

## **Candidacy Filing - Local Political Subdivisions**

1. **NOTE:** This outline addresses the general requirements for candidacy for local political subdivisions such as cities, school districts, water districts, hospital districts, etc. All sections refer to the Texas Election Code unless otherwise cited.

### **I. Filing for Public Office in Local Political Subdivision**

#### **. Independent Candidacy Required.**

**General Rule:** A candidate for local office may appear on the ballot only as an independent candidate. [Sec. 143.002]

#### **Application Required (need not be on official form).**

##### II. General Requirements for Application: [Sec. 141.031]

- . In writing.
- . Signed and sworn to by the candidate.
- . Indicates the date that the candidate swore to the application;
- . Timely filed with the appropriate authority; and
- . Includes:
  1. The candidate's name.
  2. The candidate's occupation.
  3. The office sought, including any place number or other distinguishing number.
  4. An indication of whether the office sought is to be filled for a full or unexpired term if the office sought and another office to be voted on have the same title but do not have place numbers or other distinguishing numbers.
  5. A statement that the candidate is a United States citizen.
  6. A statement that the candidate has not been finally determined mentally incapacitated or partially mentally incapacitated without the right to vote by a court with probate jurisdiction.
  7. A statement that the candidate has not been finally convicted of a felony from which the candidate has not been pardoned or otherwise released from the resulting disabilities.
  8. The candidate's date of birth.
  9. The candidate's residence address, or if the residence has no address, the address at which the candidate receives mail and a concise description of the location of the candidate's residence.
  10. The candidate's length of continuous residence in the state

and in the territory from which the office sought is elected as of the date that the candidate swears to the application.

11. A statement swearing to defend the Constitution and laws of the United States and Texas.
12. A statement that the candidate is aware of the nepotism law.
13. A public mailing address for campaign correspondence if available, and any available electronic mail address at which the candidate receives correspondence relating to the candidate's campaign. (Sec. 141.031)

XIV. Additional Information on Official Application Form. [Sec. 141.039]

- . A space for indicating the form in which the candidate's name is to appear on the ballot.
- . A space for the candidate's mailing address.
- . Spaces for the candidate's home and office telephone numbers.
- . A statement informing the candidate that the furnishing of the telephone numbers is optional.
- . A space for e-mail address (optional).

**. Filing Application – Generally.**

XIV. Availability of Forms. [Sec. 1.010]

The authority with whom the Election Code requires an application to be filed must make printed forms for that purpose, as prescribed by the Secretary of State, readily and timely available. The forms must be furnished without charge.

XV. Filing Authority.

- . **Water Districts:** Secretary of the board or presiding officer of the board, if there is no secretary, or agent appointed by the board if permitted under the Water Code. [Sec. 144.004]

XIV. Method of Filing Application. [Sec. 1.007(c)]

- . An application filed by mail is considered filed at the time of its receipt by the appropriate authority. The time of receipt is the time at which a post office employee:
  1. Places it in the actual possession of the authority or an agent;  
or
  2. Deposits it in the authority's mailbox or at the usual place of delivery for the authority's official mail. [Sec. 1.009]
- . If the authority cannot determine the time at which a deposit occurred or whether it occurred before a specified deadline, the deposit is considered to have occurred at the time the mailbox or usual place of mail delivery was last inspected for removal of mail. [Sec. 1.009]

. Filing Period.

III. Notice of filing period.

. The authority with whom an application for a place on the ballot is filed must post a Notice of Deadline to File Applications for Place on the Ballot, listing the filing period dates in a building in which the authority maintains an office. The notice must be posted not later than the 30th day before the first day to file. (Sec. 141.040). If you order a special election to fill a vacancy, the order must include the filing deadline; we recommend posting the notice of the filing period as soon as practicable after a special election is ordered.

**NOTE:** Water Code Section 49.113 requires the notice required by Section 141.040, Election Code to be posted at the district's administrative office in the district or at the public place established by the district under Section 49.063 of this chapter not later than the 30th day before the deadline for a candidate to file an application for a place on the ballot of a district directors' election. We harmonize these notice requirements as to **timing**, and advise that the notice be posted by the 30th day before the first day to file, the Election Code Section 141.040 requirement. We read this law as primarily adding to the authorized **locations** that the notice may be posted.

III. First Day to File.

. First day to file an application for a place on the ballot in the general election of a city, I.S.D. school board, or junior college district election is the 30th day before the filing deadline. [See Sec. 143.007, Election Code; and Education Code, Sec. 11.055; Education Code, Sec. 130.082(g)]

**NOTE:** Election Code Sec. 144.005 now provides for a “first day” to file of the 30th day before the date of the filing deadline, unless otherwise provided by the Election Code. Senate Bill 910 (2013). Under prior law, there was no requirement as to the first day applications could be accepted for hospital, water, library, or emergency services districts under general laws; however, special laws sometimes provided a first day. [Sec. 144.005]

III. Deadline.

. **Water District Election:** an application for a place on the ballot must be filed not later than 5 p.m. of the 78th day before election day. [Sec. 144.005]

### III. Running as a Write-In Candidate in Local Political Subdivisions.

#### . “Open” Write-In Votes Are Permitted Except as Provided by Law.

III. Except as otherwise provided by law, if the name of the person for whom a voter desires to vote does not appear on the ballot, the voter may write-in the name of that person. [Sec. 146.001]

IV. A candidate does not have to file a "Declaration of Write-In Candidacy" to run as a write-in candidate if open write-in votes are permitted. Any write-in vote **must** be counted.

V. Most political subdivisions do not have open write-ins.

#### . Declarations of Write-In Candidacy Required if Express Requirement.

III. A write-in vote may not be counted for a person, unless the person has filed a declaration of write-in candidacy:

. In a water district general election for board members held pursuant to Chapters 36, 49, or 63 of the Water Code, unless otherwise provided by law. (See deadline discussion below regarding possible effect of the Water Code’s procedures for a creation election or a special law.)

III. Authority with whom declaration is filed.

. Same as regular application for a place on the ballot – See I. C. 2., above.

. The general rules for filing an application (method of transmission, authorized agents, etc.) apply to filing a declaration. See I. C. 3, above.

III. Form

. A declaration of write in candidacy must satisfy the same requirements as an application for a place on the ballot. [Sec. 146.023(b)]

. Secretary of State has prescribed the "Declaration of Write-In Candidacy Form." [Sec. 146.032]

III. Filing deadline for declaration:

. **Water Districts: For water districts controlled by Water Code, Secs. 36.059 (groundwater conservation districts), 49.101 or 63.0945 (self-liquidating navigation districts), the declaration must be filed by 5:00 p.m. of the 74th day before election day. [Water Code Secs. 36.059, 49.101, 63.0945]**

III. Certification of candidate for placement on list of write in candidates.

. The authority with whom a declaration of write-in candidacy is required to be filed must certify in writing for placement on the list of write-in

candidates the name of each candidate who files with the authority a declaration which complies with the general requirements for an application for a place on the ballot. [Sec. 146.029(a)]