

BILL ANALYSIS

Senate Research Center

H.B. 484
By: Capriglione et al. (Hancock)
State Affairs
5/11/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 484 ensures that those seeking elected office are active participants in the electoral process by requiring a candidate to be registered to vote. The bill would create an exception to this requirement for an office for which the United States Constitution or the Texas Constitution prescribes exclusive qualification requirements.

H.B. 484 specifies a date by which a candidate for a public elective office in Texas had to be registered to vote in the territory from which the office was elected.

H.B. 484 takes effect September 1, 2015, and applies only to candidates or officers whose term of office begins on or after that date.

H.B. 484 amends current law relating to the eligibility of a person to be a candidate for or holder of certain public elective offices.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 141.001, Election Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Requires a person, to be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, to

(1)-(4) Makes no change to these subdivisions;

(5) have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:

(A) for a candidate whose name is to appear on a general primary election ballot, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(B) for an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(C) for a write-in candidate, the date of the election at which the candidate's name is written in;

(D) for a party nominee who is nominated by any method other than by primary election, the date the nomination is made; and

(E) for an appointee to an office, the date the appointment is made;

(6) on the date described by Subdivision (5), be registered to vote in the territory from which the office is elected; and

(7) Creates this subdivision from existing Subdivision (6) text.

Makes nonsubstantive changes.

(d) Provides that Subsection (a)(6) does not apply to an appointed member of the governing body of a district created under Section 52(b)(1) (authorizing the legislature to authorize certain taxes for public works projects set by certain political subdivisions as set forth) or (2) (authorizing the legislature to authorize certain taxes set by certain political subdivisions as set forth), Article III, or Section 59 (Conservation and Development of Natural Resources and Parks and Recreational facilities; Conservation and Reclamation of Districts), Article XVI, Texas Constitution.

SECTION 2. Amends Chapter 601, Government Code, by adding Section 601.009, as follows:

Sec. 601.009. ELECTED OFFICER MUST BE REGISTERED VOTER. (a) Prohibits a person from qualifying for a public elective office unless the person is a registered voter.

(b) Provides that Subsection (a) does not apply to an office for which the federal or state constitution prescribes exclusive qualification requirements.

SECTION 3. Provides that the changes in law made by this Act apply only to the eligibility and qualification requirements for a candidate or officer whose term of office will begin on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2015.