87S20518 BEE-D

By:  Dutton H.B. No. 134

A BILL TO BE ENTITLED

AN ACT

relating to the name used by a candidate on an application for a place on the ballot and the form of a candidate's name on a ballot; creating a civil penalty.

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

SECTION 1.  Sections 52.031(b) and (c), Election Code, are amended to read as follows:

(b)  In combination with the surname, a candidate may use one or more of the following:

(1)  a given name;

(2)  a contraction or familiar form of a given name by which the candidate is known; [~~or~~]

(3)  an initial of a given name; or

(4)  a name under which the candidate is known, if the candidate has supplied the required affidavits under Section 141.031(e).

(c)  A nickname of one unhyphenated word of not more than 10 letters by which the candidate has been commonly known for at least three years preceding the election may be used in combination with a candidate's name. A nickname that constitutes a slogan or otherwise indicates a political, economic, social, or religious view or affiliation may not be used. A nickname may not be used unless the candidate has complied with the requirements of Section 141.031(e) [~~executes and files with the application for a place on the ballot an affidavit indicating that the nickname complies with this subsection~~].

SECTION 2.  Section 141.031, Election Code, as effective September 1, 2021, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a)  A candidate's application for a place on the ballot that is required by this code must:

(1)  be in writing;

(2)  be signed and sworn to before a person authorized to administer oaths in this state by the candidate and indicate the date that the candidate swears to the application;

(3)  be timely filed with the appropriate authority; and

(4)  include:

(A)  the candidate's name, and if the candidate is seeking to run under a name other than the candidate's surname acquired by law or marriage and given name, or a contraction or familiar form of a given name by which the candidate is known or an initial of a given name, the affidavits required by Subsection (e);

(B)  the candidate's occupation;

(C)  the office sought, including any place number or other distinguishing number;

(D)  an indication of whether the office sought is to be filled for a full or unexpired term if the office sought and another office to be voted on have the same title but do not have place numbers or other distinguishing numbers;

(E)  a statement that the candidate is a United States citizen;

(F)  a statement that the candidate has not been determined by a final judgment of a court exercising probate jurisdiction to be:

(i)  totally mentally incapacitated; or

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

(G)  an indication that the candidate has either not been finally convicted of a felony or if so convicted has been pardoned or otherwise released from the resulting disabilities;

(H)  the candidate's date of birth;

(I)  the candidate's residence address or, if the residence has no address, the address at which the candidate receives mail and a concise description of the location of the candidate's residence;

(J)  the candidate's length of continuous residence in the state and in the territory from which the office sought is elected as of the date the candidate swears to the application;

(K)  the statement: "I, \_\_\_\_\_\_\_\_\_\_, of \_\_\_\_\_\_\_\_\_\_ County, Texas, being a candidate for the office of \_\_\_\_\_\_\_\_\_\_, swear that I will support and defend the constitution and laws of the United States and of the State of Texas";

(L)  a statement that the candidate is aware of the nepotism law, Chapter 573, Government Code; and

(M)  a public mailing address at which the candidate receives correspondence relating to the candidate's campaign, if available, and an electronic mail address at which the candidate receives correspondence relating to the candidate's campaign, if available.

(e)  A candidate seeking to have placed on the ballot a name other than the candidate's surname acquired by law or marriage and given name, or a contraction or familiar form of a given name by which the candidate is known or an initial of a given name, must include with the application 50 affidavits, each:

(1)  signed by a person eligible to vote in the election for which the candidate is applying; and

(2)  stating that the candidate is known to the person signing the affidavit by the name under which the candidate is seeking to run.

(f)  A person who gives false information in order to acquire the affidavits required by Subsection (e) or who induces a person to sign a false affidavit submitted under Subsection (e) is liable to the state for a civil penalty in an amount not to exceed $10,000. A suit brought under this subsection shall be advanced for trial and determined as expeditiously as possible. No postponement or continuance shall be granted except for reasons considered imperative by the court.

SECTION 3.  The change in law made by this Act applies only to an application for a ballot to be voted by mail submitted on or after the effective date of this Act. An application for a ballot to be voted by mail submitted before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

SECTION 4.  This Act takes effect on the 91st day after the last day of the legislative session.