ELIGIBILITY

To be eligible to be a candidate for, or elected or appointed to, the office of 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 and the person's mental capacity has not subsequently been completely restored by a final judgment of a court exercising probate jurisdiction; or

   b. Partially mentally incapacitated without the right to vote and the person's guardianship has not been modified to include the right to vote or the person's mental capacity has not been completely restored by a subsequent final judgment of a court exercising probate jurisdiction.

4. Have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities. *Atty. Gen. Op. LO 96-114 (1996)*

5. Be a resident of Texas and the territory from which the office is elected for the period of time described at CANDIDATE'S RESIDENCY TERM, below. *Tex. Const. Art. XVI, Sec. 14*

Election Code 1.020, 141.001(a); 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:

   a. Totally mentally incapacitated and the person's mental capacity has not subsequently been completely restored by a final judgment of a court exercising probate jurisdiction; or

b. Partially mentally incapacitated without the right to vote and the person's guardianship has not been modified to include the right to vote or the person's mental capacity has not been completely restored by a subsequent final judgment of a court exercising probate jurisdiction;

4. Has not been finally convicted of a felony or, if so convicted:

a. Has fully discharged his or her sentence, including any term of incarceration, parole, or supervision;

b. Has completed a period of probation ordered by any court; or

c. Has been pardoned or otherwise released from the resulting disability to vote.

For purposes of determining a qualified voter, a person is not considered to have been finally convicted of a felony if criminal proceedings are deferred without an adjudication of guilt.

5. Is a resident of this state; and

6. Is a registered voter.

Election Code 1.020, 11.002

OFFICIAL OATHS

After each election or appointment, the elected or appointed Board member shall file the official oath with the Board President. *Education Code 11.061(a)*

COMPENSATION

Board members serve without compensation. *Education Code 11.061(d)*

SINGLE-MEMBER DISTRICTS

A candidate for Board member representing a single-member district must be a resident of the Board member district he or she seeks to represent. *Education Code 11.052(g)*

CANDIDATE'S RESIDENCY TERM

PREFILED CANDIDACY

An individual seeking election to the office of Board member by having his or her name placed on the ballot must have been a resident of the state for 12 months, and a resident of the territory from which the office is elected for six months, prior to the last date on which the candidate could file to be listed on the ballot.

WRITE-IN CANDIDACY

An individual seeking election to the office of Board member by write-in vote must have been a resident of the state for 12 months, and a resident of the territory from which the office is elected for six months, prior to the day of the election.

APPOINTMENT TO OFFICE

An individual appointed to the office of Board member must have been a resident of the state for 12 months, and a resident of the

territory from which the office is elected for six months, prior to the day on which the appointment is made.

Election Code 141.001(a)(5)

'RESIDENCE' DEFINED

"Residence" shall mean 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 dism'd w.o.j)