

BILL ANALYSIS

Senate Research Center
86R5953 ATP-D

S.B. 466
By: Fallon
State Affairs
3/28/2019
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law (Section 141.001, Election Code) states that to be eligible for public office a person is required to "have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities." Because there has been no legal precedent defining the term "resulting disabilities," there has been confusion over who is eligible to run for office. Recently, a previously convicted felon named Lewis Conway, Jr. was cleared by the Austin City Clerk to run for a seat on the Austin City Council. His attorneys argued that fulfilling his probation and having his voting rights restored counts as judicial release from his disabilities.

S.B. 466 strikes the "resulting disabilities" language from the Election Code, making it clear that only a convicted felon who has received a pardon is authorized to be eligible to run for office.

As proposed, S.B. 466 amends current law relating to the eligibility of persons finally convicted of a felony to run for certain public offices.

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(a), Election Code, as follows:

- (a) Requires a person, in order to be eligible to be a candidate for, or elected or a appointed to, a public elective office in this state, to have not been finally convicted of a felony from which the person has not been pardoned, rather than a felony from which the person has not been pardoned or otherwise released from the resulting disabilities.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2019.