

# Candidate Filings for County Election Officials and County Judges



# Topics Covered

- Resources
- Candidate Forms and Filing Deadlines
- Methods of Filing Candidate Applications
- Review of Candidate Applications



# Resources

- 2024 Candidate's Guide
- Frequently Asked Questions on Candidacy and Party Affiliation
- **NEW PAGE:** Running for a Judicial Office in 2024
- Forms Manual (Updated)
- Voter Registration for Candidates
- Conducting Elections Page
- Deadlines for Vacancies and Replacement Nominees (Advisory No. 2023-20)



# Independent Candidate Forms

- Declaration of Intent to Run as an Independent Candidate (**Form 2-32**)
- Independent Candidate Application (**Form 2-33**)
- Application for Independent Judicial Candidate (**Form 2-34**)
- Independent Candidate's Nominating Petition for a Place on the Ballot (**Form 2-35**)



# Candidates Forms

- **NEW LAW:** Pursuant to HB 2384 (88th Leg., R.S.), effective September 1, 2023, candidates for certain judicial offices must provide additional information with their judicial application for a place on the ballot.

(Section 141.0311, Texas Election Code)



# Independent Candidate Filing Deadlines

- **Declaration of Intent to Run as an Independent Candidate**
  - Filed between November 11, 2023 and 6:00 pm on December 11, 2023
  - This Declaration of Intent to Run as an Independent Candidate is mandatory. If the candidate does not file a declaration during the applicable filing period, their subsequent candidate application will be rejected.
    - However, this does not apply to a candidate for an unexpired term if the vacancy occurs after the 10<sup>th</sup> day before the regular filing deadline for an application for a place on a general primary election ballot; or
    - A candidate for an office for which the regular application filing deadline for candidates in a primary election is extended.



# Independent Candidate Filing Deadlines

- **Independent Candidate Application/Judicial Candidate Application and supporting Nominating Petition**
  - Filed by 5:00 pm on June 27, 2024
  - After the primary elections (or after the primary runoff election, if the office candidate is seeking is involved in a primary runoff election), the candidate must collect signatures from registered voters who support the candidacy.
  - Primary election is Tuesday, March 5, 2024
  - Primary runoff election is Tuesday, May 28, 2024



# Independent Candidate Filing Authority

- **County Judge**
  - For county or precinct offices
  
- **Secretary of State**
  - District or state offices

Sections 142.002(b)(2), 142.005, Texas Election Code





# Write-In Candidate Forms

- Declaration of Write-in Candidacy (**Form 2-23**)
- Judicial Declaration of Write-in Candidacy (**Form 2-24**)
- Filing Fee or Petition in Lieu of a Filing Fee (**Form 2-25**)



# Write-in Candidate Filing Deadline

- The Declaration of Write-in Candidacy along with the filing fee or Petition in Lieu of a Filing fee must be submitted no earlier than **July 20, 2024**, and no later than **5:00 p.m. on August 19, 2024**.
  - A filing fee received by the county judge must be deposited in the county treasury to the credit of the county general fund



# Write-in Candidate Filing Deadline

- If a candidate whose name is to appear on the general election ballot dies or is declared ineligible after the third day before the date of the filing deadline, a Declaration of Write-in Candidacy for the office sought by the deceased or ineligible candidate may be filed not later than 5:00 p.m. of the 75th day before election day.

## Section 146.025, Texas Election Code



# Write-in Candidate Filing Authority

- **County Judge**
  - For county or precinct offices
- **Secretary of State**
  - District or state offices

Section 146.024, Texas Election Code



# Candidate Forms

- Submitting the wrong form is grounds for rejection
  - Judicial candidates must make sure to use the correct form
- Forms can be accessed on the following SOS pages:
  - Forms Manual
  - 2024 Candidate's Guide
- If you are having trouble accessing the new forms, please clear your cache on your web browser.



# Methods of Filing Candidate Applications

- 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.



# Review of Candidate Applications

- **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 the 5<sup>th</sup> day after application is received (unless there is a petition).
- If application is accompanied by a petition, the petition is considered part of the application and the review must be completed as soon as practicable after the date the application is received by the authority.
- 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 50<sup>th</sup> day before election day
  - September 16, 2024





# “Form, Content, and Procedure”

- Is the application complete?
- Are all of the required boxes filled in?
- Did the candidate include a petition or filing fee?
  - Is the filing fee for the correct amount? Are there sufficient funds in their account to cover the fee?
  - Did they provide enough petition signatures?
  - Does the petition identify the office sought and include the candidate’s name?
  - Is the affidavit of circulator complete on the petition?
- Does the application identify what office they are filing for?
- Is the application signed by the candidate?
- Was it notarized or sworn to by a person authorized to administer oaths under Chapter 602 of the Government Code?
- Was the application submitted in an authorized manner?



# “Form, Content, Procedure” Challenges

- **Limitations on Challenges**

- “Form, content and procedure” requirements may not be challenged after the 50<sup>th</sup> day before election day.
- Challenge must state with specificity how the application does not comply.
- Authority's review of challenge is limited to specific items challenged. Challenged candidate can file response with the authority.
- This section does **NOT** apply to a determination of a candidate's eligibility.



# Review of Candidate Petition

- 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 required to review the petition for facial compliance with the applicable requirements as to form, content, and procedure.**



# Administrative Declaration of Ineligibility

- **Eligibility**

- 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.

**NOTE:** Candidate must be given **written notice** of the declaration of ineligibility.

(Sec. 145.003, Texas Election Code)



# 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
- 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 Section 141.001 applies.

**NOTE:** Remember that Write-in Candidates must meet eligibility requirements as of the date of the election per Section 141.001



# Administrative Declaration of Ineligibility

- Deadline for Secretary of State (state and district offices) and county judge (county and precinct offices) to certify names of Independent and Declared Write-in candidates to the county election officer is the 68<sup>th</sup> day before election day, Thursday, August 29, 2024.

Secs. 142.010, 146.029(c), Texas Election Code



# Accepting a Candidate Application

- Once application has been accepted, candidate information must be entered into SOS system and the applicable status should be listed for that candidate.



# Rejecting a Candidate Application

- If a candidate's application is rejected, the candidate's information must be entered into the SOS candidate filing system and the applicable status should be listed for that candidate.





# Withdrawal

- To be effective, withdrawal **MUST** be:
  - In writing, signed, and acknowledged (sworn to) by the candidate, AND
  - Timely filed with the filing authority.
  - Sample Certificate of Withdrawal Form 2-66
- This has the effect of removing name from ballot. If withdrawal submitted too late, candidate's name remains on ballot and withdrawal has no effect.



# Withdrawal

- **Filing Deadline**
  - **Independent Candidates: 74<sup>th</sup> day before election day, Friday, August 23, 2024 (Sec. 145.035)**
  - **Write-in Candidates: 71<sup>st</sup> day before election day, Monday, August 26, 2024 (Sec. 146.0301)**



# Public Information

- All candidate applications, including petitions, are public upon filing (Section 141.035).
- Confidentiality for voter registration purposes does not mean a candidate has confidentiality for candidacy purposes.
- Certain candidates can request confidentiality
  - Candidates entitled to confidentiality under Gov. Code 552.1175 must separately request confidentiality from the filing authority for information on a candidate application.



# Public Information

- Any individual subject to 552.1175 is eligible for certain protections.
- HB 1082 extended certain confidentiality protections to elected public officers. (552.1175, Texas Government Code).
  - To receive confidentiality, qualified individual MUST:
    - (1) choose to restrict public access, AND
    - (2) notify the governmental body of their choice and provide evidence of individual's status.
  - If they have submitted this request to filing authority, you may redact information without seeking OAG request. You must provide certain information to requestor – form on [OAG website](#) that you can use. (**Form Letter 552.1175**)
  - If requestor wants that information, the requestor can seek a ruling from the OAG.



# Review of Candidate Applications



**APPLICATION FOR A PLACE ON THE GENERAL ELECTION BALLOT FOR AN INDEPENDENT CANDIDATE**

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: Secretary of State/County Judge \_\_\_\_\_ (date of election) **Box 1**

I request that my name be placed on the above-named official ballot as a candidate for the office indicated below.

**DECLARATION OF WRITE-IN CANDIDACY FOR GENERAL ELECTION FOR STATE AND COUNTY OFFICERS**

All fields **MUST** be completed unless marked optional<sup>1</sup>. Failure to provide required information may result in rejection of application.

**DECLARATION OF WRITE-IN CANDIDACY FOR \_\_\_\_\_ GENERAL ELECTION BALLOT**

TO: Secretary of State/County Judge \_\_\_\_\_ (date of election)

I declare that I am a write-in candidate for the office indicated below. **Box 1**

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



<p><b>OFFICE SOUGHT</b> (Include any place number or other distinguishing number, if any.) <b>Box 2</b></p>	<p><b>INDICATE TERM</b></p> <p><input type="checkbox"/> FULL <input type="checkbox"/> UNEXPIRED</p> <p><b>Box 3</b></p>	<p><b>INCUMBENT DECLARATION:</b> (Check this box if you are the incumbent.)</p> <p>INCUMBENT <input type="checkbox"/> <b>Box 4</b></p>
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**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.

**Box 4:** If left blank, not necessarily fatal. Needed for TEAM entry.



<input type="checkbox"/> FULL <input type="checkbox"/> UNEXPIRED	
FULL NAME (First, Middle, Last)	PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT*
Box 5	Box 6
PERMANENT RESIDENCE ADDRESS (IF YOU ARE A U.S. CITIZEN, YOU MUST RESIDE IN TEXAS FOR AT LEAST 60 DAYS BEFORE THE ELECTION)	PUBLIC MAILING ADDRESS (OPTIONAL) (IF YOU ARE A U.S. CITIZEN, YOU MUST RESIDE IN TEXAS FOR AT LEAST 60 DAYS BEFORE THE ELECTION)

- **Box 5: Full Name**
  - Legal name, but does not have to exactly match legal documents.
    - EX: John Michael Smith, John M. Smith, John Smith
  
- **Box 6: 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.





<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.)		
<b>Box 7</b>			<b>Box 8</b>		
CITY	STATE	ZIP	CITY	STATE	ZIP

- **Box 7: 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 Government Code Section 552.1175 must *separately* request confidentiality from the filing authority for information on a candidate application
  
- **Box 8: 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:** Section 141.001, TEC provides additional language to help define residency. However, 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



<b>PUBLIC EMAIL ADDRESS (Optional)</b> (Address for which you receive campaign related emails, if available.) <b>Box 9</b>	<b>OCCUPATION (Do not leave blank)</b> <b>Box 10</b>	<b>DATE OF BIRTH</b> <b>Box/11 /</b>	<b>VOTER REGISTRATION VOID NUMBER<sup>2</sup> (Optional)</b> <b>Box 12</b>
<b>TELEPHONE CONTACT INFORMATION (Optional)</b> Home: <b>Box 13</b> Office:      Cell:			

- **Box 9: Public Email Address, if available**
  - This is what candidates should use to receive campaign email. Public address does NOT mean the candidate’s county or government email address as a public official.
- **Box 10: Occupation**
  - Required per Section 141.031, Texas Election Code. However, please review [In re Anthony](#), 642 S.W.3d 588 (Tex. 2022).
- **Box 11: Date of Birth**
  - Used to validate that the candidate meets minimum age requirements.
- **Box 12: VR Number (VOID)**
  - 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 13: Contact information**
  - Optional, but helpful to you if you need to contact a candidate.



# Eligibility

- **Age**
  - Does the candidate meet the minimum age requirements required for that office?



# 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.
- **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



FELONY CONVICTION STATUS (You MUST check one)	
<input type="checkbox"/>	I have not been finally convicted of a felony. <b>Box 14</b>
<input type="checkbox"/>	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 14: 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 the application for a list of acceptable documents. Call SOS with questions!



# Eligibility

- **Felony Conviction**

- Does the voter have a final felony conviction? If so, have they been pardoned or otherwise released from the resulting disabilities? (NOTE: Not all offices prohibit felony convictions.)
- 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
_____ year(s)	_____ year(s)
_____ month(s)	_____ month(s)

**Box 15**

- **Box 15: Length of Continuous Residence**
  - Must be completed.
  - Must indicate how long they have lived in the territory for which they are seeking office.
  - Check Qualifications for Public Office chart if you have questions on requirements.





# Eligibility

- **Length of Continuous Residence (Sec. 141.001)**

- Has the candidate been a resident of the territory elected from for the required period of time?
  - **Primary Candidate:** The date of the regular filing deadline for a candidate's application for a place on the primary ballot (December 11, 2023)
  - **Party Nominating by Convention:** The date the nomination is made
  - **Independent Candidate:** The date of the regular filing deadline for a candidate's application for a place on the ballot (June 27, 2024)
  - **Write-in Candidate:** The date of the election at which the candidate's name is written in (November 5, 2024)



# Eligibility

If the candidate describes a residence address on the face of the application within the territory and the state for the requisite amount of time, the filing authority must accept that statement.

Under Section 145.003(f) of the Texas Election Code, an administrative declaration of ineligibility may be made only if the application or a conclusive public record establishes the candidate's ineligibility.

Neither the courts nor the Texas Legislature have established a public document that conclusively establishes residency.



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 16**

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

\_\_\_\_\_  
Notarial or Official Seal

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

- **Box 16: Oath and Notary**

- Must be completed and signed and sworn to by candidate.
- If the candidate leaves blanks in the 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.



# Eligibility

- **Oath and Notary**
  - **Was the oath properly administered and notarized?**
    - The oath must be administered by a notary public or any other person authorized to administer an oath under Chapter 602 of the Texas Government Code.
    - Party chairs cannot administer an oath unless they are a notary or otherwise authorized under Chapter 602 of the Texas Government Code.



**TO BE COMPLETED BY SECRETARY OF STATE OR COUNTY JUDGE: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED NOMINATING PETITION:**  Voter Registration Status Verified (See Section 1.007)

This document and a nominating petition of \_\_\_\_\_ pages were received.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date Filed

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date Accepted

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date Rejected

**Box 17**

\_\_\_\_\_  
Signature of Filing Authority or Designee Receiving Filed Application

\_\_\_\_\_  
Signature of Filing Authority Upon Determination of Application

- **Box 17: Completed by the 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 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.



# Candidate Petitions



# Candidate Petitions

- All candidates that require a filing fee can submit a Petition in Lieu of a Filing Fee.
- **Review of Petition (141.032, TEC)**
  - Petition is part of the application and review should be completed as soon as practicable.
  - 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 Petitions

- **Validity of Petition Signatures:**
  - For a signature to be valid, 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.
    - The signature is the only information that is required to appear on the petition in the signer's own handwriting.
    - The use of ditto marks or abbreviations does not invalidate a signature if the required information is reasonably ascertainable.
    - The omission of the state from the signer's residence address does not invalidate a signature unless the political subdivision from which the signature is obtained is situated in more than one state. The omission of the zip code from the address does not invalidate a signature.





# Candidate Petitions

- On signing a petition to be filed under Section 172.021, the signer becomes ineligible to vote in a primary election or participate in a convention of another political party during the voting year in which the primary is held. (Sec. 172.026)
- A voter may not sign the petition of more than one candidate for the same office in the same election. (Sec. 141.066)



# Candidate Petitions

- The Affidavit of Circulator appears at the bottom of each page of the petition, but only needs to be completed once for each circulator even if there are multiple pages of voters' signatures.
- The signatures collected must be from voters who are registered in the territory from which the office is elected.
- The Affidavit of Circulator must be administered and signed by a person authorized to administer oaths under Chapter 602 of the Government Code.



# Questions?

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

