

SUBJECT: Amending public office residency requirements

COMMITTEE: Elections — favorable, without amendment

VOTE: 7 ayes — Klick, Bucy, Burrows, Cain, Fierro, Israel, Swanson

1 nay — Middleton

1 absent — Cortez

WITNESSES: For — Glen Maxey, Texas Democratic Party; Ed Johnson; (*Registered, but did not testify*: Alan Vera, Harris County Republican Party Ballot Security Committee; Windy Johnson, Texas Conference of Urban Counties; Russell Hayter; Bill Sargent; Alexie Swirsky)

Against — None

On — Brandon Moore; (*Registered, but did not testify*: Chris Davis, Texas Association of Elections Administrators; Keith Ingram, Texas Secretary of State)

BACKGROUND: Election Code sec. 141.001(a)(5) requires candidates for public elective office to have resided continuously in the state for 12 months and in the territory from which their office is elected for six months immediately preceding the filing deadlines, nomination or appointment dates, or dates in which their names are written in, as applicable.

DIGEST: HB 831 would allow an individual who claimed an intent to return to a residence after a temporary absence for the purposes of satisfying the continuous residency requirements for holding public office to establish that intent only if they:

- had made a reasonable and substantive attempt to effectuate that intent; and
- had a legal right and the practical ability to return to the residence.

These requirements would not apply to individuals displaced from their residences due to declared local, state, or national disasters.

The bill would take effect January 1, 2020, and would apply only to candidates in elections held on or after that date.

**SUPPORTERS
SAY:**

HB 831 would clarify the conditions under which candidates could establish their intent to return to a residence after a temporary absence in order to satisfy the necessary residency requirements for public office. This clarification would help prevent candidates from running for office in districts to which they were not directly connected. In providing statutory clarification, the bill also could reduce the number of instances in which questions about a political candidate's or officeholder's residency needed to be settled in court.

**OPPONENTS
SAY:**

HB 831 would introduce ambiguous language that could cause confusion regarding whether a candidate made a reasonable and substantive attempt to effectuate their intent to return to a residence.