

1-1 By: Guillen, Pacheco (Senate Sponsor - Hinojosa) H.B. No. 4555
1-2 (In the Senate - Received from the House May 17, 2021;
1-3 May 17, 2021, read first time and referred to Committee on State
1-4 Affairs; May 24, 2021, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 24, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Hughes</u>	X		
1-10	<u>Birdwell</u>	X		
1-11	<u>Campbell</u>	X		
1-12	<u>Hall</u>	X		
1-13	<u>Lucio</u>	X		
1-14	<u>Nelson</u>	X		
1-15	<u>Powell</u>	X		
1-16	<u>Schwertner</u>	X		
1-17	<u>Zaffirini</u>	X		

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 4555 By: Lucio

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to an application for a place on a ballot filed by a person
1-22 convicted of a felony and to the general requirements of an
1-23 application for a place on a ballot; decreasing a criminal penalty.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section [141.031](#), Election Code, is amended by
1-26 amending Subsection (a) and adding Subsection (a-1) to read as
1-27 follows:

1-28 (a) A candidate's application for a place on the ballot that
1-29 is required by this code must:

1-30 (1) be in writing;

1-31 (2) be signed and sworn to before a person authorized
1-32 to administer oaths in this state by the candidate and indicate the
1-33 date that the candidate swears to the application;

1-34 (3) be timely filed with the appropriate authority;
1-35 and

1-36 (4) include:

1-37 (A) the candidate's name;

1-38 (B) the candidate's occupation;

1-39 (C) the office sought, including any place number
1-40 or other distinguishing number;

1-41 (D) an indication of whether the office sought is
1-42 to be filled for a full or unexpired term if the office sought and
1-43 another office to be voted on have the same title but do not have
1-44 place numbers or other distinguishing numbers;

1-45 (E) a statement that the candidate is a United
1-46 States citizen;

1-47 (F) a statement that the candidate has not been
1-48 determined by a final judgment of a court exercising probate
1-49 jurisdiction to be:

1-50 (i) totally mentally incapacitated; or

1-51 (ii) partially mentally incapacitated
1-52 without the right to vote;

1-53 (G) an indication [~~a statement~~] that the
1-54 candidate has either not been finally convicted of a felony or if so
1-55 convicted [~~from which the candidate~~] has [~~not~~] been pardoned or
1-56 otherwise released from the resulting disabilities;

1-57 (H) the candidate's date of birth;

1-58 (I) the candidate's residence address or, if the
1-59 residence has no address, the address at which the candidate
1-60 receives mail and a concise description of the location of the

2-1 candidate's residence;
2-2 (J) the candidate's length of continuous
2-3 residence in the state and in the territory from which the office
2-4 sought is elected as of the date the candidate swears to the
2-5 application;

2-6 (K) the statement: "I, _____, of _____
2-7 County, Texas, being a candidate for the office of _____,
2-8 swear that I will support and defend the constitution and laws of
2-9 the United States and of the State of Texas";

2-10 (L) a statement that the candidate is aware of
2-11 the nepotism law, Chapter 573, Government Code; and

2-12 (M) a public mailing address at which the
2-13 candidate receives correspondence relating to the candidate's
2-14 campaign, if available, and an electronic mail address at which the
2-15 candidate receives correspondence relating to the candidate's
2-16 campaign, if available.

2-17 (a-1) A person who has been convicted of a felony shall
2-18 include in the application proof that the person is eligible for
2-19 public office under Section 141.001(a)(4).

2-20 SECTION 2. Section 141.039, Election Code, is amended to
2-21 read as follows:

2-22 Sec. 141.039. OFFICIAL APPLICATION FORM. In addition to
2-23 the other statements and spaces for entering information that
2-24 appear on an officially prescribed form for an application for a
2-25 place on the ballot, each official form for an application that a
2-26 candidate is required to file under this code must include:

2-27 (1) a space for indicating the form in which the
2-28 candidate's name is to appear on the ballot;

2-29 (2) a space for the candidate's public mailing
2-30 address;

2-31 (3) spaces for the candidate's home and office
2-32 telephone numbers and e-mail address at which the candidate
2-33 receives correspondence relating to the candidate's campaign;
2-34 [~~and~~]

2-35 (4) a statement informing candidates that the
2-36 furnishing of the telephone numbers is optional;

2-37 (5) a statement informing candidates that knowingly
2-38 providing false information on the application under Section
2-39 141.031(a)(4)(G) constitutes a Class B misdemeanor; and

2-40 (6) a statement informing candidates that a candidate
2-41 who indicates under Section 141.031(a)(4)(G) that the candidate has
2-42 been convicted of a felony must comply with the requirements of
2-43 Section 141.031(a-1).

2-44 SECTION 3. Section 37.10(c), Penal Code, is amended by
2-45 amending Subdivision (1) and adding Subdivision (5) to read as
2-46 follows:

2-47 (c)(1) Except as provided by Subdivisions (2), (3), [~~and~~]
2-48 (4), and (5), and by Subsection (d), an offense under this section
2-49 is a Class A misdemeanor unless the actor's intent is to defraud or
2-50 harm another, in which event the offense is a state jail felony.

2-51 (5) An offense under this section is a Class B
2-52 misdemeanor if the governmental record is an application for a
2-53 place on the ballot under Section 141.031, Election Code, and the
2-54 actor knowingly provides false information under Subsection
2-55 (a)(4)(G) of that section.

2-56 SECTION 4. The change in law made by this Act applies to an
2-57 application for a place on the ballot filed on or after the
2-58 effective date of this Act. An application for a place on the
2-59 ballot filed before the effective date of this Act is covered by the
2-60 law in effect on the date the application was filed, and the former
2-61 law is continued in effect for that purpose.

2-62 SECTION 5. This Act takes effect September 1, 2021.

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