By: Casteel

A BILL TO BE ENTITLED

1   AN ACT

2 relating to the recall of school trustees.

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

4   SECTION 1. Chapter 11, Texas Education Code is amended by

5 inserting Subchapter D to read as follows and relettering the

6 existing Subchapter D and subsequent chapters:

7   SUBCHAPTER D. RECALL OF SCHOOL TRUSTEES

8   Sec. 11.065. DEFINITIONS. In this subchapter:

9   (1) "Recall election" means an election conducted

10 under this subchapter.

11   (2) "Trustee" means a member of the board of trustees

12 of a school district elected under this chapter.

13   Sec. 11.066. ORDERING ELECTION.   Except   as   otherwise

14 provided by this subchapter, a board of trustees shall order a

15 recall election as to a trustee if the board is presented with a

16 petition that meets the requirements of Section 11.067 and is

17 certified as valid under Section 11.068.

18   Sec. 11.067. PETITION.   (a)   A petition for a recall

19 election must have a statement substantially as follows preceding

20 the space reserved for signatures on each page: "This petition is to

21 require that an election be held in (name of school district) on the

22 recall of trustee (name of trustee)."

23   (b)   A petition may not name more than one trustee.

24   (c)   A petition is valid only if it is signed by registered

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1 voters residing in the school district in a number equal to or

2 greater than 10 percent of the number of votes cast in the most

3 recent general election for trustees in the district.

4 (d) Each voter must enter beside the voter's signature the

5 date the voter signs the petition. A signature may not be counted

6 if the date of signing is earlier than:

7 (1) the 180th day after the date the trustee's current

8 term began; or

9 (2) the 90th day before the date the petition is

10 submitted to the board of trustees.

11 (e) Each voter must provide the voter's current voter

12 registration number, printed name, and residence address,

13 including zip code.

14 Sec. 11.068. VERIFICATION OF PETITION. (a) Not later than

15 the fifth day after the date a petition for a recall election is

16 received in the office of the board of trustees, the board shall

17 submit the petition for verification to the secretary of the board.

18 If the petition is to require an election on the recall of the

19 trustee who serves as secretary, the board shall appoint an acting

20 secretary to perform the secretary's duties under this section.

21 (b) The secretary shall determine whether the petition is

22 signed by the required number of registered voters of the school

23 district. Not later than the 30th day after the date the petition

24 is submitted to the secretary, the secretary shall certify in

25 writing to the board of trustees whether the petition is valid or

26 invalid. If the secretary determines the petition is invalid, the

27 secretary shall state each reason for that determination.

1   Sec. 11.069. DATE OF ELECTION; ORDER. (a) If the secretary

2   certifies that a petition is valid, the board of trustees shall

3   order that an election be held in the school district on the first

4   Saturday after the 45th day the date the board orders the election.

5   (b) If the date prescribed by Subsection (a) is less than 60

6   days before the expiration of the term of the trustee to whom the

7   petition relates, the board may not order the election.

8   (c) The board shall state in the order the issue to be voted

9   on.

10   Sec. 11.070. BALLOT PROPOSITION. The ballot in a recall

11   election shall be printed to provide for voting for or against the

12   proposition: "Recalling trustee (name of trustee)."

13   Sec. 11.071. RESULTS OF ELECTION. If the majority of the

14   votes received in a recall election are for the recall of the

15   trustee, the office held by the trustee becomes vacant effective

16   immediately on the canvassing of the votes. The vacancy shall be

17   filled in the regular manner.

18   Sec. 11.072. MULTIPLE RECALL ATTEMPTS PROHIBITED. The

19   board of trustees may not order a recall election as to a trustee

20   who has been the subject of a previous recall election during the

21   trustee's current term.