

By: Creighton

S.B. No. 13

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the ethics of public officials, including restrictions
3 relating to lobbying and the personal financial statements of
4 public officials; creating a criminal offense.

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

6 SECTION 1. Section 141.001, Election Code, is amended by
7 amending Subsection (a) and adding Subsections (e) and (f) to read
8 as follows:

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

11 (1) be a United States citizen;

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

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

17 (A) totally mentally incapacitated; or

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

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

23 (5) have resided continuously in the state for 12
24 months and in the territory from which the office is elected for six

1 months immediately preceding the following date:

2 (A) for a candidate whose name is to appear on a
3 general primary election ballot, the date of the regular filing
4 deadline for a candidate's application for a place on the ballot;

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

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

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

13 (E) for an appointee to an office, the date the
14 appointment is made;

15 (6) on the date described by Subdivision (5), be
16 registered to vote in the territory from which the office is
17 elected; ~~and~~

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

20 (8) satisfy any other eligibility requirements
21 prescribed by law for the office.

22 (e) Except as restricted by Section 7.103(c), Education
23 Code, if applicable, Subsection (a)(7) does not apply to:

24 (1) an office of a political subdivision with a
25 population of 150,000 or less, other than the office of presiding
26 officer of the governing body of the political subdivision,
27 provided that the officeholder does not receive a salary or wage for

1 that office; or

2 (2) the office of the presiding officer of the
3 governing body of a political subdivision with a population of
4 50,000 or less, provided that the presiding officer does not
5 receive a salary or wage for that office.

6 (f) For purposes of Subsection (e), a presiding officer or
7 other officeholder is not considered to have received a salary or
8 wage if the officeholder refuses to accept a salary or wage offered
9 or budgeted for that office.

10 SECTION 2. Subchapter A, Chapter 305, Government Code, is
11 amended by adding Section 305.0031 to read as follows:

12 Sec. 305.0031. CERTAIN ELECTED OFFICERS MAY NOT REGISTER.

13 (a) A member of Congress, a member of the legislature, or a holder
14 of a statewide office may not register under this chapter.

15 (b) A registration under this chapter expires on the date a
16 person takes office as a member of Congress, a member of the
17 legislature, or a holder of a statewide office.

18 SECTION 3. Section 572.032, Government Code, is amended by
19 amending Subsection (a) and adding Subsection (d) to read as
20 follows:

21 (a) Financial statements filed under this subchapter are
22 public records. The commission shall maintain the statements in
23 separate alphabetical files and in a manner that is accessible to
24 the public during regular office hours and make the statements
25 available to the public on the commission's Internet website not
26 later than the second business day after the date the statement is
27 filed.

1 (d) The commission is not required to continue to make a
2 financial statement available on its Internet website after the
3 second anniversary of the date the statement is filed.

4 SECTION 4. Section 572.032(a-1), Government Code, as
5 amended by Chapters 34 (S.B. 1576) and 983 (H.B. 776), Acts of the
6 85th Legislature, Regular Session, 2017, is reenacted and amended
7 to read as follows:

8 (a-1) The commission shall remove the home address, the
9 telephone number, and the names of the dependent children of an
10 individual from a financial statement filed by the individual under
11 this subchapter before:

12 (1) permitting a member of the public to view the
13 statement;

14 (2) providing a copy of the statement to a member of
15 the public; or

16 (3) making the statement available to the public on
17 the commission's Internet website[~~, if the commission makes~~
18 ~~statements filed under this subchapter available on its website].~~

19 SECTION 5. Subchapter C, Chapter 572, Government Code, is
20 amended by adding Section 572.062 to read as follows:

21 Sec. 572.062. FORMER LEGISLATOR: LOBBYING RESTRICTED;
22 CRIMINAL OFFENSE. (a) In this section:

23 (1) "Administrative action," "communicates directly
24 with," "legislation," "member of the executive branch," and "member
25 of the legislative branch" have the meanings assigned by Section
26 305.002.

27 (2) "Legislative cycle" means the two-year period

1 beginning on the first day of a regular legislative session and
2 ending on the day before the first day of the succeeding regular
3 legislative session.

4 (b) Except as provided by Subsection (c), a former member of
5 the legislature may not engage in activities that require
6 registration under Chapter 305 before the end of the legislative
7 cycle following the legislative cycle in which the former member
8 last served as a member of the legislature.

9 (c) Subsection (b) does not apply to a former member of the
10 legislature who does not receive compensation other than
11 reimbursement for actual expenses for communicating directly with a
12 member of the legislative or executive branch to influence
13 legislation or administrative action.

14 (d) A former member of the legislature who violates this
15 section commits an offense. An offense under this section is a
16 Class A misdemeanor.

17 SECTION 6. Chapter 601, Government Code, is amended by
18 adding Section 601.010 to read as follows:

19 Sec. 601.010. 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.

23 (b) Except as restricted by Section 7.103(c), Education
24 Code, if applicable, Subsection (a) does not apply to:

25 (1) an office for which the federal or state
26 constitution prescribes exclusive qualification requirements;

27 (2) an office of a political subdivision with a

1 population of 150,000 or less, other than the office of presiding
2 officer of the governing body of the political subdivision,
3 provided that the officeholder does not receive a salary or wage for
4 that office; or

5 (3) the office of the presiding officer of the
6 governing body of a political subdivision with a population of
7 50,000 or less, provided that the presiding officer does not
8 receive a salary or wage for that office.

9 (c) For purposes of Subsection (b), a presiding officer or
10 other officeholder is not considered to have received a salary or
11 wage if the officeholder refuses to accept a salary or wage offered
12 or budgeted for that office.

13 SECTION 7. Section [141.001](#)(a), Election Code, as amended by
14 this Act, and Section 601.010, Government Code, as added by this
15 Act, apply only to the eligibility and qualification requirements
16 for a candidate or officer whose term of office will begin on or
17 after January 12, 2021. The eligibility and qualification
18 requirements for a candidate or officer whose term of office will
19 begin before January 12, 2021, are governed by the law in effect
20 immediately before January 12, 2021, and that former law is
21 continued in effect for that purpose.

22 SECTION 8. The changes in law made by this Act to Chapter
23 [572](#), Government Code, apply only to a financial statement filed on
24 or after September 1, 2019. A financial statement filed before
25 September 1, 2019, is governed by the law in effect on the date the
26 financial statement was filed, and the former law is continued in
27 effect for that purpose.

1 SECTION 9. Section 572.062, Government Code, as added by
2 this Act, applies only to a member of the legislature who ceases to
3 be a member on or after September 1, 2019.

4 SECTION 10. (a) Except as provided by Subsection (b) of
5 this section, this Act takes effect September 1, 2019.

6 (b) Section [141.001](#)(a), Election Code, as amended by this
7 Act, and Section 601.010, Government Code, as added by this Act,
8 take effect January 12, 2021.