



## Memorandum

DATE April 22, 2014

TO The Honorable Chair and Members of the Charter Review Commission

SUBJECT Chapter IV Section 7  
Filing Fees for City Council Candidates

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This responds to the following two questions:

Question: Can the city charge a filing fee even if it is not stated in the Charter?

Answer: The city can charge a filing fee if the fee is stated in the Charter. The city can also charge a filing fee if the Charter authorizes an ordinance that sets the fee. But the city must provide an alternate method of filing for candidacy, such as a petition. Texas Election Code §143.005(c) states: “If a city charter requires candidates to pay a filing fee, the amount of the fee and an alternate procedure to payment of the fee shall be prescribed by the charter or by ordinance under charter authorization.”

Question: Can the city charge a fee that is different than the fee set by the election code?

Answer: If the city requires **both** a petition and a filing fee, the filing fee must be \$50. Texas Election Code §143.005(e) states “If the city charter of a home-rule city with a population of more than 1.8 million located primarily in a county with a population of 2 million or more that holds nonpartisan elections for its officers [Dallas] requires both a petition and a \$50 filing fee to be filed for a candidate’s name to be placed on the ballot, those requirements supersede this section.” If the city required **either** a petition or a filing fee (but not both), then the filing fee could be set at any amount.

JOHN ROGERS  
Assistant City Attorney