



Texas Secretary of State  
ELECTIONS DIVISION



# Reviewing Candidate Applications and Petitions



## Topics Covered

- Candidate Guide & Resources
- Notice Requirements
- Candidate Filing Deadlines
- Method of Filing Candidate Applications
- Review of Candidate Applications
- Review of Candidate Petitions
- Amending a Candidate Application
- Candidate Withdrawals



## Candidate Guide and Resources

Media | Site Map | Help | Contact | Website Survey | En Español

**Texas Secretary of State**  
Jane Nelson


Search  Go

About SOS | **Elections & Voting** | Business Services | Notary & Apostilles | Rules & Meetings | International Relations | Forms & Other Services

- VoteTexas.gov - Voter Information
- Voter Registration Resources
- Conducting Elections
- Candidate Information
- Officials and Officeholders
- Election Results
- Audit Program
- Training and Educational Resources
- Election Funds Management
- Forms, Resources and Legal Library
- Voting Systems
- Frequently Asked Questions (FAQS)
- Contact Us

**Welcome to the Texas Secretary of State**

Whether you are filing a business, wish to learn more about voting, or need assistance with another service, the Texas Secretary of State is here to serve you.

  
Secretary Jane Nelson

ics

**Popular or New**



## Candidate Information

### Current Election Information

- [Current Election Information](#)

### Procedures for Candidates, 2023-2024

- [2024 Candidate's Guide - Running for Federal, State, District or County Office](#)
- [2022 Candidate's Guide - Running for State, District or County Office](#)
- [Candidate's Guide for Local Political Subdivisions](#)



### Notable Links

- [Poll Watcher's Guide \(PDF\)](#)
- [Early Voting Ballot Board Handbook \(PDF\)](#)
- [Signature Verification Committee Handbook \(PDF\)](#)
- [County Chair Handbook \(PDF\)](#)
- [Public Information Request \(PDF\)](#)
- [Election Forms](#)
- [Texas Ethics Commission - Campaign-Related Forms and Filing Requirements](#)
- [Federal Election Commission](#)
- [Election Officials and Officeholders](#)

### Calendars

- [Important 2024-2025 Election Dates](#)

### Political Party Information

- [Republican Party](#)
- [Democratic Party](#)
- [Libertarian Party](#)
- [Green Party](#)





## Candidate Guide and Resources

### Candidate's Guide for Local Political Subdivisions

Requirements for local offices (municipalities, school districts, other districts) in Texas vary according to the political subdivision. Therefore, you must contact the political subdivision where you are interested in running for office for qualification requirements, filing periods and other relevant information. At a minimum, you will be required to file an application for place on the ballot with your political subdivision.

For general information regarding local elections, please see our outlines for:

- [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](#)
- [Candidacy for Local Political Subdivisions](#)
- [Terms, Qualifications and Vacancies](#)
- [Voter Registration for Candidates FAQ](#)

#### Municipal Elections

In a city election, an application for place on the ballot must be filed with the city secretary. In a special election held by a city, an application for a place on the special election ballot must be filed with the city secretary.

Some municipalities may require their candidates to file a petition with a certain number of signatures along with an application for place on the ballot .

#### School District Elections

#### Candidate's Guide Quick Links

[2024 Candidate's Guide Home](#)

[2022 Candidate's Guide Home](#)





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ELECTIONS DIVISION



# Notice Requirements



## Web Notice Requirements

- Political subdivisions with authority to impose a tax who maintained a publicly accessible Internet website on or after January 1, 2019 must provide certain relevant information on their website.
- Requirements and deadline for filing for candidacy of each elected office of the political subdivision.
  - Must be continuously posted on website for at least one year before the election day for the office.
  - This means you need to know your candidate requirements accurately, before the filing period



# Filing for Public Office-Posted Notice Requirement

- **General Elections:**
  - Notice of Deadline to File Applications for Place on the Ballot (Form 2-1)
  - Must be Posted 30 days before 1<sup>st</sup> day to file
- **Special Elections:**
  - No posting requirement!
    - But recommend posting notice that includes filing deadline dates/times once the special election is ordered.





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ELECTIONS DIVISION



# Candidate 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 78<sup>th</sup> day before election day**, and the filing period begins 30 days before the filing deadline.



## Candidate Filing Period-General Election

**City Offices with Four-Year Terms:** If no candidate has filed for a city office with a four- year term, the filing deadline is extended to 5:00 PM of the 57<sup>th</sup> day before election day (Sec. 143.008)

**Note:** Does not apply to an election held on the date of the general election for state and county officers.



## 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 70<sup>th</sup> day after the date the election is ordered
  - Filing deadline is **5 p.m. of the 62<sup>nd</sup> day before election day**
- Special Election is on or after the 46<sup>th</sup> day and before the 70<sup>th</sup> day after the date the election is ordered.
  - Filing deadline is **5 p.m. of the 40<sup>th</sup> day before election day**



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ELECTIONS DIVISION



# Method of Filing Candidate Applications



# Filing for Public Office - Filing Authority

Type of Entity	Filing Authority
City	City Secretary
School District	Secretary of School Board or designee
Water District	Secretary of Board or Presiding Officer or Agent, if permitted under Water Code
Hospital District	Secretary of the Board, or designee
Junior Colleges	Secretary of the Board
Library District	Secretary of the Board, or Presiding Officer
Emergency Services District	Multi-County District, County Clerk of each County.

- Employee Rule
- Delegation of Duty
  - Permitted within political subdivision
  - **NOT** permitted **between** political subdivisions.



## Method of Filing

- Applications can be delivered in person, by mail, by fax, or by email.
  - 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.
  - Section 1.007: Application can be received by any employee at the usual place of business.





## Candidate Applications

- Application for Place on General Election Ballot (2-49)
  - Application for Place on Special Election Ballot (2-50)
  - Declaration of Write-in Candidacy (2-55)
  - Petition for a Place on the Ballot (Petition in Lieu of a Filing Fee) (2-51)
- 
- Applications and more can be found at:  
<https://www.sos.texas.gov/elections/forms/pol-sub/index.shtml>



## Using the Correct Application Forms

- Forms can be accessed on the following pages:
  - Forms Index
  - Election law calendar
- If you are having trouble accessing the new forms, clear your cache on your web browser.
- How to determine if it is the correct form...



# Texas Secretary of State

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2-49  
 Prescribed by Secretary of State  
 Section 141.031, Chapters 143 and 144, Texas Election Code  
 09/2023

### APPLICATION FOR A PLACE ON THE BALLOT FOR A GENERAL ELECTION FOR A CITY, SCHOOL DISTRICT OR OTHER POLITICAL SUBDIVISION

ALL INFORMATION IS REQUIRED TO BE PROVIDED UNLESS INDICATED AS OPTIONAL. Failure to provide required information may result in rejection of application.

**APPLICATION FOR A PLACE ON THE \_\_\_\_\_ GENERAL ELECTION BALLOT**  
 TO: City Secretary/Secretary of Board (name of election)  
 I request that my name be placed on the above-named official ballot as a candidate for the office indicated below.

OFFICE SOUGHT (Include any place number or other distinguishing number, if any.) \_\_\_\_\_ INDICATE TERM  
 FULL  UNEXPIRED

FULL NAME (First, Middle, Last) \_\_\_\_\_ PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT\* \_\_\_\_\_

PERMANENT RESIDENCE ADDRESS (Do not include a P.O. Box or Rural Route. If you do not have a residence address, describe location of residence.) \_\_\_\_\_ PUBLIC MAILING ADDRESS (Optional) (Address for which you receive campaign related correspondence, if available.) \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PUBLIC EMAIL ADDRESS (Optional) (Address for which you receive campaign related emails, if available.) \_\_\_\_\_ OCCUPATION (Do not leave blank) \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_ VOTER REGISTRATION VOID NUMBER? (Optional) \_\_\_\_\_

TELEPHONE CONTACT INFORMATION (Optional)  
 Home: \_\_\_\_\_ Office: \_\_\_\_\_ Cell: \_\_\_\_\_

FELONY CONVICTION STATUS (You MUST check one) LENGTH OF CONTINUOUS RESIDENCE AS OF DATE THIS APPLICATION WAS SWORN  
 I have not been finally convicted of a felony. IN THE STATE OF TEXAS IN TERRITORY/DISTRICT/PRECINCT FROM WHICH THE OFFICE SOUGHT IS ELECTED  
 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. \_\_\_\_\_ year(s) \_\_\_\_\_ year(s)  
 \_\_\_\_\_ month(s) \_\_\_\_\_ month(s)

\*If using a nickname as part of your name to appear on the ballot, you are also signing and swearing to the following statements: I further swear that my nickname does not constitute a slogan or contain a title, nor does it indicate a political, economic, social, or religious view or affiliation. I have been commonly known by this nickname for at least three years prior to this election. Please review sections 52.031, 52.032 and 52.033 of the Texas Election Code regarding the rules for how names may be listed on the official ballot.

Before me, the undersigned authority, on this day personally appeared (name of candidate) \_\_\_\_\_, who being by me here and now duly sworn, upon oath says:  
 "I, (name of candidate) \_\_\_\_\_, of \_\_\_\_\_ County, Texas, being a candidate for the office of \_\_\_\_\_, swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am a citizen of the United States eligible to hold such office under the constitution and laws of this state. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I am aware of the nepotism law, Chapter 573, Government Code. I am aware that I must disclose any prior felony conviction, and if so convicted, must provide proof that I have been pardoned or otherwise released from the resulting disabilities of any such final felony conviction. I am aware that knowingly providing false information on the application regarding my possible felony conviction status constitutes a Class B misdemeanor. I further swear that the foregoing statements included in my application are in all things true and correct."

**X** \_\_\_\_\_  
**SIGNATURE OF CANDIDATE**

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year), by \_\_\_\_\_ (name of candidate)

Signature of Officer Authorized to Administer Oath \_\_\_\_\_ Printed Name of Officer Authorized to Administer Oath \_\_\_\_\_  
 \_\_\_\_\_ Notarial or Official Seal

Title of Officer Authorized to Administer Oath \_\_\_\_\_

TO BE COMPLETED BY FILING OFFICER: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE (if Applicable) PAID BY:  
 CASH  CHECK  MONEY ORDER  CASHIERS CHECK OR  PETITION IN LIEU OF A FILING FEE.  
 This document and \$ \_\_\_\_\_ filing fee or a nominating petition of \_\_\_\_\_ pages received.  Voter Registration Status Verified

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ (See Section 1.007) \_\_\_\_\_  
 Date Received Date Accepted Signature of Filing Officer or Designee

[Print](#) [Reset](#)

- Look for:
  - Box on Felony Conviction Status
  - Boxes marked "optional"
  - References to Texas Election Code provisions on nicknames
  - Oath
  - Information for filing authority to fill out



## Process for Receiving Candidate Filings

- Develop a written process/checklist.
- Determine who will receive applications in your office.
  - Any employee at the usual place of business can receive applications, including volunteers (TEC Section 1.007).
- Determine where you will keep received applications before/after reviewing.



## Receipt v. Acceptance

- Be cautious with your word choice!
- **Receipt** of an application is taking possession of a candidate's application.
- **Acceptance** of an application is making a determination that a candidate's application is complete and the candidate's name will be on the ballot.



## When Receiving the Application...

1. Take possession of application
2. Initial review for completeness –
  - Are all the required boxes filled in?
  - Did the candidate include filing fee or petition, if applicable?
  - Has the application or petition been notarized?
3. If the application has not been signed and notarized, and you or someone in your office is a notary, then proceed with having the candidate sign/notarize the application.
  - You can only notarize an application that hasn't been signed! If you are notarizing, the candidate must sign the application in your physical presence.
4. Immediately date/time stamp it!
  - Separate date/time stamp machine or hand write it
5. Make a copy for the candidate of their application and filing fee/petition if filed in person.
6. Tell the candidate that the application has been received by your office and that you will review it to make a determination on whether the application should be accepted/rejected.
7. Complete review for completeness/acceptance.
8. Make a decision on acceptance/rejection/eligibility and notify the candidate in writing of your decision.



## When Receiving the Application...

- Although email is authorized as a delivery method, law still requires that a candidate's application and all of its components (including a petition or filing fee) be delivered at the same time, not separately.
- If a candidate submits a filing fee along with an application, it **may not** be submitted via email or fax.
  - But 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.
- Application must be notarized (or otherwise sworn to before someone authorized to administer an oath under Texas law) prior to filing via fax or email.



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ELECTIONS DIVISION



# Reviewing Candidate Applications





# Review of Application

## Form, Content and Procedure

- Was the candidate application submitted timely?
- Was it filled out properly?
- Did they include all the relevant paperwork, if applicable?

## Eligibility

- Does the candidate meet the eligibility requirements associated with that office?



# Form, Content, and Procedure

Things to look for...

- Are all the boxes filled in?
- Did they include a filing fee/petition (if required)?
- Was the filing fee correct (if required)?
- Was the petition properly filled out (if required)? Was the petition properly signed/notarized by the circulators?
- Did they include the correct felony information, if applicable?
- Was the application signed/notarized?



# Form, Content, and Procedure

- If the application (and/or petition, if applicable) was not fully completed or was not properly filed, then the rejection is a form, content, and procedure rejection
- A challenge to form, content, and procedure must be made no later than the 50th day before election day
- An initial determination that the application meets the requirements does not prevent the filing authority from later determining that it does not meet the requirements and rejecting the application
  - If the application has a fatal defect that you do not notice in your initial review, you can still reject for that defect later on, as long as it is before the 50th day deadline.

Secs. 141.032, 141.034, Texas Election Code



# Form, Content, and Procedure

- All candidates that are required to pay a filing fee can submit a Petition in Lieu of a Filing Fee.
- Deficiency in the petition cannot be cured with information provided in the application.
- **Unless the petition is challenged, the authority is only required to review the petition for facial compliance with the applicable requirements as to form, content, and procedure.**



# 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
      - **NOTE: If pardoned or released from the resulting disabilities, then must provide proof of the pardon or release.**
  - *\*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 of 141.001 applies. Review the Candidate's guide to determine the qualifications for the office a candidate has filed for. (Home Rule Charter)**



# Administrative Declaration of Ineligibility

- If the candidate is not eligible for the office they are seeking, then the rejection would require an administrative declaration of ineligibility
- Can only declare a candidate ineligible if you have one of the following:
  - Information on the candidate application that indicates that the candidate is ineligible for office, OR
  - A public record that conclusively establishes that the candidate is ineligible.

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

Sec. 145.003, Texas Election Code



# Administrative Declaration of Ineligibility

## Examples:

- Length of continuous residence stated on the candidate's application is less than the required duration for the office
- Residence address stated on the candidate's application is outside the territory from which the office is elected
- Conclusive public record shows that the candidate is not a registered voter by the filing deadline

Sec. 145.003, Texas Election Code



# Administrative Declaration of Ineligibility

- Candidate **MAY** be declared ineligible:
  - **By filing authority before early voting in person begins, OR**
  - By the presiding officer of final canvassing authority after the polls close and before certificate of election is issued.
- Candidate must be given **written notice** of the declaration of ineligibility.
- Note: Home-rule cities may have more specific procedures for declarations of ineligibility in their city charter.

Secs. 145.003, 145.097, Texas Election Code





# Administrative Declaration of Ineligibility

- Deadline to remove an ineligible candidate from a general election ballot is the 71st day before election day
  - Special elections, elections held on non-uniform election dates, and elections for federal, state, and county offices have different removal deadlines.
    - Please visit our calendar or contact our office for advice on these deadlines.



## APPLICATION FOR A PLACE ON THE BALLOT FOR A GENERAL ELECTION FOR A CITY, SCHOOL DISTRICT OR OTHER POLITICAL SUBDIVISION

ALL INFORMATION IS REQUIRED TO BE PROVIDED UNLESS INDICATED AS OPTIONAL<sup>1</sup> Failure to provide required information may result in rejection of application.

APPLICATION FOR A PLACE ON THE _____ GENERAL ELECTION BALLOT	
TO: City Secretary/Secretary of Board _____ (name of election)	
I request that my name be placed on the above-named official ballot as a candidate for the office indicated below. <b>Box 1</b>	
OFFICE SOUGHT (Include any place number or other distinguishing number, if any.) _____ <b>Box 2</b>	INDICATE TERM <input type="checkbox"/> FULL <input type="checkbox"/> UNEXPIRED <b>Box 3</b>

**Box 1:** If left blank, not necessarily fatal.

**Box 2:** Should include distinguishing number, if applicable. Does not have to be stylized any certain way, as long as you can determine which office the candidate is applying for.

**Box 3:** Must be completed if there is another office that has the same title but does not have place numbers. If it is blank, but you understand which office the application is for, you can accept.



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ELECTIONS DIVISION



FULL NAME (First, Middle, Last)

PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT\*

**Box 4**

**Box 5**

## **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**

Nickname rules apply.

Candidate may use any surname acquired by law or marriage.

Titles are prohibited but are not grounds for rejection.

Examples of prohibited titles include officer ranks (including Lieutenant, Commander, and Captain), Doctor, Pastor, and Coach.

Sec. 52.033, Texas Election Code



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ELECTIONS DIVISION



<b>PERMANENT RESIDENCE ADDRESS</b> (Do not include a P.O. Box or Rural Route. If you do not have a residence address, describe location of residence.)			<b>PUBLIC MAILING ADDRESS (Optional)</b> (Address for which you receive campaign related correspondence, if available.)		
CITY	STATE	ZIP	CITY	STATE	ZIP
<b>Box 6</b>			<b>Box 7</b>		

- **Box 6: Permanent Residence Address**
  - MUST be completed by all candidates
  - Even candidates subject to confidentiality (judges and peace officers) must complete this box.
    - Candidates entitled to confidentiality under Government Code Section 552.1175 must *separately* request confidentiality from the filing authority for information on a candidate application.
- **BOX 7: Public Mailing Address, if Available.**



# 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:** 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 make such a determination.



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ELECTIONS DIVISION



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

- **Box 8: Public Email Address, if available**
  - This is what candidate should use 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 In re Anthony, 642 S.W.3d 588 (Tex. 2022). **Strongly recommend** that a candidate include something in the occupation box, even if it is "retired," "unemployed," or "N/A."
- **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 you to validate their VR status, if applicable.
  - Also puts the candidate on notice that they need to think about their current VR status.
- **Box 12: Contact information**
  - Optional, but helpful to filing authority if need to contact a candidate.



## Eligibility

### Voter Registration

- Is the candidate a registered voter of the territory from which they are seeking office? (NOTE: This is not applicable to all offices. Water districts are a major exception.)
- 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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**FELONY CONVICTION STATUS (You MUST check one)**

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- I have not been finally convicted of a felony. **Box 13**
  - 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.<sup>3</sup>
- 

- **BOX 13: Felony Conviction Status**

- Must be completed.
- If they mark 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 application for list of acceptable documents. Call SOS with questions!
- OAG Opinion – [KP-0251](#) – Felony Convictions and Candidacy





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
<input type="text"/> year(s)	<input type="text"/> year(s)
<input type="text"/> month(s)	<b>Box 14</b> <input type="text"/> month(s)

- **BOX 14: Length of Continuous Residence**

- Must be completed
- Must indicate how long they have lived in the territory for which they are seeking office.



# Texas Secretary of State

ELECTIONS DIVISION



Before me, the undersigned authority, on this day personally appeared (name of candidate) \_\_\_\_\_, who being by me here and now duly sworn, upon oath says:  
 "I, (name of candidate) \_\_\_\_\_, of \_\_\_\_\_ County, Texas, being a candidate for the office of \_\_\_\_\_, swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am a citizen of the United States eligible to hold such office under the constitution and laws of this state. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I am aware of the nepotism law, Chapter 573, Government Code. I am aware that I must disclose any prior felony conviction, and if so convicted, must provide proof that I have been pardoned or otherwise released from the resulting disabilities of any such final felony conviction. I am aware that knowingly providing false information on the application regarding my possible felony conviction status constitutes a Class B misdemeanor. I further swear that the foregoing statements included in my application are in all things true and correct."

**Box 15**

**X**

SIGNATURE OF CANDIDATE

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_, by \_\_\_\_\_  
(day) (month) (year) (name of candidate)

Signature of Officer Authorized to Administer Oath<sup>4</sup>

Printed Name of Officer Authorized to Administer Oath

Title of Officer Authorized to Administer Oath

Notarial or Official Seal

- **Box 15: Oath and Notary**

- Must be completed and signed and sworn to by candidate.
- If they leave blanks in statement of oath, it is not fatal if the application (Not Petition) contains the applicable information.
- Oath must be administered by someone authorized to administer oaths under Chapter 602 – list on back of form.
- Mistakes by the notary are not always fatal. Please call SOS for additional guidance if that happens.



## Online Notaries

- Can be used if the notary has been authorized to provide online notarial services. The notary may also add the required online notarial statement to the candidate application.
- Candidate will typically need to provide a wet signature on the document to comply with the requirement, because the candidate must sign the application in the presence of a notary public or other person authorized under Chapter 602 of the Government Code.
  - However, Chapter 406, Subchapter C allows for individuals who are specifically appointed as online notaries to perform notarization services using specific procedures outlined in Subchapter C.
- Application containing an electronic signature that was executed before an online notary can be considered to have been signed and sworn to before a person authorized to administer oaths for purposes of the requirement outlined in Election Code.



TO BE COMPLETED BY FILING OFFICER: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE (If Applicable) PAID BY:

CASH  CHECK  MONEY ORDER  CASHIERS CHECK OR  PETITION IN LIEU OF A FILING FEE.

This document and \$\_\_\_\_\_ filing fee or a nominating petition of \_\_\_\_\_ pages received.  Voter Registration Status Verified

**Box 16**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ (See Section 1.007) \_\_\_\_\_  
 Date Received Date Accepted Signature of Filing Officer or Designee

- **Box 16: Completed by Filing Authority or Employee 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 you 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.



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# Reviewing Candidate Petitions



## Petition for a Place on the Ballot/Petition in Lieu of a Filing Fee

2-51  
 Prescribed by Secretary of State  
 Sections 141.063, 141.065, 141.066  
 Texas Election Code  
 12/2023

**PETITION FOR A PLACE ON THE BALLOT FOR A LOCAL POLITICAL SUBDIVISION and/or**  
**PETITION IN LIEU OF A FILING FEE FOR A LOCAL POLITICAL SUBDIVISION**  
*(PETICIÓN PARA UN CARGO OFICIAL PARA UN LUGAR EN LA BOLETA y/o PETICIÓN PRESENTADA EN SUSTITUCIÓN DEL PAGO DE INSCRIPCIÓN)*

Name of Circulator \_\_\_\_\_  
 Page \_\_\_\_ of \_\_\_\_

Signing the petition of more than one candidate for the same office in the same election is prohibited.  
*(Se prohíbe firmar la petición de más de un candidato para el mismo puesto oficial en la misma elección.)*

**COMPLETE ALL BLANKS (LLENE TODOS LOS ESPACIOS EN BLANCO)** Instructions and Footnotes on Back. (Al Dorsó: Instrucciones y Anotaciones)

You are hereby requested to place the name indicated below on the ballot for the next election for the (Name of the Local Political Subdivision of) \_\_\_\_\_ for the office indicated below.  
*Por la presente se le solicita que incluya el nombre indicado a continuación en la boleta de la próxima elección de (Nombre de la subdivisión política local de) \_\_\_\_\_ para el cargo indicado a continuación.*

Name (Nombre) <sup>1</sup>		Address (Dirección)		Office Sought (Puesto oficial solicitado) <sup>2</sup>		
Date Signed <i>(Fecha de Firma)</i>	Signature <i>(Firma)</i>	Printed Name <i>(Nombre en letra de molde)</i>	Residence Address (Including City, Texas, Zip) <i>(Dirección de Residencia (Incluye Ciudad, Estado, Código Postal))</i>	County <i>(Condado)</i>	Voter VUID Number <sup>3</sup> <i>(Núm. de VUID de Votante)</i>	Date of Birth <sup>3</sup> <i>(Fecha de Nacimiento)</i>



## Petition for a Place on the Ballot/Petition in Lieu of a Filing Fee

- Most local political subdivisions do not require petitions for an application for a place on the ballot.
- Requirements for those that do require a petition:
  - Petition must be timely filed with appropriate authority;
  - Must contain the requisite number of valid signatures; and
  - Must comply with any other applicable requirements for validity prescribed by the Election Code



## Petition for a Place on the Ballot/Petition in Lieu of a Filing Fee

- Signer must be a registered voter of the territory from which the office sought is to be elected **or** have been issued a registration certificate that will be effective in that territory on election day.
- Signature Requirements:
  - The signer's residence address;
  - The date of birth **OR** the signer's voter registration number;
  - If the territory from which signatures must be obtained is situated in more than one county, the county of registration;
  - The date of signing; and
  - The signer's printed name.





# Affidavit of Circulator

**AFFIDAVIT OF CIRCULATOR (DECLARACIÓN JURADA DEL CIRCULADOR)<sup>1</sup>**

STATE OF TEXAS (ESTADO DE TEJAS) COUNTY OF (CONDADO DE) \_\_\_\_\_ BEFORE ME, the undersigned, on this \_\_\_/\_\_\_/\_\_\_ (date) personally appeared (ANTE MI, el/la suscrito(a), en esta (fecha) compareció) \_\_\_\_\_, (name of person who circulated petition) – (nombre de la persona que hizo circular la petición) who being duly sworn, deposes and says: "I called each signer's attention to the above statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct." (quien, habiendo prestado el juramento correspondiente, declaró y dijo: "Llamé la atención de cada firmante sobre la declaración citada y se la lei antes de que la suscribiera. Atestigué cada firma, y la fecha correcta de las firmas consta en la petición. Verifiqué la situación de cada firmante en lo concerniente a su inscripción y creo que cada firma es la auténtica de la persona cuyo nombre aparece firmado y que son exactos los datos correspondientes a cada firmante.") SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE (JURADO Y SUSCRITO ANTE MI, CON ESTA FECHA)

Notarial or Official SEAL (SELLO Notarial u Oficial)

X \_\_\_\_\_

Signature of Circulator (Firma de la persona que hizo circular la petición)

X \_\_\_\_\_

Signature of Officer Administering Oath (Firma del/de la funcionario(a) que le tomó juramento)

X \_\_\_\_\_

Title of Officer Administering Oath (Título oficial del/de la funcionario(a) que le tomó juramento)

INSTRUCTIONS AND FOOTNOTES ON BACK (AL DORSO: INSTRUCCIONES Y ANOTACIONES)



## Affidavit of Circulator

- The Affidavit of Circulator appears at the bottom of each page but only needs to be completed once for each circulator, even if there are multiple pages of voter's signatures.
- Each part of a petition must include an affidavit of the person who circulated it, stating that the person:
  - indicated and read to each signer, before the petition was signed, each statement pertaining to the signer that appears on the petition;
  - witnessed each signature;
  - verified each signer's registration status; and
  - believes each signature to be genuine and the corresponding information to be correct.



## Affidavit of Circulator

- In re Martinez, 2020 WL 6048768, Case No. 04-20-00424-CV (Tex.App.-San Antonio, October 14, 2020).
  - In this case, the circulator's affidavit failed to contain the date. The case indicates that this failure does not invalidate the signatures.
- The affidavit must be administered and signed by a person authorized to administer oaths under Chapter 602 of the Government Code.



## Petition for a Place on the Ballot/Petition in Lieu of a Filing Fee

- Signing more than one petition prohibited. [Sec. 141.066]
- A person may not sign the petition of more than one candidate for the same office in the same election.
- A signature on a candidate's petition is invalid if the signer signed the petition after signing a petition of another candidate for the same office in the same election.
- The words "Signing the petition of more than one candidate for the same office in the same election is prohibited" must appear at the top of each page of the petition.



## Petition for a Place on the Ballot/Petition in Lieu of a Filing Fee

Withdrawal of signature on candidate's petition. [Sec. 141.067]

- The **signer** must request that the signature be withdrawn.
- To be effective, a withdrawal request must:
  - be in writing and be signed and acknowledged by the signer of the petition;
  - be **received** by the authority with whom the petition is to be filed not later than the date the petition is received by the authority OR the seventh day before the petition filing deadline, whichever is earlier;
  - the signer must deliver a copy of the withdrawal request to the candidate when the request is filed; and
  - an effective withdrawal request operates as if the signer never signed the petition.



## Candidate Filing Fee

For entities that require candidates to pay a filing fee:

- Paying a filing fee with a credit card is not authorized under current law.
- A candidate may submit both a Petition in Lieu of a Filing Fee and a filing fee along with their application for a place on the ballot
  - If the filing authority has the opportunity to do so before the candidate files, recommend that the filing authority advise the candidate that the check will be used first and cannot be refunded.
  - If the candidate files with a filing fee, the filing authority will cash the filing fee.



## Candidate Filing Fee

- If the filing fee is returned for insufficient funds, the filing authority should allow the candidate to rely on the Petition in Lieu of a Filing Fee. [*In re Stalder*, 540 S.W.3d 215 (Tex. App.—Houston [1st Dist.] 2018)].
  - Filing authority should first advise the candidate (if there is time) that if both a filing fee and a petition are submitted, the filing authority will start by depositing the check.



## Candidate Filing Fee

A filing fee must be refunded to the candidate, or to the candidate's estate, if the candidate:

- Dies;
  - Is declared ineligible; or
  - Candidate's application is determined not to comply with the required form, content, and procedure before the date of the election for which the application was made.
- A claim for a refund of a filing fee must be submitted to the same filing authority with whom the application was filed.
  - May not be refunded for reasons other than those authorized by law.

Sec. 141.038, Texas Election Code





Texas Secretary of State  
ELECTIONS DIVISION



# Amending a Candidate Application



# Amending an Application

- In general, an application cannot be amended once it has been filed
  - A candidate may make changes to their application before it is signed, notarized, and filed, but may not make any changes after it has been signed, notarized, or filed
- If a candidate wishes to amend the information on their application, they will need to withdraw their original application (if it was not already rejected) and submit a new application before the filing deadline
  - Once the filing deadline has passed, they can no longer submit a new application



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# Withdrawal of Candidate Application



# Withdrawal of Candidate Application

- To withdraw as a candidate, the candidate must submit a withdrawal request to the filing authority who receives candidate applications.
- The withdrawal request must be:
  - In writing;
  - Signed by the candidate;
  - Notarized; and
  - Timely filed with the filing authority.
  - See Form 2-66 (Certificate of Withdrawal)
- A withdrawal request that does not meet these requirements has no legal effect and is not considered filed.
- NOTE: Home-rule cities may have a charter provision that imposes their own specific requirements governing withdrawal of candidates.

Secs. 145.001, 145.097, Texas Election Code



## Available Support



**WEBINARS**



**TRAINING**



**RESOURCES**

[elections@sos.texas.gov](mailto:elections@sos.texas.gov)

800-252-VOTE • 512-463-5650

[sos.texas.gov](http://sos.texas.gov)