



NEW Website Posting Requirements for Elections

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As of September 1, 2019, political subdivisions with authority to impose a tax, including school districts, that maintained an internet website at any time on or after January 1, 2019, must comply with new website posting requirements under House Bill 305 passed by the 86th Texas Legislature.¹ New Texas Government Code chapter 2051, subchapter E (sections 2051.151-.152²) requires a school district to post the following on its publicly accessible website:

1. the district's contact information, including a mailing address, telephone number, and email address;
2. each trustee of the district;³
3. the date and location of the next trustee election;
4. the requirements and deadline for filing for candidacy for school board trustee, which shall be continuously posted for at least one year before the election day for the office;
5. each notice of a board meeting under the Open Meetings Act (OMA); and
6. each record of a board meeting under the OMA.

Tex. Gov't Code § 2051.152(a).

School districts with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000 are excepted from item 6. Tex. Gov't Code § 2051.152(b). [For more information about meeting notices and records under the Texas Open Meetings Act, see TASB Legal Services eSource page [Board Meetings](#).]

¹ Additional school district website posting requirements are listed in TASB Policy CQA(LEGAL) and in TASB Legal Services' [School District and Campus Websites: Required and Optional Internet Postings](#).

² House Bill 402 also added Texas Government Code chapter 2051, subchapter E, *Uniform Electronic Legal Material Act*; consequently, there are two different and unrelated Sections 2051.151 and 2051.152.

³ Although the statute says "elected officer," TASB Legal Services interprets this to include all trustees, whether elected or appointed. Further, the statute does not specify what information must be posted about each trustee, but Texas Education Code section 11.1518 (added by House Bill 963 passed by the 86th Texas Legislature) requires a school district with a website to post the name, email address, and term of office, including the date the term began and the date it expires, of each trustee. A district without a website must submit this information to the Texas Education Agency. A district must update the information each time there is a change in board membership. Tex. Educ. Code § 11.1518.

Section 2051.152 does **not** require all of the information to be posted in a single location on a district's website and does **not** specify a format for the information. In fact, districts likely are posting most of this information already under other legal requirements and local practices. Section 2051.152(a)(4) is the only requirement subject to a one-year posting requirement. This memo addresses Section 2051.152(a)(3) and (4) because these are the only requirements relating to a district's trustee election.

Date and Location of Next Trustee Election (Tex. Gov't Code § 2051.152(a)(3))

The date of a district's next election will be the next May or November uniform election date on which the district holds its trustee election. The uniform date in May is the first Saturday, and the uniform date in November is the first Tuesday after the first Monday. Tex. Elec. Code § 41.001(a).

Texas Government Code section 2051.152 does not define *location* of the next election. A district will post the location of polling places on its website as part of standard election notice requirements. Thus, the Secretary of State Elections Division interprets *location* in this statute to be the location where a person would expect to file a candidate application, usually the main administrative office. See [Election Advisory No. 2019-19](#).

The *next election* is likely the next *general* election, but the Elections Division advises that the best practice will be to post the required information for a special election to fill a vacancy as well.

Requirements and Deadline for Filing for Candidacy (Tex. Gov't Code § 2051.152(a)(4))

Under Section 2051.152(a)(4), the *requirements and deadline for filing for candidacy* for school board trustee must be posted continuously **for at least a year before election day**. For a May 2, 2020 election, this information must be posted **as soon as possible**; for a November 3, 2020 election, this information must be posted by **November 3, 2019**.

Requirements

Section 2051.152(a)(4) does not specify what *requirements* must be posted. The Elections Division interprets this to encompass both the requirements as to **form, content, and procedure**, as well as requirements as to **eligibility**.

Form, Content, and Procedure: An application for a place on the ballot must be in writing; signed, sworn to by the candidate before a person authorized to administer an oath, and dated; timely filed with the district's filing authority (often the superintendent's secretary or another designated district employee); and contain specified information about the candidate:

- the candidate's name, date of birth, and occupation;
- the candidate's residence address or the address at which the candidate receives mail with a description of the location of the candidate's residence;

- the candidate's length of continuous residence in Texas and in the district (and single member district, if applicable) as of the date the candidate swears to the application;
- if available, a public mailing address and email address at which the candidate receives correspondence relating to the candidate's campaign;
- the office sought, including any place or other distinguishing number and an indication of whether the office sought is for a full or unexpired term;
- statements that the candidate is a U.S. citizen; has not been determined by a court to be mentally incapacitated; has not been convicted of a felony; is aware of the nepotism law; and swears an oath to support and defend the U.S. and Texas Constitutions and laws.

Eligibility: An individual is eligible to be a candidate for, or elected or appointed to, a Texas school board if the individual:

- is a United States citizen;
- is 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;
- 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;
- has not been finally convicted of a felony;
- has 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:
 - for an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot;
 - for a write-in candidate, the date of the election at which the candidate's name is written in; or
 - for an appointee to an office, the date the appointment is made;
- is registered to vote in the territory from which the office is elected on the date described above; and
- satisfies any other eligibility requirements prescribed by law for the office.

Tex. Elec. Code § 141.001; Tex. Educ. Code § 11.066.

The Texas Education Code imposes additional requirements:

- To be elected to a school board, an individual must be a qualified voter: 18 years of age or older, a U.S citizen, a Texas resident, a registered voter, not determined to be totally or partially mentally incapacitated by an appropriate court, and not finally convicted of a felony. Tex. Educ. Code § 11.061; Tex. Elec. Code § 11.002.

- A person is ineligible to serve on a school board if the person has been convicted of a felony or an offense under Texas Penal Code section 43.02(b) regarding prostitution. Tex. Educ. Code § 11.066.

The district might consider linking to its candidate application and declaration of write-in candidacy forms (the Elections Division offers these [forms](#)); to [Texas Election Code](#) sections 141.001 (eligibility requirements) and 141.0031 (application requirements); to the district's BBA(LEGAL) (Eligibility/Qualifications) and BBBA(LEGAL) (Conducting Elections) policies; and/or to relevant resources on the [Elections Division](#) Website, including [Terms, Qualifications, and Vacancies](#); [VR for Candidates \(HB 484\) FAQ](#); [Candidacy for Local Political Subdivisions](#); and [Running for Local Offices](#).

Deadline

The *deadline for filing for candidacy* is also somewhat ambiguous because it is not clear whether this contemplates only the last day to file or also the first. TASB Legal Services recommends posting the filing *period* rather than a deadline. The first day to file an application for a place on the ballot in a school district's general election is the 30th day before the filing deadline. The filing deadline for a general election is 5 p.m. on the 78th day before election day. Tex. Educ. Code § 11.055(a); Tex. Elec. Code § 144.005. The deadline to file a declaration of write-in candidacy is 5 p.m. on the 74th day before election day.

For more information, call TASB Legal Services at 800.580.5345.

This document is continually updated, and references to online resources are hyperlinked, at tasb.org/services/legal-services/tasb-school-law-esource/governance/documents/website-posting-requirements-for-elections.pdf. For more information on this and other school law topics, visit TASB School Law eSource at schollawesource.tasb.org.

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