



Filing Deadlines - General Elections

- First Day to File
 - General Elections (Uniform Election Date)
 - 30 days before filing deadline.
 - Notice of Deadline to File Applications for Place on the Ballot
 - Must be Posted 30 days before 1st day to file
- Filing Deadline
 - General Elections (Uniform Date)
 - Regular Candidates:
 - 5:00 pm, 78th day before election day.
 - Write-in Candidate Deadline
 - 5:00 pm, 74th day before election day.



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Filing Deadlines – Special Elections

- First Day to File
 - Day special election is ordered.
- Filing Deadline
 - Windows are outlined by 201.054, TEC.



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Filing Deadlines – Write-in Candidates

- Must file a Declaration of Write-in Candidacy
 - Filing Deadlines
 - General Election: 74th day before election day (withdrawal deadline – 71st day before election day)
 - Special Election to fill a Vacancy: Same deadline as for regular candidates to file application for a place on the ballot (withdrawal deadline – 5th day after filing deadline)!

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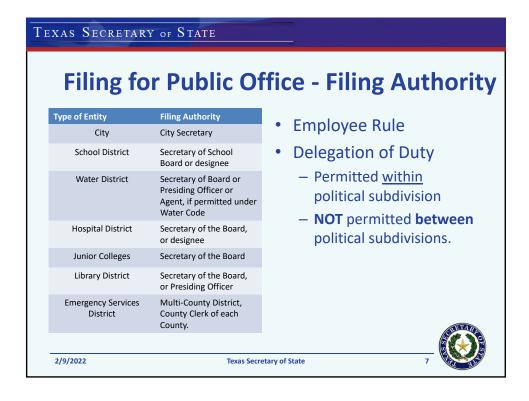
Filing for Public Office - Posted Notice

- General Elections:
 - Notice of Deadline to File Applications for Place on the Ballot
 - Must be Posted 30 days before 1st day to file:
 - Monday, December 20, 2021 for the May 7, 2022 election
- Special Elections:
 - No posting requirement, but we recommend posting something that includes filing deadline dates/times once the special election has been ordered.



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Method of Filing

- Applications can be delivered in person, by mail, by fax, or by email.
 - NEW LAW: HB 3107 (2021) Codified SOS interpretation about accepting applications via email.
 - If by mail, must look at time of receipt <u>NOT</u> postmark.
 - Receipt = actual possession of filing authority or agent, or time deposited in the authority's mail box.
 - Application can't be submitted in parts. All parts must be submitted at the same time.
 - Section 1.007, Application can be received by any employee at the usual place of business.

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Candidate Application

- Application for Place on General Election Ballot (2-26)
- Application for Place on Special Election Ballot (2-27)
- Declaration of Write-in Candidacy (2-28)
- Applications and more can be found at: https://www.sos.texas.gov/elections/forms/pol-sub/index.shtml

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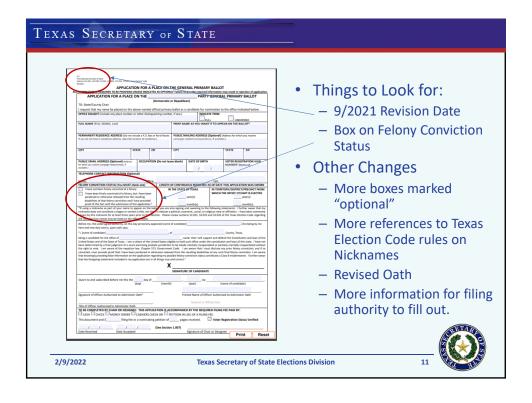
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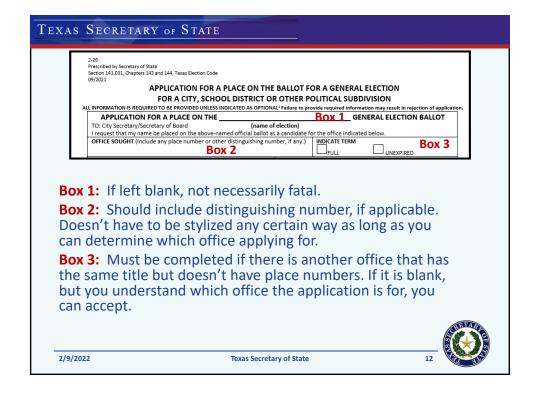
Using the Correct Application Forms

- All candidate forms have been updated to include Legislative Changes
- Forms can be accessed on the following pages
 - 2022 Candidate's Guide
 - Forms Manual
- If you are having trouble accessing the new forms, clear your cache on your web browser.
- · How to determine if it's the correct form...

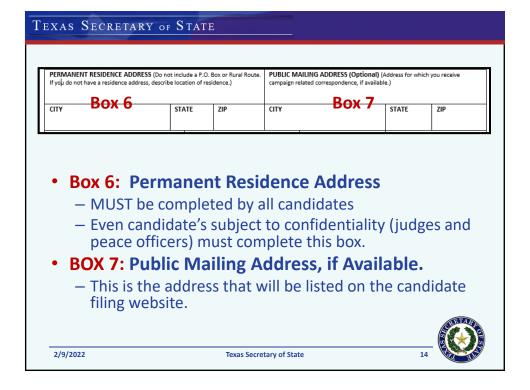


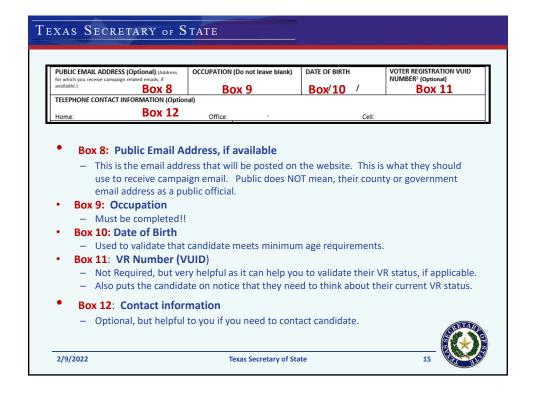
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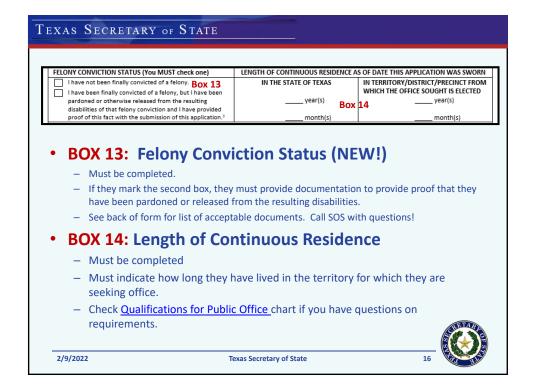


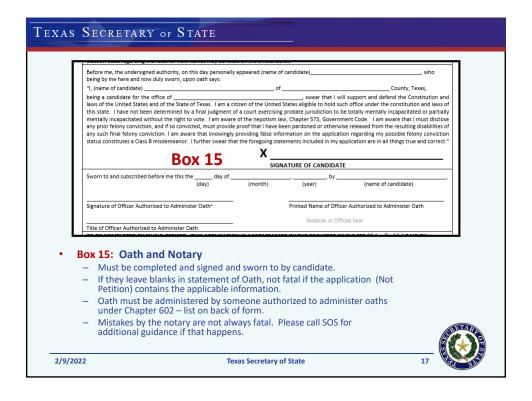


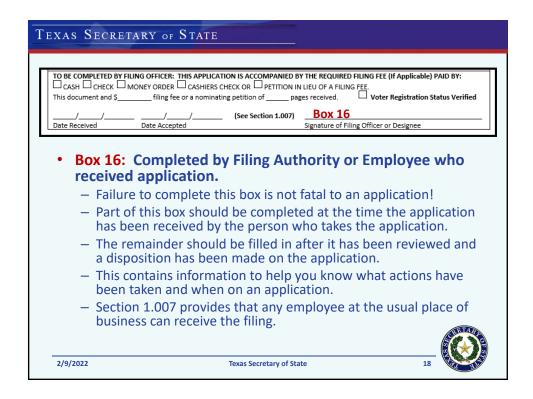












Review of Candidate Application

- Form, Content, and Procedure
 - Review must be completed no later than 5th day after application is received (unless there is a petition).
 - Accepting application does not preclude a later determination that there is a deficiency in the application.
 - If rejecting, must do so <u>immediately</u> and deliver to candidate <u>written notice of rejection</u>.
 - Cannot challenge after the 50th before election day.
 [NEW LAW: HB 3107 (Sec. 141.034)]

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Review of Candidate Petition (if Applicable)

- Review of Petition (141.032, TEC)
 - Petition is part of application and review should be completed as soon as practicable.
 - Deficiency in petition can't be cured with information provided in application.
 - Unless the petition is challenged, the authority is only <u>required</u> to review the petition for facial compliance with the applicable requirements as to form, content, and procedure.

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Public Information

- All candidate applications, including petitions, are public upon filing (Section 141.035).
- Confidentiality for Voter Registration Purposes does not mean a candidate has confidentiality for candidacy purposes.
- Certain Candidates can request confidentiality
 - Candidates entitled to confidentiality under Gov. Code 552.1175 must separately request confidentiality from the filing authority for information on a candidate application.

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Public Information

- Any individual subject to 552.1175, is eligible for certain protections.
- HB 1082 extended certain confidentiality protections to elected public officers. (552.1175, Texas Government Code).
 - To receive confidentiality, qualified individual MUST:
 - (1) choose to restrict pubic access, AND
 - (2) must notify the governmental body of their choice and provide evidence of individual's status.
 - If they have submitted this request to filing authority, you may redact information without seeking OAG request. You must provide certain information to requestor – form on <u>OAG website</u> that you can use. (Form Letter 552.1175)
 - If requestor wants that information, the requestor can seek a ruling from the OAG.

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TEXAS SECRETARY OF STATE **Candidate Eligibility Eligibility for Public Office (141.001, TEC)** - US Citizen - 18 years of age or older - No final judgment indicating: · Totally mentally incapacitated or • Partially mentally incapacitated without the right to vote No final felony conviction • Unless pardoned or released from resulting disabilities - Resided continuously in the state for 12 months Resided continuously in the territory for 6 months. Registered voter of the territory NOTE: Some offices have exclusive eligibility requirements, some laws are only partially conflicting and for some offices all 141.001 applies. 2/9/2022 **Texas Secretary of State Elections Division**

Web Notice - Requirements

- **NEW LAW**, HB 305 (2019), effective September 1, 2019.
- The requirements and deadline for filing for candidacy of each elected office of the political subdivision which shall be continuously posted on website (if they maintained a publicly accessible website at any time on or after January 1, 2019) for at least one year before the election day for the office.
 - If entity has taxing authority
 - This means you will need to know your requirements accurately, before the filing period

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Eligibility

Residency

- Is the Candidate a resident of the territory they would be elected from? (If applicable)
- Is the address on their application located within the territory?
- Have they resided in the territory the proper amount of time? (If there is a durational residence requirement)

NOTE: Eligibility verification by the filing authority does NOT include whether the candidates actually live at the address provided. This is left up to the courts.

NOTE: NEW LAW HB 831 (2019) provides additional language to help define residency. However, Texas law does not allow a filing authority to make a conclusive determination about the location of a person's residence. Only a court of law may much such a determination.

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Eligibility

Age

- Does the candidate meet the minimum age requirements required for that office?
- NOTE: Sec. 141.001 rule is 18 by election day.
 However, for offices requiring voter registration by filing deadline, candidate will need to be 18 earlier.

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Voter Registration

Eligibility

- Is the candidate a registered voter of the territory from which they are seeking office? (NOTE: This is not applicable to all offices. <u>Water districts are a major exception</u>.)
- Is the candidate's registration effective?
 - by the date of the filing deadline (for place on the ballot) OR
 - election day (for write-in)?
- A candidate's registration must be **EFFECTIVE**. It is not enough to have submitted a registration application.

Status as Registered Voter

- As Candidate (141.001(6), TEC)
- As Officeholder (601.009, Government Code)
 - 'A person may not qualify for a public elective office unless the person is a registered voter."
- Inconsistency in the Law

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Eligibility

Felony Conviction

- Does the voter have a final felony conviction? If so, have they been pardoned or otherwise released from the resulting disabilities? (NOTE: Not all offices prohibit felony convictions)
- School District eligibility Section 11.066, Education Code
- OAG Opinion <u>KP-0251</u>- regarding Felony Convictions and Candidacy

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Eligibility / New Form

- Felony Conviction
- **NEW LAW**: HB4555 (2021):
- On the new 2021 form, a candidate must provide an indication on their candidate application that the candidate has either not been finally convicted of a felony or if so convicted has been pardoned or otherwise released from the resulting disabilities.
- A person who has been convicted of a felony shall include in the application proof that the person has been pardoned or otherwise released from the resulting disabilities. The application form warns candidates to submit this information.
- Application form warns candidates that knowingly providing false information on their application related to their final felony conviction status is Class B Misdemeanor.
- Do not distribute old form!
- [§§ 141.031, 141.039]

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Administrative Declaration of Ineligibility

Eligibility

- MAY administratively declare candidate ineligible if:
 - Information on candidate application indicates ineligible for office, OR
 - Conclusive public record shows ineligible.

NOTE: There is NO public record that **conclusively** establishes residency.

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Administrative Declaration of Ineligibility

- Candidate **MAY** be declared ineligible:
 - By filing authority before early voting in person begins, OR
 - By presiding officer of final canvassing authority after polls close and before certificate of election is issued.
- Candidate must be given written notice of the declaration of ineligibility.

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Administrative Declaration of Ineligibility

- Deadline for declaration in time to remove from ballot is different.
- Check the calendar for that election day.

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Withdrawal

- To be effective, withdrawal MUST be:
 - In writing, signed, and acknowledged (sworn to) by the candidate, AND
 - Timely filed with the filing authority.
- This has the effect of removing name from ballot. If withdrawal submitted too late, candidate's name remains on ballot and withdrawal has no effect.

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Withdrawal

Filing Deadline

- Uniform Dates: 5 pm, 71st day before election day.
 - Regular candidates AND write-in candidates.
- Runoff Elections: 5 pm, third day after canvass of main election
- Other elections: 5 pm, fifth day after application deadline.

EXCEPTION

 Untimely withdrawal can still remove name from ballot if ballots have not been prepared at the time candidate files request. Sec. 145.098.

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COMMON SPECIFIC QUALIFICATIONS Texas Secretary of State Elections Division 36

Type A City (LGC 22.032)

- Type A City (Local Gov't Code, Section 22.032)
 - Mayor
 - Residence -- 1 year in state prior to the filing deadline; 1 year in city prior to election day
 - Age 18
 - Must be a registered voter in territory elected from by the filing deadline*
 - Alderman
 - Residence -- 1 year in state prior to filing deadline; 6 months in the city (or ward) prior to filing deadline (Texas Elec. Code, Section 141.001(a); Brown v. Patterson, 609 SW 2nd 287)
 - Age 18
 - Must be a registered voter in territory elected from by the filing deadline*



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Type B City (LGC 23.024)

- Residence: 1 year in state prior to filing deadline; 6 months in city (or ward) prior to election day
- Age: 18 years old
- Must be a registered voter in territory elected from by the filing deadline



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Type C City (TEC 141.001)

- Residence: 1 year in state and 6 months in city prior to filing deadline
- Age: 18 years old
- Must be a registered voter in territory elected from by the filing deadline

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Home Rule City

- Residence -- use general rule if charter does not specify a requirement
 - A charter may require up to 12 months residence in a city.
- Age -- charter may require 21. (see Election Code, section 141.003)
- Must be a registered voter in territory elected from by the filing deadline unless charter expressly conflicting*
- Any requirement that a candidate must own property is unconstitutional. Turner v. Fouche, 90 S. Ct. 532 (1970)

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School Board Trustee (Ed.Code, Ch.11)

- Residence -- 1 year in state and 6 months in school district prior to filing deadline (Texas Elec. Code, Section 141.001(a); Brown v. Patterson, 609 SW 2nd 287)
 Age -- 18 years
- Must be a registered voter in territory elected from by the filing deadline
- Ed. Code 11.066: A person is ineligible to serve as a member of the board of trustees of a school district if the person has been convicted of a felony or an offense under Section 43.021, Penal Code.

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Water Districts

- TEC 141.001
- Water Code General Law
- Special law if any
- Consult SOS as to which prevails

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