

By: Garza

H.B. No. 2416

A BILL TO BE ENTITLED

AN ACT

relating to defining residency for purposes of eligibility to hold the office of or be a candidate for state representative.

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

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

Sec. 601.009. RESIDENCY AS QUALIFICATION FOR OFFICE OF STATE REPRESENTATIVE. (a) This section applies only to the determination of where a person resides for purposes of Section 7, Article III, Texas Constitution.

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

(c) For purposes of Subsection (b), if a person maintains more than one place of residence, the person's principal, regular place of residence is the place of residence at which the person conducts more of the person's regular household activities, such as sleeping, preparing and taking meals, spending time with a spouse or children, bathing, and dressing, than at any other place.

(d) Notwithstanding Subsection (b), a person is not a

1 resident of a district at a time or for a period if:

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

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

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

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

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

23 (e) A candidate for the office of state representative in a
24 primary, primary runoff, or general election may initiate an action
25 challenging another candidate's compliance with the residency
26 requirements of Section 7, Article III, Texas Constitution, as
27 determined under this section by:

1 (1) seeking an administrative declaration from the
2 secretary of state under Section 145.003, Election Code; or

3 (2) bringing suit in the district court of a county in
4 which the state representative district is located.

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

9 SECTION 3. This Act takes effect September 1, 2011.