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HOUSE OF REPRESENTATIVES

BY: Marise Marquez

FLOOR AMENDMENT NO. _____

1 Amend C.S.H.B. 5 by adding the following appropriately
2 numbered SECTION and renumbering subsequent SECTIONS of the bill
3 accordingly:

4 SECTION _____. (a) Chapter 11, Education Code, is amended by
5 adding Subchapter I to read as follows:

6 SUBCHAPTER I. RECALL OF MEMBERS OF BOARDS OF TRUSTEES

7 Sec. 11.401. DEFINITION. In this subchapter, "recall
8 election" means an election conducted under this subchapter to
9 recall a member of a school district board of trustees.

10 Sec. 11.402. ORDERING ELECTION. Except as otherwise
11 provided by this subchapter, the board of trustees of a school
12 district shall order a recall election for a trustee if the board is
13 presented with a petition that:

14 (1) meets the requirements of Section 11.403; and

15 (2) is certified as valid under Section 11.404.

16 Sec. 11.403. PETITION. (a) A petition for a recall
17 election must have a statement substantially as follows preceding
18 the space reserved for signatures on each page: "This petition is to
19 require that an election be held in (name of school district) on the
20 recall of trustee (name of trustee)."

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

22 (c) To be considered valid under Section 11.404, a petition
23 must be signed by a number of registered voters residing in the
24 school district equal to or greater than 20 percent of the number of
25 votes cast in the most recent general election for trustees in the
26 district.

27 (d) Each person signing a petition must enter beside the
28 person's signature the date the voter signs the petition. A
29 signature may not be counted if the date of signature is earlier

1 than:

2 (1) the 180th day after the date the trustee's current
3 term began; or

4 (2) the 90th day before the date the petition is
5 submitted to the board of trustees.

6 (e) Each person signing a petition must provide the person's
7 current voter registration number, printed name, and residential
8 address, including zip code.

9 Sec. 11.404. VERIFICATION OF PETITION. (a) Not later than
10 the fifth day after the date a petition for a recall election is
11 received in the office of the board of trustees, the board shall
12 submit the petition to the secretary of the board for verification.
13 If the petition is to require a recall election for the trustee who
14 serves as secretary, the board shall appoint an acting secretary to
15 perform the secretary's duties under this section.

16 (b) The secretary shall determine whether the petition is
17 signed by the required number of registered voters in the school
18 district as provided by Section 11.403(c). Not later than the 30th
19 day after the date the petition is submitted, the secretary shall
20 certify in writing to the board of trustees whether the petition is
21 valid or invalid. If the secretary determines the petition is
22 invalid, the secretary shall state each reason for that
23 determination.

24 Sec. 11.405. DATE OF ELECTION; ORDER. (a) If the secretary
25 certifies that a petition is valid, the board of trustees shall, not
26 later than the 30th day after the date of certification, order that
27 an election be held in the school district on the first Saturday
28 after the 62nd day following the date the board orders the election.
29 Section 41.001(a), Election Code, does not apply to an election
30 ordered under this subchapter.

31 (b) If the term of the trustee to whom the petition relates

1 expires before the first anniversary of the date the secretary
2 certifies the petition is valid, the board may not order the
3 election.

4 (c) The board shall state in the order the issue to be voted
5 on at the election.

6 (d) The board of trustees is not required under Subsection
7 (a) to order an election if the trustee to whom the petition relates
8 resigns the office of trustee. If the trustee resigns after the
9 board orders the election but before the election is held, the board
10 may cancel the election.

11 Sec. 11.406. BALLOT PROPOSITION. The ballot in a recall
12 election must be printed to provide for voting for or against the
13 proposition: "Recalling (name of school district) trustee (name of
14 trustee)."

15 Sec. 11.407. RESULTS OF ELECTION; VACANCY. (a) If the
16 majority of votes received in a recall election are for the recall
17 of the trustee, the office held by the trustee becomes vacant
18 immediately on the canvassing of the votes. The vacancy shall be
19 filled as provided by Section 11.060, except as provided by
20 Subsection (c).

21 (b) Notwithstanding Subsection (a), a trustee recalled
22 under this subchapter continues to serve in accordance with Section
23 17, Article XVI, Texas Constitution, until the trustee's successor
24 qualifies for the office of trustee.

25 (c) If a majority of the members of the board of trustees are
26 recalled in a single recall election under this subchapter, the
27 board of trustees shall, not later than the 30th day after the date
28 on which the vacancies on the board occur as a result of the recall
29 election, order a special election to be held on a date specified in
30 the order to fill the vacancies. If the board fails to comply with
31 this subsection, the county judge of the county in which the school

1 district is primarily located shall order the special election.
2 The expenses of the special election shall be paid by the district,
3 regardless of whether the election is ordered by the board or the
4 county judge.

5 Sec. 11.408. MULTIPLE RECALL ATTEMPTS PROHIBITED. The
6 board of trustees may not order a recall election for a trustee who
7 has been the subject of a previous recall election during the
8 trustee's current term.

9 (b) This section takes effect January 1, 2014, but only if
10 the constitutional amendment proposed by the 83rd Legislature,
11 Regular Session, 2013, authorizing elections for the recall of
12 independent school district trustees, is approved by the voters.
13 If that amendment is not approved by the voters, this section has no
14 effect.