



TEXAS

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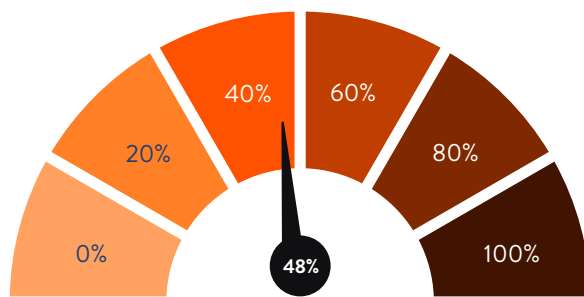
Protecting Voter Registration

An Assessment of Voter
Purge Policies in Ten States

Removal Practices

FIGURE 37

Texas Removal Practices



Texas scored 48% for its removal practices. Texas law currently does not initiate a cancellation process simply because a registered person does not vote in a certain number of elections (a “use it or lose it” process).²³⁰ This would change, however, under legislation pending in the 2023 legislative session (*see* “Current Political Context” below).²³¹ Texas also specifies clear matching criteria when canceling a registration due to death.²³² Texas requires notice to voters when canceling a registration based on a felony conviction, adjudication of mental incapacity, and citizenship status²³³—before cancellation based on citizenship status, but only after cancellation for conviction or adjudication of mental incapacity.²³⁴ State law also offers a clear process to contest such cancellations.²³⁵

However, Texas law does not specify which criteria must be provided or matched before canceling a voter’s registration based on a disqualifying conviction²³⁶ nor does state law require that voters or election officials be notified when a voter’s eligibility has been restored after a felony

²³⁰ Tex. Elec. Code §§ 14.001, 14.002, 14.021, 14.023.

²³¹ TX S.B. 260, available at <https://capitol.texas.gov/tlodocs/88R/billtext/pdf/SB00260I.pdf> (last visited April 17, 2023).

²³² Tex. Elec. Code §§ 16.031(a)(2), (b), 18.068; 1 Tex. Admin. Code § 81.6(a).

²³³ Tex. Elec. Code §§ 16.0332, 16.033, 16.036.

²³⁴ Tex. Elec. Code § 16.031(a)(2),(3); § 16.036. Cf. Tex. Elec. Code §16.0332(a) (providing for pre-removal notice before purging for non-citizenship).

²³⁵ Tex. Elec. Code § 16.036.

²³⁶ Tex. Elec. Code §§ 16.031(a)(3), 16.0332, 18.068(a).

conviction.²³⁷ Texas law does specify that in the case of citizenship status, voter information that indicates non-citizenship must be derived from documents provided to the Department of Public Safety after the person’s current voter registration became effective.²³⁸ However, there are some indications that the implementation of this requirement is not happening accurately. Further, Texas does not have a notice or contestation process before canceling registrations due to suspected death.²³⁹ Texas also allows any voter in a county to challenge the registration of another voter in the county, which can lead to harmful and discriminatory practices like voter caging,²⁴⁰ and grants “catch-all” authority to registrars to challenge any registration they believe to be invalid.²⁴¹

Table 37: Removal Practices

Reason for Removal	Felony Conviction	Death	Citizenship Status	Adjudication of Mental Incapacity	Other Reasons for Removal
Matching Criteria	0	4	0	0	Inactivity 20
Notice of Removal	2	0	4	2	Catch-all Removal Authority 0
Procedures to Contest	4	0	4	4	Caging / Mass Challenges 0
Notice of Restoration to Voter	0	n/a	n/a	2	Total 48/100 = 48%
Notice of Restoration to Elec. Official	0	n/a	n/a	2	

²³⁷ Tex. Elec. Code § 16.036.

²³⁸ Tex. Elec. Code §§ 16.0332

²³⁹ Tex. Elec. Code § 16.036.

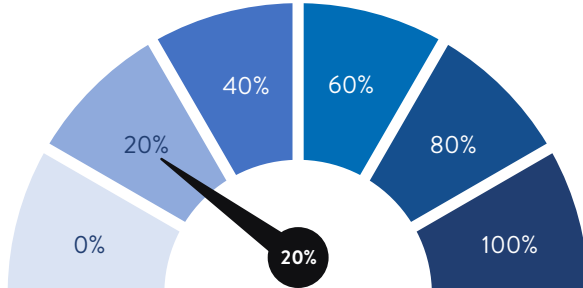
²⁴⁰ Tex. Elec. Code §§ 16.091-16.093.

²⁴¹ Tex. Elec. Code § 16.033.

Safeguards Against Erroneous Removal

FIGURE 38

Texas Safeguards from Removal



Texas scored only 20% for its safeguards to protect voters who do not learn that their registrations have been canceled or placed on the “suspense list” (marked inactive) until they attempt to vote in an election. Most importantly, Texas does not have same-day registration, which would provide a fail-safe opportunity for eligible voters to re-register.²⁴² Texas does, however, allow voters who have been placed on the suspense list based on a suspected change of address to cast a regular ballot after completing a statement affirming they did not move.²⁴³

Table 38: Safeguards Against Erroneous Removal

Safeguard	
Same-Day Registration (SDR)	0
SDR Identification Requirements	0
Regular or Provisional Ballot for SDR Voter	0
Regular or Provisional Ballot for Correcting Inactive Status	20
Total	20/100 = 20%

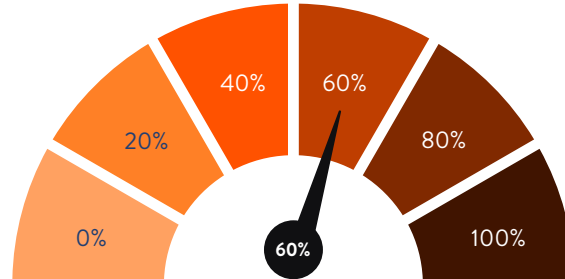
²⁴² Tex. Elec. Code § 16.033 (imposing 30-day registration deadline).

²⁴³ Tex. Elec. Code §§ 15.112, 63.001.

Data Accessibility

FIGURE 39

Texas Data Accessibility



Texas scored 60% for data accessibility. Anyone can request the complete file and receive it within 15 days, and it comes in an electronic format.²⁴⁴ However, the complete file is not available online for immediate download, and it costs well over \$1,000.²⁴⁵

Table 39: Data Accessibility

Indicator of Accessibility	
Complete File Publicly Available	0
Who Can Request File	20
Cost	0
Timeline	20
Format	20
Total	60/100 = 60%

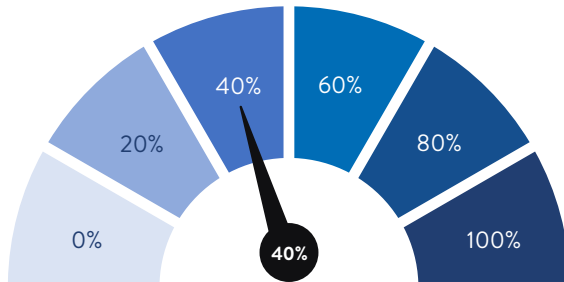
²⁴⁴ Tex. Elec. Code §18.008; see also Texas Secretary of State “Voter Registration Public Information Request Form” available at <https://www.sos.state.tx.us/elections/forms/pi.pdf>

²⁴⁵ *Id.*, page 6. The complete file costs \$328.13 plus \$0.0000625 per voter; in November 2022 there were more than 17.6 million registered voters in the state. See “Turnout and Voter Registration Figures (1970-current),” Texas Secretary of State, available at <https://www.sos.state.tx.us/elections/historical/70-92.shtml>.

Data Transparency

FIGURE 40

Texas Data Transparency



Texas scored 40% for data transparency. The file includes voter ID number and statuses but not race—as Texas does not require registrants to provide their race or ethnicity, status reason codes. Texas does give an option to request a file with Hispanic surnames flagged.²⁴⁶

Table 40: Data Transparency

Indicator of Transparency	
Race	0
Voter ID Number	20
Voter Status	20
Status Reason Code	0
Date Last Voted	0
Total	40/100 = 40%

²⁴⁶ See Tex. Elec. Code §§ 18.005; Texas Secretary of State “Voter Registration Public Information Request Form” available at <https://www.sos.state.tx.us/elections/forms/pi.pdf>.

Current Political Context

Texas has enacted numerous anti-voter bills in recent years, and its 2023-2024 session looks to be no exception. Senate Bill 260 would establish a “use it or lose it” process by triggering a voter’s removal from the voting rolls simply because the registrant has not voted within the last 25 months.²⁴⁷ This change alone would drop Texas’ score on removal practices to 28% from its current 48%. Following a flawed voter purge process that was implemented in 2019 that removed naturalized citizens from voting rolls, the state settled lawsuits challenging the process and agreed to update its data maintenance process.²⁴⁸ While H.B. 862 was introduced to repeal these changes and again make it more difficult to remove naturalized citizens²⁴⁹, the bill appears to have slowed and does not seem likely to pass.

The state also enacted new laws to punish election officials if they are seen as failing to act promptly enough to remove voters from the rolls pursuant to Texas’ requirements.²⁵⁰ However, problems have continued to surface with the State’s implementation of procedures for removing non-citizens from the voting list; the purge lists generated by the Secretary of State’s office in 2021 erroneously included scores of U.S. citizens²⁵¹ and have led to litigation.²⁵²

²⁴⁷ TX SB 260, available at <https://capitol.texas.gov/tlodocs/88R/billtext/pdf/SB00260I.pdf> (last visited April 18, 2023)

²⁴⁸ Tex. Elec. Code § 16.0332 (codifying certain terms of the settlement). This change was enacted in the 2021 session; Texas did not hold a legislative session in 2022.

²⁴⁹ TX HB 862, available at <https://capitol.texas.gov/tlodocs/88R/billtext/html/HB00862I.htm> (last visited May 15, 2023)

²⁵⁰ TX SB 1, § 2.06 (2021), codified at Tex. Elec. Code § 18.065 (e) - (i).

²⁵¹ Alexa Ura, “Texans’ renewed voter citizenship review is still flagging citizens as “possible non-U.S. citizens,” The Texas Tribune, Dec. 17, 2021, <https://www.texastribune.org/2021/12/17/texas-voter-roll-review/>.

²⁵² Alexa Ura, “Before the legislation is even signed, Texas’ new voting rules are challenged in two federal lawsuits,” The Texas Tribune, September 3, 2021, <https://www.texastribune.org/2021/09/03/texas-voting-lawsuit/>. The lawsuits have been consolidated, and trial is set for September 11, 2023. *La Union Del Pueblo Entero v. Abbott*, Case No. SA-21-CV-00844-XR (W. D. Tex.), Second Amended Scheduling order, March 30, 2023.

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