

By: Dutton

H.B. No. 2908

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the address of a candidate on an application for a place
3 on the ballot; creating a civil penalty; creating a criminal
4 offense.

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

6 SECTION 1. Section [141.031](#), Election Code, is amended by
7 amending Subsection (a) and adding Subsections (e), (f), and (g) to
8 read as follows:

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

11 (1) be in writing;

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

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

16 and

17 (4) include:

18 (A) the candidate's name;

19 (B) the candidate's occupation;

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

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

1 place numbers or other distinguishing numbers;

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

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

7 (i) totally mentally incapacitated; or

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

10 (G) a statement that the candidate has not been
11 finally convicted of a felony from which the candidate has not been
12 pardoned or otherwise released from the resulting disabilities;

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

14 (I) the candidate's residence address or, if the
15 residence has no address, the address at which the candidate
16 receives mail and a concise description of the location of the
17 candidate's residence and the affidavit required by Subsection (e)
18 verifying the candidate's address;

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

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

27 (L) a statement that the candidate is aware of

1 the nepotism law, Chapter 573, Government Code; and

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

7 (e) A candidate must submit with an application under this
8 section an affidavit stating that the candidate lives at the
9 residence address listed on the application form.

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

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

16 SECTION 2. The change in law made by this Act applies only
17 to an application to be a candidate in an election submitted on or
18 after the effective date of this Act. An application to be a
19 candidate in an election submitted before the effective date of
20 this Act is governed by the law in effect when the application was
21 submitted, and the former law is continued in effect for that
22 purpose.

23 SECTION 3. This Act takes effect September 1, 2021.