

By: Galindo

H.B. No. 1327

Substitute the following for H.B. No. 1327:

By: Reynolds

C.S.H.B. No. 1327

A BILL TO BE ENTITLED

AN ACT

relating to the recall of members of school district boards of trustees.

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

SECTION 1. Chapter 11, Education Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. RECALL OF MEMBERS OF BOARDS OF TRUSTEES

Sec. 11.451. DEFINITION. In this subchapter, "recall election" means an election conducted under this subchapter to recall a member of a school district board of trustees.

Sec. 11.452. GROUNDS FOR RECALL. A member of a school district board of trustees may be recalled from office if:

(1) the commissioner lowers the accreditation status of the district under Section 39.051; and

(2) the member has held office for at least two years at the time the accreditation status is lowered.

Sec. 11.453. ORDERING ELECTION. Except as otherwise provided by this subchapter, the board of trustees of a school district shall order a recall election for a trustee if the board is presented with a petition that:

(1) meets the requirements of Section 11.454; and

(2) is certified as valid under Section 11.455.

Sec. 11.454. PETITION. (a) A petition for a recall election must have, preceding the space reserved for signatures on

1 each page, the following:

2 (1) a statement substantially as follows: "This
3 petition is to require that an election be held in (name of school
4 district) on the recall of trustee (name of trustee)."; and

5 (2) a brief explanation that the recall petition is
6 based on the lowering of the school district's accreditation status
7 by the commissioner.

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

9 (c) To be considered valid under Section 11.455, a petition
10 must be signed by a number of registered voters residing in the
11 school district equal to or greater than 10 percent of the number of
12 votes cast in the most recent general election for trustees in the
13 district.

14 (d) Each person signing a petition must enter beside the
15 person's signature the date the voter signs the petition. A
16 signature may not be counted if the date of signature is earlier
17 than:

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

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

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

25 Sec. 11.455. ACTION ON PETITION. (a) Not later than the
26 fifth day after the date a petition for a recall election is
27 received in the office of the board of trustees, the board shall

1 submit the petition to the secretary of the board. If the petition
2 is to require a recall election for the trustee who serves as
3 secretary, the board shall appoint an acting secretary to perform
4 the secretary's duties under this subchapter.

5 (b) Not later than the 15th day after the date the petition
6 is submitted to the secretary, the secretary shall determine
7 whether the petition is signed by the required number of registered
8 voters in the school district as provided by Section 11.454(c). The
9 secretary shall certify in writing to the board of trustees whether
10 the petition is valid or invalid, based on the secretary's review of
11 the signatures on the petition. If the secretary determines the
12 petition is invalid, the secretary shall state each reason for that
13 determination.

14 (c) The board of trustees or secretary of the board is not
15 required to take action in accordance with this section if the
16 trustee named in the petition resigns the office of trustee.

17 Sec. 11.456. DATE OF ELECTION; ORDER. (a) If the secretary
18 certifies that a petition is valid, the board of trustees shall, not
19 later than the 30th day after the date of certification, order that
20 an election be held in the school district on the first Saturday
21 after the 62nd day following the date the board orders the election.
22 Section 41.001(a), Election Code, does not apply to an election
23 ordered under this subchapter.

24 (b) If the term of the trustee named in the petition expires
25 before the first anniversary of the date the secretary certifies
26 the petition is valid, the board may not order the election.

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

1 on at the election.

2 (d) The board of trustees is not required under Subsection
3 (a) to order an election if the trustee named in the petition
4 resigns the office of trustee. If the trustee resigns after the
5 board orders the election but before the election is held, the board
6 may cancel the election.

7 Sec. 11.457. BALLOT PROPOSITION. The ballot in a recall
8 election must be printed to provide for voting for or against the
9 proposition: "Recalling (name of school district) trustee (name of
10 trustee)."

11 Sec. 11.458. RESULTS OF ELECTION; VACANCY. (a) If the
12 majority of votes received in a recall election are for the recall
13 of the trustee, the office held by the trustee becomes vacant
14 immediately on the canvassing of the votes. The vacancy shall be
15 filled as provided by Section 11.060, except as provided by
16 Subsection (c).

17 (b) Notwithstanding Subsection (a), a trustee recalled
18 under this subchapter continues to serve in accordance with Section
19 17, Article XVI, Texas Constitution, until the trustee's successor
20 qualifies for the office of trustee.

21 (c) If a majority of the members of the board of trustees are
22 recalled in a single recall election under this subchapter, the
23 board of trustees shall, not later than the 30th day after the date
24 on which the vacancies on the board occur as a result of the recall
25 election, order a special election to be held on a date specified in
26 the order to fill the vacancies. If the board fails to comply with
27 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. 11.459. 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 SECTION 2. This Act takes effect January 1, 2016, but only
10 if the constitutional amendment proposed by H.J.R. 86, 84th
11 Legislature, Regular Session, 2015, is approved by the voters. If
12 that amendment is not approved by the voters, this Act has no
13 effect.