

The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.texas.gov
www.votetexas.gov



Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Jane Nelson
Secretary of State

ELECTION ADVISORY NO. 2024-19

To: All Election Officials
From: Christina Worrell Adkins, Director of Elections
Date: June 5, 2024
RE: Citizenship Requirements for Texas Elections

CWA

Our office has received a number of questions regarding the legal prohibitions on non-United States citizens registering to vote and voting in Texas elections.

The purpose of this advisory is to outline the relevant provisions enshrined in federal law and state law that deny voter registration and voting by non-U.S. citizens. These well-established provisions make clear that only eligible U.S. citizens can register to vote in the State and cast ballots in Texas elections. Texas law also unambiguously assigns to county voter registrars the responsibility to remove noncitizens and other ineligible voters from the State's voter rolls, but the Secretary of State's office can and will work with counties on that process.

Federal Law

Several provisions of federal law prohibit noncitizens from registering and voting in federal elections.

- The [Illegal Immigration Reform and Immigrant Responsibility Act of 1996](#) provides that it is unlawful for a non-U.S. citizen to vote in an election containing a federal office and any individual who violates these prohibitions shall be fined and could be imprisoned up to one year. [[18 U.S.C. § 611](#)]
- Noncitizens who knowingly make false statements or claims that they are a citizen in order to register to vote are subject to fines and could be imprisoned up to five years. [[18 U.S.C. § 1015](#)]
- A noncitizen who votes in any federal election may be deemed inadmissible and subject to deportation. [[8 U.S.C. § 1182](#)]

Texas Law

Texas law similarly prohibits noncitizens from registering and voting in state and local elections.

- The Texas Constitution provides that only those individuals who are citizens of the United States shall be deemed a qualified voter of the state. [Texas Constitution, Article VI, Section 2]
- To be eligible to vote in an election in Texas, a person must be a qualified voter. To be a qualified voter, the person must be a U.S. citizen. [Secs. 11.001-11.002, Texas Election Code]
- To be eligible for registration as a voter in Texas, a person must be a United States citizen. [Sec. 13.001, Texas Election Code]
- Voter registration agencies should only provide voter registration applications to United States citizens. [Sec. 20.31, Texas Election Code]

Voter Registration Form

The state-designed and federally approved Texas voter registration application requires the applicant to state affirmatively that he or she is a United States citizen. The registration application states that it is a criminal offense under both state and federal law to give false information in order to procure a voter registration.

The image shows a portion of the 'Texas Voter Registration Application' form. At the top, it says 'Texas Voter Registration Application' and 'For Official Use Only'. Below that, it says 'Prescribed by the Office of the Secretary of State' and 'VSRS 2012 (2)'. The main heading is 'These Questions Must Be Completed Before Proceeding (Check one)'. There are three checkboxes: 'New Application', 'Change of Address, Name, or Other Information', and 'Request for a Replacement Card'. Below this, there are two questions: 'Are you a United States Citizen?' and 'Will you be 18 years of age on or before election day?'. Each question has 'Yes' and 'No' checkboxes. A note below says 'If you checked 'No' in response to either of the above, do not complete this form.'

Citizenship Question on Voter Registration Application

The image shows a portion of the 'Texas Voter Registration Application' form, specifically the affirmations section. It starts with a bold '10' in a box, followed by the text: 'I understand that giving false information to procure a voter registration is perjury, and a crime under state and federal law. Conviction of this crime may result in imprisonment up to one year in jail, a fine up to \$4,000, or both. Please read all three statements to affirm before signing.' Below this are three bullet points: 'I am a resident of this county and a U.S. citizen;', 'I have not been finally convicted of a felony, or if a felon, I have completed all of my punishment including any term of incarceration, parole, supervision, period of probation, or I have been pardoned; and', and 'I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote.' At the bottom, there is a signature line with a large 'X' in a box, followed by a date line 'Date / /' and the text 'Signature of Applicant or Agent and Relationship to Applicant or Printed Name of Applicant if Signed by Witness and Date.'

Affirmations on Voter Registration Application

Voter Registration List Maintenance

There are additional safeguards built into Texas law that help voter registrars identify noncitizens in order to remove these registrations from the Texas voter rolls and prevent noncitizens from voting in Texas elections.

- **Department of Public Safety (“DPS”) Verifications:** The Secretary of State obtains data from DPS on a weekly basis of individuals who presented evidence of non-U.S. citizenship at their last DPS visit in which they were issued a new or renewed driver license or personal identification card. The Secretary of State compares these notifications to the statewide voter registration database based on specific matching criteria and identifies individuals who registered to vote prior to presenting evidence of non-U.S. citizenship at their last DPS transaction. The Secretary of State will send these records to county voter registrars to determine whether a voter is eligible for registration in their county. If a voter registrar has reason to believe that the voter is no longer eligible for registration, the registrar will send a [Notice to Registered Voter for Proof of Citizenship](#). If the voter does not provide proof of citizenship or otherwise respond to the notice within thirty days from the date of the notice, the voter’s registration will be cancelled. [Sec. 16.0332, Texas Election Code] For more information regarding this process, see [Advisory No. 2021-11 - List Maintenance Activity Involving Potential Non-United States Citizens](#).
- **Jury Summons Notifications:** 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), Texas Election Code] If a person refuses jury service because of lack of U.S. citizenship, the voter registrar receives this information and sends a [Notice to Registered Voter for Proof of Citizenship](#) to the voter. If the voter does not respond to that notice with proof of citizenship within thirty days from the date of the notice, the voter registrar will cancel their registration. [Secs. 16.0332, 18.068, Texas Election Code]
- **Challenges by Citizens:** A person can challenge a voter’s registration due to lack of U.S. citizenship, which would then result in a hearing and cancellation of the challenged voter’s registration if the challenged voter does not present adequate proof that they are a U.S. citizen and otherwise eligible to be registered to vote. [Secs. 16.091-16.095, Texas Election Code]
- **Voter Registrar’s Examination Process:** If the voter registrar has reason to believe a voter is not eligible to be registered due to not being a U.S. citizen (or for other reasons), the voter registrar can send a [notice of examination](#). The registrar must then cancel the voter if: the voter does not respond within thirty days from the date of the notice; the registrar

determines the voter's response does not show the voter is eligible for registration ; or each notice mailed to the voter is returned as undeliverable with no forwarding information. [Sec. 16.033, Texas Election Code]

If you have any questions regarding this advisory, please contact the Elections Division toll -free at 1-800-252-VOTE (8683).

CA