

NOTE: the information highlighted in yellow is relevant to a candidate's eligibility to file for a place on the City of Baytown ballot.

CHARTER OF THE CITY OF BAYTOWN, TEXAS

ARTICLE II. - THE COUNCIL

Sec. 12. - Number, selection, term.

- (a) Number. The city council shall be composed of a mayor and six council members.
- (b) Selection. The mayor shall be elected by the qualified voters from the city at large and the six (6) council members shall be elected from single-member districts by the qualified voters from each of the six (6) districts as provided in subsection (c) hereof.
- (c) Districts. The city shall be divided into six (6) city council single-member districts. Each council member shall reside in the district that he/she is elected to represent.
- (d) Term. Subject to subsections (e) and (f) of this section, each member of the city council shall serve for a term of three years or until his/her successor has been elected and inducted.
- (e) Staggered three-year terms. Beginning at the regular municipal election in 2007, the council members from single member district numbers 1, 2, and 3 shall be elected for a term of three years. At the regular municipal election in 2008, the council members from single member district numbers 4, 5 and 6 shall be elected for a term of three years. At the regular election in 2009, the mayor shall be elected for a term of three years.
- (f) Transition. To make the transition from two-year terms to three-year terms, it is necessary for the mayor to hold over in office for one year after the expiration of his/her two-year term in 2008. If a vacancy occurs in a holdover position, it shall be filled in an election as other vacancies are filled.

(Ord. No. 10,335, § 3, 5-22-06; Res. No. 2159, § 2, 10-11-11)

Editor's note— Pursuant to article II, section 12 of the Charter of the City of Baytown, Ordinance Number 6046, the Texas Election Code, and the order of the court in Campos, et al v. City of Baytown, et al, providing for the manner of election and the term of office of the members of the city council of the City of Baytown, the city council herein establishes election by district effective beginning with the municipal election to be held on May 3, 1997 for districts 1, 2 and 3. Therefore, the reference to election at large of councilmembers has been editorially deleted. In addition, pursuant to V.T.C.A., Election Code § 41.001, the date of the city election is the first Tuesday in November.

State Law reference— Uniform election dates, V.T.C.A., Election Code § 41.001.

Sec. 13. - Qualifications.

The mayor and each of the six councilmen shall be a citizen of the United States of America and a qualified voter of the city and shall have resided in the territory from which the office is elected for at least six months immediately preceding the election. A member of the council ceasing to possess any of the qualifications specified in this section, or convicted of a felony while in office, shall immediately forfeit his office.

(Ord. No. 13,026, § 7, 11-16-15)

Case law references—Freeholder requirement, Hill v. Stone, 421 U.S. 289, 95 S.Ct. 1637 (1975); requirement regarding candidate not be in arrear on taxes, Gonzales v. Stinton, 319 F.Supp. 189 (S.D. Texas 1970).

State Law reference— Residency, V.T.C.A., Election Code § 141.001.

Sec. 14. - Compensation of members of city council.

- (a) The mayor shall receive as compensation for his services the sum of one thousand and no/100 dollars (\$1,000.00) per month.
- (b) Each councilman shall receive as compensation for his services the sum of five hundred and no/100 dollars (\$500.00) per month.
- (c) All members of the city council shall be entitled to all necessary expenses incurred in the performance of their official duties.

(Ord. No. 13,026, § 8, 11-16-15)

**THE TEXAS ELECTION CODE
CHAPTER 141.
CANDIDACY FOR PUBLIC OFFICE GENERALLY
SUBCHAPTER A. ELIGIBILITY FOR PUBLIC OFFICE**

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.

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.