

Surprising Answers to the Question, “Who Can Run for School Board?”

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Every year we get some interesting questions about whether certain people can run for school board. For more on the legal requirements, see TASB Legal Services’ [Frequently Asked Questions About Running for School Board](#). This article addresses some of the more frequent questions about whether an *otherwise qualified candidate* can run.

1. May members of the same family (siblings, spouses, parent-child) run for different seats on the school board?

Yes. Texas Government Code section 573.041 only prohibits school district *employment* of board members’ close relatives. As elected officials, board members are not district employees. Consequently, related board members may run for and serve on a school board together. In fact, close relatives, including siblings and spouses, have served simultaneously on the boards of several Texas school districts. It is up to the voters to decide whether this is a good idea for their district.

2. May a current district employee run for a seat on the board while continuing to teach?

Yes, but there are reasons for caution. Any current school district employee may run for a place on the board while continuing to work for the district, but the candidate may **not** use school resources of any kind to support a campaign, including employee time, computers or printers, office supplies, and internal mail systems. For more on campaigning, see TASB Legal Services’ [Campaign Speech During Elections](#).

If the employee is elected and wants to accept the office, the common law doctrine of incompatibility will prohibit the employee from continued employment by the district. At that point, the individual must either resign the employment or decline the office. *See* Tex. Att’y Gen. LA-114 (1975) (concluding that a teacher must relinquish that position if elected to the board of the same district).

3. Is there a waiting period between the time a district employee’s employment ends and the time the person may run for the board?

No. A former employee may run for the board at any time and accept the office, if elected. Under Texas Education Code section 11.063, however, a board member may not accept employment with the district until the board member has been off the board for *one year*.

4. May an employee of one school district serve on the board of another?

Yes. No incompatibility exists in being employed by one school district and serving on the board of another. In fact, this is not terribly uncommon. *See* Tex. Att’y Gen. Op. No. DM-55 (1991) (concluding that a school board member was not prohibited from working as a teacher in another district).

5. May a student run for a seat on the school board?

Yes, if certain conditions are met. Two eligibility requirements are particularly relevant to students who want to run for the board. First, a candidate must be at least 18 on the first day of the term to be filled at the election. Second, a candidate must be registered to vote in the district by the date of the regular filing deadline for a place on the ballot or the date of the election if the candidate is a write-in candidate. Tex. Elec. Code § 141.001(a)(2), (6). To register to vote, a person must be at least 18 on Election Day and at least 17 years and 10 months on the date of application. Voter registration becomes effective 30 days after the date the application is submitted or on the date the applicant turns 18, whichever is later. Tex. Elec. Code §§ 13.001(a)(1), (b), .143(a).

Thus, a student who wants to appear as a candidate on the ballot must be 18 AND registered to vote no later than the deadline for filing an application for a place on the ballot. However, a student who wishes to run as a write-in candidate in the general election may file a declaration of write-in candidacy no later than the 74th day before Election Day. This may be before the student is 17 years and 10 months of age. When the student reaches that age, the student may submit a voter registration application. The student's voter registration will become effective when the student turns 18, which must be before Election Day for the student to be eligible for election to the school board.

6. May a person run for two offices at the same time?

No. According to Texas Election Code section 141.033, a candidate may not file applications for a place on the ballot for multiple offices that cannot legally be held at the same time and are to be voted on at elections on the same day. If a person files more than one application for a place on a ballot, each application filed subsequent to the first is invalid.

For more on issues related to dual office holding, see TASB Legal Services' [Dual Office Holding Issues for School Board Trustees](#); for more on elections generally, see TASB School Law eSource at [Elections](#).

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