

Accepting and Rejecting Candidate Applications



Topics Covered

- Reviewing Applications
- Form, Content and Procedure Issues
- Eligibility Issues
- Accepting/Rejecting Candidate Applications
- Candidate Withdrawal
- Public Information Issues



Review of Application

- **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 (172.0222, TEC)**
 - Review must be completed no later than 5th business 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.



Review of Candidate Application

- 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 written notice of the reason for rejection.



Review of Candidate Petition

- **Review of Petition (172.0222, TEC)**
 - Petition is part of application and review should be completed as soon as practicable.
 - Deficiency in petition can't 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.**



“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? Or both, for applicable judicial offices?
 - 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 (172.0223, TEC)**
 - “Form, content and procedure” requirements may not be challenged after the 50th day before primary 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.



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 141.001 applies.



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?

NOTE: Eligibility verification by the chair 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.



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? (NOTE: This is not applicable to all offices)
- Is the candidate's registration effective by December 11, 2023, the date of the filing deadline?
- 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."



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



Administration 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.



Administrative Declaration of Ineligibility

- Candidate **MAY** be declared ineligible:
 - By filing authority before early voting in person begins, OR
 - By presiding officer of final canvassing authority after polls close and before certificate of election is issued.
- Candidate must be given **written notice** of the declaration of ineligibility.



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.
- 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**
 - First day after application deadline. [Sec. 172.052]



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.



TEAM System Access & Candidate Filing



TEAM System Access

- Prior to gaining access to the TEAM system you will need to complete the required security training.
 - Send an email to electionsecurity@sos.texas.gov with your name, title, and county information.
- Credentials will be sent via **encrypted** email the week prior to filing period.
 - Access to the candidate filing module, in TEAM, **will not open** until Nov 11th.



TEAM Candidate Filing

- Enter the candidate application in the TEAM system.
 - The fields you will need to enter in our system will correspond to what is listed on the candidate application.
 - All candidates applicable to the TEAM system need to be entered.
 - Precinct & County Chair filing will not be entered in TEAM.



TEAM Training

- TRAINING – Coming soon!
 - Quick Reference Guide will be provided

