

Preparing for Candidate Filings

Election Law Seminar
December 2022



Topics Covered

- Candidate Filing Period
- Using the Correct Application Forms
- Developing Your Process
- Receiving Applications
- Reviewing Applications



Candidate Filing Period

- May 6, 2023 Election
 - **January 18, 2023 – February 17, 2023**

- November 7, 2023
 - **July 22, 2023 – August 21, 2023**



Using the Correct Application Forms

- All candidate forms have been updated to include recent legislative changes.
- Forms can be accessed on the following SOS pages:
 - 2022 Candidate’s Guide
 - Forms Manual
- If you are having trouble accessing the new forms, clear your cache on your web browser.
- How to determine if it’s the correct form...



Filing Fee/Petition Signatures

- Most political subdivisions do not have a filing fee/petition requirement.
- Some, but not all, home-rule cities have a candidate filing fee/petition requirement.
 - Refer to your city charter to verify.



DEVELOPING YOUR PROCESS



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...

If candidate is hand delivering

1. Take possession of application
2. Initial review for completeness –
 - Are all the required boxes filled in?
 - Did the candidate include filing fee or nominating 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 applications.
 - 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.
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 Application...

If candidate delivers application by fax, mail, or email

1. Immediately date/time stamp it!
 - Separate date/time stamp machine or hand write date/time
2. Review for acceptance.
 - Review completeness of applications
 - Look at position they are running for and review qualifications for office
 - How long have they lived in the district?
 - Are they required to be a registered voter by a certain time?
 - Did they include the correct filing fee or the correct number of petition signatures?
 - Review answers in boxes
3. Make a decision on acceptance/rejection/eligibility and notify the candidate in writing of your decision.



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**
 - On the face of the application, 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?
 - Was the filing fee correct?
 - Did they include the correct felony information, if applicable?
 - Was the application signed/notarized
 - Was the petition properly filled out? Was the petition properly signed/notarized by the circulators?



Candidate Eligibility

- **Eligibility for Public Office (TEC Section 141.001)**
 - 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: NEW LAW (HB 4555, 2021 Reg. Session): 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 Section 141.001 applies. Review the Candidate's guide to determine the qualifications for the office a candidate has filed for.**



Questions?

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