

# Candidacy Filing - Local Political Subdivisions

**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

### A. Independent Candidacy Required.

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

**EXCEPTION:** Partisan candidacy for home-rule city office may be authorized by city charter. [Sec. 143.003]

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

1. General Requirements for Application: [Sec. 141.031]
  - a. In writing.
  - b. Signed and sworn to by the candidate.

**NOTE:** The oath must be administered by a person authorized to administer an oath under Texas law. [Sec. 602.002, Government Code]

**TIP:** The city secretary may administer the oath for applications for a place on the ballot for city offices. [Sec. 602.002(15)]

- c. Indicates the date that the candidate swore to the application;
- d. Timely filed with the appropriate authority; and
- e. Includes:
  - i. The candidate's name.

**NOTE:** An affidavit that any nickname provided for the name as it is to appear on the ballot is the nickname by which the candidate has been commonly known in the community for at least 3 years. [Sec. 52.031(c)].

**NOTE:** Secretary of State candidate forms already have the affidavit included.

For the name as it is to appear on the ballot, Section 52.031 provides that a candidate may use any surname acquired by law or marriage. House Bill 2075 (2019). (**NOTE:** this codifies SOS interpretation.)

**NOTE:** If the name the candidate wishes to use does not conform to the Election Code, this is not fatal to the application as a whole.

- ii. The candidate's occupation.
- iii. The office sought, including any place number or other distinguishing number.
- iv. 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.
- v. A statement that the candidate is a United States citizen.
- vi. 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.
- vii. 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.
- viii. The candidate's date of birth.
- ix. 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.
- x. 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.
- xi. A statement swearing to defend the Constitution and laws of the United States and Texas.
- xii. A statement that the candidate is aware of the nepotism law.
- xiii. 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)

**NOTE::** Section 141.031 only requires the candidate to provide a public mailing address at which the candidate receives correspondence relating to the candidate's campaign, **if available**, and any available electronic mail address at which the

candidate receives correspondence relating to the candidate's campaign, **if available**.

2. Additional Information on Official Application Form. [Sec. 141.039]
  - a. A space for indicating the form in which the candidate's name is to appear on the ballot.
  - b. A space for the candidate's mailing address.
  - c. Spaces for the candidate's home and office telephone numbers.
  - d. A statement informing the candidate that the furnishing of the telephone numbers is optional.
  - e. A space for e-mail address (optional).

**NOTE:** Most offices require voter registration in the territory from which the office is elected by the filing deadline. (See our online Terms, Qualifications, and Vacancies outline for general law cities and school districts.) However, the law does not require the voter registration number to be on the application form. See our HB 484 FAQ (available online).

**NOTE:** The registered voter requirement does **not** apply to a member of the governing body of a district created under Section 52(b)(1) or (2), Article III, or Section 59, Article XVI, Texas Constitution.

- f. **NEW LAW:** House Bill 4555 (2021) modifies the eligibility requirements related to a candidate's final felony conviction status and what must be included on the official candidate application 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 must include a statement informing candidates of the requirement to submit this information. The application form must be modified to include a statement informing candidates that knowingly providing false information on their application related to their final felony conviction status is a Class B Misdemeanor. Candidate application forms will be updated to reflect these changes that went into effect September 1, 2021. [Secs. 141.031, 141.039]