BOARD MEMBERS ELIGIBILITY/QUALIFICATIONS

| | Not | e: | If the district is subject to a court order or other binding legal determination, the district shall conduct its elections in accordance with that court order or determination, ap- plicable law, and this policy. To the extent of any conflict, the court order or other legal determination shall prevail. [See BBB(LOCAL)] | |
|-----------------|--|---|--|--|
| 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 | 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 exer- cising 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 [but see Ineligibility below]. | | |
| | 5. | Have resided continuously in the state for 12 months and in the territory from which the office is elected for six months im- mediately preceding the following date: | | |
| | | a. | For an independent candidate, the date of the regular fil- ing deadline for a candidate's application for a place on the ballot. | |
| | | b. | For a write-in candidate, the date of the election at which the candidate's name is written in. | |
| | | C. | For an appointee to an office, the date the appointment is made. | |
| | 6. | | egistered to vote in the territory from which the office is ted on the date described at item 5, above. | |
| | Election Code 1.020, 141.001(a); Gov't Code 601.009; Tex. Cons Art. XVI, Sec. 14 | | | |
| Qualified Voter | A person may not be elected trustee of an independent school dis- trict unless the person is a qualified voter. <i>Education Code</i> <i>11.061(b)</i> | | | |
| | "Qualified voter" means a person who: | | | |
| | 1. | ls 18 | 8 years of age or older; | |

BOARD MEMBERS ELIGIBILITY/QUALIFICATIONS

- 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 or, if so convicted, has fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or been pardoned or otherwise released from the resulting disability to vote;
- 5. Is a resident of this state; and
- 6. Is a registered voter.

Election Code 1.020, 11.002 [See *Atty. Gen. Op. KP-0251 (2019)* (concluding that the restoration of a convicted felon's qualification to vote under Election Code 11.002(a)(4)(A) after fully discharging a sentence does not restore the person's eligibility to hold public office under Election Code 141.001(a)(4)]

Residence In the Election Code, "residence" means domicile, that is, one's home and fixed place of habitation to which one intends to return "Residence" after any temporary absence. A person may not establish resi-Defined dence for the purpose of influencing the outcome of a certain election. A person does not lose the person's residence 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. A person may not establish a residence at any place the person has not inhabited. A person may not designate a previous residence as a home and fixed place of habitation unless the person inhabits the place at the time of designation and intends to remain. Election Code 1.015

Note: The issue of whether a candidate has satisfied residency requirements should be judicially determined. <u>State v.</u> <u>Fischer</u>, 769 S.W.2d 619 (Tex. App.—Corpus Christi 1989, writ dism'd w.o.j.)

Intent to Return For purposes of satisfying the continuous residency requirement, a person who claims an intent to return to a residence after a temporary absence may establish that intent only in accordance with Election Code 141.001(a-1), which does not apply to a person displaced from the person's residence due to a declared local, state, or national disaster. *Election Code 141.001(a-1)–(a-2)*

| Mabank ISD 129905 | | |
|---|--|--|
| BOARD MEMBERS ELIGIBILITY/QUALIFICATIONS | | |
| Single-Member Districts | A candidate for board member representing a single-ment trict must be a resident of the district the candidate seeks sent. <i>Education Code 11.052(g)</i> | |
| Ineligibility | A person is ineligible to serve as a member of the board of a dis- trict if the person has been convicted of a felony or an offense un- der Penal Code 43.021 (solicitation of prostitution). <i>Education</i> <i>Code 11.066</i> | |