

QUALIFICATIONS FOR EMERGENCY SERVICES COMMISSIONER

To be eligible to be a candidate for emergency services commissioner, a person must be at least 18 years of age and a resident of the district. (Tex. Health & Safety Code § 775.034(d))

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.
- (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.
- (Tex. Elec. Code § 141.001)