By: Kerwin H.B. No. 892

A BILL TO BE ENTITLED

AN ACT

relating to the administration and enforcement of constitutional limitations on service as a member of the Texas House of Representatives or Texas Senate.

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

SECTION 1. Chapter 141, Election Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. LEGISLATIVE SERVICE LIMIT ADMINISTRATION

Sec. 141.151. DEFINITION. In this subchapter, "legislative service limit" means the limitation on service in a chamber of the legislature prescribed by Section 7a, Article III, Texas Constitution.

Sec. 141.152. LEGISLATIVE SERVICE RECORD. (a) The secretary of state shall establish and maintain an official, publicly accessible electronic record of service in the house of representatives and senate for purposes of administering the legislative service limit.

(b) The record must state, for each person who serves in a chamber on or after January 1, 2028:

(1) the chamber in which the person served;

(2) the date each period of service began and ended;

(3) whether the service was for a regular term or an unexpired term;

(4) the scheduled expiration date of a term from which

the person resigned;

(5) whether the service is excluded from calculation under the legislative service limit; and

(6) the total service counted during each applicable 16-year period.

(c) The chief clerk of the house of representatives and the secretary of the senate shall provide to the secretary of state the information necessary to maintain the record. The information must be provided not later than the 10th day after the date a person begins or ends service, resigns, or begins service as a holdover in the applicable chamber.

(d) The secretary of state shall identify in the record each person whose continuous service is exempt under Section 7a(f), Article III, Texas Constitution.

(e) The record maintained under this section is a public record for purposes of Section 145.003. An entry in the record does not by itself constitute an administrative declaration of a candidate's ineligibility.

Sec. 141.153. LEGISLATIVE SERVICE STATEMENT. (a) In addition to the other requirements for an application for a place on the ballot, a candidate for the house of representatives or senate must submit with the application a legislative service statement on the form prescribed by the secretary of state.

(b) The statement must include:

(1) each period during which the candidate served in either chamber of the legislature;

(2) whether any period of service was for an unexpired

term;

(3) whether the candidate resigned before the expiration of a term; and

(4) whether the candidate claims an exemption under Section 7a(f), Article III, Texas Constitution.

(c) The candidate must swear to the statement. The statement is considered part of the candidate's application for purposes of the laws governing the application.

(d) The authority with whom the application is filed shall deliver a copy of the statement to the secretary of state not later than the second business day after the date the application is filed.

(e) A discrepancy between a candidate's statement and the record maintained under Section 141.152 is not by itself a basis for rejecting the application. The candidate's eligibility is determined in the manner provided by this code and other law.

Sec. 141.154. NOTICE OF POSSIBLE INELIGIBILITY. (a) If the official record maintained under Section 141.152 indicates that service during the term sought by a candidate would violate the legislative service limit, the secretary of state shall promptly provide written notice to the candidate and the authority with whom the candidate's application was filed.

(b) A notice under this section is ministerial and does not constitute an administrative declaration of ineligibility. A declaration of ineligibility may be made only as provided by Section 145.003 or other law.

Sec. 141.155. JUDICIAL REVIEW. (a) A candidate or other

person authorized by law may seek mandamus, injunctive, or other appropriate relief concerning compliance with the legislative service limit or this subchapter.

(b) A court shall give precedence over other civil matters to a proceeding under this section and shall render a decision as expeditiously as the circumstances require. An appellate court shall accelerate an appeal or original proceeding arising from the proceeding.

Sec. 141.156. RULES AND FORMS. The secretary of state may adopt rules and prescribe forms necessary to administer this subchapter. A rule adopted under this section must be limited to ministerial and administrative matters and may not authorize the secretary of state to make a discretionary determination of a candidate's eligibility.

SECTION 2. Not later than February 1, 2028, the chief clerk of the house of representatives and the secretary of the senate shall provide to the secretary of state the information required by Section 141.152, Election Code, as added by this Act, for each person serving in the applicable chamber on January 1, 2028.

SECTION 3. The secretary of state shall make the electronic record required by Section 141.152, Election Code, as added by this Act, publicly accessible not later than September 1, 2028.

SECTION 4. Section 141.153, Election Code, as added by this Act, applies only to an application for a place on the ballot filed on or after September 1, 2028.

SECTION 5. This Act takes effect January 1, 2028, but only if the constitutional amendment proposed by the 90th Legislature,

Regular Session, 2027, is approved by the voters. If that amendment is not approved by the voters, this Act has no effect.