

By: J. Johnson of Harris

H.B. No. 1316

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the eligibility of persons finally convicted of a  
3 felony for certain public offices.

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

5 SECTION 1. Section 141.001(a), Election Code, is amended to  
6 read as follows:

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

9 (1) be a United States citizen;

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

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

15 (A) totally mentally incapacitated; or

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

18 (4) have not been finally convicted of a felony or, if  
19 so convicted, has:

20 (A) fully discharged that person's sentence,  
21 including any term of incarceration, parole, or supervision, or  
22 completed a period of probation ordered by any court; or

23 (B) [~~from which the person has not~~] been pardoned  
24 or otherwise released from the resulting disabilities;

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

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

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

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

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

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

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

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

22          SECTION 2. Section 141.001, Election Code, is amended by  
23 adding Subsection (a-4) to read as follows:

24          (a-4) For purposes of Subsection (a)(4), a person is not  
25 considered to have been finally convicted of an offense for which  
26 the criminal proceedings are deferred without an adjudication of  
27 guilt.

1           SECTION 3. The changes in law made by this Act apply only to  
2 the eligibility requirements for a candidate or officer whose term  
3 of office will begin on or after the effective date of this Act. The  
4 eligibility requirements for a candidate or officer whose term of  
5 office will begin before the effective date of this Act are governed  
6 by the law in effect immediately before the effective date of this  
7 Act, and the former law is continued in effect for that purpose.

8           SECTION 4. This Act takes effect September 1, 2021.