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June 28, 2022

Via email

Office of the Attorney General
Attention Opinion Committee
PO Box 12548

Austin, Texas 78711-2548

opinion.committee@oag.texas.gov

Re: Request for Opinion Regarding Section 141.001 of the Election Code

Dear Attorney General Paxton,

I respectfully request an Attorney General Opinion regarding whether an individual convicted of a felony in another state is eligible to run for office in the State of Texas after completing his sentence and having his voting rights and "all rights of citizenship" restored. Put another way, if a right of citizenship includes a right to run for public office.

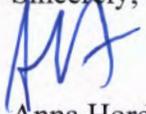
The Texas Election Code states a person is only eligible to run for office if he or she has not been "finally convicted of a felony from which the person has not been pardoned or otherwise released from resulting disabilities." Texas Election Code 141.001(a)(4).

The United States Constitution requires that each state give "full faith and credit" to "public acts, records, and judicial proceedings in every other state." *Bard v. Charles R. Myers Ins. Agency, Inc.*, 839 S.W.2d 791, 794 (Tex. 1992) (citing the U.S. Const. Art IV, Section 1). Accordingly, in Texas Attorney General Opinion No. KP-0138, it was found that an Arkansas court's order stating that "Movant is exonerated of any criminal purpose, and Movant is hereby released from all penalties and disabilities resulting from this proceeding" was sufficient evidence that the penalties and disabilities of this individual's offense had been removed and "subsection 141.001(a)(4) does not render him ineligible to hold public office in Texas." Tex. Att'y Gen. No. KP-0138 (2017).

A candidate for public office in Hockley County has a felony conviction from North Carolina. See Exhibit A. He presented a certificate of restoration of forfeited rights of citizenship issued by the North Carolina Secretary of Corrections. See Exhibit B. Specifically, the restoration states "all rights of citizenship which were forfeited on conviction including the right to vote, are by law restored, [...]." Is this restoration of "all rights of citizenship" also sufficient to remove the penalties and disabilities of the individual's offense and render the candidate eligible to hold public office in Texas?

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to be 'AH', is written over a light blue rectangular background.

Anna Hord

Hockley County Attorney