

By: Nixon

H.B. No. 2030

A BILL TO BE ENTITLED

AN ACT

1
2 relating to defining residency for purposes of eligibility to hold
3 or be a candidate for public office.

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

5 SECTION 1. Chapter 601, Government Code, is amended by
6 adding Section 601.009 to read as follows:

7 Sec. 601.009. RESIDENCY AS QUALIFICATION FOR PUBLIC OFFICE.

8 (a) This section applies to each public office established under
9 state law, including an office of a political subdivision, for
10 purposes of determining whether a person satisfies any requirement
11 of law that the person be or have been a resident of a particular
12 district, political subdivision, or other territory to be eligible
13 to hold or be elected to the office.

14 (b) A person is a resident of a territory at any time or for
15 any period only if the person maintains the person's principal,
16 regular place of residence in that territory at that time or
17 throughout that period. The person's stated intent to reside at a
18 place other than the individual's principal, regular place of
19 residence does not determine whether the person resides at that
20 other place.

21 (c) For purposes of Subsection (b), if a person maintains
22 more than one place of residence, the person's principal, regular
23 place of residence is the place of residence at which the person is
24 known to really live.

1 (d) Notwithstanding Subsection (b), a person is not a
2 resident of a territory at a time or for a period if:

3 (1) the person receives a residence homestead
4 exemption from ad valorem taxes for a residence outside the
5 territory at that time or during that period, unless before that
6 time or period the person takes the action necessary to cancel the
7 exemption and applies for a residence homestead exemption from ad
8 valorem taxes for a residence located in the territory;

9 (2) the person is registered to vote at a residence
10 outside the territory at that time or during that period, unless
11 before the time or period the person takes the action necessary to
12 change the person's voter registration to the location of a
13 residence located in the territory; or

14 (3) at that time or during that period, the person
15 identifies the address of a residence outside the territory as the
16 person's principal residence address on:

17 (A) a tax return, application, notice, or other
18 document related to taxes that the person files with or delivers to
19 a governmental entity in accordance with law; or

20 (B) an application, report, or other document the
21 person submits to a governmental entity or political party in
22 accordance with law in connection with the person's status as a
23 candidate for public office or as a public official.

24 SECTION 2. Section 601.009, Government Code, as added by
25 this Act, applies to a determination of a person's residency only
26 for a time or period that occurs on or after the effective date of
27 this Act.

1 SECTION 3. This Act takes effect September 1, 2005.