

## **BILL ANALYSIS**

H.B. 2030  
By: Nixon  
Elections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current Texas law, certain public offices require candidates to be a resident of the particular territory or jurisdiction. For example, candidates for the State Board of Education and legislative offices are required to reside in their district for 12 months preceding the date of the general election. The law, however, does not clearly define residency for the purposes of qualification for an office. House Bill 2030 attempts to statutorily define this, to ensure that a public officer maintains a residence and actually lives in the territory that the person represents.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

House Bill 2030 amends the Government Code to define residency for purposes of eligibility to hold or be a candidate for public office established under state law, including an office of a political subdivision. The bill provides that a person is a resident of a territory at any time or for any period only if the person maintains the person's principal, regular place of residence in that territory at that time or throughout that period. The bill provides that the person's stated intent to reside at a place other than the individuals' principal, regular place of residence does not determine whether the person resides at that other place. If a person maintains more than one place of residence, the bill provides that the person's principal, regular place of residence is the place of residence at which the person is known to really live.

The bill provides that a person is not a resident of a territory at a time or for a period if:

- the person receives a residence homestead exemption from ad valorem taxes for a residence outside the territory at that time;
- the person is registered to vote at a residence outside the territory at that time;
- the person identifies the address of a residence outside the territory as the person's principal residence on a tax return, application, notice, or other document related to taxes; or on an application, report, or other document the person submits to a governmental entity or political party in connection with the person's status as a candidate or as a public official.

The bill provides exceptions to these provisions for a person who changes their homestead exemption or voter registration to a residence within the territory, before the applicable time or period.

The bill provides that these changes apply to a determination of a person's residency only for a time or period that occurs on or after September 1, 2005.

### **EFFECTIVE DATE**

September 1, 2005.