

By: Watson

S.B. No. 367

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the prohibition on lobbying by certain elected  
3 officers.

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

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

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

10 (1) be a United States citizen;

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

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

16 (A) totally mentally incapacitated; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17           SECTION 3. 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 4. 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 the effective date of this Act. The eligibility and  
18 qualification requirements for a candidate or officer whose term of  
19 office will begin before the effective date of this Act are governed  
20 by the law in effect immediately before the effective date of this  
21 Act, and the former law is continued in effect for that purpose.

22 SECTION 5. This Act takes effect January 12, 2021.