

Unconstitutional Mandates on Texas Citizens Have No Place in Texas Elections

The Texas constitution and Texas statutes – as well as federal law – are unequivocal that one must be a citizen to vote in Texas elections. It is enshrined in the Texas constitution that only citizens can vote, and this requirement is restated throughout the Texas code. In addition, federal law prohibits those who are not American citizens from voting in federal elections.

When registering to vote, prospective Texas voters must attest that they are a citizen and provide either a Social Security number or Texas ID (such as a driver's license), which is then verified by local election officials before a registration is approved. Texas also has a strict voter ID law that requires in-person voters to show photo ID and mail voters to provide a driver's license, state ID, or election ID certificate number. To keep voter registration lists clean and up-to-date, Texas election officials routinely ensure that only citizens are on the voter registration list by comparing it to state driver's license data and responses to jury summons that suggest non-citizenship.

Given the safeguards in place to ensure only eligible citizens vote in Texas, an unconstitutional, bureaucratic mandate requiring voters to present a passport or birth certificate to register or re-register to vote in Texas goes too far.

Unconstitutional Mandate Would Harm Texas Citizens – Especially Rural and Working Class Texans

While federal law already prohibits noncitizens from voting, some policy proposals would require voting-eligible citizens to present documentary proof of their citizenship to register or re-register (after a move, a name change, or a party switch) to vote in federal elections. Driver's licenses, including REAL IDs in Texas, would not be sufficient – nor would military or Tribal IDs.

Enacting a documentary proof of citizenship mandate on Texas voters would likely block millions of ordinary citizens from being able to cast a ballot unless they present a current

passport or certified birth certificate — a mandate to provide documents that many Texans can't access.

10.6 million*	The number of voting-age U.S. citizens in Texas without a valid U.S. passport
40%*	The percentage of voting-age U.S. citizens in Texas without a valid U.S. passport
6 million†	The number of Texas women who do not have a birth certificate matching their current legal name

* U.S. State Department data analyzed by Secure Democracy Foundation

† U.S. Census Bureau data analyzed by Secure Democracy Foundation

Rural and working-class Texans are the most likely to be impacted. Consumer research shows that citizens in rural, working class, farming, and evangelical communities are least likely to hold passports. The data show:

- [76% of citizens who have not attended college](#) **do NOT** have a valid passport
- [70% of citizens with family income less than \\$50K](#) **do NOT** have a valid passport
- [62% of “evangelical hub” citizens](#) **do NOT** have a valid passport
- [58% of citizens in working-class communities](#) **do NOT** have a valid passport
- [53% of rural and farmland](#) citizens **do NOT** have a valid passport

A 2023 [YouGov/Economist survey](#) found the citizens less likely to hold valid passports are low and middle income Trump voters in the South and Midwest.

Documentary Proof of Citizenship Would Lead to Big Chaos and High Costs in Texas

Every state which has tried to implement a documentary proof of citizenship law has run into chaos and costly litigation. Without a single example of successful implementation, there's no reason to believe results would be any different in Texas. Texas would need to create a costly separate system for state elections and federal elections: separate ballots, separate primaries, and separate voter registration lists – all so the Lone Star State can impose this mandate on its citizens voting in state elections, while separately carrying out its constitutional duty to hold federal elections in accordance with federal law.

Texas has already threatened to harm eligible voters by using outdated DMV records to identify noncitizens on its voter rolls in 2019. Those outdated records nearly led to the removal of tens of thousands of eligible naturalized U.S. citizens.

Kansas briefly had a state law requiring new voter registrants to provide documentary proof of citizenship. One in eight U.S. citizens who attempted to register to vote over a three year period were erroneously blocked. A federal appellate court found the law to be unconstitutional — it was struck down.

Arizona has struggled with the implementation of its documentary proof of citizenship law for over two decades. Their law created a [two-tiered voter registration](#) system following a federal court intervention, meaning voters who do not present proof of citizenship at registration are barred from voting in state and local races. This system directly led to an administrative disaster in 2024, when more than 200,000 eligible voters' registrations were threatened and local election officials were left with an administrative mess and legal confusion. The state has still not reached a permanent resolution to protect eligible voters.

Texans Do Not Want New Mandates — and Current Texas Law is Working

The mandate prescribed by any documentary proof of citizenship law is completely out of touch with what the Texas voters want from their lawmakers right now. Countless surveys, including those from [YouGov](#) and [Ipsos](#), show the American people want their government to focus on broad economic concerns.

The claim that noncitizens are voting in meaningful numbers is unsupported by any credible evidence and defies logic. Studies, audits, and data from multiple elections and multiple sources show that noncitizen registration is rare and noncitizen voting is extraordinarily rare. For example, out of more than 1.2 billion ballots cast in the last 20 years, a review of data from the Heritage Foundation found just 85 cases of potential noncitizen voting in federal elections.

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