

By: Guillen

H.B. No. 4555

A BILL TO BE ENTITLED

AN ACT

relating to a person running for office that has been convicted of a felony.

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

SECTION 1. Section 141.001, Election Code, is amended to read as follows:

Sec. 141.001. ELIGIBILITY REQUIREMENTS FOR PUBLIC OFFICE.

(a) To be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, a person must:

(1) be a United States citizen;

(2) be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable;

(3) have not been determined by a final judgment of a court exercising probate jurisdiction to be:

(A) totally mentally incapacitated; or

(B) partially mentally incapacitated without the right to vote;

(4) have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities, and before filing as a candidate must;

(A) provide proof that they have been pardoned,

or

(B) been released from the resulting

1 disabilities;

2 (5) have resided continuously in the state for 12  
3 months and in the territory from which the office is elected for six  
4 months immediately preceding the following date:

5 (A) for a candidate whose name is to appear on a  
6 general primary election ballot, the date of the regular filing  
7 deadline for a candidate's application for a place on the ballot;

8 (B) for an independent candidate, the date of the  
9 regular filing deadline for a candidate's application for a place  
10 on the ballot;

11 (C) for a write-in candidate, the date of the  
12 election at which the candidate's name is written in;

13 (D) for a party nominee who is nominated by any  
14 method other than by primary election, the date the nomination is  
15 made; and

16 (E) for an appointee to an office, the date the  
17 appointment is made;

18 (6) on the date described by Subdivision (5), be  
19 registered to vote in the territory from which the office is  
20 elected; and

21 (7) satisfy any other eligibility requirements  
22 prescribed by law for the office.

23 (a-1) For purposes of satisfying the continuous residency  
24 requirement of Subsection (a)(5), a person who claims an intent to  
25 return to a residence after a temporary absence may establish that  
26 intent only if the person:

27 (1) has made a reasonable and substantive attempt to

1 effectuate that intent; and

2 (2) has a legal right and the practical ability to  
3 return to the residence.

4 (a-2) Subsection (a-1) does not apply to a person displaced  
5 from the person's residence due to a declared local, state, or  
6 national disaster.

7 (a-3) The authority with whom an application for a place on  
8 a general primary election ballot is filed under Section 172.022  
9 shall, to the extent permitted by law, use Subsections (a) and (a-1)  
10 in determining whether a candidate meets the residency requirements  
11 for a public elective office.

12 (b) A statute outside this code supersedes Subsection (a) to  
13 the extent of any conflict.

14 (c) Subsection (a) does not apply to an office for which the  
15 federal or state constitution or a statute outside this code  
16 prescribes exclusive eligibility requirements.

17 (d) Subsection (a)(6) does not apply to a member of the  
18 governing body of a district created under Section 52(b)(1) or (2),  
19 Article III, or Section 59, Article XVI, Texas Constitution.

20 (a-4) A person filing as a candidate under subsection (a)  
21 that has been convicted of a felony and fails to acknowledge on any  
22 election filing form they were convicted of a felony is an offense  
23 punishable under Section 37.10 of the Penal Code.

24 SECTION 2. This Act takes effect September 1, 2021.