Reviewing Candidate Applications and Petitions

21st Biennial Election Law Seminar for County Chairs



Topics Covered

- Resources
- Notice Requirements
- Candidate 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
- Primary Election Law Calendar
- Primary Calendar Appendices



Notice Requirements

Not later than the day before the last day of the filing period, the county chair shall post on the political party's Internet website or in the location where a candidate files for a place on the ballot notice of the address at which the county chair or secretary of the county executive committee will be available to receive applications on the last day of the filing period.

- If both the county chair and the secretary will be available, the notice must contain the address at which each will be available.
- While you are only required to post notice on the last day, our office recommends you post notice of where a candidate can file before the last day.
- Notice is Form 18-1
- Deadline to post is Sunday, December 10, 2023

(Sec. 172.022(b), Texas Election Code



Notice Requirements

If the deadline for filing candidate applications is extended for an office, then the filing authority must post a notice of the extended filing deadline.

- Authority with whom the withdrawn, deceased, or ineligible candidate's application was filed must prepare a notice identifying the candidate and the office for which the filing deadline is extended and stating the extended deadline.
- See Section 172.055 of the Election Code for posting requirements
- Notice is Form 18-2



Candidate Filing Deadlines

- Candidates seeking the nomination of the Republican or Democratic Party must file:
 - Candidate Application
 - 2. Filing Fee or Petition in Lieu of a Filing Fee
 - Certain judicial candidates must also file additional petitions
- The candidate's application, filing fee, and any accompanying petition must be filed between November 11, 2023 and 6:00 p.m. on December 11, 2023
 - Must be filed with the state party chair (state and district offices) or the county party chair (county and precinct offices)
 - This is the first day to file an application for an office other than precinct chair

Candidate Filing Deadlines

- Candidates for Precinct Chair
 - First day to file an application for the office of precinct chair was Tuesday, September 12, 2023 (Sec. 172.023)
 - Deadline to file an application is 6:00 p.m. on December 11, 2023



Candidate Filing Deadlines

- Candidates for County Chair
 - A political party's state executive committee, by rule, may require that an application for county chair be accompanied by a nominating petition containing the signatures of at least 10% of the incumbent precinct chairs serving on the county executive committee. (Sec. 172.021)
- Write-in candidates for the offices of county chair or precinct chair
 - Not permitted unless the county executive committee authorizes write-in candidates for those offices. (Section 171.0231)
- A political party may not require payment of a filing fee as a condition to applying for a place on the ballot as a candidate for county chair or precinct chair. (Sec. 172.021)

Candidate Applications and Petitions

- Application for a Place on the General Primary Ballot for a Precinct or County Chair (Form 2-3)
- Application for a Place on the General Primary Ballot (Form 2-4)
- Application for a Place on the General Primary Ballot for a Federal Office (Form 2-5)
- Judicial Candidate Application for a Place on the General Primary Ballot (Form 2-6)
- Petition in Lieu of a Filing Fee and/or Petition for Judicial Office for a Primary Election (Form 2-7)
- Petition for a Statewide Judicial Office in a Primary Election (Form 2-8)

Candidate Applications and Petitions

• **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)



Candidates Who Must File a Petition

- Candidates running for Courts of Appeals in the 1st, 2nd, 3rd, 4th, 5th, and 14th Districts and all candidates running for judicial offices, including justice of the peace, in Bexar, Dallas, Harris, and Tarrant Counties must file a Petition for Judicial Office for a Primary Election (Form 2-7)
 - 250-signature judicial petition is required in addition to the filing fee, or 750 signatures must be collected on the Petition in Lieu of a Filing fee
- Certain statewide judicial candidates must also file a Petition for a Statewide Judicial Office in a Primary Election (Form 2-8)
 - Along with filing fee, 50 signatures from each of the fourteen court of appeals districts, for a total requirement of 700 signatures.
 - 5,000 signatures for a Petition in Lieu of a Filing Fee.



Candidate Applications and Petitions

- Submitting the wrong application is grounds for rejecting an application.
 - Judicial candidates MUST submit a judicial candidate application.
- 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.
- How to determine if it's the correct application...



Candidate Applications and Petitions

FORMATION IS REQUIRED TO BE PROVIDE APPLICATION FOR A PL TO: State/County Chair request that my name be placed on th DFRCE SOUGHT (include any place numb number, if any.) FULL NAME (First, Middle, Last) PERMANENT RESIDENCE ADDRESS (Do of Route, if you do not have a residence address, CITY PUBLIC EMAIL ADDRESS (Optional) (Address	e above er or ot	e-named ther disti	(Democra d official prin nguishing	itic or Republic nary ballot as a INDICATE T FULL [PRINT NAM	PARTY G an) candidate for not erm UNEXPIRED E AS YOU WANT IT	mination to INCUMBE box if you	the office indient DECLARATION of the incumb	cated below. DN: (Check this sent.)	
To: State/County Chair request that my name be placed on the request that my name be placed on the PFRCE SOUGHT (include any place numb number, if any.) FULL NAME (First, Middle, Last) PERMANENT RESIDENCE ADDRESS (Do : Route. If you do not have a residence address,	not includescribe	e-named ther disti	(Democra d official prin nguishing	INDICATE T FULL PRINT NAM	an) candidate for not ERM UNEXPIRED E AS YOU WANT IT	incumbi box if pu	the office indi	cated below. DN: (Check this pent.)	
I request that my name be placed on th OFFICE SOUGHT (Include any place numb number, if any.) FULL NAME (First, Middle, Last) PERMANENT RESIDENCE ADDRESS (Do loude, if you do not have a residence address,	not includescribe	ther disti	d official prin nguishing	INDICATE T FULL PRINT NAM	candidate for not ERM UNEXPIRED E AS YOU WANT IT	box if you	are the incumb	ON: (Check this pent.)	
number, if any.) FULL NAME (First, Middle, Last) PERMANENT RESIDENCE ADDRESS (Do . Route. If you do not have a residence address,	not inclu describe	ude a P.C). Box or Rura	PRINT NAM	UNEXPIRED	box if you	are the incumb	ent.)	
FULL NAME (First, Middle, Last) PERMANENT RESIDENCE ADDRESS (Do r Route. If you do not have a residence address,	describe	location). Box or Rura of residence.)	PRINT NAM	E AS YOU WANT IT		INCUMBENT		
PERMANENT RESIDENCE ADDRESS (Do not have a residence address, CITY	describe	location). Box or Rura of residence.)	PUBLIC MA					
PERMANENT RESIDENCE ADDRESS (Do not have a residence address, CITY	describe	location). Box or Rura of residence.)	PUBLIC MA		TO AFFEA	IN ON THE BALL	31	
Route. If you do not have a residence address,	describe	location). Box or Rura of residence.)	PUBLIC MA					
Route. If you do not have a residence address,	describe	location). Box or Rura of residence.)	PUBLIC MA					
ату			of residence.)		LING ADDRESS (O		dress for which yo	u receive campaign	
	STATI			related corre	pondence, if available	e.)			
	STATI								
PUBLIC EMAIL ADDRESS (Optional) (Addres	1	E	ZIP	CITY			STATE	ZIP	
PUBLIC EMAIL ADDRESS (Optional) (Addres	1								
	ss (OCCUPA	TION (Do not	leave blank)	DATE OF BIRTH			RATION VUID	
for which you receive campaign related emails, if available.)							NUMBER ² (Opt	tional)	
TELEPHONE CONTACT INFORMATION (O					<u></u>				
	ptional								
Home: FELONY CONVICTION STATUS (You MUST			ice:	THE OF CONTINU	JOUS RESIDENCE A	Cell:	*****		
I have not been finally convicted of a fe		one	LENG	IN THE STATE					
I have been finally convicted of a felon		have bee	,	IN THE STATE	THE STATE OF TEXAS IN TERRITORY/DISTRICT/PRECINCT WHICH THE OFFICE SOUGHT IS ELE				
pardoned or otherwise released from t			.		year(s)year(s)				
disabilities of that felony conviction an									
proof of this fact with the submission of this application. ³					month(s)			month(s)	
*If using a nickname as part of your name my nickname does not constitute a slogan									
commonly known by this nickname for at I									
Code regarding the rules for how names n						.001, 02.00	2 0.10 32.033 0.	the remarkation	
Before me, the undersigned authority, on	this da	y person	ally appeared	f (name of cano	idate)			, who being	
by me here and now duly sworn, upon oa									
"I, (name of candidate)				, of			County, Texas,		
being a candidate for the office of					, swear that I will s				
of the United States and of the State of T									
state. I have not been determined by a fin- incapacitated without the right to vote. I									
felony conviction, and if so convicted, mu									
final felony conviction. I am aware that	knowin	ngly prov	riding false in	formation on	the application reg	arding my	possible felony	conviction status	
constitutes a Class B misdemeanor. I furti	her swe	ear that t	he foregoing	statements inc	uded in my applica	tion are in	all things true ar	nd correct."	
				X					
				SIGNATU	E OF CANDIDATE				
SIGNATURE OF CANDIDATE Sworn to and subscribed before me this the day of , by									
sworn to and subscribed before me this ti	ne(day			nth)	, by	In	ame of candidat	te)	
	,50		,,,,,,		.,,				
Signature of Officer Authorized to Admini	ster Co	41-4	_	D-1	nted Name of Offic	or Authoris	and to Admirists	or Oath	
signature of Officer Authorized to Admini	ster Oa	tn-		Pr			red to Administe	roatn	
					Notarial or Off	icial Seal			
Title of Officer Authorized to Administer C TO BE COMPLETED BY CHAIR OR DESIG									
CASH CHECK MONEY OR DESIG								n Status Marifi - d	
								n status verified	
This document and \$ filing fe	ee or a	nominal	ting petition	or pag	es received. (Se	e Section	1.007)		

9/2023 Revision Date

Incumbent Declaration
Box

Information Provided by Filing Authority

Methods of Filing Candidate Applications

- Applications can be delivered in person or by mail.
 - If by mail: Must look at time of receipt, <u>NOT</u> 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 (Sec. 172.0222)
 - Review must be completed no later than the 5th day after application is received (unless there is a petition).
 - If application is submitted fewer than 5 business days before the regular filing deadline, review must be completed no later than the first Friday after the deadline.
 - Accepting application does not preclude a later determination that there is a deficiency in the application.
 - If rejecting, must do so <u>immediately</u> and deliver to candidate a <u>written notice of rejection</u>.
 - Cannot challenge after the 50th day before election day. (Sec. 172.0223)
 - January 16, 2024 Primary Election



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 <u>conclusively</u> establishes residency.

(Sec. 145.003, Texas Election Code)



Administrative Declaration of Ineligibility

 Deadline for declaration of ineligibility in time to remove candidate from the ballot is Tuesday, December 12, 2023.

(Secs. 172.057 & 172.058(a), Texas Election Code)



Review of Candidate Applications

TEXAS SECRETARY OF STATE

	2-4					
	Prescribed by Secretary of State					
	Sections 141.031, 141.039, 172.021, 172.022, 172.023, 172.024, T	exas Election Cod	le			
(09/2023					
	APPLICATION FOR A	A PLACE ON	THE GENERAL	PRIMARY	BALLOT	
ALL	ALL INFORMATION IS REQUIRED TO BE PROVIDED UNLESS INDICATED AS OPTIONAL ¹ Failure to provide required information may result in rejection of application.					
	APPLICATION FOR A PLACE ON THE			PARTY G	ENERAL PRIMARY BALLOT	
	To: State/County Chair	(Democrati	c or Republican)		Box 1	
	I request that my name be placed on the above-named official primary ballot as a candidate for nomination to the office indicated below.					
[OFFICE SOUGHT (Include any place number or other disti	inguishing	INDICATE TERM	Box 3	INCUMBENT DECLARATION: (Check this	
	number, if any.)		FULL UNE	XPIRED	box if you are the incumbent.)	
- 1	Box 2				INCUMBENT DUA T	

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



	□ I OLL □ ONLAFIKLD
FULL NAME (First, Middle, Last)	PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT*
Box 5	Box 6
DEDMANUTATE DECIDENCE ADDRESS (D	DUDLIC MANUALC ADDRESS (Ontingen)

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.

PERMANENT RESIDENCE ADDRESS (Do not include a P.O. Box or Rural Route. If you do not have a residence address, describe location of residence.)			PUBLIC MAILING ADDRESS (Optional) (Address for which you receive campaign related correspondence, if available.)			
CITY Box 7	STATE	ZIP	CITY	Box 8	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: 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.

TEXAS SECRETARY OF STATE

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

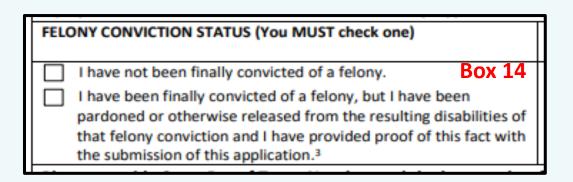
Voter Registration

- 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





Box 14: Felony Conviction Status

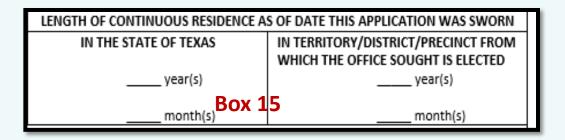
- Must be completed.
- If they mark the second box, the candidate must provide documentation to provide proof that they have been pardoned or released from the resulting disabilities.
- See back of the application for a list of acceptable documents. Call SOS with questions!



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 <u>KP-0251</u> Felony Convictions and Candidacy



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 <u>Qualifications for Public Office</u> 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.



TEXAS SECRETARY OF STATE

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	am a citizen of the United State ent of a court exercising probate are of the nepotism law, Chapte de proof that I have been pardo gly providing false information	s eligible to hold such office jurisdiction to be totally men r 573, Government Code. I ned or otherwise released fro on the application regardin	ntally incapacitated or partially mentally am aware that I must disclose any prior om the resulting disabilities of any such g my possible felony conviction status
	SIGNA	TURE 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 Oat	h ⁴	Printed Name of Officer Au	thorized to Administer Oath
Title of Officer Authorized to Administer Oath		Notarial or Official S	eal

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.

TEXAS SECRETARY OF STATE

TO BE COMPLETED BY CHAIR OR DESIGNEE: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE PAID BY: CASH CHECK MONEY ORDER CASHIERS CHECK OR PETITION IN LIEU OF A FILING FEE Voter Registration Status Verified					
This document and \$ filing fee or a nominating petition of pages received. (See Section 1.007)					
Date Filed Box 17	Signature of Chair or Designee Receiving Filed Application				
Date Accepted Date Rejected	Signature of Chair or Designee 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.



- 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.



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.

- 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)



- 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

