87R7704 SLB-D

By:  Dutton H.B. No. 2908

A BILL TO BE ENTITLED

AN ACT

relating to the address of a candidate on an application for a place on the ballot; creating a civil penalty; creating a criminal offense.

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

SECTION 1.  Section 141.031, Election Code, is amended by amending Subsection (a) and adding Subsections (e), (f), and (g) 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;

(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)  a statement that the candidate has not been finally convicted of a felony from which the candidate has not 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 and the affidavit required by Subsection (e) verifying the candidate's address;

(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 must submit with an application under this section an affidavit stating that the candidate lives at the residence address listed on the application form.

(f)  A person who knowingly gives false information on an affidavit submitted under Subsection (e) commits an offense. An offense under this subsection is a felony of the third degree.

(g)  A person who gives false information on an affidavit submitted under Subsection (e) is liable to the state for a civil penalty in an amount not to exceed $10,000.

SECTION 2.  The change in law made by this Act applies only to an application to be a candidate in an election submitted on or after the effective date of this Act. An application to be a candidate in an election 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 3.  This Act takes effect September 1, 2021.