

**House Bill 4555**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 141.031, Election Code, is amended by adding Subsection (a-1) to read as follows:

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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 place numbers or other distinguishing numbers;
    - (E) a statement that the candidate is a United States citizen;
    - (F) a statement that the candidate has not been determined by a final judgment of a court exercising probate jurisdiction to be:
      - (i) totally mentally incapacitated; or
      - (ii) partially mentally incapacitated without the right to vote;
    - (G) an indication [~~a statement~~] that the candidate has either not been finally convicted of a felony or if so convicted [~~from which the candidate~~] has [~~not~~] been pardoned or otherwise released from the resulting disabilities;
    - (H) the candidate's date of birth;
    - (I) the candidate's residence address or, if the residence has no address, the address at which the candidate receives mail

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and a concise description of the location of the candidate's residence;

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

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

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

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

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

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

No equivalent provision.

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

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

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

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- (3) spaces for the candidate's home and office telephone numbers and e-mail address at which the candidate receives correspondence relating to the candidate's campaign; ~~and~~
- (4) a statement informing candidates that the furnishing of the telephone numbers is optional;
- (5) a statement informing candidates that knowingly providing false information on the application under Section 141.031(a)(4)(G) constitutes a Class B misdemeanor; and
- (6) a statement informing candidates that a candidate who indicates under Section 141.031(a)(4)(G) that the candidate has been convicted of a felony must comply with the requirements of Section 141.031(a-1).

No equivalent provision.

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

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

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

SECTION 2. The change in law made by this Act applies to an application for a place on the ballot filed on or after the effective date of this Act. An application for a place on the

SECTION 4. Same as House version.

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ballot filed before the effective date of this Act is covered by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

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

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SECTION 5. Same as House version.

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