

By: Dutton

H.B. No. 134

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

10 (1) a given name;

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

13 (3) an initial of a given name; or

14 (4) a name under which the candidate is known, if the
15 candidate has supplied the required affidavits under Section
16 [141.031](#)(e).

17 (c) A nickname of one unhyphenated word of not more than 10
18 letters by which the candidate has been commonly known for at least
19 three years preceding the election may be used in combination with a
20 candidate's name. A nickname that constitutes a slogan or
21 otherwise indicates a political, economic, social, or religious
22 view or affiliation may not be used. A nickname may not be used
23 unless the candidate has complied with the requirements of Section
24 [141.031](#)(e) ~~[executes and files with the application for a place on~~

1 ~~the ballot an affidavit indicating that the nickname complies with~~
2 ~~this subsection].~~

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

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

8 (1) be in writing;

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

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

13 and

14 (4) include:

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

20 (B) the candidate's occupation;

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

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

27 (E) a statement that the candidate is a United

1 States citizen;

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

5 (i) totally mentally incapacitated; or

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

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

11 (H) the candidate's date of birth;

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

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

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

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

26 (M) a public mailing address at which the
27 candidate receives correspondence relating to the candidate's

1 campaign, if available, and an electronic mail address at which the
2 candidate receives correspondence relating to the candidate's
3 campaign, if available.

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

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

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

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

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

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