

Mary Louise Nicholson

County Clerk

by LMWillis

## Important Information for TAD Board Candidates – May 4, 2024 Election

**This information is provided as general information and it is not legal advice. It is also subject to change and correction. It is up to each candidate to determine the applicable legal requirements for their candidacy and to follow those legal requirements.**

Be sure to timely file your designation of campaign treasurer, and your campaign finance reports. These should be filed with the Tarrant County Elections Administrator unless the Tarrant Appraisal District will accept the filings. This will be a different location than where you will file your Application for Place on the Ballot or your Declaration of Write-In Candidacy. Forms and deadline information for treasurer designation and campaign finance reports is available at the Texas Ethics Commission website.

The initial term after election begins on July 1, 2024, and ends December 31, 2026. S.B 2 Sec. 5.13(a).

Next election for TAD Board after the May 4, 2023 election will be in November 2026 for a term beginning on January 1, 2027. Following the first meeting that follows the November 2026 election, the three elected directors shall draw lots to determine which director shall serve a term of two years and which two directors shall serve a term of four years. Thereafter, all elected directors serve four-year terms. S.B 2 Sec. 5.13(b) & (c).

\*\*\*Note – candidate must indicate which place – At-Large Place 1, At-Large Place 2, or At-Large Place 3 – they are running for. This needs to be on the Application for Place on the Ballot, and it needs to be on the Petition circulated by the candidate if the candidate will be seeking to file a petition in lieu of the filing fee.

No political party is listed on the Application for Place on the Ballot or on the Ballot; all candidates must appear on the ballot as Independent candidates. Texas Election Code, Section 144.002

The Application for Place on the Ballot must be accompanied by the filing fee of \$ 400.00 or a petition in lieu of the filing fee that satisfies Texas Election Code, Section 141.062 and Texas Tax Code, Section 6.032(d). Credit Card is NOT an authorized way to pay the filing fee. The fee is to be deposited to the County Treasury to the credit of the county general fund.

Petition is Secretary of State Election Form 2-51. Also see the instructions for the form. Please note that the form was updated 12/2023. Please make sure you are using the most current version of the Petition form.

<https://www.sos.state.tx.us/elections/forms/pol-sub/2-51f.pdf>

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A minimum of 500 valid signatures is required if submitting a petition in lieu of the filing fee. If a signature is not valid, it will not count as part of the 500.

The filing fee is not the same in every county. In Tarrant County, the filing fee for 2024 is \$ 400. You cannot use a credit card to pay the filing fee!

Applications cannot be filed before January 17, 2024, nor after February 16, 2024 at 5 pm. Applications are filed at the office of Tarrant County Judge Tim O'Hare, 100 E. Weatherford St., Suite 501, Fort Worth, TX 76196.

\*\*\* Write-in candidates – For those persons choosing not to appear on the Ballot but wishing to run as a write-in candidate: Declaration of Write-In Candidacy must be filed no later than 5 pm February 20, 2024 [the 74<sup>th</sup> day before election day of May 4, 2024]. A person who submits this Declaration is not required to submit a filing fee or a petition in lieu of filing fee. All candidates are Independent. EC 144.002.

Forms for Application for Place on the Ballot, Petition in Lieu of Filing Fee, and Declaration of Write-In Candidacy and the deadline information for each is available at the Texas Secretary of State Website.

## **Eligibility to Serve on the Appraisal District Board of Directors in Counties with a Population of 75,000 or More**

To be eligible to serve as an elected member of the board of directors, an individual must meet certain eligibility requirements. The eligibility requirements include the following:

- General eligibility requirements for public office as defined by Section 141.001 of the Texas Election Code, except for Section 141.001(a)(5).

*Note: These general eligibility requirements are:*

- (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) *(omitted because stricter residency requirement applies, see below)*
- (6) for a candidate whose name is to appear on the ballot, as of the date of the filing deadline for the application for a place on the ballot (or, if a write-in candidate, as

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of the date of the election), 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.
- The individual must be resident of the district (county) and must have resided in the district (county) for at least two years immediately preceding the date the individual takes office (Section 6.0301, Tax Code). This is a longer residency requirement than the general rule outlined in Section 141.001 of the Election Code. Given the more specific residence requirement provided under the Tax Code, candidates for the elected board of director offices will need to have resided in the county longer than the six months required under Section 141.001 of the Election Code as of the filing deadline. *See Brown v. Patterson*, 609 S.W.2d 287 (Tex. App.—Dallas 1980).
- An individual who is otherwise eligible to serve on the board is not ineligible because of membership on the governing body of a taxing unit. An employee of a taxing unit that participates in the district is not eligible to serve on the board unless the individual is also a member of the governing body or an elected official of a taxing unit that participates in the district. (Section 6.0301, Tax Code).
- An individual is not eligible to be a candidate for, to be appointed to, or to serve on the board of directors of an appraisal district if the individual or a business entity in which the individual has a substantial interest is a party to a contract with: 1) the appraisal district; or 2) a taxing unit that participates in the appraisal district, if the contract relates to the performance of an activity governed by Title 1 of the Tax Code. (Section 6.036(a), Tax Code, effective July 1, 2024.)

## **Restrictions on Eligibility to Serve on the Appraisal District Board of Directors in Counties with a Population of 75,000 or More**

Section 6.035 of the Tax Code provides that an individual is ineligible to serve on an appraisal district board of directors and is disqualified from employment as chief appraiser if the individual is related within the second degree by consanguinity (blood) or affinity (marriage), as determined under Chapter 573, Government Code, to an individual who is engaged in the business of appraising property for compensation for use in proceedings under this title or of representing property owners for compensation in proceedings under this title in the appraisal district.

Similarly, an individual is ineligible to serve on an appraisal district board of directors and is disqualified from employment as chief appraiser if the individual owns property on which delinquent taxes have been owed to a taxing unit for more than 60 days after the

date the individual knew or should have known of the delinquency unless: (A) the delinquent taxes and any penalties and interest are being paid under an installment payment agreement under Section 33.02 of the Tax Code; or (B) a suit to collect the delinquent taxes is deferred or abated under Sections 33.06 or 33.065 of the Tax Code.

Per Section 6.035 of the Tax Code, an individual is also ineligible to serve on the board of directors of an appraisal district if the individual:

1. has served as a member of the board of directors for all or part of five terms, unless:
  - A. the individual was the county assessor-collector at the time the individual served as a board member; or
  - B. the appraisal district is established in a county with a population of less than 120,000;
2. has engaged in the business of appraising property for compensation for use in proceedings under this title at any time during the preceding three years;
3. has engaged in the business of representing property owners for compensation in proceedings under this title in the appraisal district at any time during the preceding three years; or
4. has been an employee of the appraisal district at any time during the preceding three years.

Resources:

Texas Secretary of State website: [Welcome to Texas Elections \(state.tx.us\)](https://www.sos.state.tx.us/elections/index.shtml)  
<https://www.sos.state.tx.us/elections/index.shtml>

[Secretary of State Election Advisory 2023-24 https://www.sos.state.tx.us/elections/laws/advisory2023-24.shtml](https://www.sos.state.tx.us/elections/laws/advisory2023-24.shtml) (regarding appraisal district elections)

Texas Ethics Commission [Texas Ethics Commission Home \(state.tx.us\)](https://www.ethics.state.tx.us/) <https://www.ethics.state.tx.us/>

*Tarrant County information sheet for TAD Board Member Candidates for May 2024 election*  
*January 4, 2024*  
*A.D. and H.B.*