

By: Hilderbran

H.B. No. 3832

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the requirements to become a candidate for public
3 office; creating an offense.

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

5 SECTION 1. Section 141.001(a), Election Code, is amended to
6 read as follows:

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

9 (1) be a United States citizen;

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

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

15 (A) totally mentally incapacitated; or

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

18 (4) have not been finally convicted of a felony from
19 which the person has not been pardoned or otherwise released from
20 the resulting disabilities;

21 (5) have resided continuously in the state for two
22 years [~~12 months~~] and in the territory from which the office is
23 elected for one year [~~six months~~] immediately preceding the
24 following date:

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

4 (B) for an independent candidate, the date of the
5 regular filing deadline for a candidate's application for a place
6 on the ballot;

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

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

12 (E) for an appointee to an office, the date the
13 appointment is made; ~~and~~

14 (6) not have been convicted of an offense under
15 Section 141.040 in the previous 24 months; and

16 (7) satisfy any other eligibility requirements
17 prescribed by law for the office.

18 SECTION 2. Section 141.002(a), Election Code, is amended to
19 read as follows:

20 (a) Instead of the one year [~~six-month~~] residence
21 requirement prescribed by Section 141.001(a)(5), a candidate for or
22 appointee to a precinct office must be a resident of the precinct on
23 the date prescribed by Section 141.001(a)(5) and must have resided
24 continuously in the county in which the precinct is located for one
25 year [~~six-months~~] immediately preceding that date if an order
26 creating the precinct or changing the boundary of the precinct:

27 (1) was adopted less than 13 [~~seven~~] months before

1 that date; or

2 (2) was in litigation at any time during the 13th
3 [~~seventh~~] month immediately preceding that date.

4 SECTION 3. Section 141.003, Election Code, is amended to
5 read as follows:

6 Sec. 141.003. AGE AND RESIDENCE REQUIREMENTS FOR HOME-RULE
7 CITY OFFICE. (a) Different age and residence requirements from
8 those prescribed by Section 141.001 may be prescribed by a
9 home-rule city charter, but a minimum age may not be more than 21
10 years and a minimum length of residence in the state or city may not
11 be more than two years [~~12 months~~] immediately preceding election
12 day.

13 (b) A charter provision is void if it prescribes a minimum
14 age requirement of more than 21 years or a minimum length of
15 residence requirement of more than two years [~~12 months~~].

16 SECTION 4. Section 141.031, Election Code, is amended to
17 read as follows:

18 Sec. 141.031. GENERAL REQUIREMENTS FOR APPLICATION. A
19 candidate's application for a place on the ballot that is required
20 by this code must:

21 (1) be in writing;

22 (2) be signed and sworn to by the candidate and
23 indicate the date that the candidate swears to the application;

24 (3) be timely filed with the appropriate authority;
25 and

26 (4) include:

27 (A) the candidate's name;

1 (B) the candidate's occupation;

2 (C) the office sought, including any place number
3 or other distinguishing number;

4 (D) an indication of whether the office sought is
5 to be filled for a full or unexpired term if the office sought and
6 another office to be voted on have the same title but do not have
7 place numbers or other distinguishing numbers;

8 (E) a statement that the candidate is a United
9 States citizen;

10 (F) a statement that the candidate has not been
11 determined by a final judgment of a court exercising probate
12 jurisdiction to be:

13 (i) totally mentally incapacitated; or

14 (ii) partially mentally incapacitated
15 without the right to vote;

16 (G) a statement that the candidate has not been
17 finally convicted of a felony from which the candidate has not been
18 pardoned or otherwise released from the resulting disabilities;

19 (H) the candidate's date of birth;

20 (I) the candidate's residence address or, if the
21 residence has no address, the address at which the candidate
22 receives mail and a concise description of the location of the
23 candidate's residence;

24 (J) the candidate's length of continuous
25 residence in the state and in the territory from which the office
26 sought is elected as of the date the candidate swears to the
27 application;

1 (K) the statement: "I, _____, of _____
2 County, Texas, being a candidate for the office of _____,
3 swear that I will support and defend the constitution and laws of
4 the United States and of the State of Texas"; ~~and~~

5 (L) a statement that the candidate is aware of
6 the nepotism law, Chapter 573, Government Code; and

7 (M) the statement: "I, _____, of _____
8 County, Texas, being a candidate for the office of _____,
9 swear that I am not currently violating the constitution or laws of
10 the United States and of the State of Texas."

11 SECTION 5. Subchapter B, Chapter 141, Election Code, is
12 amended by adding Section 141.040 to read as follows:

13 Sec. 141.040. PROVIDING FALSE INFORMATION ON APPLICATION.

14 (a) A person commits an offense if the person knowingly provides
15 false information on an application for a place on the ballot.

16 (b) An offense under this section is a Class A misdemeanor.

17 SECTION 6. The changes in law made by this Act apply only to
18 the eligibility requirements for a candidate whose term of office
19 will begin on or after the effective date of this Act. The
20 eligibility requirements for a candidate whose term of office will
21 begin before the effective date of this Act are governed by the law
22 in effect immediately before the effective date of this Act, and the
23 former law is continued in effect for that purpose.

24 SECTION 7. This Act takes effect September 1, 2009.