

School Board Trustee (Education Code, Chapter 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*
- In addition to the general felony rule at Election Code Sec. 141.001 (finally convicted), must not be convicted (finally convicted or otherwise) of specific crimes in Education Code in time to serve. Sec. 11.066

***House Bill 484 (2015) amends Election Code Section 141.001 to provide a new general rule (for most offices) that a candidate must be a registered voter of the territory elected from as of the filing deadline (unless outside law conflicts).**
H.B. No. 484

AN ACT

relating to the eligibility of a person to be a candidate for or holder of certain public elective offices.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 141.001, Election Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

- (a) To be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, a person must:
- (1) be a United States citizen;
 - (2) be 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;
 - (3) have not been determined by a final judgment of a court exercising probate jurisdiction to be:
 - (A) totally mentally incapacitated; or
 - (B) partially mentally incapacitated without the right to vote;
 - (4) have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities;
 - (5) have 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:
 - (A) for a candidate whose name is to appear on a general primary election ballot, the date of the regular filing deadline for a candidate's application for a place on the ballot;
 - (B) for an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot;
 - (C) for a write-in candidate, the date of the election at which the candidate's name is written in;

(D) for a party nominee who is nominated by any method other than by primary election, the date the nomination is made; and

(E) for an appointee to an office, the date the appointment is made; [and]

(6) on the date described by Subdivision (5), be registered to vote in the territory from which the office is elected; and

(7) satisfy any other eligibility requirements prescribed by law for the office.

(d) Subsection (a)(6) 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.

SECTION 2. Chapter 601, Government Code, is amended by adding Section 601.009 to read as follows:

Sec. 601.009. ELECTED OFFICER MUST BE REGISTERED VOTER.

(a) A person may not qualify for a public elective office unless the person is a registered voter.

(b) Subsection (a) does not apply to an office for which the federal or state constitution prescribes exclusive qualification requirements.

(c) Subsection (a) 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.

SECTION 3. The changes in law made by this Act apply only to the eligibility and qualification requirements for a candidate or officer whose term of office will begin on or after the effective date of this Act. The eligibility and qualification requirements for a candidate or officer whose term of office will begin before the effective date of this Act are governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.