By:  Guillen H.B. No. 4555

A BILL TO BE ENTITLED

AN ACT

relating to a person running for office that has been convicted of a felony.

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

SECTION 1.  Section 141.001, Election Code, is amended to read as follows:

Sec. 141.001.  ELIGIBILITY REQUIREMENTS FOR PUBLIC OFFICE. (a) To be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, a person must:

(1)  be a United States citizen;

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

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

(A)  totally mentally incapacitated; or

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

(4)  have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities, and before filing as a candidate must;

(A)  provide proof that they have been pardoned, or

(B)  been released from the resulting disabilities;

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

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

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

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

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

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

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

(7)  satisfy any other eligibility requirements prescribed by law for the office.

(a-1)  For purposes of satisfying the continuous residency requirement of Subsection (a)(5), a person who claims an intent to return to a residence after a temporary absence may establish that intent only if the person:

(1)  has made a reasonable and substantive attempt to effectuate that intent; and

(2)  has a legal right and the practical ability to return to the residence.

(a-2)  Subsection (a-1) does not apply to a person displaced from the person's residence due to a declared local, state, or national disaster.

(a-3)  The authority with whom an application for a place on a general primary election ballot is filed under Section 172.022 shall, to the extent permitted by law, use Subsections (a) and (a-1) in determining whether a candidate meets the residency requirements for a public elective office.

(b)  A statute outside this code supersedes Subsection (a) to the extent of any conflict.

(c)  Subsection (a) does not apply to an office for which the federal or state constitution or a statute outside this code prescribes exclusive eligibility requirements.

(d)  Subsection (a)(6) does not apply to a member of the governing body of a district created under Section 52(b)(1) or (2), Article III, or Section 59, Article XVI, Texas Constitution.

(a-4)  A person filing as a candidate under subsection (a) that has been convicted of a felony and fails to acknowledge on any election filing form they were convicted of a felony is an offense punishable under Section 37.10 of the Penal Code.

SECTION 2.  This Act takes effect September 1, 2021.