

BOARD MEMBERS
ELIGIBILITY/QUALIFICATIONS

BBA
(LEGAL)

ELIGIBILITY

To be eligible to be a candidate for, or elected or appointed to, the office of school 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 totally mentally incapacitated or 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. Be a resident of Texas and the district for the period of time described at RESIDENCY, below. *Tex. Const. Art. XVI, Sec. 14*
6. Be registered to vote. [See REGISTERED VOTER, below]

Election Code 1.020, 141.001(a); Gov't Code 601.009; Brown v. Patterson, 609 S.W.2d 287 (Tex. Civ. App.—Dallas 1980, no writ)

QUALIFIED VOTER

A person may not be elected board member of the district unless the person is a qualified voter. *Education Code 11.061(b)*

“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 totally mentally incapacitated or partially mentally incapacitated without the right to vote;
4. Has not been finally convicted of a felony; [See also *Atty. Gen. Op. LO 96-114 (1996) (concluding that caveat at Election Code 11.002 does not mitigate blanket prohibition in Election Code 141.001, above at ELIGIBILITY)*]
5. Is a resident of this state; and
6. Is a registered voter.

Election Code 1.020, 11.002

RESIDENCY

To be eligible to be a candidate for, or elected or appointed to, the office of school board member, a person must have resided contin-

uously in the state for 12 months and in the district for six months immediately preceding the following date:

1. For an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot.
2. For a write-in candidate, the date of the election at which the candidate's name is written in.
3. For an appointee to an office, the date the appointment is made.

Election Code 141.001(a)(5)

"RESIDENCE"
DEFINED

"Residence" means domicile, one's home and fixed place of habitation to which one intends to return after any temporary absence; one does not lose one's residence status by leaving 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*

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 dismissed w.o.j)*

REGISTERED VOTER

To be eligible to be a candidate for, or elected or appointed to, the board, a person must be registered to vote in the territory from which the office is elected on the date described below:

1. For an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot.
2. For a write-in candidate, the date of the election at which the candidate's name is written in.
3. For an appointee to an office, the date the appointment is made.

Election Code 141.001(a)(6)