

AN ACT

relating to an application for a place on a ballot filed by a person convicted of a felony and to the general requirements of an application for a place on a ballot; decreasing a criminal penalty.

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 Subsection (a-1) 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

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) an indication [~~a statement~~] that the
11 candidate has either not been finally convicted of a felony or if so
12 convicted [~~from which the candidate~~] has [~~not~~] been pardoned or
13 otherwise released from the resulting disabilities;

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

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

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 (a-1) A person who has been convicted of a felony shall
8 include in the application proof that the person is eligible for
9 public office under Section 141.001(a)(4).

10 SECTION 2. Section 141.039, Election Code, is amended to
11 read as follows:

12 Sec. 141.039. OFFICIAL APPLICATION FORM. In addition to
13 the other statements and spaces for entering information that
14 appear on an officially prescribed form for an application for a
15 place on the ballot, each official form for an application that a
16 candidate is required to file under this code must include:

17 (1) a space for indicating the form in which the
18 candidate's name is to appear on the ballot;

19 (2) a space for the candidate's public mailing
20 address;

21 (3) spaces for the candidate's home and office
22 telephone numbers and e-mail address at which the candidate
23 receives correspondence relating to the candidate's campaign;
24 [~~and~~]

25 (4) a statement informing candidates that the
26 furnishing of the telephone numbers is optional;

27 (5) a statement informing candidates that knowingly

1 providing false information on the application under Section
2 141.031(a)(4)(G) constitutes a Class B misdemeanor; and
3 (6) a statement informing candidates that a candidate
4 who indicates under Section 141.031(a)(4)(G) that the candidate has
5 been convicted of a felony must comply with the requirements of
6 Section 141.031(a-1).

7 SECTION 3. Section 37.10(c), Penal Code, is amended by
8 amending Subdivision (1) and adding Subdivision (5) to read as
9 follows:

10 (c)(1) Except as provided by Subdivisions (2), (3), ~~and~~
11 (4), and (5), and by Subsection (d), an offense under this section
12 is a Class A misdemeanor unless the actor's intent is to defraud or
13 harm another, in which event the offense is a state jail felony.

14 (5) An offense under this section is a Class B
15 misdemeanor if the governmental record is an application for a
16 place on the ballot under Section 141.031, Election Code, and the
17 actor knowingly provides false information under Subsection
18 (a)(4)(G) of that section.

19 SECTION 4. The change in law made by this Act applies to an
20 application for a place on the ballot filed on or after the
21 effective date of this Act. An application for a place on the
22 ballot filed before the effective date of this Act is covered by the
23 law in effect on the date the application was filed, and the former
24 law is continued in effect for that purpose.

25 SECTION 5. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 4555 was passed by the House on May 14, 2021, by the following vote: Yeas 141, Nays 4, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4555 on May 28, 2021, by the following vote: Yeas 147, Nays 1, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4555 was passed by the Senate, with amendments, on May 25, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor