

Tex. Elec. Code § 141.001

This document is current through the most recent legislation which is the 2019 Regular Session, 86th Legislature, and the 2019 election results.

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Sec. 141.001. Eligibility Requirements for Public Office.

(a) To be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, 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; or
 - (B) 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) have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:
 - (A) for a candidate whose name is to appear on a general primary election ballot, the date of the regular filing deadline for a candidate's application for a place on the ballot;
 - (B) for an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot;
 - (C) for a write-in candidate, the date of the election at which the candidate's name is written in;
 - (D) for a party nominee who is nominated by any method other than by primary election, the date the nomination is made; and
 - (E) for an appointee to an office, the date the appointment is made;
- (6) on the date described by Subdivision (5), be registered to vote in the territory from which the office is elected; and
- (7) satisfy any other eligibility requirements prescribed by law for the office.

(a-1) For purposes of satisfying the continuous residency requirement of Subsection (a)(5), a person who claims an intent to return to a residence after a temporary absence may establish that intent only if the person:

- (1) has made a reasonable and substantive attempt to effectuate that intent; and
- (2) has a legal right and the practical ability to return to the residence.

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- (a-2)** Subsection (a-1) does not apply to a person displaced from the person's residence due to a declared local, state, or national disaster.
- (a-3)** The authority with whom an application for a place on a general primary election ballot is filed under Section 172.022 shall, to the extent permitted by law, use Subsections (a) and (a-1) in determining whether a candidate meets the residency requirements for a public elective office.
- (b)** A statute outside this code supersedes Subsection (a) to the extent of any conflict.
- (c)** Subsection (a) does not apply to an office for which the federal or state constitution or a statute outside this code prescribes exclusive eligibility requirements.
- (d)** Subsection (a)(6) does not apply to a member of the governing body of a district created under Section 52(b)(1) or (2), Article III, or [Section 59, Article XVI, Texas Constitution](#).

History

Enacted by Acts 1985, 69th Leg., ch. 211 (S.B. 616), § 1, effective January 1, 1986; am. Acts 2007, 80th Leg., ch. 614 (H.B. 417), § [28](#), effective September 1, 2007; am. [Acts 2015, 84th Leg., ch. 504 \(H.B. 484\), § 1](#), effective September 1, 2015; am. [Acts 2019, 86th Leg., ch. 1047 \(H.B. 831\), § 1](#), effective January 1, 2020.