

SUBJECT: Requiring candidates to provide pardon, removal of disability documents

COMMITTEE: Elections — favorable, without amendment

VOTE: 5 ayes — Cain, Clardy, Jetton, Schofield, Swanson

4 nays — J. González, Beckley, Bucy, Fierro

WITNESSES: For — (*Registered, but did not testify*: Eddie Solis, City of Arlington; Gerald Welty, Convention of States; Alan Vera, Harris County Republican Party Ballot Security Committee; Cinde Weatherby, League of Women Voters of Texas; Adrian Shelley, Public Citizen; Glen Maxey, Texas Democratic Party; and seven individuals)

Against — (*Registered, but did not testify*: Henry Bohnert)

On — (*Registered, but did not testify*: Rene Perez, Libertarian Party of Texas; Christina Adkins and Keith Ingram, Texas Secretary of State; Robert L. Green, Travis County Republican Party Election Integrity Committee; Kathryn Williams)

BACKGROUND: Election Code sec. 141.031(a)(4)(G) requires a candidate's application for a place on the ballot to, among other requirements, include a statement that the candidate has not been finally convicted of a felony from which the candidate has not been pardoned or otherwise released from the resulting disabilities.

Concerns have been raised about the clarity of state law with respect to the eligibility of candidates convicted of a felony for public office. Some have called for the Legislature to add certain documentation requirements for persons with felonies submitting a candidate application.

DIGEST: HB 1183 would specify that, in support of the statement pertaining to felonies specified by Election Code sec. 141.031, a candidate would have to provide a certified copy of the candidate's pardon or other documentation evincing removal of disability.

The bill would require each official form for an application that a candidate was required to file to include a notice adjacent to the statement printed in boldfaced type and capital letters that read: “Restoration of voting rights is not the same as removal of disability for purposes of satisfying eligibility requirements for public office.”

The bill would take effect September 1, 2021.