

Completing a Candidate Application for Local Office

Topics Covered

- Resources
- Filing Deadlines
- Identifying the Correct Application
- Box-by-Box Overview of Completing an Application
- Petitions and Who Needs to File One
- Withdrawal

Resources

- <u>Candidate's Guide for Local Political</u>
 <u>Subdivisions</u>
 - Qualifications for Local Political Subdivisions
 - Filing as a Candidate in a Local General Election
 - Procedures for Write-in Candidate in a Local Election
 - Local Election to fill a Vacancy Running for an Unexpired Term
 - Frequently Asked Questions on Candidacy



Filing Deadlines

Filing Deadlines – Local General Election

- Candidates seeking to have their name placed on the ballot in a local election must file a candidate application with the appropriate filing authority.
 - Some political subdivisions may also require a filing fee and/or a petition in lieu of a filing fee to be filed along with the candidate application
 - If so, those must be filed at the same time with the proper filing authority

Filing Deadline

• Typically the filing deadline is 5 p.m. of the 78th day before election day, and the filing period begins 30 days before the filing deadline.

Filing Deadlines – Write-in Candidates

- In most political subdivisions, a candidate may run for office as a declared write-in candidate.
 - A declared Write-in Candidate must submit a Declaration of Write-in Candidacy and submit a filing fee or petition in lieu of a filing fee, if required by the political subdivision.

Filing Deadline

 For an election held on a uniform election date (May or November) the deadline to file a declaration of write-in candidacy is 5 p.m. of the 74th day before election day

Filing Deadlines to Fill a Vacancy – Running for an Unexpired Term

- Candidates seeking to have their name placed on the ballot in a local election for an unexpired term must file a candidate application.
- Filing Deadline
 - Ordered as part of the general election:
 - The filing deadline will be the same as the filing deadline for the general election

Filing Deadlines to Fill a Vacancy – Running for an Unexpired Term

- Filing Deadline
 - Special Election is on or after the 70th day after the date the election is ordered
 - Filing deadline is 5 p.m. of the 62nd day before election day
 - Special Election is on or after the 46th day and before the 70th day after the date the election is ordered.
 - Filing deadline is 5 p.m. of the 40th day before election day

Method of Filing

- Applications can be delivered in person or by mail.
 - If by mail: Must look at time of receipt, **NOT** postmark.
 - Receipt = actual possession of filing authority or agent, or time deposited in the authority's mail box.
 - Application cannot be submitted in parts. All parts must be submitted at the same time.
 - If a candidate submits a filing fee along with an application, it MAY
 NOT be submitted via email or fax.
 - If a candidate submits a petition in lieu of a filing fee along with an application, those may be submitted together via email or fax.

Candidate Applications

- Application for a Place on the General Election Ballot (PDF) (Form 2-49)
- Application for a Place on the Special Election Ballot (PDF) (Form 2-50)
- Declaration of Write-in Candidacy (PDF) (Form 2-55)
- Petition for a Place on the Ballot (Petition in Lieu of a Filing Fee) (PDF) (Form 2-51

Applications and more can be found at:

https://www.sos.texas.gov/elections/forms/pol-sub/index.shtml



Texas Secretary of State

ELECTIONS DIVISION

2-49 Prescribed by Secretary of State									
Section 141.031, Chapters 143 and 144, Texas E 09/2023									
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Look for:

Felony Conviction
 Status Box

Review of Application

- Form, Content and Procedure
 - Was the candidate application submitted timely?
 - Was it filled out properly?
- Eligibility
 - On the face of the application, does the candidate meet the eligibility requirements associated with that office?

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 **immediately** and deliver to candidate a **written notice of rejection**.
 - Cannot challenge after the 50th day before election day

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 cannot 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.

Administrative Declaration of Ineligibility

- Eligibility
 - Filing authority 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.

Completing a Candidate Application

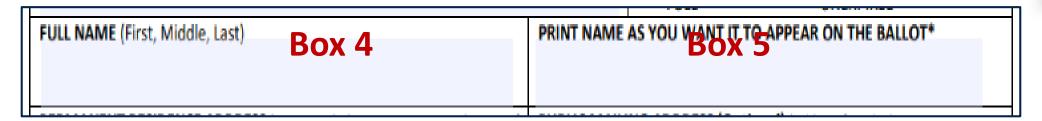
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	APPLICATION FOR A	PLACE ON THE BALLOT FO	OR A GENERAL ELECTION
	FOR A CITY, SCHO	OL DISTRICT OR OTHER PO	OLITICAL SUBDIVISION
AL	L INFORMATION IS REQUIRED TO BE PROVIDED UNLESS I	NDICATED AS OPTIONAL ¹ Failure to pro	rovide required information may result in rejection of application.
	APPLICATION FOR A PLACE ON THE	Box 1	GENERAL ELECTION BALLOT
	TO: City Secretary/Secretary of Board	(name of election)	
	I request that my name be placed on the above-na	amed official ballot as a candidate fo	for the office indicated below.
	OFFICE SOUGHT (Include any place number or oth	er distinguishing number, if any.)	INDICATE TERM
	Box 2		FULL UNEXPIRED BOX 3

Box 1: Indicate the election you are running for. You can say "May/November _____ Election" or "[insert name of entity] election"

- If left blank, not necessarily fatal.
- **Box 2:** State the office you are applying for. Should include the distinguishing number, if applicable (Place 1, District 7, etc.). Does not have to be stylized any certain way as long as you indicate which office you are applying for.
 - If left blank, not necessarily fatal if the office is listed in the oath.
 - Failure to include a distinguishing number can be fatal if it is not stated elsewhere on the application.

Box 3: Must be completed if there is another office that has the same title but does not have place numbers.



Box 4: Full Name

- Legal name, but does not have to exactly match legal documents
 - EX: John Michael Smith, John M. Smith, John Smith

Box 5: Name as you want it to appear on ballot

- A candidate may use a nickname not more than 10 letters by which the candidate has been commonly known for at least three years
- Candidate may use any surname acquired by law or marriage.
- Titles are prohibited
 - Some examples of prohibited titles include officer ranks (including but not limited to Lieutenant, Commander, and Captain), Doctor, Pastor, and Coach.

•			PUBLIC MAILING ADDRE		ress for which you rece	ive campaign
CITY BOX 6	STATE	ZIP	CITY	Box 7	STATE	ZIP

- Box 6: Permanent Residence Address
 - MUST be completed by all candidates
 - Even candidates subject to confidentiality (judges and peace officers) must complete this box.
 - Certain candidates can request confidentiality
 - Candidates entitled to confidentiality under Gov't Code 552.1175
 must separately request confidentiality from the filing authority for
 information on a candidate application
- Box 7: Public Mailing Address, if Available.

PUBLIC EMAIL ADDRESS (Optional) (Address for which you receive campaign related emails, if	OCCUPATION (Do not leave blank)	DATE OF BIRTH	VOTER REGISTRATION VUID NUMBER ² (Optional)
available.) Box 8	Box 9	Box 10	Box 11
TELEPHONE CONTACT INFORMATION (Optio	nal)		
Home: Box 12	Office:		Cell:

Box 8: Public Email Address, if available

• This should the email address used to receive campaign email. Public address does NOT mean the candidate's county or government email address as a public official.

Box 9: Occupation

• Required per Section 141.031, Texas Election Code. However, please review <u>In re Anthony</u>, 642 S.W.3d 588 (Tex. 2022).

Box 10: Date of Birth

Used to validate that the candidate meets minimum age requirements.

Box 11: VR Number (VUID)

• Not required, but very helpful as it can help the filing authority to validate a candidate's VR status, if applicable.

• Box 12: Contact information

Optional, but helpful if the filing authority needs to contact a candidate.

Eligibility

Voter Registration

- Is the candidate a registered voter of the territory from which they are seeking office? 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.
- Check Your Voter Registration Status



 I have not been finally convicted of a felony. I have been finally convicted of a felony, but I have been pardoned or otherwise released from the resulting disabilities of that felony conviction and I have provided proof of this fact with the submission of this application.³ 	FEL	ONY CONVICTION STATUS (You MUST check one) Box 13
pardoned or otherwise released from the resulting disabilities of that felony conviction and I have provided proof of this fact with		I have not been finally convicted of a felony.
·		pardoned or otherwise released from the resulting disabilities of that felony conviction and I have provided proof of this fact with

Box 13: Felony Conviction Status

- Must be completed!
- If a candidate marks the second box, the candidate must provide documentation to provide proof that they have been pardoned or released from the resulting disabilities.
- See back of form for list of acceptable documents. Call SOS with questions!

LENGTH OF CONTINUOUS RESIDENCE AS OF DATE THIS APPLICATION WAS				
	SWORN			
IN THE STATE OF TEXAS IN TERRITORY/DISTRICT/PRECINCT FROM				
	WHICH THE OFFICE SOUGHT IS ELECTED			
year(s)	year(s)			
month(s)	Box 14 month(s)			

Box 14: Length of Continuous Residence

- Must be completed.
- Must indicate how long the candidate has lived in the state **AND** territory for which they are seeking office.
- Check Qualifications for Public Office chart if you have questions on requirements.

Eligibility

- Length of Continuous Residence
 - Has the candidate been a resident of the territory elected from for the required period of time?
 - Regular Candidate: the date of the regular filing deadline for a candidate's application for a place on the ballot
 - Write-in: the date of the election at which the candidate's name is written
 in

[Sec. 141.001(a)(5)]

*If using a nickname as part of your name to my nickname does not constitute a slogan of been commonly known by this nickname for Election Code regarding the rules for how no	or contain a title, no at least three year	or does it indicate a s prior to this electi	a political, economic, soo on. Please review section	cial, or religious view or affiliation. I have
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Signature of Officer Authorized to Administe	er Oath ⁴		Printed Name of Officer	Authorized to Administer Oath
Title of Officer Authorized to Administer Oat	th		Notarial or Offici	al Seal

Box 15: Oath and Notary

- Must be completed and signed and sworn to by candidate.
- If the candidate leaves blanks in statement of oath, it is not fatal if the application (Not Petition) contains the applicable information.
- Mistakes by the notary are not always fatal. Please call SOS for additional guidance if that happens.

CASH CHECK MO			Y THE REQUIRED FILING FEE (If Applicable) PAID BY: N LIEU OF A FILING FEE.	
This document and \$	filing fee or a nominati	ng petition of pag	ges received.	ed
		(See Section 1.007)	Box 16	
Date Received	Date Accepted		Signature of Filing Officer or Designee	

Box 16: Completed by Filing Authority or Designee Who Received Application

- Failure to complete this box is not fatal to an application!
- Part of this box should be completed at the time the application has been received by the person who takes the application.
- The remainder should be filled in after it has been reviewed and a disposition has been made on the application.
- This contains information to help the filing authority know what actions have been taken and when on an application.
- Section 1.007 provides that any employee at the usual place of business can receive the filing.

Candidate Petitions

2-51				
Prescribed by Secretary of State Sections 141,063				
Sections 141.063, 141.065, 141.066 Texas Election Code 12/2073				
Texas Election Code 12/2023	PLACE ON THE			
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Which Candidates are Required to Submit a Petition?

- Typically, candidates for local political subdivisions are not required to submit a nominating petition along with their application.
 - Candidates in a home rule city should check the city charter as a city charter may prescribe additional requirements in connection with a candidate's application.

Important Things to Remember Regarding Petitions

- Unless prescribed by a city charter or outside statute, there is no statutory "first day" that a candidate may begin collecting signatures for a nominating petition or petition in lieu of a filing fee under the Election Code.
- If a candidate circulates a petition, the voters who sign the petition must be registered voters of the territory.
- Candidate may have multiple people circulate petition on their behalf
 - Affidavit of Circulator must be completed for each group of petitions circulated. The affidavit at the bottom of the page must accompany each part but is not required for each page of signatures.
 - Affidavit of circulator need only be sworn on one page to serve for multiple pages from the same circulator.
 - A single notarized affidavit by any person who obtained signatures is valid for all signatures gathered by the person if the date of notarization is on or after the date of the last signature obtained by the person.
- An deficiency on the petition CANNOT be cured with information provided on the application.

Petition in Lieu of Filing Fee

- Must be submitted in person, by mail, by email or by fax.
- Petitions must be submitted along with the candidate's application.
 - A candidate cannot supplement or amend a petition once it has been filed.

Public Information

- An application for a place on the ballot, including an accompanying petition, is public information immediately on its filing.
 - Any written documentation attached to a candidate's application would also be public information upon filing as it is considered part of the application.

[Sec. 141.035]

Texas Secretary of State

ELECTIONS DIVISION

Withdrawal

2-66 Prescribed by Secretary of State Section 145.001, Texas Election Code 9/2023	
CERT	IFICATE OF WITHDRAWAL
(political subdivision/county/party)	a candidate for the office of election. The election is being conducted by (date)
Signature of Candidate	
"The State of, "County of,	
"This instrument was acknowledged befo	ore me onby
(withdrawing candidate)	(date)
(Seal)	(Signature of officer)
	(Title of officer)
	My commission expires:

Withdrawal

- A candidate may withdraw their application and have their name omitted from the ballot by submitting a notarized <u>Certificate of Withdrawal (PDF)</u> or a notarized letter to the same filing authority.
- To be effective, a withdrawal must be:
 - In writing, signed, and sworn to by the candidate; and
 - Be timely filed with the filing authority
- The deadline for a candidate to file their withdrawal is 5 p.m. of the 71st day before election day.

Available Support



WEBINARS



TRAINING

elections@sos.texas.gov

800-252-VOTE • 512-463-5650 sos.texas.gov



RESOURCES