

By: Price

H.B. No. 728

A BILL TO BE ENTITLED

1 AN ACT
2 relating to eligibility to be a candidate for, or elected or
3 appointed to, a public elective office in this state.

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 12
22 months and in the territory from which the office is elected for six
23 months immediately preceding the following date:

24 (A) for a candidate whose name is to appear on a

1 general primary election ballot, the date of the regular filing
2 deadline for a candidate's application for a place on the ballot;

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

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

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

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

13 (6) have not been placed on deferred adjudication
14 community supervision for a felony; and

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

17 SECTION 2. 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 3. This Act takes effect September 1, 2013.