

Notice of Election

Requirements and Deadline for Filing for Candidacy (Tex. Gov't Code § 2051.152(a)(4))

Under Section 2051.152(a)(4), the *requirements and deadline for filing for candidacy* for school board trustee must be posted continuously **for at least a year before election day**. For a May 2, 2020 election, this information must be posted **as soon as possible**; for a November 3, 2020 election, this information must be posted by **November 3, 2019**.

Requirements

Section 2051.152(a)(4) does not specify what *requirements* must be posted. The Elections Division interprets this to encompass both the requirements as to **form, content, and procedure**, as well as requirements as to **eligibility**.

Form, Content, and Procedure: An application for a place on the ballot must be in writing; signed, sworn to be the candidate before a person authorized to administer an oath, and dated; timely filed with the district's filing authority (often the superintendent's secretary or another designated district employee); and contain specified information about the candidate:

- the candidate's name, date of birth, and occupation;
- the candidate's residence address at which the candidate receives mail with a description of the location of the candidate's residence;
- the candidate's length of continuous residence in Texas and in the district (and single member district, if applicable) as of the date the candidate swears to the application;
- if available, a public mailing address and email address at which the candidate receives correspondence relating to the candidate's campaign;
- the office sought, including any place or other distinguishing number and an indication of whether the office sought is for a full or unexpired term;
- statements that the candidate is a U.S. citizen; has not been determined by a court to be mentally incapacitated; has not been convicted of a felony; is aware of the nepotism law; and swears an oath to support and defend the U.S. and Texas Constitutions and laws.

Eligibility: An individual is eligible to be a candidate for, or elected or appointed to, a Texas school board if the individual:

- is a United States citizen;
- is 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable;

- has not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote;
- has not been finally convicted of a felony;
- has resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:
 - for an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot;
 - for a write-in candidate, the date of the election at which the candidate's name is written in; or
 - for an appointee to an office, the date the appointment is made;
- is registered to vote in the territory from which the office is elected on the date described above; and
- satisfies any other eligibility requirements prescribed by law for the office.

Tex. Elec. Code § 141.001; Tex. Educ. Code § 11.066.

The Texas Education Code imposes additional requirements:

- To be elected to a school board, an individual must be a qualified voter: 18 years of age or older, a U.S. citizen, a Texas resident, a registered voter, no determined to be totally or partially mentally incapacitated by an appropriate court, and not finally convicted of a felony. Tex. Educ. Code § 11.061; Tex. Elec. Code § 11.002.
- A person is ineligible to serve on a school board if the person has been convicted of a felony or an offense under Texas Penal Code section 43.02(b) regarding prostitution. Tex. Educ. Code § 11.066

The district might consider linking to its candidate application and declaration of write-in candidacy forms (the Elections Division offers these forms); to Texas Election Code sections 141.001 (eligibility requirements) and 141.0031 (application requirements); to the district's BBA(LEGAL) (Eligibility/Qualifications) and BBBA(LEGAL) (Conducting Elections) policies; and/or to relevant resources on the Elections Division Website, including Terms, Qualifications, and Vacancies; VR for Candidates (HB 484) FAQ; Candidacy for Local Political Subdivisions; and Running for Local Offices.

Deadline

The *deadline for filing for candidacy* is also somewhat ambiguous because it is no clear whether this contemplates only the last day to file or also the first. TASB Legal Services recommends posting the filing *period* rather than a deadline. The first day to file an application for a place on the ballot in a school district's general election is the 30th day before the filing deadline. The filing deadline for a general election is 5 p.m. on the 78th day before election day. Tex. Educ.

Code § 11.055(a); Tex. Elec. Code § 144.005. The deadline to file a declaration of write-in candidacy is 5 p.m. on the 74th day before election day.

For more information, call TASB Legal Services at 800.580.5345.