

RICARDO GUERRA
Mayor

RENE VILAFRANCO
Mayor Pro Tempore
Commissioner, Place 2

RENE GARCIA
Commissioner, Place 1

PEDRO A. GALVAN, PHARM. D.
Commissioner, Place 3

CAROL LYNN SANCHEZ, ESQ.
Commissioner, Place 4



MANUEL DE LA ROSA
City Manager

FRED F. BELL
Assistant City Manager

RUTH A. MCGINNIS
City Secretary

ELIGIBILITY REQUIREMENTS FOR CANDIDATES

City of San Benito Home Rule Charter, Article III

Each candidate for an elective City office shall meet the following qualifications (*City Charter Section 3.02(b) and (c)*):

Section 3.02

- (b) **Eligibility:** Only registered voters of the City shall be eligible to hold the office of City Commissioner or Mayor in accordance with the Texas Election Code as amended. He or she shall have paid all taxes due the City of San Benito and be free from debt to said City and shall have resided in the State of Texas twelve (12) months, must reside in the City during his or her term of office and in the City of San Benito six (6) months prior to filing deadline. He or she shall not be a stockholder or director in any public service corporation having a standing contract with the City government and he or she shall not be pecuniarily interested, directly or indirectly, in any public work or improvement let, supervised or controlled by said City or which shall be paid for wholly or in part by said City.
- (c) **Election and Terms: Place Designation and Terms of Office.** The four members of the City Commission shall be designated as City Commissioner, Place 1, City Commissioner, Place 2, City Commissioner, Place 3, and City Commissioner Place 4. Effective on the first general election held after 2007, the term of office for the Office of Mayor and of City Commissioners shall, thereafter, be three (3) years.

Section 3.05

- (a) **Holding other office.** Except where authorized by law, no City Commissioner shall hold any other elected public office during the term for which the member was elected to the City Commission. No Commissioner shall hold any other City office or employment during the terms for which the member was elected to the City Commission. No former City Commissioner shall hold any other compensated appointive office or employment with the City until one year after the expiration of the term for which the member was elected to the City Commission. Nothing in this section shall be construed to prohibit the City Commission from selecting any current or former City Commission member to represent the City on the governing board of any regional or other intergovernmental agency.

The Mayor and each Commissioner shall meet the conditions of Section 3.02(b), 3.02(c) and Section 3.05(a) while in office, and shall reside within the City while in office. (*City Charter*)

***State Law Requirements – Texas Election Code §141. Candidacy for Public Office Generally,
Subchapter A. Eligibility for Public Office***

- (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 judgement 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.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 614 (H.B. [417](#)), Sec. 28, eff. September 1, 2007.

Acts 2015, 84th Leg., R.S., Ch. 504 (H.B. [484](#)), Sec. 1, eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 1047 (H.B. [831](#)), Sec. 1, eff. January 1, 2020.