

School Board Trustee Candidate Eligibility Requirements

Form, Content, and Procedure:

An application for a place on the ballot must be in writing; signed, sworn to by the candidate before a person authorized to administer an oath, and dated; timely filed with the district's filing authority (often the superintendent's secretary or another designated district employee); and include specified information about the candidate:

- the candidate's name, date of birth, and occupation;
- the candidate's residence address or the address at which the candidate receives mail with a description of the location of the candidate's residence;
- the candidate's length of continuous residence in Texas and in the district (and single member district, if applicable) as of the date the candidate swears to the application;
- if available, a public mailing address and email address at which the candidate receives correspondence relating to the candidate's campaign;
- the office sought, including any place or other distinguishing number and an indication of whether the office sought is for a full or unexpired term;
- an indication that the candidate has either not been finally convicted of a felony or if so, has been pardoned or otherwise released from the resulting disabilities;
- statements that the candidate is a U.S. citizen; has not been determined by a court to be mentally incapacitated; is aware of the nepotism law; and swears an oath to support and defend the U.S. and Texas Constitutions and laws.

Tex. Elec. Code § 141.031(a).

A potential candidate who has been convicted of a felony must include in the application proof that the person is eligible for public office. Tex. Elec. Code § 141.031(a-1). Texas Attorney General Ken Paxton addressed what constitutes release from the resulting disabilities of a felony conviction in Texas Attorney General Opinion No. KP-0251 (2019).

Eligibility:

An individual is eligible to be a candidate for, or elected or appointed to, a Texas school board if the individual:

- is a United States citizen;
- is 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;

- has 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;
- has not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities;
- has 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:
 - o for an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot;
 - o for a write-in candidate, the date of the election at which the candidate's name is written in; or
 - o for an appointee to an office, the date the appointment is made;
- is registered to vote in the territory from which the office is elected on the date described above; and
- satisfies any other eligibility requirements prescribed by law for the office.

Tex. Elec. Code § 141.001

The Texas Education Code imposes additional requirements:

- To be elected to a school board, an individual must be a qualified voter. Tex. Educ. Code § 11.061; Tex. Elec. Code § 11.002.
- A person is ineligible to serve on a school board if the person has been convicted of a felony or solicitation of prostitution under Texas Penal Code section 43.021. Tex. Educ. Code § 11.066.

To comply with Section 2051.201(b)(4), a district might do any or all of the following:

- state these requirements on its website;
- include or link to its [candidate application](#) and [declaration of write-in candidacy forms](#) (the Elections Division offers these forms); or
- link to other resources that state the requirements, such as Texas Election Code sections [141.001](#) (eligibility requirements) and [141.031](#) (application requirements); the district's [BBA\(LEGAL\)](#) (Eligibility/Qualifications) and [BBBA\(LEGAL\)](#) (Conducting Elections) policies; and/or to relevant resources on the Elections Division website.