“Use it or Lose it”: Analysis of a Texas Voter Bill and Impacts on North Texas Voters

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Abstract

In the United States, voter registration is managed by a complex hierarchy of laws, including the National Voter Registration Act of 1993 (NVRA) at the federal level, as well as state laws [1]. This process is being actively managed and shaped by state legislators, with a flurry of laws proposed during each legislative session (in Texas in 2025, hundreds of election related bills had been filed as of March 31). Despite the high level of activity, there are few systematic studies on how these processes impact voters. We studied a bill in the Texas legislature, an elections bill also known as the “Use It or Lose It” bill (SB 396, HB 4253), which would target voters for suspension notification letters if they haven’t voted in 25 months, putting those voters on a “fast track” for removal. We acquired public voter files and election rosters from four populous north Texas counties both before and after the 2024 presidential election and assessed how many voters in "Active" status would be targeted by this bill, if it had been law in December 2024.

Results Summary: Before the election, we projected that 13.9% of the "Active" status voters would be targeted based on their voting history; after the election, we found that in fact 20.1% of "Active" voters would be targeted, because of lower-than-expected turnout in November 2024. The percentage of voters targeted varied widely by Congressional and state legislative districts, and was highly correlated with the percentage of the voting age population that identified as non-Anglo in the 2020 decennial Census.

Introduction

Many organizations focus attention on registering voters [2]; others on getting out the vote[3]. In comparison, little attention is paid to the *process* of maintaining voter rolls, which includes the removal of names of those who are deemed to no longer be valid voters. In Texas, these removals can occur when a voter dies, is convicted of a felony, or moves to a new address, among other reasons [4].

Although relatively unknown to the public, these voter list maintenance (VLM) practices have a significant impact on Texas voters [5]. Between 2020 and 2022, 1M voters had their registration cancelled through the "Suspense cancellation" process, which we describe more fully below; a

further 1.8M voters were in "Suspense" status at the end of March 2022. Taken together, the number of registrations either cancelled, or flagged for future cancellation (via the "Suspense" status) is comparable to the total number of registrations added in Texas during the same time period (2.9 M) [6]. Moreover, VLM processes are continually changing, as legislators propose multiple bills each session to further regulate this process [7] [6].

According to current law, a voter is put into “Suspense” (vs. “Active”) status when the voter registrar receives information indicating the voter has moved: typically, this is a piece of undeliverable mail or a positive match on the National Change of Address (NCOA) database. If the voter does not respond, and then does not vote in the next two Federal general elections, the voter’s status is updated to “Cancelled” and the voter is removed from the voter list (see Appendix A for a review of this process).

Prospective legislation for the Texas legislature session in 2025 includes the “Use it or Lose it” bill, which puts a voter’s status into “Suspense” simply for having failed to vote for 25 months, even if there is no reason to call their address into question (see Appendix B for full text of bill) [8], [9].

Not all eligible voters vote in every election. Some groups believe a voter who hasn’t voted in years should be removed from the voter rolls to avoid unnecessary bloating of registrations (e.g., [10]). Other groups believe a voter who has not moved or otherwise made themself explicitly ineligible to vote should remain on the voter rolls until they become ineligible regardless of inactivity (e.g., [11]). They are concerned that these voters, dropped from the voter rolls, not only have to re-register to vote but have to know that they need to re-register to vote. This study counts how many voters in northern counties in Texas would have had their registrations placed in "Suspense" status, if "Use it or Lose it" had been in place in December 2024. This study goes beyond previous research and the established public surveys from the U.S. Election Assistance Commission (EAC), in that we project how many voters will be impacted *before* the legislation becomes law and is implemented.

Background

The idea of a voter being dropped from the voter rolls due to inactivity was exemplified in the “Supplemental Process” adopted by Ohio in 1994 [12]. Since 1995, the board of elections in each Ohio county has compiled a list of registered voters that had not had any defined voter activity for a period of two years. Voters were removed from the voter rolls if they failed to vote within the subsequent four-year period and if they failed to either re-register to vote or respond to the notice from the county board of elections. That process was challenged in 2015, found unconstitutional by the Sixth Circuit, but ultimately upheld by the US Supreme Court in *Husted v A. Philip Randolph Institute* in 2018 [12]. The proposed Use It or Lose It Texas bill contains legislative language that

appears to mirror the Ohio process [13], as detailed in Appendix B. An identical bill was first filed in 2023 and passed in the Texas Senate, but did not receive a floor vote in the Texas House of Representatives and thus failed to become law.

Texas already has a process in place to automatically change the status of voters to “Suspense” for those voters election officials suspect to have moved. Voters receive a notification from county election officials; if the voter does not confirm their address or update their voter record and does not vote in any election including two subsequent federal elections as defined in the National Voter Registration Act, then they are removed from the voter list.

As Table 1 shows, in 2024 Texas removed from the voter list 692,384 voters with "Suspense" status, which is about 34% of the total number of inactive registrations at that time. This is consistent with the history of the previous 4 election cycles, which shows that between 26% and 35% of inactive registrations are cancelled during each 2-year cycle. An additional pathway to the "Suspense" status will increase the number of inactive registrations which may be subject to later removal.

Year	Citizen Voting Age Population	Reported Registrations	Active Registrations	Inactive (Suspense) Registrations	% Inactive (of total)	Cancelled/ Purged
2024 (Jan-Nov)	NA	18,623,931	16,611,078	2,012,853	10.8%	692,384
2022	19,375,866	17,672,143	15,847,341	1,824,802	10.3%	478,023
2020	18,875,542	16,955,519	15,279,870	1,675,649	9.9%	574,375
2018	18,174,345	15,615,925	13,790,247	1,653,986	10.6%	512,179

Table 1: A recent view of Texas voter list maintenance outcomes. The 2018 - 2022 data fields are sourced from the Election Assistance and Voter Survey (EAVS) Comprehensive Report [6]. The 2024 data is from the Texas Secretary of State website. For 2024, the "cancelled/purged" column includes December 2024-March 2025 (which are the typical months for the biennial "purge").

Although "Suspense" voters can still vote, this status still imposes time "cost" and some inconvenience for the voter. When a voter in “Suspense” arrives at a polling place, they cannot vote before filling out a Statement of Residence form, which is essentially a new voter registration form.

This introduces additional delay into the voting process. One necessary entry on the form is a Texas driver's license number or Social Security number; if the voter arrives at the poll without at least one of those numbers, they will be unable to fill out the form completely.

Methods

In this paper, we study the demographic impact of "Use it or Lose it" bills by analyzing voter history files from four North Texas counties, which include roughly 4M of the state's 17.9M voters.

We chose the four most populous counties of the 13 counties in the North Texas region (as defined by the North Texas Commission [14]): Collin (home of the city of McKinney), Dallas (including the city of Dallas), Denton (including the city of Denton), and Tarrant (including the city of Fort Worth). They form the core of North Texas – the fourth largest region in the United States – with a total population of 6.9M, and approximately 4.0M registered voters. We calculate the percentages on a district-by-district basis for US Congressional districts, TX Senate districts, and TX House of Representative districts.

Acquiring and standardizing voter files

We obtained two sets of recent voter history files from Collin, Dallas, Denton and Tarrant Counties; one set in April 2024, the other in December 2024. Each file contains the list of all registered voters in the county. Most of the files also contain voting history in the last 40 elections (in the case of Denton County, the last 60 elections). The voter files obtained in April 2024 included the primary election of March 2024; the voter files obtained in December 2024 included the general election of November 2024.

Each voter file contains one row per voter, with the following fields (among others):

- a unique voter identifier assigned by the TX Secretary of State (SOSTX) (also called a VUID, but here we refer to it as "SOSID")
- Voter status (indicating "Active" or "Suspense")
- Eligibility date (the date the voter was first eligible to vote in the county)
- District numbers for U.S. Congress (USCD), Texas Senate (TXSN), and the Texas House of Representatives (TXHD)
- Precinct number and zip code for their current address (not used here)

A voter file that contains electoral history will also have columns that encode the following for a list for elections (usually in order of recency from most recent to least recent):

- Whether the person voted in that election
- Whether they voted early, on election day, absentee, and (sometimes) whether provisionally (not used here)

- If it was a primary, whether they voted Democratic or Republican (not used here)

In two cases, the voter files (Tarrant Co and Dallas Co, December 2024) did not contain voter history because of a change either in their database structure (Tarrant) or in the process used to release voter files (Dallas). In these cases, we used the official election voter rosters, also supplied by the county, to access each voter's electoral participation history. Always, the SOSID is used to associate records because this is purported to be a unique, one-to-one identifier for a voter, as long as that voter remains continuously registered somewhere in the state of Texas.

The format of voter files varies by county and even over time within the same county. Although there is a statewide database (TEAMS) managed by SOSTX, most large counties in Texas manage their own database and push updates to TEAMS on a regular basis. The two major suppliers of database software to Texas counties are VOTEC (database name: VEMACS) and VR Systems Inc. (database name: Voter Focus), which each have different protocols for reporting voter history. VEMACS uses three distinct columns to identify an election code, vote type (early, election day, or absentee), and party (Dem vs. Rep); VR uses a single column, with the election included in the column name, and Democratic/Republican elections are stored as distinct elections. Therefore we have three sets of scripts which manage three common settings: reports from VEMACS, reports from VR, and reports from TEAMS.

Regardless of database format, we format the needed information into a slimmer, VEMACS-style table which contains, for each voter:

- SOSID
- Voter status (indicating "Active" or "Suspense")
- Eligibility date
- District numbers for USCD (Congress), TXSN (Texas Senate), TXHD (Texas House)
- Precinct number and zip code for their current address (not used here)
- A list of election codes in which the voter cast a ballot (may be empty)

All database operations were performed using the Python package pandas [15], [16]; our scripts are available upon request.

Assessing which voters are at risk

Using these files, we can simply count the number of voters that are in “Active” status and meet the criteria that would cause them to be impacted by the “use it or lose it” law, if it had been in place as of December 2024. However, for our first analyses, we also must consider that the law would only be triggered if they did not vote in November 2024; i.e. we had to predict which voters would actually participate in November 2024. Overall turnout numbers strongly suggest that many voters ONLY vote

in Presidential elections; e.g. November 2020 or November 2024. Therefore, we determined a voter was a likely Presidential year voter if he/she voted in November 2020.

But what if they did not vote in November 2020? Although we can say they did not vote in their current county, we cannot be sure they did not vote in another county, another state, or that they were simply not registered at that time. A stronger indicator of their tendency to vote in a Presidential year is if they were eligible to vote in November 2020, but *chose not to do so*. Therefore, we applied a final set of a criteria, determining a voter was "At High Projected Risk" if

(1a) The voter was eligible to vote on 11/8/2022 (the date of the last even-year November General Election), AND
(1b) The voter did not vote in that election, or any election thereafter
(1c) The voter was eligible to vote on 11/3/2020, but did not do so.

For our second analyses, which took place after the November 2024 election, the criteria were simpler because we did not have to project future behavior. We determined a voter was "At Definite Risk" if

(2a) The voter was eligible to vote on 11/8/2022 (the date of the last even-year November General Election), AND
(2b) The voter did not vote in that election, or any election thereafter

We also defined "Missing Presidential voters" to be those that we had projected would vote in November 2024, based on their previous voting behavior:

(3a) The voter is "At Definite Risk", AND
(3b) The voter voted in the previous presidential election; i.e. November 2020.

In order to calculate the number of "At projected risk" and "At definite risk" voters in each district, precinct, and zip code, we used the pandas function groupby().sum().

We could choose to add other criteria and further narrow the list. For example, we currently check only the voter's voting history *in the county in which they are currently registered*. Arguably, we could check whether the voter was registered, and voted, in a previous county in Texas. In principle, this information is accessible to county voter registrars through the SOSTX TEAMS database. However, we do not know whether it is practical for a county to access TEAMS at this scale (i.e. submitting a query for 300K voters), nor whether registrars would do this in practice. Finally, no reference is made to the statewide database in the text of the bill in question, much less a requirement to use such a database.

Demographic profiles of each district

To obtain demographic data about each district, we used Tables P1 and P2 (for Total population) and P3 and P4 (for voting age population, i.e. 18 and older) from the 2020 decennial Census, which tabulates self-reported race and ethnicity for all US residents at the level of the Census block. We used standard algorithms (implemented by the Python package maup [17]) to assign each Census block to a county-district intersection based on geographical intersections. We report "% non-Anglo" as the portion of the population (here, we report voting age population (VAP)) that falls into *any* category other than "non-Hispanic, white only".

As an accuracy check, we confirmed that our "total population" numbers thus computed coincided with the "District Population Analysis with County Subtotals" released by the Texas Legislative Council in 2021 for C2193, S2168, and H2316, for the Congressional, Senate, and State House maps respectively [18]-[20]. The numbers were assigned by the legislature to the maps that were eventually enacted. These enumerate, for each district, the population intersection *with each county* as well as the intersection in broad racial and ethnic groups as identified by the US Census. These numbers were also derived from the 2020 decennial Census, which was released in August 2021.

Finally, we note that district boundaries often overlap county lines; thus, we often only had access to voter files representing part of a district. This is important to monitor because demographic groups are often "cracked and packed" when forming district boundaries (for example, the Tarrant County portion of USCD 6 is distinctly more non-Anglo than USCD 6 as a whole). Therefore we also report what fraction of the district lives in the analyzed counties by aggregating, for each district, Census blocks assigned to that district by "in 4-county region" vs. "not in 4-county region". This ensures that when we report voter status and demographic data, both are computed with respect to the same group of people.

Results

Projected "Use it or Lose it" impacts vary widely by county and district

We first view how the number of affected voters varies by county, at both points in time (April 2024 and December 2024): see Table 2. Two patterns stand out: first, the percentage of voters impacted varies widely by county. Second, the percentage that we estimated in April was a significant underestimate of the percentage found to be at risk in December 2024. In April 2024, the percentage of "Active" voters that were projected to be "at high risk" ranges from a minimum of 8.6% (Collin) to a maximum of 18.2% (Dallas); in December, the percentage of "Active" voters "at definite risk" ranges from a minimum of 14.3% (Collin) to a maximum of 25.4% (Dallas). In short, Collin County voters are the least affected by both metrics; Dallas County voters are the most affected. The impact on Denton County voters is similar to Collin County; the impact on Tarrant County voters is similar to the

all-county average. Overall, 13.9% of voters across the four counties were projected to be “at high risk” in April; 20.1% of "Active" voters were found to be “at definite risk” in December.

	Before Nov 2024 election		After Nov 2024 election				
North Texas County	Total "Active" voters on file	Voter at high (projected) risk	Total "Active" voters on file	Voter at definite risk	Missing Presidential year voters	% At high projected risk (April 2024)	% At definite risk (December 2024)
Collin	633,096	54,726	690,497	98,686	31,305	8.6%	*14.3%*
Dallas	1,275,842	232,779	1,317,010	334,717	87,557	18.2%	*25.4%*
Denton	550,472	49,394	600,187	86,632	25,486	9.0%	*14.4%*
Tarrant	1,116,260	158,359	1,190,573	243,779	66,544	14.2%	*20.5%*
Total	3,575,670	495,258	3,798,267	763,814	210,892	13.9%	*20.1%*

Table 2: Affected voters across 4 North Texas counties. The column “% At high projected risk” contains the percentage of “Active” voters in April 2024 who were eligible to vote in November 2022, have not voted since before November 2022, did not vote in November 2020, AND are confirmed to have been eligible to vote in November 2020 (see Methods). The column “% At Definite Risk” contains the percentage of “Active” voters in December 2024 who were eligible to vote in November 2022 but have not voted since before November 2022. The column “Missing Presidential Year voters” is the number of voters who are “At definite risk” but who also voted in the November 2020 election (see Methods).

We next tabulated the results for each US Congressional district that intersects at least one of the 4 counties and report them in Table 3. As for counties, wide variation is present that is consistent between the two time points (i.e. a district with a high percentage of voters impacted in April, also has a high percentage impacted in December). In April 2024, the percentage of "Active" voters that were projected to be "at high risk" ranges from a minimum of 8% (USCD 4) to a maximum of 23.9% (USCD 33); in December, the percentage of "Active" voters "at definite risk" ranges from a minimum of 13.8% (USCD 4) to a maximum of 32.9% (USCD 33).

	Before Nov 2024 election		After Nov 2024 election				
North TX USCD	Total "Active" voters (in 4 county area)	Voter at high (projected) risk	Total "Active" (in 4 county area)	Voter at definite risk	Missing Presidential year voters	% At high projected risk (April 2024)	% At definite risk (December 2024)
33	295,761	70,296	310,721	100,541	23,774	23.9%	*32.4%*
30	399,414	83,599	415,848	118,295	29,417	20.9%	*28.4%*
5	214,554	40,145	221,359	57,050	15,170	18.7%	*25.8%*
6	139,629	24,710	146,226	37,083	9,649	17.7%	*25.4%*
32	348,379	55,283	361,719	83,348	22,702	15.9%	*23.0%*
25	203,757	28,962	215,941	44,378	12,635	14.2%	*20.6%*
12	365,870	48,792	394,722	75,789	20,738	13.3%	*19.2%*
13	73,726	8,094	84,325	13,586	3,902	11.0%	*16.1%*
24	474,700	45,062	495,464	71,990	22,859	9.5%	*14.5%*
3	434,197	37,349	473,395	66,872	21,248	8.6%	*14.1%*
26	428,358	37,234	465,059	65,405	19,302	8.7%	*14.1%*
4	197,325	15,732	213,488	29,477	9,496	8.0%	*13.8%*
Total	3,575,670	495,258	3,798,267	763,814	210,892	13.9%	*20.1%*

Table 3: Affected voters across 4 North Texas counties, by Congressional district (USCD). The column "% At high projected risk" contains the percentage of "Active" voters in April 2024 who were eligible to vote in November 2022, had not voted since before November 2022, did not vote in November 2020, AND are confirmed to have been eligible to vote in November 2020 (see Methods). The column "% At Definite Risk" contains the percentage of "Active" voters in December 2024 who were eligible to vote in November 2022 but have not voted since before November 2022. The column "Missing Presidential Year voters" is the number of voters who are "At definite risk" but who also voted in the November 2020 election (see Methods).

Likewise, there are striking differences across TX Senate districts (Table 4). In April 2024, the percentage of "Active" voters that were projected to be "at high risk" ranges from a minimum of 8.8% (TXSD 8) to a maximum of 21.0% (TXSD 23); in December, the percentage of "Active" voters "at definite risk" ranges from a minimum of 14.4% (also TXSD 8) to a maximum of 28.5% (TXSD 23).

	Before Nov 2024 election		After Nov 2024 election				
North TX TXSD	Total "Active" voters (in 4 county area)	Voter at high (projected) risk	Total "Active" (in 4 county area)	Voter at definite risk	Missing Presidential year voters	% At high projected risk (April 2024)	% At definite risk (December 2024)
23	490,159	102,746	509,446	145,128	36,078	21.0%	*28.5%*
16	412,635	79,695	424,096	113,670	29,038	19.3%	*26.8%*
10	309,675	49,660	329,280	75,032	20,160	16.0%	*22.8%*
22	170,126	25,647	182,459	40,896	11,334	15.1%	*22.4%*
2	270,294	41,568	281,214	61,911	17,386	15.4%	*22.0%*
9	528,035	71,353	564,547	109,148	29,583	13.5%	*19.3%*
30	339,181	30,028	374,454	54,838	16,472	8.9%	*14.6%*
12	534,499	48,933	564,424	81,560	24,969	9.2%	*14.5%*
8	521,066	45,628	568,347	81,631	25,872	8.8%	*14.4%*
Total	*3,575,670*	*495,258*	*3,798,267*	*763,814*	*210,892*	*13.9%*	*20.1%*

Table 4. Affected voters across 4 North Texas counties, by TX Senate district (TXSD). The column "% At high projected risk" contains the percentage of "Active" voters in April 2024 who were eligible to vote in November 2022, had not voted since before November 2022, did not vote in November 2020, AND are confirmed to have been eligible to vote in November 2020 (see Methods). The column "% At Definite Risk" contains the percentage of "Active" voters in December 2024 who were eligible to vote in November 2022 but have not voted since before November 2022. The column "Missing Presidential Year voters" is the number of voters who are "At definite risk" but who also voted in the November 2020 election (see Methods).

Next, we estimate the number of affected voters for each district in the Texas House of Representatives (Table 5). Here, most districts are entirely contained within the county in question. We ordered the districts by the percentage of voters "at high risk". Within Collin and Denton counties, the differences are modest. Within Dallas and Tarrant counties, the differences are stark.
In Dallas County, the percentage of voters "at high risk" in April ranges from 6.9% (HD 108) to 32.3% (HD 110); the percentage of voters "at definite risk" in December ranges from 11.6% (HD 108) to 41.7% (HD 110). In Tarrant County, the percentage of voters projected to be "at high risk" in April ranges from 7.6% (HD 98) to 24.7% (HD 90); the percentage of voters "at definite risk" in December ranges from 12.0% (HD 98) to 33.2% (HD 90).

Table 5 (NEXT PAGE). Affected voters across 4 North Texas counties, by TX House district (TXHD). The column "% At high projected risk" contains the percentage of "Active" voters in April 2024 who were eligible to vote in November 2022, had not voted since before November 2022, did not vote in November 2020, AND are confirmed to have been eligible to vote in November 2020 (see Methods). The column "% At Definite Risk" contains the percentage of "Active" voters in December 2024 who were eligible to vote in November 2022 but have not voted since before November 2022. The column "Missing Presidential Year voters" is the number of voters who are "At definite risk" but who also voted in the November 2020 election (see Methods).

		Before Nov 2024 election		After Nov 2024 election				
TX House District	County	Total "Active" voters	Voter at high (proj.) risk	Total "Active" voters	Voter at definite risk	Missing Presidential year voters	% At high projected risk (April 2024)	% At definite risk (Dec. 2024)
33	Collin	46,231	4,402	49,947	7,831	2,420	9.5%	*15.7%*
89	Collin	124,079	12,325	135,126	21,196	6,433	9.9%	*15.7%*
67	Collin	121,168	11,189	134,212	19,863	6,164	9.2%	*14.8%*
70	Collin	95,296	8,487	101,881	14,916	4,809	8.9%	*14.6%*
66	Collin	121,469	9,276	132,466	17,469	5,684	7.6%	*13.2%*
61	Collin	124,853	9,047	136,865	17,411	5,795	7.2%	*12.7%*
110	Dallas	76,866	24,864	79,028	32,936	6,969	32.3%	*41.7%*
100	Dallas	76,237	21,123	78,801	28,479	6,409	27.7%	*36.1%*
107	Dallas	74,796	19,148	76,203	26,086	6,171	25.6%	*34.2%*
104	Dallas	78,235	20,411	81,076	27,561	6,330	26.1%	*34.0%*
111	Dallas	99,745	20,316	102,009	28,303	7,440	20.4%	*27.7%*
105	Dallas	71,911	13,847	73,518	20,309	5,239	19.3%	*27.6%*
113	Dallas	94,845	18,527	97,719	26,115	6,988	19.5%	*26.7%*
103	Dallas	79,180	14,944	82,876	21,730	5,560	18.9%	*26.2%*
109	Dallas	102,858	19,481	106,958	27,881	7,460	18.9%	*26.1%*
102	Dallas	80,771	14,197	82,087	21,359	5,843	17.6%	*26.0%*
114	Dallas	100,173	13,323	103,816	20,970	5,813	13.3%	*20.2%*
112	Dallas	117,700	13,528	121,884	20,791	6,366	11.5%	*17.1%*
115	Dallas	95,411	10,282	98,914	16,827	5,240	10.8%	*17.0%*
108	Dallas	127,114	8,788	132,121	15,370	5,729	6.9%	*11.6%*
63	Denton	109,487	10,705	117,015	18,064	5,260	9.8%	*15.4%*
57	Denton	114,352	10,723	123,548	18,354	5,399	9.4%	*14.9%*
64	Denton	70,636	7,088	81,384	11,871	3,413	10.0%	*14.6%*
65	Denton	126,960	10,635	138,057	19,223	5,725	8.4%	*13.9%*
106	Denton	129,037	10,243	140,183	19,120	5,689	7.9%	*13.6%*
90	Tarrant	81,531	20,110	86,472	28,692	6,557	24.7%	*33.2%*
95	Tarrant	88,786	18,700	95,326	28,228	6,957	21.1%	*29.6%*
101	Tarrant	94,414	16,207	100,492	25,106	6,760	17.2%	*25.0%*
92	Tarrant	73,411	11,046	80,481	18,212	4,860	15.0%	*22.6%*
99	Tarrant	106,350	15,679	113,488	23,554	6,148	14.7%	*20.8%*
91	Tarrant	100,526	14,492	106,701	21,447	5,827	14.4%	*20.1%*
96	Tarrant	114,740	14,654	121,144	22,355	6,535	12.8%	*18.5%*
94	Tarrant	105,329	12,487	110,138	19,306	5,873	11.9%	*17.5%*

93	Tarrant	116,324	13,226	126,646	21,739	6,169	11.4%	*17.2%*
97	Tarrant	113,950	12,629	123,194	19,954	5,881	11.1%	*16.2%*
98	Tarrant	120,899	9,129	126,491	15,186	4,977	7.6%	*12.0%*
Total		*3,575,670*	*495,258*	*3,798,267*	*763,814*	*210,892*	*13.9%*	*20.1%*

"Use it or Lose it" will disproportionately impact minority districts

We next investigate demographic characteristics of each district, and whether these may correlate to the impact of "Use it or Lose it" bills on voters. First, we note that Congressional and Senate districts overlap county lines, including counties which are not included in this study. Thus, we first established what percentage of the total population lies within the four-county area; this is helpfully provided in Texas Legislative Council reports (and can also be recovered from Census table P1 and P3).

- For US Congress, districts 24, 30, 32 and 33 were entirely contained within the four counties.
    - Districts 3, 12, and 26 had at least 85% of their population included in the study.
    - The remaining districts (4,5,6,13, and 25) had between 18-55% of their population included.
- For TX Senate, districts 9, 16, and 23 were entirely contained within the four counties.
    - Districts 8 and 12 had at least 85% of their population included in the study.
    - The remaining districts (2,10, 22, and 30) had between 37-64% of their population included.

North TX District	Total Pop. in 4-County area	% VAP in 4-County area	% Non-Anglo VAP in 4-County area	% At High (projected) Risk	% At definite risk
3	680661	89%	42%	8.6%	14.1%
4	358477	47%	50%	8.0%	13.8%
5	421027	54%	64%	18.7%	25.8%
6	317266	41%	68%	17.7%	25.4%
12	650081	85%	45%	13.3%	19.2%
13	137298	19%	42%	11.0%	16.1%
24	766987	100%	35%	9.5%	14.5%
25	382999	50%	53%	14.2%	20.6%
26	679309	88%	42%	8.7%	14.1%
30	766987	100%	79%	20.9%	28.4%
32	766987	100%	64%	15.9%	23.0%
33	766987	100%	84%	23.8%	32.4%

Table 6: Within-study area population and demographic features of each north Texas US Congressional district. The "Total population in 4-county area" and "% Total population in 4-county area" columns give the absolute number and percentage of that district's voting-age population that resided in Collin, Dallas, Denton, or Tarrant counties at the time of the 2020 US Census. The "% non-Anglo in 4-county area" column gives the percentage of the voting age population that is non-Anglo, at the time of the 2020 Census. (This percentage may differ from the percentage for the district at large). Because of strict constitutional requirements for Congressional districts, total population for each district was exactly 766987 per the 2020 Census; we have not included this column.

For the TX House of Representatives, the Texas State Constitution contains a provision which limits county splits (Section 26, Article III). Very populous counties can typically share only one split district; the remaining districts must be wholly contained within the county. Here, only two districts are not entirely contained within the 4-county study: HD64 has 64% of its population in Denton County, and HD33 has 43% of its population in Collin County. Dallas County is divided into 14 districts, all entirely contained within the county; Tarrant County is divided into 11 districts, all entirely contained within the county.

North TX District	Total Population	Total Pop. in 4-County area	% VAP in 4-County area	% Non-Anglo VAP in 4-County area	% At high projected Risk	% At definite risk
2	957994	516624	55%	58%	15.4%	22%
8	963125	851005	88%	44%	8.8%	14.4%
9	964126	964126	100%	46%	13.5%	19.3%
10	935869	601874	64%	63%	16%	22.8%
12	960904	892272	93%	44%	9.2%	14.5%
16	963453	963453	100%	69%	19.3%	26.8%
22	960493	359569	37%	64%	15.1%	22.4%
23	963305	963305	100%	79%	21%	28.5%
30	965445	582838	59%	46%	8.9%	14.6%

Table 7. Within-study area population and demographic features of each north Texas State Senate district. The "Total population in 4-county area" and "% Total population in 4-county area" columns give the absolute number and percentage of that district's population that resided in Collin, Dallas, Denton, or Tarrant counties at the time of the 2020 US Census. The "% non-Anglo in 4-county area" column gives the percentage of that population that is non-Anglo, at the time of the 2020 Census. (This percentage may differ from the percentage for the district at large).

From the same source of data, we obtained the demographics breakdown of the population into the different major groups used by the US Census. As a simple divider, we used the "Anglo vs. non-Anglo" for the voting age population calculated from Tables P3 and P4 as described in the Methods. (These numbers are provided for voting age population (VAP) by the Texas Legislative Council as well, but not broken down by county). We included the resulting "%non-Anglo" in Tables 6-8.

County	North TX District	Total Pop. in 4-County area	% VAP in 4-County area	% Non-Anglo VAP in 4-County area	% At High Risk	% At definite risk
Collin	33	82720	44%	52%	9.5%	15.7%
	61	202295	100%	45%	7.2%	12.7%
	66	198718	100%	42%	7.6%	13.2%
	67	200888	100%	44%	9.2%	14.8%
	70	185574	100%	51%	8.9%	14.6%
	89	194270	100%	44%	9.9%	15.7%
Dallas	100	184691	100%	86%	27.7%	36.1%
	102	187686	100%	70%	17.6%	26%
	103	184639	100%	74%	18.9%	26.2%
	104	185500	100%	82%	26.1%	34%
	105	191644	100%	75%	19.3%	27.6%
	107	184603	100%	77%	25.6%	34.2%
	108	187178	100%	23%	6.9%	11.6%
	109	184600	100%	82%	18.9%	26.1%
	110	184614	100%	92%	32.3%	41.7%
	111	184755	100%	85%	20.4%	27.7%
	112	185204	100%	42%	11.5%	17.1%
	113	185211	100%	68%	19.5%	26.7%
	114	184649	100%	50%	13.3%	20.2%
	115	198565	100%	61%	10.8%	17%
Denton	57	186531	100%	42%	9.4%	14.9%
	63	202319	100%	47%	9.8%	15.4%
	64	124230	64%	40%	10%	14.6%
	65	202249	100%	46%	8.4%	13.9%
	106	191093	100%	41%	7.9%	13.6%
Tarrant	90	202379	100%	80%	24.7%	33.2%
	91	186760	100%	42%	14.4%	20.1%
	92	188309	100%	69%	15%	22.6%
	93	195785	100%	46%	11.4%	17.2%
	94	185756	100%	41%	11.9%	17.5%
	95	203993	100%	77%	21.1%	29.6%
	96	188593	100%	43%	12.8%	18.5%
	97	189469	100%	38%	11.1%	16.2%
	98	184798	100%	30%	7.6%	12%
	99	194917	100%	42%	14.7%	20.8%
	101	189881	100%	75%	17.2%	25%

(Previous page) Table 8. Within-study area population and demographic features of each north Texas House of Representatives district. The "Total population in 4-county area" and "% VAP in 4-county area" columns give the absolute number and percentage of that district's population that resided in Collin, Dallas, Denton, or Tarrant counties at the time of the 2020 US Census. The "% Non-Anglo VAP in 4-county area" column gives the percentage of that population that is non-Anglo, at the time of the 2020 Census. (This percentage may differ from the percentage for the district at large).

Then, we produced scatter plots of "% Non-Anglo" vs. "% Voters at risk" in Figures 1-2. There is a striking and clear correlation between the two variables in all three chambers. We show US Congressional districts and TX Senate districts together in Figure 1. The left panel shows estimates from before November 2024; the right panel shows our assessment after the November 2024 election. Of particular concern, the district with the highest percentage of racial minorities in each chamber also has the largest fraction of voters at risk with respect to either metric. In the USCD, this is CD33 (represented by Marc Veasey); in the Senate, district 23 (represented by Royce West).

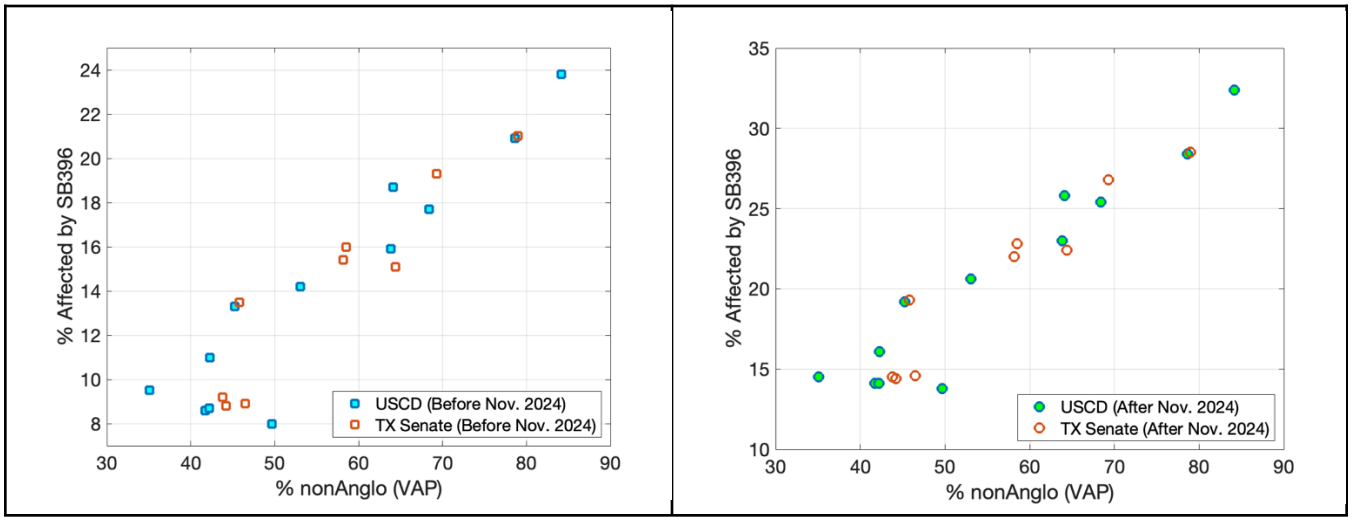


Figure 1: (Left) % of "Active" voters projected to be at risk before November 2024, vs. % Non-Anglo population for North Texas Congressional districts (USCD; blue squares) and Texas Senate districts (TX Senate; red outline). (Right) % of "Active" at definite risk, as assessed after November 2024, vs. % Non-Anglo population for North Texas Congressional districts (USCD; green circles) and Texas Senate districts (TX Senate; red outline).

In the TX House districts, there is also a positive correlation (Figure 2); but it is particularly pronounced within the two urban counties, Dallas and Tarrant. Within Denton and Collin counties, the house districts appear to be relatively homogeneous, both ethnically (at least by this crude metric) and in terms of how many voters would be affected by this law.

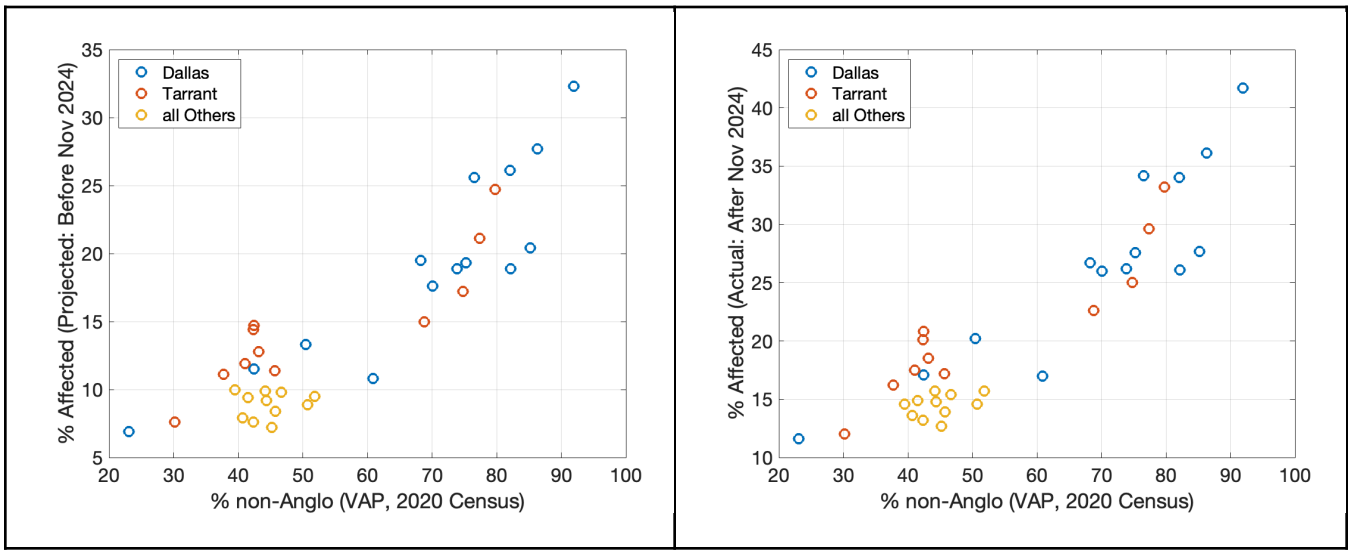


Figure 2: (Left) % of "Active" voters projected to be at risk before November 2024, vs. % Non-Anglo population for North Texas House districts. (Right) % of "Active" voters at definite risk, as assessed after November 2024, vs. % Non-Anglo population for North Texas House districts. (Both panels) Districts from Dallas County (blue) and Tarrant County (red) are highlighted separately, showing the clear relationship within each urban county.

Post-election risk increase is explained by turnout dropoff

We next examine how lower turnout in November 2024 contributes to voters being targeted by SB 396. We used the same public voter registration and history files to determine how many "At definite risk voters" had in fact voted in November 2020 in the same county. That is: these are voters that we would have projected to not be at risk, based on our information in April 2024. We refer to this as “turnout dropoff” and express this as a percentage of "Active" voters (as of December 2024). This is illustrated in Figure 3 and shows that the dropoff is also positively correlated with % non-Anglo.

Finally Figure 4 shows that the increased risk we measured in December 2024, can largely be explained by an unexpected turnout drop in the 2024 presidential election [21].

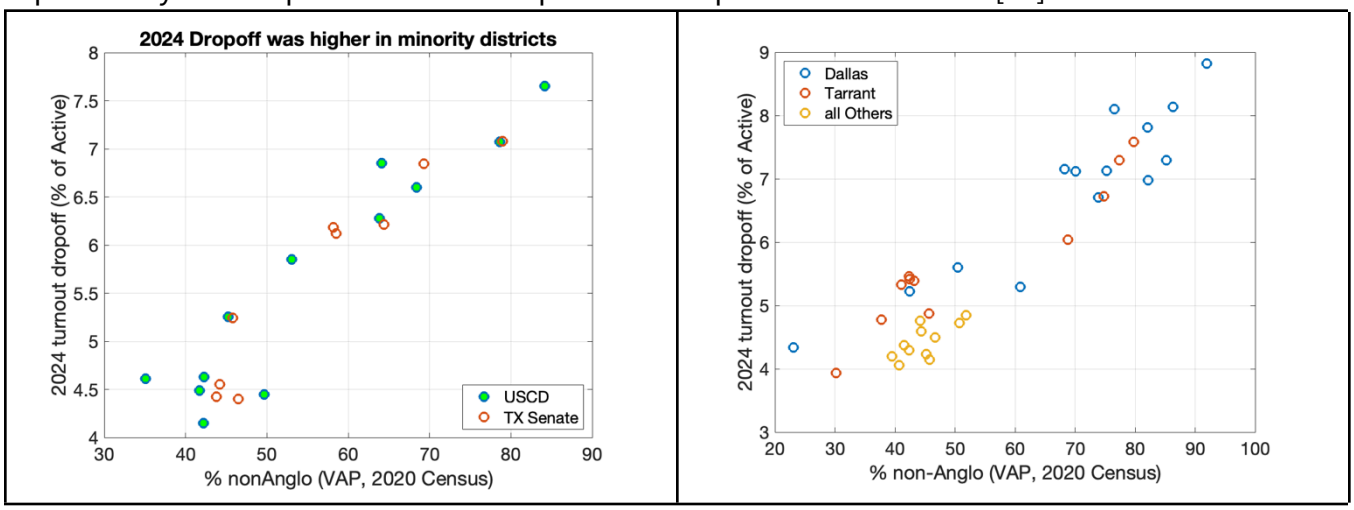


Figure 3: (Left) Turnout dropoff, as a percentage of "Active" voters, vs. % Non-Anglo population for North Texas Congressional districts (USCD; blue outline, green fill) and Texas Senate districts (TX Senate; red outline). (Right) Turnout dropoff, as a percentage of "Active" voters, vs. % Non-Anglo population, for North Texas House districts. Districts from Dallas County (blue) and Tarrant County (red) are highlighted separately, showing the clear relationship within each urban county.

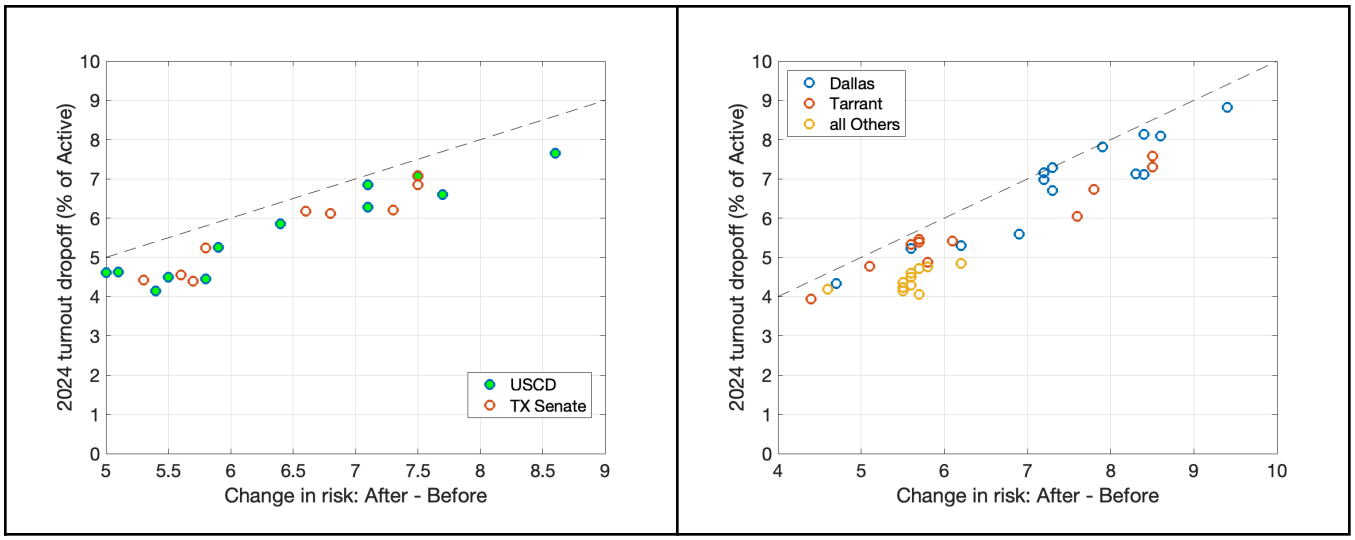


Figure 4: (Left) Turnout dropoff as a percentage of "Active" voters, vs. Difference in projected vs. actual assessment of risk, for North Texas Congressional districts (USCD; blue outline, green fill) and Texas Senate districts (TX Senate; red outline). (Right) Turnout dropoff as a percentage of "Active" voters, vs. Difference in projected vs. actual assessment of risk, for North Texas House districts. Districts from Dallas County (blue) and Tarrant County (red) are highlighted separately, showing the clear relationship within each urban county. The unity line y=x is included (black dashed).

Discussion

In summary, we studied the demographic impact of “Use it or Lose it” bills by analyzing voter history files from four North Texas counties, which include roughly 4M of the state’s 17.9M voters. These laws, which impose adverse effects on voters for simply not voting (usually, putting voters on the “Suspense” list), are an increasingly popular tool for states to manage their voting lists. The “Use it or lose it” law was repeatedly proposed during Texas legislative sessions in 2023 and has been proposed again in 2025.

We chose the four most populous counties of the 13 counties in North Texas: Collin, Dallas, Denton, and Tarrant. They form the core of North Texas – the fourth largest region in the United States – with a total population of 6.9M, and approximately 4.0M registered voters. Before the November 2024 election, we estimated that in these four counties 750K North Texans with "Active" status on the voter list (13.9% of the total) were likely to be impacted by the new “runway to suspense status” if they did not vote in November 2024. When we repeated our analysis after the November 2024 election, we found in fact that 20.1% would be impacted. This increase was largely explained by lower-than-expected turnout in the November 2024 election.

We calculated the percentages on a district-by-district basis for US Congressional districts, TX Senate districts, and TX House of Representative districts, and showed that wide variation exists in the percentage of voters impacted. For the TX House of Representatives, the percentage of voters “at high projected risk” (these are voters who had not voted since November 2022, and did not vote in November 2020, although they were registered) varied from a low of 6.9% (HD 108) to a high of 32.3% (HD 110). After November 2024, the percentage of voters “at definite risk” varied from a low of 11.6% (again, HD 108) to a high of 41.7% (again, HD 110). Furthermore, the percentage of impacted voters has a strong positive correlation with the percentage of non-Anglo residents of the district, across all three district maps. We note that HD 108 is a highly affluent, majority white district that includes wealthy North Dallas neighborhoods, as well as the cities of University Park and Highland Park; HD 110 is a lower-income, predominantly-minority district (34% Black, 59% Hispanic) in southeast Dallas.

These disparate impacts would exacerbate the existing difference in registration rates between Anglo and non-Anglo areas; according to the Texas Legislative County map report for HD2316 [18], in 2020, HD 108 had a voting age population (VAP) of 150K, of which 127K (84.7%) were registered to vote and in “Active” status; HD 110 had a VAP of 128K, of which only 77K (60.1%) were registered to vote and in “Active” status. Thus, penalizing registered voters for not voting will further reinforce racial gaps in registration and turnout.

Projecting presidential year turnout

As with any legislation, projecting whether any particular people will be impacted depends on events that will take place in the future; in this case, the most proximate and impactful event is whether a voter will choose to participate in the November 2024 presidential election. It is generally true that voter turnout is highest for such elections (vs. gubernatorial elections, primary elections, or local/municipal elections); however, it can still vary significantly both on a statewide level (in recent years it has been as low as 52% in 2000, and as high as 73% in 1992) and county by county (in 2020, turnout was 75% in Collin, but only 52% in El Paso). For this reason, it is prudent to examine multiple scenarios and factors that may affect turnout.

In this paper, we attempted to gauge, based on past voting history, whether each voter is a "likely" or "unlikely" presidential year voter and thus likely vs. unlikely to vote in November 2024. In the absence of a more sophisticated predictive model, we looked back at what the voter did in November 2020. If the voter *did* vote in November 2020, then we projected they would vote in November 2024.

*But what if they did **not** vote in November 2020?* We considered two ways to interpret this information. One possibility is to assume that these voters were not likely presidential year voters and thus should be considered "likely at risk". Alternatively, we could consider the voter "at high risk" only if they were eligible to vote in November 2020, but chose not to do so. The difference is in how we assess voters for whom their registration status in November 2020 is unknown or uncertain; we can either consider them to be "likely" or "unlikely" presidential voters by default; the former gives a more restrictive set of voters. We ultimately chose this more restrictive criterion; despite this relatively conservative choice, "Use it or Lose it" flags a substantial number of voters, effectively quadrupling the "Suspense" list in Dallas County. With either assumption, there is a wide range of outcomes across districts, and a strong correlation with how non-Anglo the district is.

Another complication is that the vote history files contain copies of the county-level database, but do not have any information about voting activity elsewhere in the state. For example, a voter who voted in November 2020 while she resided in Harris County, but then moved to Dallas County in 2022, would not have the 2020 voter activity reflected in our file. In this study, we address this concern by automatically "ruling in" any voters who were not eligible to vote in November 2022; they are automatically assumed to be "not at risk". Thus, any "at risk" voters have been continuously registered in a single county at least since November 2022, but have not voted since that date. This *under*estimates the number of voters that will be impacted in the future, because some recent registrants will be infrequent voters and thus likely to be caught up in future voter purges.

“Use it or Lose it”, Nationwide

Processes similar to “Use it or Lose it” are already in place across the United States; as of this writing, 22 states had some kind of pathway to put voters on Suspense for not voting [22](see Appendix C: “Use it or Lose it”, nationwide). It is of obvious interest to study the impact of these laws, for example by comparing cancellation rates before and after the practice started. This is made challenging by the fact that until the 2024 survey, the U.S. Election Assistance Commission did not keep track of cancellations due to non-voting; thus there is no nationwide, centralized database tracking the practice. Identifying cancelled voters, and determining whether the cancellations were non-voting related, will have to proceed through state-specific or county-specific FOIA mechanisms. Furthermore, separating “before” from “after” depends on definitively identifying when non-voting cancellations began; in Ohio, for example, removals for non-voting had been underway since 1994, but only came to widespread public attention with the court case that became *Husted*.

However, this data is available in principle; a 2016 Reuters article obtained cancellation data from Cuyahoga (Cleveland), Hamilton (Cincinnati), and Franklin (Columbus) counties, and found that there were sharp disparities in the percentage of voters cancelled for inactivity between Democratic vs. Republican precincts, as well as between majority African-American and majority white precincts [23].

“Use it or Lose it”, in Texas

Although "Use it or Lose it" is used in many states, there are specific factors about Texas that will amplify the voter impacts from this prospective bill: (1) a history of low voter turnout; (2) its high “cost of voting”, compared to other states; and (3) its rapid and diverse population growth. In the November 2022 election, Texas had 41.8% turnout of its voting-eligible population; in the November 2020 election, Texas had 59.8% turnout and still ranked 6th from the bottom in turnout by a state’s voting-eligible population for a Presidential election. In the November 2024 election, the University of Florida Election Lab showed Texas had a 56.57% voting-eligible population turnout rate vs the U.S. at 63.90% - ranking near the bottom with Arkansas, Oklahoma and West Virginia in voter turnout by state [24].

Texas also ranks near the bottom (with New Hampshire and Mississippi) on the Cost of Voting Index for 2024 that measures voter accessibility across the 50 states [25]. The Index has been in place since 1996 and the researchers review election legislation that impacts the registration process, voter ID laws, early voting days and absentee ballots (note that the Index does not include the "Use it or lose it" process that is discussed here [26], [27]).

Finally, the eligible voting population in Texas is 20.1 million [24] while the citizen population under 18 is 7.1M [28], placing Texas among the fastest growing states. Thus, any barrier that negatively

impacts the ability of Texans to vote, will impact a greater percentage of the US population than similar barriers erected in nearly any other state. Together, these three factors point to the importance of understanding the impact of "Use it or Lose it" in the state of Texas.

In Texas, a "Use it or Lose it" bill was first filed during the 2023 regular session as SB 260 ("Relating to Confirmation of a Voter's Residence by a Voter Registrar"). It was filed in December 2022 and passed in April 2023 in the Senate on a party line vote, but failed to advance in the House. The "Use it or Lose it" bill was introduced again by Sen. Kolkhorst of SD18 (represents constituents in 17 counties and parts of Ft. Bend and Harris County) during two special sessions in the fall of 2023, as SB 75 and then as SB 33. Companion bills with identical language were filed by Rep. Jetton of HD 26 (represents constituents in Ft. Bend County) in December 2022, as HB 1134, and November 2023, as HB 105.

The repetition strongly suggested that similar bills would be filed for the 2025 session; indeed, bills with identical language were filed - SB 396 by Sen. Kolkhorst in the Texas Senate in November 2024, and HB 2272 by Rep. Morgan of HD 26 (who represents constituents in Ft. Bend County) (January 2025) and HB 4253 by Rep. Gerdes HD 17 (who represents constituents in Bastrop County) (March 2025) in the Texas House of Representatives. The Texas Senate passed the bill in April 2025 on a party line vote and the House Committee on Elections sent HB 4253 to the House Calendars Committee. Floor action in the Texas House can happen through May 27, 2025.

Motivation behind "Use it or Lose it"

In this study we have shown that a significant fraction of north Texas registered voters (up to 41%, in one Texas House District) would meet the criteria to be put into "Suspense" status, if this law were in place today. These wide-ranging impacts belie the dull and technical nature of the change, which seems designed to be overlooked by voters. As noted not long after the resolution of litigation surrounding the Ohio law, "the premise of *Husted* would make an exceedingly dull horror movie" [29].

What motivates "Use it or lose it" legislation? According to some observers there has been a "successful propaganda campaign – driven by politically motivated advocates – to persuade legislators and the public that rampant voter fraud demands suppressive voting restrictions" [29]. However, this fear is not supported by the available evidence. A review of Texas Attorney General court cases by television station Austin KXAN in 2020 showed 138 voters convicted of voter fraud since 2004 [30]. The Heritage Foundation, a political advocacy organization, also keeps track of a "sampling" of cases across the state, and as of this writing had listed 117 cases in Texas [31]. This is several orders of magnitude smaller than the 750K voters that we project will be affected in north Texas alone, should a "Use it or Lose it" bill become law.

Perhaps this extraordinary number could be justified, if there were evidence that removal sanctioned by Husted actually correlates with voter ineligibility. However, while this evidence has not yet materialized [29], there *is* evidence that such removals disproportionately affect minority and low-income voters [32], [33]. One of the attorneys representing purged voters in *Husted* argued in a later article that “there is every reason to be concerned that this practice continues because it has a political skewing effect. Failure to vote regularly correlates with lower socioeconomic status and, at least in some places, with being a member of a racial minority” [11]. This relationship is supported by recent research confirming that the Black-white gap in turnout has grown since 2012, especially in jurisdictions (such as Texas) formerly in preclearance before the 2013 *Shelby* decision [34]. In fact, the turnout gap grew "twice as fast" in preclearance jurisdictions [35].

Future Work

Our work suggests that 20% of Texans would be impacted by any legislation that adversely affects infrequent voters; our immediate next goal is to extend our study to the 13-county North Texas region, and then to the entire state. Because urban metro areas are both populous and more ethnically diverse, our most urgent concern is to understand whether the disparate impacts we observed in this study extend to the other large metro areas of Texas: Houston and San Antonio-Austin.

The main logistical challenge is data acquisition and cleaning; voter history files differ in formatting, price, and the acquisition process across the 254 counties of Texas. The Texas Secretary of State can supply a statewide vote history file but at a high price (about $8,000) which is hard to justify as anything other than an intentional disincentive [36].

Our research into voter list maintenance also uncovered a complex, often opaque system that plays a significant role in shaping democratic participation. Based on the findings presented in this study, we suggest future studies to expand our knowledge of how to improve democratic participation through data science, policy engagement, and civic technology innovation.

A study that models the cumulative effect of voting restrictions could explain (and offer solutions for) persistent disparities in electoral participation, such as the demographic differences identified in a 2024 study [34]. In media and legislative discussion of Texas's "Use it or Lose it" bill, there has been remarkably little quantitative data presented, despite the clear disparities in outcomes by district and demographic group. This highlights the need for more detailed and responsive data science in election administration research, so that policy makers and citizens are informed about the consequences of legislation.

A second avenue for future work is to test methods for voter outreach. With the advent and large-scale adoption of the internet and social media, the 21st century has seen a sea change in the way people access news and information. Yet, most election communications still occur via postal mail, with small print and paragraphs of (state-mandated) legalese. A recent study found that a simple text message campaign to recently cancelled voters in Rhode Island and Ohio found a modest but statistically significant effect; study participants (who received a text message) were about 20% more likely to update their registration than similar voters who did not receive a text message (5% vs. 4% in Ohio; 10-11% vs. 9% in Rhode Island) [37].

From this point of view, research on voter list maintenance is not only a legal and civic imperative, but also an opportunity for developing timely and effective ways for our government to communicate with its citizens. Future work should build the tools, insights, and partnerships necessary to strengthen voter access and reinforce the integrity of democratic participation.

Appendix

Appendix A - Brief Review of Voter List Maintenance and Suspension process

The U.S. Election Assistance Commission (EAC) is an independent federal agency that is charged with helping voters participate in the electoral process and election officials improve the administration of elections. It was established by the Help America Vote Act of 2002 (HAVA) as part of Congress's response to problems with the administration of the 2000 elections. The legislation created a process for the EAC to conduct a biennial survey of the states on election administration practices. This survey is the key source for public data on state election administration processes. The EAC defines voter list maintenance as "the process state and county election officials use to maintain accurate and up-to-date voter rolls. Officials must follow appropriate state and federal laws to determine whether a voter should be removed from the rolls." [NEED CITE]

Each voter record has a "Status" indicator that is used in every state as part of Voter List Maintenance:

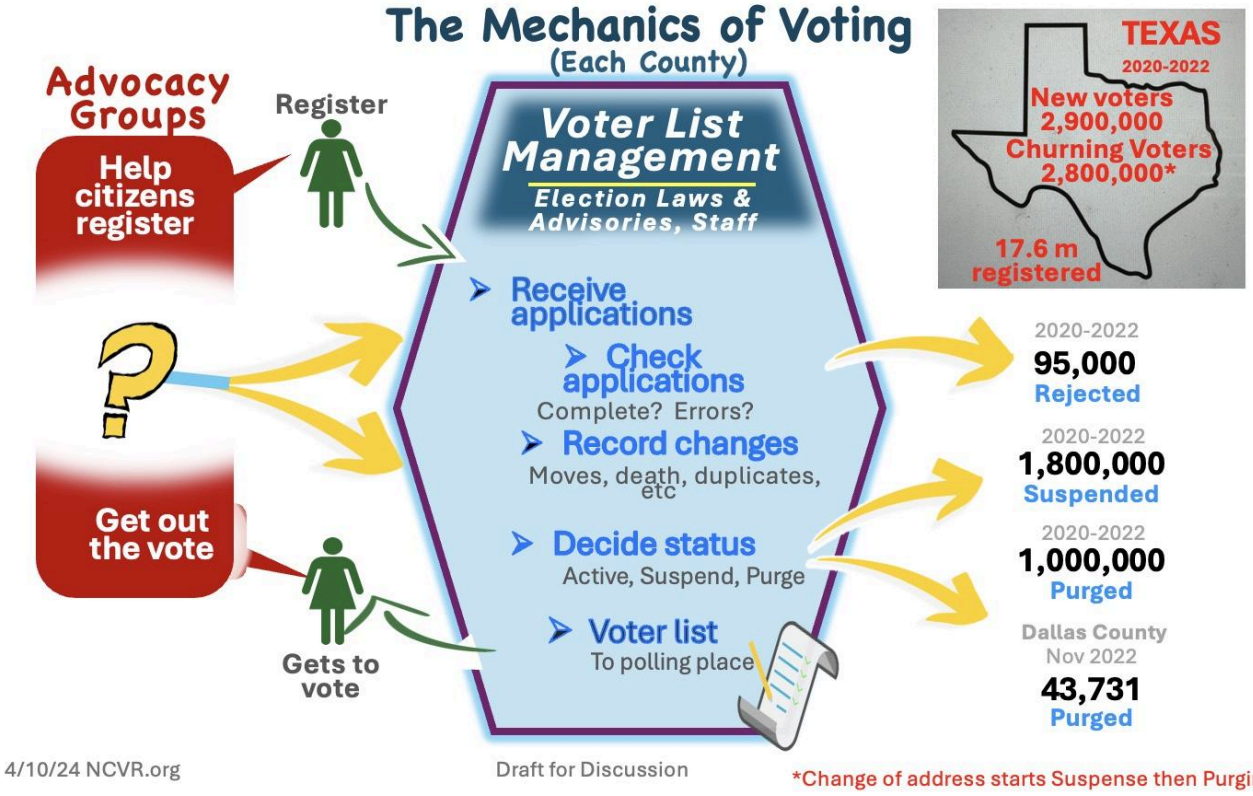
(1) Active, (2) Suspended/Inactive and (3) Cancelled/Purged

Voters that are in Active and Suspense status can vote. Voters move from Active to Suspense status when they change their address and do not update their voter record with the new address. This is a major practice that states use to maintain accurate voter lists.

In Texas, county election departments mail a notification to the new address based on information from the post office. However, a voter must respond and confirm the new address for the voter record to be updated. In Texas, a voter can complete an online transaction to update their address. If a voter is in "Suspense" status and does not vote in any election, including for two federal elections, the voter is cancelled/purged from the voter list. The voter will need to reregister; the voter will not receive a letter from his or her county elections department when the removal occurs, because the "Suspense" status carries the assumption that the voter's address on record is no longer valid.

Figure 5: Flow chart on the voter experience from registration to voting in Texas. Between 2020-2022, Texas registered 2.9 million new voters and had 2.8 million voters “churning” in the voter list maintenance process.

Texas Voters churn in the machinery of voting and lose their right to vote



Appendix B – The Legislation, Analysis, Fiscal Impact

Full text of "Use it or Lose it", SB 396 as Engrossed by the Texas Senate on April 1, 2025

By: Kolkhorst, et al. S.B. No. 396

A BILL TO BE ENTITLED

AN ACT

relating to confirmation of a voter's residence by a voter registrar.

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

SECTION 1. Section 15.051(a), Election Code, is amended to read as follows:

(a) The [~~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's residence address is a commercial post office box or similar location that does not correspond to a residence, the~~] registrar shall deliver to a [~~the~~] voter a written confirmation notice requesting confirmation of the voter's current residence if:

(1) the voter's residence address is a commercial post office box or similar location that does not correspond to a residence;

(2) on November 30 following a general election:

(A) the voter's name is not on the suspense list; and

(B) the voter has not voted in any election during the previous 25 months; or

(3) the registrar has any other reason to believe that a voter's current residence is different from that indicated on the registration records.

S.B. No. 396

SECTION 2. If the 89th Legislature, Regular Session, 2025, appropriates money to the secretary of state for the purpose of providing additional funding for counties to administer the requirements of this Act, the secretary of state may allocate the appropriated amount to county voter registrars to defray the expenses incurred by the registrars to comply with the requirements of this Act.

SECTION 3. This Act takes effect September 1, 2025.

Figure 6: Text of SB396, first introduced in 2023 as SB 260. The effect of the bill would be to replace Section 15.051(a) of the Texas Election Code. Plain (unmarked) text is language that is currently in the section. Underlined text will be added; strikethrough text will be removed.

SB 396 Bill Analysis

For many bills filed in the Texas Legislature, the Texas Senate Research Center performs analysis intended to assist legislators in their deliberations. We noted that while the analysis discusses the constitutionality of the legislation, it does not appear to address the practical impact of the legislation in terms of how many voters would be affected. Nor does it appear to address any purpose for the change or a program to educate voters on the new process.

The March analysis does not cover how much cost and administrative overhead would be incurred by the county voter registrars that implement the legislation. We note, however, that the version of the bill passed in the Texas Senate on April 1, 2025 did include a Section 2 for the appropriations of funds for county registrars.

The bill analysis of SB 396 (filed 3/17/2025) reads as follows, in its entirety:

BILL ANALYSIS

Senate Research Center
89R365 MPF-D

S.B. 396
By: Kolkhorst; Bettencourt
State Affairs
3/17/2025
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As Texas law exists today in Section 15.051 of the Election Code, a voter registrar must send a confirmation notice to a voter if the registrar notices that voter's registration address is a commercial post office box (as added by Senator Bettencourt's S.B. 1111 in 2021), or the if registrar has any reason to believe the voter's current residential address is different from that indicated on records. If a voter does not properly respond to the confirmation notice they are placed on the Suspense List and marked with an "S" next to their name. They are unable to cast a ballot without proving residence using a form described by Section 15.054.

In addition to this procedure, S.B. 396 would require a voter registrar to send a confirmation notice to a voter who on November 30 following a general election had not voted in the previous 25 months. This would mirror Ohio legislation, in that in that it would cancel the registration of a voter who failed to respond to a confirmation notice and who has not voted or updated the voter's registration two general elections occurring after the confirmation notice was mailed. The language of S.B. 396 follows closely that of Ohio, which was upheld by the United States Supreme Court in *Husted vs Randolph Institute* argued before the court in 2018.

Key Provisions

- Requires the voter registrar to send a confirmation notice to all voters who on November 30 of an even-numbered year had not voted in the previous 25 months.
- This bill will require registrars to follow Chapters 15 and 16, Election Code, regarding the suspension and removal of voters who do not respond to confirmation notices.

As proposed, S.B. 396 amends current law relating to confirmation of a voter's residence by a voter registrar.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 15.051(a), Election Code, as follows:

> (a) Requires the registrar to deliver to a voter a written confirmation notice requesting confirmation of the voter's current residence if the voter's residence address is a commercial post office box or similar location that does not correspond to a residence, on November 30 following a general election the voter's name is not on the suspense list and the voter has not voted in any election during the previous 25 months, or the registrar has any other reason to believe that a voter's current residence is different from that indicated on the registration records.
>
> Deletes existing text requiring the registrar, 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's residence address is a commercial post office box or similar location that does not correspond to a residence, to deliver the voter a written confirmation notice requesting confirmation of the voter's current residence.

SECTION 2. Effective date: September 1, 2025.

Figure 7: Bill analysis of SB 396

Budget Impact of SB 396

Figure 8 contains the budgetary analysis provided by the legislature, in its entirety.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

April 22, 2025

TO: Honorable Matt Shaheen, Chair, House Committee on Elections

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **SB396** by Kolkhorst (Relating to confirmation of a voter's residence by a voter registrar.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

There would be costs to counties, some potentially significant depending on the county, related to confirming voters who would be affected by the bill, mailing confirmation notices, and processing returned confirmations.

Source Agencies:
LBB Staff: JMc, FV, WP, BC, CMA

Figure 8: Budgetary analysis for SB 396

Appendix C – States and the "Use it or lose it" Law

Many states have enacted "Use it or lose it" laws or the supplemental voter list maintenance process. As mentioned, the proposed Texas bill would mirror Ohio's law and send notifications after 25 months of not voting.

States vary in the timeframe they use to notify inactive voters. Figure ## shows the following:

1. States with "Use It or Lose It" laws
2. The timeline for sending notifications based on voter inactivity
3. State deadlines for voter registration before elections indicated by font color.

The NVRA mandates that the registration-to-vote waiting period cannot exceed 30 days. For many voters, discovering their suspension status and seeking to register often occur simultaneously—sometimes too late to participate in an election.

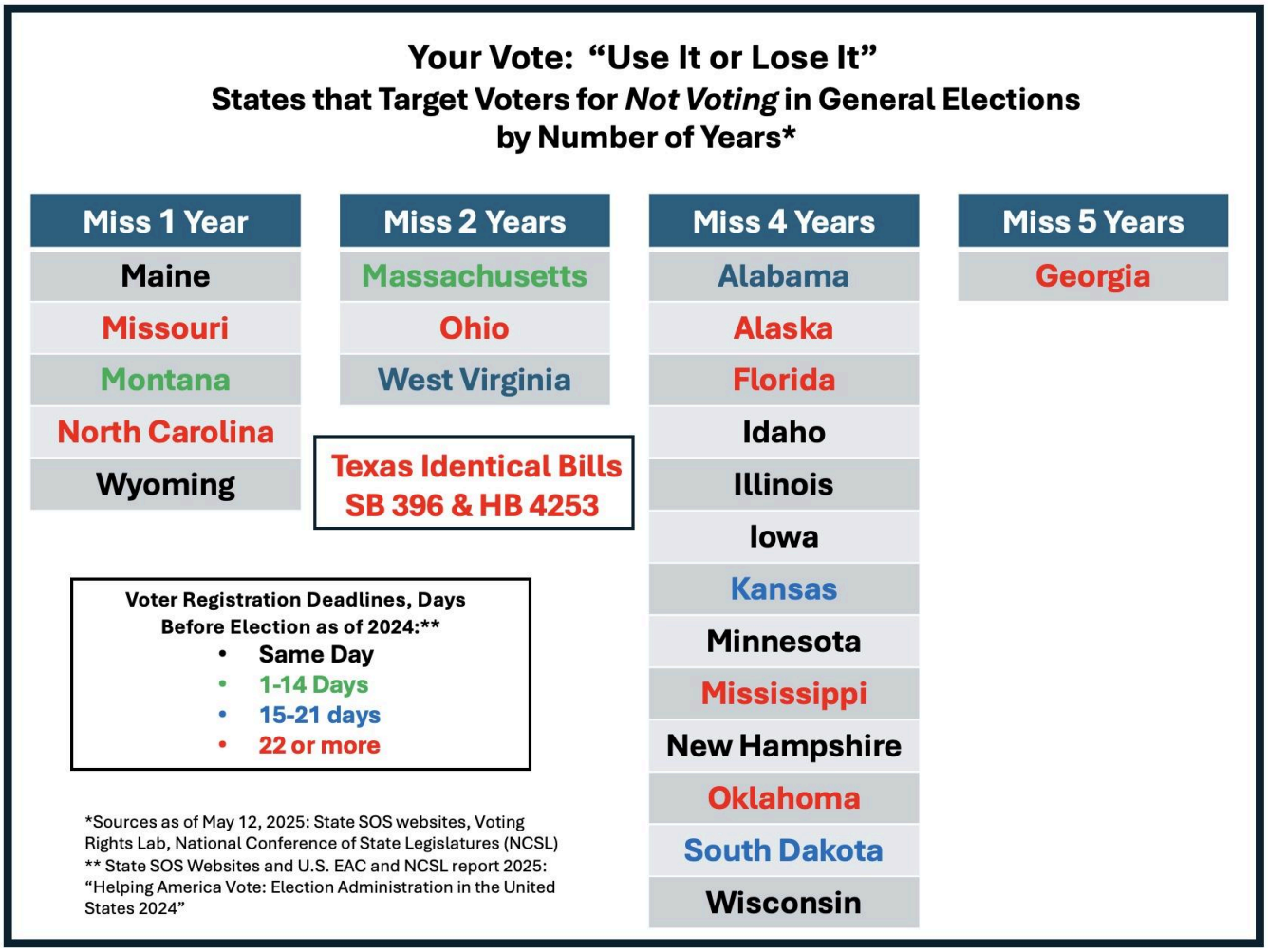


Figure 9: States that use some version of "Use it or Lose it" to target infrequent voters. The graphic includes the number of years after which inactivity triggers action (column), as well as voter registration deadlines (color), to illustrate the combined impact of these two mechanisms.

The National Council of State Legislatures (NCSL) reports that "nine of the states that use voter inactivity to initiate the process of canceling a voter registration also offer registration on Election Day, and Montana permits registration throughout the early voting period. A voter whose registration was canceled for inactivity in these states would have the option of reregistering on Election Day (in Montana, during early voting) and casting a ballot. Voters in the other states would have to meet the state deadline for registration prior to the election." [34]. Therefore, enacting this legislation in Texas would place Texas among the most restrictive states for voter registration.

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Robin Lederer is a marketing consultant with deep expertise in driving organizational growth through market segmentation and strategic positioning. As an award-winning marketing executive, she led high-impact initiatives for a multi-billion-dollar global business unit at AT&T.

Robin pioneered the focus on voter list maintenance and its impacts on voter access as a board member of the League of Women Voters of Dallas. Building on this work, she co-founded the National Coalition for Voter Rights alongside Dr. Andrea Barreiro, a mathematics professor and expert in gerrymandering. Together, they apply data-driven analysis to examine systemic issues in election administration and advocate for policies and targeted voter outreach practices that protect and expand voter participation.

The coalition collaborates with national and local partner organizations to advance civic engagement, promote transparency in election practices and ensure that every eligible voter has the opportunity to participate fully in the democratic process.