

By: Capriglione

H.B. No. 2845

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of a person to be a candidate for or holder of a public elective office.

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

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

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

(1) be a United States citizen;

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

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

(A) totally mentally incapacitated; or

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

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

(5) have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:

(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) not be required to be registered as a lobbyist  
14 under Chapter 305, Government Code; and

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

17 SECTION 2. Chapter 601, Government Code, is amended by  
18 adding Section 601.011 to read as follows:

19 Sec. 601.011. ELECTED OFFICER MAY NOT BE REGISTERED  
20 LOBBYIST. (a) A person may not qualify for a public elective  
21 office if the person is required to be registered as a lobbyist  
22 under Chapter 305, Government Code.

23 (b) Subsection (a) does not apply to an office for which the  
24 federal or state constitution prescribes exclusive qualification  
25 requirements.

26 SECTION 3. Section 7.103(c), Education Code, is amended to  
27 read as follows:

1           (c) A person who is required to register as a lobbyist under  
2 Chapter 305, Government Code, by virtue of the person's activities  
3 for compensation in or on behalf of a profession, business, or  
4 association related to the operation of the board, may not [~~serve as~~  
5 ~~a member of the board or~~] act as the general counsel to the board.

6           SECTION 4. The changes in law made by this Act apply only to  
7 the eligibility and qualification requirements for a candidate or  
8 officer whose term of office will begin on or after the effective  
9 date of this Act. The eligibility and qualification requirements  
10 for a candidate or officer whose term of office will begin before  
11 the effective date of this Act are governed by the law in effect  
12 immediately before the effective date of this Act, and the former  
13 law is continued in effect for that purpose.

14           SECTION 5. This Act takes effect September 1, 2015.