Voter Registration Requirements for Candidates (House Bill 484) Frequently Asked Questions

House Bill 484 amends Election Code Section 141.001 to provide a new general rule (for most offices) that **a candidate must be a registered voter of the territory elected from as of the filing deadline or other Section 141.001 deadline (unless outside law conflicts).** Below is a list of questions and answers on the legislation and related procedures. This FAQ focuses on the candidacy portion of House Bill 484.

Q: Where can I read a copy of House Bill 484?

A: House Bill 484 is available on the Texas Legislature's website.

Q: Should we tell candidates about the new law?

A: It is the candidates' responsibility to learn the requirements. That said, you may wish to apprise candidates of the new requirement. If you apprise candidates, you should do so uniformly; you cannot choose to tell certain candidates and not others. Remember that for the November 3, 2015 election, you cannot apply the new law to applications with the regular filing deadline, or to special elections that were ordered before September 1, 2015 (most special elections).

Q: The candidate filed his application but the VR number part is blank. Accept?

A: The voter registration (VR), or VUID number, is **not** a required component of the **face of the application** itself. The VR blank is optional on the form. If everything else is correct on the application, you may accept (depending on the outcome of any review you conduct about the VR status, explained below). In other words, the VUID number is not part of the "form, content, or procedure" review under Section 141.032. Rather, it is a question of eligibility to run for office, more like a felony conviction, which is an issue determined by documents outside the application under Section 145.003 (administrative declaration of ineligibility). See next question.

Q: Should we look up every candidate's registration status as part of our review?

A: First, your minimum statutory duty is reviewing the face of the application under Section 141.032. You can rely on the candidate's oath and presume that all of the statements on the application are true and that the candidate is eligible for the office, if on the face of the application, he or she appears to be so.

However, once you have met that minimum duty, we recommend that you look up the voter registration status of each candidate to determine if the candidate is indeed registered to vote. In that sense, this is like the review of a petition in lieu of filing fee, where the reviewer can rely on the affidavit, **or** look up the registered voter status. If you look up one candidate's status, you should look up everyone's. Our new application forms (revised 2015) reflect our recommendation to check registration status, as they now have a check-box for indicating this review of the registration status by the filing authority.

Note that under Section 145.003 (declaration of ineligibility), you **must** respond to any paperwork presented to you alleging lack of VR status by reviewing what is presented to determine if it is a conclusive public record of ineligibility.

Q: I have a candidate who applied to vote, but the effective date of registration is after the filing period. Is that enough?

A: No. The Election Code definition of registered voter is one whose registration is effective. Section 1.005, Election Code. Therefore, the registration must be effective by the filing deadline for a place on the ballot. A declared write-in must be registered by election day. See Section 141.001. Per Section 13.143, the registration becomes effective on the 30th day after the date the application is submitted to the registrar or on the date the applicant becomes 18 years of age, whichever is later.

Q: Does the VR address have to match exactly the address on the application form?

A: No. The new law just says the candidate must be a registered voter **of the territory from which the office is elected.**

You cannot make the law stricter than it is; however, you will need to keep the territory in mind. Example: In the case of single-member district election, in addition to checking the entity as a whole, you will need to check to see if the voter registration address is in the single-member district the candidate is running for.

Millions of Texans move and do not update their registration addresses right away. This is not fatal to the application (if the registration address is still in the territory). It does not affect the filing authority's judgment of the residence address portions of the application.

If a candidate is not registered at the address listed on the application for a place on the ballot, you may alert the candidate to the issue, as the candidate might be on the suspense list (as long as you alert candidates uniformly).

Q: It looks as if the candidate is not a registered voter of the area elected from, but I think there has been some mistake. I remember they voted in our bond election last year. What next?

A: Short answer: check with the registrar's office to see if there was a mistake.

Remember the basis for a rejection of a candidate's application for a place on the ballot is a conclusive public record. Section 145.003. If there is reason to believe there was a mistake in the voter registration information, that renders the registration record less conclusive.

As general advice, we recommend asking the voter registrar for voting history as well as voter registration status. Seeing the voting history might alert the registrar to the problem (for example, someone voting provisionally who was not processed correctly as an application for registration).

Q: I thought if there was a mistake on the application it couldn't be fixed – the candidate has to start over?

A: That general idea is correct for a fatal mistake on the **face of the application** (such as leaving a blank at "office sought"). As noted above, the VR number is not required to be on the **face of the application**. Section 141.032. This problem (like whether there is a final felony conviction) is a matter of records outside of the face of the application. Section 145.003. This is the case even when information on the application is used to look up voter registration or other information.

Q: There seems to have been a mistake in the VR process. The registrar's office is researching this for us, but the deadline for declaring the candidate ineligible is approaching. What if we don't resolve the issue in time for the deadline?

A: A declaration of ineligibility must be based on a "conclusive" public record. Election Code Section 145.003. If there is anything about the situation that renders the voter registration records inconclusive, you should err in favor of the candidate. Consult your local counsel before making your final decision if possible.

Example 1: Candidate says he or she updated the registration at the time their driver's license was updated. The registrar is checking this out, as their office has not received anything from DPS.

Example 2: Candidate appears to have been deleted from the registration records after several years on the suspense list. However, it appears from the voting history that the candidate voted during the time that an update should have occurred. The county is researching their election records to check.

Q: The candidate's address is very near a boundary line. Based on the registration address, we think the candidate's registration address is inside the required territory. However, the VR list indicates the candidate's registration address is outside the territory.

A: This is a common occurrence when the boundary line is close. The county registrar officials do the best they can with the most recent boundary and mapping information you give them. You (the city, school district, hospital district) are the authorized expert about your own boundaries. If you (the filing authority) determine the address is inside your boundary, you should make the final call. Then (as needed) advise the VR to correct their records.

Q: Does House Bill 484 affect party chairs in the primary?

A: Candidates for county or precinct chair must be a qualified voter of the county, based on a different law. Section 161.005.

As there are a variety of scenarios, we stand ready to advise you on a case by case basis.

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