

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 4555
By: Guillen (Hinojosa)
State Affairs
5/21/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, an individual who has a previous felony conviction is barred from running for public office unless that individual has been pardoned or otherwise released from the conviction-related disabilities. Concerns have been raised regarding the lack of a requirement on an application for a place on the ballot to provide proof of any pardon or release. H.B. 4555 seeks to address these concerns by requiring individuals filing to run for public office who have previously been convicted of a felony to present proof that they are eligible to run.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 4555 amends current law relating to an application for a place on a ballot filed by a person convicted of a felony and to the general requirements of an application for a place on a ballot and decreases a criminal penalty.

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 141.031, Election Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires that a candidate's application for a place on the ballot that is required by this code:

(1) - (3) makes no changes to these subdivisions; and

(4) include:

(A) - (F) makes no changes to these paragraphs;

(G) an indication that the candidate has either not been finally convicted of a felony or if so convicted has been pardoned, rather than 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;

(H) - (M) makes no changes to these paragraphs.

(a-1) Requires a person who has been convicted of a felony to include in the application for a place on the ballot proof that the person is eligible for public office under Section 141.001(a)(4) (relating to a person's eligibility as a candidate for a public elective office if the person has not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities).

SECTION 2. Amends Section 141.039, Election Code, as follows:

Sec. 141.039. OFFICIAL APPLICATION FORM. Requires that each official form for an application that a candidate is required to file under this code, 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, include 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 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 is required to comply with the requirements of Section 141.031(a-1).

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

(c)(1) Makes a conforming change to this subdivision.

(5) Provides that an offense under Section 37.10 (Tampering with Governmental Record) 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 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2021.