

BOARD MEMBERS
ELIGIBILITY/QUALIFICATIONS

BBA
(LEGAL)

ELIGIBILITY

To be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, including a college district board member, 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 an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot.
 - b. For a write-in candidate, the date of the election at which the candidate's name is written in.
 - c. For an appointee to an office, the date the appointment is made.
6. On the date described by number 5, be registered to vote in the territory from which the office is elected.

Tex. Const. Art. XVI, Sec. 14; Election Code 141.001(a); Education Code 130.082(d), (g); Gov't Code 601.009; Att'y Gen. Op. GA-555 (2007)

Each member of the board shall be a resident, qualified voter. *Education Code 130.082(d)*

SINGLE-MEMBER
DISTRICTS

A candidate for trustee representing a single-member district must be a resident of the trustee district the candidate seeks to represent. A trustee vacates the office if the trustee ceases to reside in the trustee district the trustee represents. *Education Code 130.0822(h)*

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DEFINITIONS

“RESIDENCE”

“Residence” means domicile, that is, one’s home and fixed place of habitation to which one intends to return after any temporary absence.

A person does not lose the person’s residence by leaving the person’s home to go to another place for temporary purposes only. A person does not acquire a residence in a place to which the person has come for temporary purposes only and without the intention of making that place the person’s home. Residence shall be determined in accordance with the common-law rules, as enunciated by the courts of this state, except as otherwise provided by the Election Code.

Election Code 1.015(a)–(d)

Note: The issue of whether a candidate has satisfied residency requirements should be judicially determined. *State v. Fischer*, 769 S.W.2d 619 (Tex. App.—Corpus Christi 1989, writ dism’d w.o.j)

“QUALIFIED
VOTER”

“Qualified voter” means a person who:

1. Is 18 years of age or older;
2. Is a United States citizen;
3. Has 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. Has not been finally convicted of a felony or, if so convicted, has:
 - a. Fully discharged the person’s sentence, including any term of incarceration, parole, or supervision or completed a period of probation ordered by any court; or
 - b. Been pardoned or otherwise released from the resulting disability to vote.

A person is not considered to have been finally convicted of an offense for which the criminal proceedings are deferred without an adjudication of guilt;

5. Is a resident of this state; and

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6. Is a registered voter.

Election Code 11.002

“TOTALLY
MENTALLY
INCAPACITATED”

A person determined to be totally mentally incapacitated by a court exercising probate jurisdiction is not subject to a voting disability or candidacy disqualification under this code if, subsequent to that determination, the person's mental capacity has been completely restored by a final judgment of a court exercising probate jurisdiction. *Election Code 1.020(a)*

“PARTIALLY
MENTALLY
INCAPACITATED
WITHOUT THE
RIGHT TO VOTE”

A person determined to be partially mentally incapacitated without the right to vote by a court exercising probate jurisdiction is not subject to a voting disability or candidacy disqualification under this code if, subsequent to that determination, the person's guardianship has been modified to include the right to vote or the person's mental capacity has been completely restored by a subsequent final judgment of a court exercising probate jurisdiction. *Election Code 1.020(a)*

OFFICIAL OATHS

Each member of the board shall take the proper oath of office before taking up the duties of office. *Education Code 130.082(d)*