

By: Madden

H.B. No. 70

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the election of and terms served by trustees of an
3 independent school district.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 11.059, Education Code, is amended to
6 read as follows:

7 Sec. 11.059. TERMS. (a) A trustee of an independent school
8 district serves a term of [~~three or~~] four years.

9 (b) [~~Elections for trustees with three-year terms shall be~~
10 ~~held annually. The terms of one-third of the trustees, or as near~~
11 ~~to one-third as possible, expire each year.~~

12 [~~(c)~~] Elections for trustees shall be nonpartisan and [with
13 four-year terms] shall be held on the uniform election date in
14 November in even-numbered years [biennially]. The terms of
15 one-half of the trustees, or as near to one-half as possible, expire
16 every two years.

17 (c) [~~(d)~~] A board policy must state the schedule on which
18 specific terms expire.

19 SECTION 2. Section 41.253(b), Education Code, as amended by
20 H.B. No. 57, Acts of the 79th Legislature, Regular Session, 2005, is
21 amended to read as follows:

22 (b) The transitional board of trustees shall divide the
23 consolidated district into nine single-member trustee districts in
24 accordance with the procedures provided by Section 11.052. The

1 transitional board shall order an election for the initial board of
2 trustees to be held on the first [~~May~~] uniform election date in
3 November of an even-numbered year after the effective date of a
4 consolidation order.

5 SECTION 3. Section 42.002(a), Election Code, as amended by
6 H.B. No. 1209, Acts of the 79th Legislature, Regular Session, 2005,
7 is amended to read as follows:

8 (a) The county election precincts are the election
9 precincts for the following elections:

10 (1) the general election for state and county
11 officers;

12 (2) a special election ordered by the governor;

13 (3) a primary election;

14 (4) a countywide election ordered by the commissioners
15 court, county judge, or other county authority, except an election
16 subject to Section 42.062(2); [~~and~~]

17 (5) any other election of a political subdivision not
18 located in a county with a population of more than 3.3 million or a
19 county adjacent to a county with a population of more than 3.3
20 million held on the November uniform election date, as provided by
21 Section 42.0621; and

22 (6) an election held by a school district on the
23 November uniform election date, as provided by Section 42.0622.

24 SECTION 4. Subchapter C, Chapter 42, Election Code, is
25 amended by adding Section 42.0622 to read as follows:

26 Sec. 42.0622. PRECINCTS FOR NOVEMBER SCHOOL DISTRICT
27 ELECTION. (a) A school district that holds an election on the

1 November uniform election date shall use the regular county
2 election precincts.

3 (b) If an election precinct contains territory from more
4 than one school district or more than one district used to elect a
5 member of the governing body of a school district, election
6 officials shall take reasonable measures to ensure that a voter
7 voting at that precinct may not vote in an election in which the
8 voter is not entitled to vote.

9 (c) This section does not require a school district to
10 contract with a county under Section 31.092 or hold a joint election
11 with a county under Chapter 271.

12 (d) The secretary of state shall prescribe procedures to
13 implement this section.

14 SECTION 5. Section 43.004, Election Code, is amended by
15 adding Subsection (c) to read as follows:

16 (c) If a school district holds an election on the November
17 uniform election date, the school district shall designate as the
18 polling places for the election the regular county polling places
19 in the county election precincts that contain territory from the
20 school district.

21 SECTION 6. (a) Section 11.059, Education Code, as amended
22 by this Act, applies to a school district trustee election
23 scheduled to be held on or after November 8, 2005.

24 (b) Except as provided by Subsection (c) of this section, a
25 school district trustee election that on the effective date of this
26 Act is scheduled to be held on November 8, 2005, or May 6, 2006, must
27 be held on November 7, 2006.

1 (c) If, under Subsection (b) of this section, the positions
2 of more than one-half of the trustees or as near to one-half as
3 possible would be scheduled for election on November 7, 2006, the
4 trustees holding those positions shall draw lots to determine, as
5 appropriate, which positions are subject to election in 2006 and
6 which are subject to election in 2008.

7 (d) To implement the changes made to Section 11.059,
8 Education Code, as amended by this Act, a person may serve a term as
9 school district trustee that is longer than the term for which the
10 person was elected.

11 SECTION 7. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect on the 91st day after the last day of the
16 legislative session.