IV. STATE-BY-STATE SURVEY

When states regulate voter registration drives, it directly affects who participates in the electoral process, and who is permitted to assist them. This survey provides a state-by-state snapshot of the following four categories of restrictions.

1) **Official Volunteer Systems**
   - Laws requiring official certification or authorization to conduct voter registration drives.

2) **Training Programs**
   - Laws offering or requiring a specified course of training before conducting voter registration drives.

3) **Registration & Reporting Requirements**
   - Laws requiring groups to first register with the State and maintain or submit various records and reports related to drives.

4) **Return Deadlines & Penalties**
   - Laws requiring the submission of collected voter registration applications prior to the general book closing deadline, and imposing penalties for violations of the return deadline or violations of other rules.

For almost every state, the Brennan Center provided the chief election official with an opportunity to edit the summary. Revised drafts were returned to the official for final review.

These summaries are not intended as, and do not constitute, legal advice. They are provided for informational and educational use only. For more information, including specific voter registration requirements, or any revisions to the laws described, contact the elections office listed for each state.

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TEXAS

<table>
<thead>
<tr>
<th>Official Volunteer System:</th>
<th>Mandatory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training:</td>
<td>Yes</td>
</tr>
<tr>
<td>Registration &amp; Reporting:</td>
<td>Yes</td>
</tr>
<tr>
<td>Return Deadline &amp; Penalties:</td>
<td>5 Days</td>
</tr>
<tr>
<td>Other:</td>
<td>Yes</td>
</tr>
</tbody>
</table>

For More Information:
Elections Division
Thomas J. Rusk Building
208 East 10th St., 3rd Floor
Austin, Texas 78701
http://www.votetexas.gov
Texas maintains a mandatory official volunteer system (“volunteer deputy registrar”).\(^1\) A person commits a punishable “offense if the person purports to act as a volunteer deputy registrar when the person does not have an effective appointment as a volunteer deputy registrar.”\(^2\) To become a volunteer deputy registrar, a person “must request appointment by the registrar in person or by mail.”\(^3\) A registrar may not refuse to appoint an eligible volunteer deputy registrar, or deny appointment to an eligible deputy registrar “on the basis of sex, race, creed, color, or national origin or ancestry.”\(^4\) Appointments are available only to persons qualified to vote in Texas, and may be revoked if a volunteer deputy is ever found to have failed to “adequately review a registration application.”\(^5\)

“A volunteer deputy registrar may distribute voter registration application forms throughout the county and receive registration applications submitted to the deputy in person.”\(^6\) Because a volunteer deputy appointment is county-specific, voter registration drives must ensure volunteers and employees are deputized in each county in which they will collect forms. In 2011, Texas amended the deputy registrar law to limit volunteer deputy appointments to Texas residents \(^7\) and qualified voters, although they need not be registered voters.\(^7\) Additionally, volunteer deputies must complete a training program as prescribed by the Secretary of State, and may be subject to an exam before training is complete.\(^8\) Deputy volunteer registrar exams are at the discretion of county officials, according to a determination by the Texas Secretary of State.\(^9\) Compensation of volunteer deputies on a per-registrant basis is prohibited.\(^10\)

Volunteer deputies must present their certificate of appointment to voter registration applicants upon request.\(^11\) Deputy registrars must give voters receipts for collected forms that are signed and dated by the deputy registrar when the applicant completes the form. A duplicate of the receipt must be delivered with the application.\(^12\) In general, applications must be delivered in person to the registrar and no later than “5 p.m. of

\(^1\) On August 2, 2012, a federal district court issued a preliminary injunction blocking Texas from enforcing several components of its restrictions on voter registration drives. See Voting for America, Inc. v. Andrade, No. 3:1-CV-00044 (S.D. Tex. Aug. 2, 2012), available at http://moritzlaw.osu.edu/electionlaw/litigation/documents/OrderonMotionforPreliminaryInjunction.pdf. The next day, Texas filed a motion asking the district court to stay the injunction pending the state’s appeal. See Defendant Andrade’s Motion for Stay, Voting for America, Inc., available at http://moritzlaw.osu.edu/electionlaw/litigation/documents/AndradesMotionforStay.pdf. In light of the ongoing litigation, this summary of the law does not reflect which provisions are temporarily blocked by the most recent court order. Litigation developments, including the district court order specifying which provisions were blocked as of August 2, 2012, can be found at: http://moritzlaw.osu.edu/electionlaw/litigation/VotingForAmericaV.Andrade.php.

\(^2\) TEX. ELEC. CODE ANN. § 13.044(a) (2011)

\(^3\) TEX. ELEC. CODE ANN. § 13.033(a) (2011)


\(^12\) TEX. ELEC. CODE ANN. § 13.040 (2011).
the fifth day after the date the application is submitted to the volunteer deputy registrar.13 The one exception is when applications are submitted between the 34th and 29th day before an election.14 Those applications must be submitted in person by 5 p.m. on the 29th day before an election to meet the book closing deadline.15

Failure to comply with the submission deadlines is a Class C misdemeanor, unless the offense is intentional, in which case the offense is a Class A misdemeanor.16 Class C misdemeanors have a maximum fine of $500; Class A misdemeanors can be punished by up to a year in jail or a maximum fine of $4,000, or both.18 Acting as a volunteer deputy without an appointment is also a Class C misdemeanor.19 Violations of the prohibitions on certain forms of compensating workers are punishable by a maximum fine of $4,000 per registrant, or a maximum of one-year imprisonment, or both.20

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View the full report at:
http://www.brennancenter.org/content/resource/state_restrictions_on_voter_registration_drives/

13 TEX. ELEC. CODE ANN. § 13.042(a), (b) (2011).
14 TEX. ELEC. CODE ANN. § 13.042(c) (2011).
15 TEX. ELEC. CODE ANN. § 13.042(a), (c) (2011).