

BILL ANALYSIS

Senate Research Center

H.B. 831
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State Affairs
5/16/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There have been calls to update the continuous residency requirement for a person to be eligible for public elective office in light of recent electoral campaigns. H.B. 831 seeks to provide for that update relating to a person's claim of the intent to return to a residence after a temporary absence.

H.B. 831 amends current law relating to the residency requirement to be eligible for public office.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 141.001, Election Code, by adding Subsections (a-1), (a-2), and (a-3), as follows:

(a-1) Authorizes a person who claims an intent to return to a residence after a temporary absence, for purposes of satisfying the continuous residency requirement of Subsection (a)(5), to establish that intent only if the person:

- (1) has made a reasonable and substantive attempt to effectuate that intent; and
- (2) has a legal right and the practical ability to return to the residence.

(a-2) Provides that Subsection (a-1) does not apply to a person displaced from the person's residence due to a declared local, state, or national disaster.

(a-3) Requires the authority with whom an application for a place on a general primary election ballot is filed under Section 172.022 (Authority With Whom Application Filed) to, to the extent permitted by law, use Subsections (a) (relating to requiring a person, to be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, to meet certain requirements) and (a-1) in determining whether a candidate meets the residency requirements for a public elective office.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: January 1, 2020.