Texas on a weekly basis. Upon receipt by the SOS, the list is compared to the statewide voter registration database and matches are provided to county voter registrars within the week of receipt for investigation. [Sec. 16.001(c)]
- **Notification from Jury Exemptions and Disqualifications:** The Secretary of State compares information received from the **clerks of courts** related to exemptions and disqualification from jury service. If the Secretary of State determines from this information that a voter on the registration list is deceased, the list is immediately provided to county voter registrars for investigation. [ Sec. 18.068(a)]

- **Felony Conviction**

- The **Department of Public Safety (DPS)** prepares an abstract of final judgment for individuals, aged 18 and older, who were convicted of a felony. This information is transmitted to the SOS. Upon receipt by the Secretary of State, the information is compared to the statewide voter registration database and matches are provided to the county voter registrars for investigation. [Sec. 16.003]

- If a person responds to a jury summons indicating that they are not eligible to serve because they have been finally convicted of a felony, this would also trigger a notice of examination. [Sec. 16.033]

- **Mental Incapacity**

- The **clerks of all courts** that have jurisdiction to adjudicate a person's mental capacity prepare an abstract of final judgment for each individual determined to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. The abstracts are filed with the voter registrar of the individual's county of residence **no later than the 10th day of the month** after the abstract was prepared. Upon receipt by the Secretary of State, the information is compared to the statewide voter registration database and matches are provided to the county voter registrars for investigation. [Sec. 16.002]
- If a person responds to a jury summons indicating that they are not eligible to serve because of a mental impairment, the voter registrar must send the voter a notice of examination. [Sec. 16.033]

- **Non-U.S. Citizenship**

- The **Department of Public Safety (DPS)** prepares and transmits notifications of persons who indicate a lack of citizenship status in connection with a motor vehicle or DPS record. This information is transmitted to the Secretary of State **on a weekly basis**. [Sec. 16.0332] Upon receipt by the Secretary of State, the notifications are compared to the statewide voter registration database based on specific criteria and matches are provided to county voter registrars for investigation. [Sec. 18.068] For more information regarding this process, see [Advisory No. 2021-11 - List Maintenance Activity Involving Potential Non-United States Citizens](#).
- The Secretary of State compares information received from the **clerks of courts** related to exemptions and disqualification from jury service as it relates to nonresidents of a county, noncitizens, and deceased voters. If the Secretary of State determines from this information that a voter on the registration list has been excused or disqualified from jury service because the voter is deceased or not a citizen or resident of the county in which the voter is registered to vote, the matches are immediately provided to county voter registrars for investigation. [Sec. 18.068(a), (a-1)]
- If a person responds to a jury summons indicating that they are not eligible to serve because they are not a U.S. citizen, the voter registrar must send the voter a notice of examination for proof of citizenship. [Sec. 16.033]

## Notice of Examination Regarding Voter Registration Eligibility

Pursuant to Section 16.033(b) of the Election Code, if a voter registrar has reason to believe that a person is no longer eligible for registration, the registrar must notify the voter in writing that their registration status is being reviewed. The notice shall be delivered by forwardable mail to the mailing address on the voter's registration application and to any new address of the voter known to the registrar.

The written notice to the voter must include a request for information relevant to determining the voter's eligibility for registration, and a warning that the voter's registration is subject to cancellation if the registrar does not receive an appropriate reply on or before the 30th day after the date the notice is mailed. [Sec. 16.033(c)]

If the voter registrar receives a response from the voter, the voter registrar shall retain a copy of the notice mailed to a voter under this section on file with the voter's registration application. If the voter's reply to the notice is in writing, the voter registrar shall also retain the reply on file with the application. If the reply is oral, the voter registrar shall prepare a memorandum of the reply, indicating the substance and date of the reply, and shall retain the memorandum on file with the application. [Sec. 16.033(f)]

The SOS has prescribed the forms for use in this process. The forms are located in the [Election Forms Manual](#).

## Cancellation following a Notice of Examination

After mailing a Notice of Examination to a voter, the voter registrar shall cancel a voter's registration in the following circumstances:

- After considering the voter's reply, the registrar determines that the voter is not eligible for registration.
- No reply is received from the voter on or before the 30th day after the date the notice is mailed.
- Each notice mailed to the voter is returned as undeliverable with no forwarding information available. [Sec. 16.033(d)]

## Challenges to Voter Registration Eligibility

In certain circumstances, a registered voter may challenge the registration of another voter of the same county at a hearing before the voter registrar. [Sec. 16.091] Subchapter D of Chapter 16 of the Texas Election Code outlines the procedures for these challenges.

A voter desiring to challenge a registration on a ground other than residence must file with the registrar a sworn statement of the grounds for the challenge that (1) identifies the voter whose registration is being challenged; and (2) states a specific qualification for registration that the challenged voter has not met based on the personal knowledge of the voter desiring to challenge the registration. [Sec. 16.092]

Upon receiving the challenge, the voter registrar shall set a hearing and deliver written notice of the hearing to each party to the controversy. A party may personally appear at the hearing to offer evidence or argument or may offer evidence or argument by submitting an affidavit to the registrar prior to the start of the hearing. After hearing and considering the evidence or argument, the registrar shall promptly determine the challenge and issue a decision in writing. [Secs. 16.093, 16.094, 16.095]

The procedures for a challenge to a voter's registration on the basis of residence are outlined in detail later in this advisory.

As to the level of personal knowledge required from the voter desiring to challenge the registration as provided under Section 16.092 of the Election Code, please reference [Secretary of State Election Law Opinion RP-1 \(2018\)\(PDF\)](#).



## Address Confirmation Process for Residency Issues

### Standard Address Confirmation Process

If the voter registrar has reason to believe that a voter's current residence address is different from that indicated on the registration records, the registrar must send the voter a Notice of Address Confirmation per Section 15.051 of the Election Code. If a voter does not respond to the Notice of Address Confirmation, the voter will remain on the suspense list for two federal elections. If the voter does not vote during that time or separately confirm their residence, the registration will be cancelled on November 30 following the second federal election after the voter's name was placed on the suspense list. [Sec. 16.032]

### Address Confirmations Requiring Documentation

There is a separate address confirmation process for voters registered at certain addresses that do not correspond to a residence. If the voter registrar has reason to believe that a voter's residence address is a commercial post office box or similar location that does not correspond to a residence, the voter registrar shall deliver an address confirmation to the voter. The response to the address confirmation for these voters must include a photocopy of certain documentation that corresponds to the voter's residence address. [Secs. 15.051, 15.052, 15.054]

For more information about this process and the documentation required for submission, please see [Advisory No. 2021-10 - NEW LAW: SB 1111 \(2021, Regular Session\) Address Confirmation Process and Forms](#).

### Challenges to Residency

If the voter registrar receives a challenge based on a sworn statement under Section 16.092 of the Election Code, and the challenge is based on residence, Section 16.0921 of the Election Code requires the voter registrar to send a Notice of Address Confirmation to the challenged voter(s), unless the residential address provided in the challenge for the voter(s) is different from the voter's current residential address indicated on the registration records.

A voter registrar may not deliver a confirmation notice resulting from a sworn statement filed after the 75th day before the date of the general election for state and county officers until after the date of that election. [Sec. 16.0921(c)]

As to the level of personal knowledge required from the voter desiring to challenge the registration as provided under Section 16.092 of the Election Code, please reference [Secretary of State Election Law Opinion RP-1 \(2018\)\(PDF\)](#).

## Monitoring of List Maintenance Activities

Section 16.039 of the Texas Election Code authorizes the Secretary of State to withhold funds from a county voter registrar if the registrar fails to timely perform certain voter registration duties. The Secretary of State will continue to monitor each voter registrar's list maintenance activity on an ongoing basis for substantial compliance with their voter registration cancellation duties. This includes individual list maintenance processes conducted through the statewide

voter registration system, the generation of notices of examination for investigation of voter eligibility, and the resolution of notices within the 30-day response period specified in the Texas Election Code.

The Secretary of State will monitor such items as the number of outstanding list maintenance tasks on a voter registrar's dashboard, the amount of time that tasks remain on a registrar's dashboard before the registrar takes any action, the timing and scope of a registrar's actions after a notice of examination is sent, and the extent to which a registrar fails to take any substantive action on tasks on their dashboard.

For more information regarding the monitoring process, see [Advisory No. 2022-24 - NEW LAW: SB 1113 \(2021, Regular Session\) Withholding of Funds for Voter Registrar's Failure to Timely Perform Voter Registration Duties](#).

## **Moratorium for November 5, 2024 Presidential Election and General Election for State and County Officers**

The 90-day NVRA moratorium will resume on August 7, 2024 for the November 5, 2024 election. As outlined above, during this moratorium, voter registrars will be required to pause any programs that systematically remove the names of ineligible voters from the official list of registered voters, other than voters who voluntarily cancel their voter registration, voters who are deceased, and voters who are finally convicted of a felony or adjudicated mentally incapacitated without the right to vote.

If you have any questions regarding this advisory, please contact the Elections Division toll -free at 1-800-252-VOTE (8683).

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**EFFECTIVE SEPTEMBER 1, 2023, OUR LOBBY WALK-IN HOURS WILL BE 9 A.M. - 4 P.M. (CENTRAL), MONDAY - FRIDAY.**



**Texas Secretary of State**  
Jane Nelson

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## Election Advisory No. 2023-26

**To:** All Election Officials

**From:** Christina Worrell Adkins, Director of Elections

**Date:** December 21, 2023

**RE:** Voter Registration List Maintenance Under the National Voter Registration Act of 1993 (NVRA) and the Texas Election Code as it Pertains to the Primary Election and Primary Runoff Election

### Introduction

As a reminder, counties are now within the 90-day list maintenance period for the March 2024 primary election and the May 2024 primary runoff election. Under the National Voter Registration Act of 1993 ("NVRA"), the only permissible voter removal programs that counties may undertake during this period until after the primary, and any subsequent primary runoff, are to remove voters who voluntarily cancel their voter registration, voters who are deceased, and voters who are finally convicted of a felony or adjudicated mentally incapacitated without the right to vote.

Counties must continue to process voter registration applications during this 90-day period and should not stop processing voter registration applications even if the voter's registration application is received after the deadline for a given election has passed.

To that end, we are providing the following guidance regarding the continuation of list maintenance activities and the observance of the 90-day period under the NVRA and the Texas Election Code.

### Return of a Renewal Voter Registration Certificate to the Voter Registrar



Pursuant to Section 14.021 of the Election Code, on the return to the voter registrar of an undelivered renewal certificate that was mailed to a voter, the voter registrar must file the certificate with the voter's registration application and, not later than January 2nd following the mailing of certificates, enter the voter's name on the suspense list.

Per Section 14.022 of the Election Code, if the voter registrar determines that a voter's renewal certificate was returned undelivered solely because of postal service error, address reclassification, or the registrar's clerical error, the voter registrar shall delete the voter's name from the suspense list, make any other appropriate corrections in the registration records, and deliver the certificate to the voter.

However, if the voter's name is on the suspense list, then pursuant to Section 14.023 of the Election Code, after January 1st but not later than March 1st of each even-numbered year (2024), the voter registrar must deliver a Notice of Address Confirmation in accordance with Section 15.051 of the Election Code to each voter whose name appears on the suspense list. If the voter fails to submit a response to the voter registrar in accordance with Section 15.053 of the Election Code, the voter's name remains on the suspense list.

## Return of an Initial Voter Registration Certificate to the Voter Registrar

If the voter registrar received an initial voter registration certificate returned as undelivered pursuant to Section 13.146 of the Election Code, the voter registrar must promptly send the voter a Notice of Address Confirmation upon receipt of the undelivered certificate. The Notice of Address Confirmation should be sent to the voter prior to the primary election or primary runoff election as applicable.

If the voter registrar received an initial voter registration certificate which is returned and the voter has indicated on the certificate that they no longer live at the residence address previously provided on their voter registration application, then the voter's registration should be cancelled if the voter indicated that they have moved away from the county. If the voter indicated on the initial voter certificate that they have moved to a new residence address within the same county, then a Notice of Address Confirmation must be sent to the voter prior to the primary election or primary runoff election, as applicable, pursuant to Section 15.051 of the Election Code.

## Information Provided by a Voter on a Jury Summons

If the voter registrar receives a jury summons or a report from the court which reflects that the voter responded to a jury summons and indicated they have moved away from the county, then the voter registrar must send a Notice of Address Confirmation pursuant to Section 15.051 of the Election Code.

If the voter registrar receives a jury summons or a report from the court which reflects that the voter responded to a jury summons indicating that the voter has moved to a different residence address within the same county, then the voter registrar must send the voter a Notice of Address Confirmation prior to the primary election or primary runoff election pursuant to Section 15.051 of the Election Code.

## **Notice of Address Confirmation Card Returned to the Voter Registrar as Undeliverable**

If a Notice of Address Confirmation which was previously sent to the voter is returned to the voter registrar as undeliverable, with no forwarding address provided, then the voter should remain on the suspense list until the voter has either updated or canceled their voter registration with the county. If the voter does not update or cancel their voter registration while on suspense after two federal election cycles, then the voter's registration will be canceled pursuant to Section 16.032 of the Election Code and the NVRA.

## **Notice of Address Confirmation Card Returned to the Voter Registrar With a Forwarding Address**

If a Notice of Address Confirmation which was sent to the voter is returned to the voter registrar with a forwarding address (inside or outside of the county), Section 15.051(c) of the Election Code provides that the confirmation notice shall be delivered by forwardable mail to the voter's last known address.

This means that if the Notice of Address Confirmation which was sent to the voter is now returned to the voter registrar with a forwarding address (inside or outside of the county), the voter registrar should send the voter the Notice of Address Confirmation to the forwardable address prior to the primary election or primary runoff election as applicable.

## **Response to Notice of Address Confirmation Received by the Voter Registrar**

If a voter registrar receives a response to a Notice of Address Confirmation from the voter indicating that they have moved away from the county, the voter's registration should be cancelled upon receipt pursuant to Sections 15.053 and 16.031 of the Election Code. All cancellations must be entered into or reported to the statewide voter registration system in an expedited manner to ensure accurate voter registration lists prior to the primary election and primary runoff election.

## **Challenges to Voter Registration Based on Residence**

If the voter registrar receives a challenge based on a sworn statement under Section 16.092 of the Election Code, and the challenge is based on residence, Section 16.0921 of the Election Code requires the voter registrar to send a Notice of Address Confirmation to the challenged voter(s), unless the residential address provided in the challenge for the voter(s) is different from the voter's current residential address indicated on the registration records.

As to the level of personal knowledge required from the voter desiring to challenge the registration as provided under Section 16.092 of the Election Code, please reference [Secretary of State's Election Law Opinion RP-1 \(PDF\)](#) regarding challenges to voter registration.

## Challenges to Voter Registration Based on Reasons Other Than Residence

As previously noted, pursuant to the National Voter Registration Act of 1993, the only permissible voter removal programs that counties may undertake until after the primary, and any subsequent primary runoff, are to remove voters who voluntarily cancel their voter registration, voters who are deceased, and voters who are finally convicted of a felony or adjudicated mentally incapacitated without the right to vote. 52 U.S.C. § 20507(c)(2).

As such, if the voter registrar receives a sworn statement and the challenge is based on a reason such as the voter being deceased, finally convicted of a felony, or adjudicated mentally incapacitated without the right to vote, then the voter registrar must schedule a hearing on that challenge per Section 16.093 of the Election Code. The hearing must be scheduled to take place before the primary or primary runoff election as applicable.

## If the Voter Registrar has Reason to Believe the Voter is No Longer Eligible for Voter Registration

If the voter registrar does not receive a challenge based on a sworn statement under Section 16.092 of the Election Code, but the voter registrar has reason to believe that a voter is no longer eligible for registration based on a voter being deceased, finally convicted of a felony, or adjudicated mentally incapacitated without the right to vote, the registrar must send the voter a Notice of Examination per Section 16.033 of the Election Code. The Notice of Examination must be sent to the voter before the primary or primary runoff election as applicable.

Pursuant to Section 16.033 of the Election Code, except as provided by Section 16.033(e) of the Election Code, the voter registrar shall cancel a voter's registration if:

1. After considering the voter's reply, the registrar determines that the voter is not eligible for registration;
2. No reply is received from the voter on or before the 30th day after the date the notice is mailed to the voter under Section 16.033(b); or
3. Each notice mailed under Section 16.033(b) is returned undelivered to the registrar with no forwarding information available.

## If the Voter Registrar has Reason to Believe the Voter is No Longer a Resident of the County

If the voter registrar does not receive a challenge based on a sworn statement under Section 16.092 of the Election Code but the voter registrar has reason to believe that a voter's current residence address is different from that indicated on the registration records, the registrar must send the voter a Notice of Address Confirmation per Section 15.051 of the Election Code. The Notice of Address Confirmation must be sent to the voter before the primary or primary runoff election as applicable.

## Cross County Voter Registration

If a voter updates their voter registration to another county, the previous county should cancel the voter's registration in the former county upon notification of the new registration. Updates to voter registration from one county to another made by the voter through the Department of Public Safety (DPS) or the Texas.gov application (Texas Online) will be provided to the counties through the statewide voter registration system. Voter registrars should continue to review and resolve these updates daily to ensure accurate and up-to-date voter registration records.

If you have any questions regarding this advisory, please contact the Elections Division toll-free at 1-800-252-VOTE (8683).

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Charlotte Zhang on behalf of Christopher Garza

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Envelope ID: 101525076

Filing Code Description: Brief Requesting Oral Argument

Filing Description: Brief of Appellant

Status as of 6/3/2025 7:30 AM CST

#### Case Contacts

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