88R201 TSS-D

By:  Toth H.B. No. 221

A BILL TO BE ENTITLED

AN ACT

relating to a requirement that an election for a member of a board of trustees of an independent school district is partisan.

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

SECTION 1.  Section 11.055, Education Code, is amended by adding Subsection (c) to read as follows:

(c)  An application filed under this section must state the political party with which the candidate is aligned or, if the candidate is not aligned with a party, state that fact.

SECTION 2.  Section 11.0581(a), Education Code, is amended to read as follows:

(a)  An election for trustees of an independent school district shall be held on the same date as the general election for state and county officers[~~:~~

[~~(1)  the election for the members of the governing body of a municipality located in the school district;~~

[~~(2)  the general election for state and county officers;~~

[~~(3)  the election for the members of the governing body of a hospital district, if the school district:~~

[~~(A)  is wholly or partly located in a county with a population of less than 40,000 that is adjacent to a county with a population of more than three million; and~~

[~~(B)  held its election for trustees jointly with the election for the members of the governing body of the hospital district before May 2007; or~~

[~~(4)  the election for the members of the governing board of a public junior college district in which the school district is wholly or partly located~~].

SECTION 3.  Section 11.059, Education Code, is amended to read as follows:

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

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

[~~(c)~~]  Elections for trustees [~~with four-year terms~~] shall be held biennially. The terms of one-half of the trustees, or as near to one-half as possible, expire every two years.

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

SECTION 4.  Section 11.065(a), Education Code, is amended to read as follows:

(a)  Sections 11.052(g) and (h) [~~and Sections 11.059(a) and (b)~~] do not apply to the board of trustees of a school district if:

(1)  the district's central administrative office is located in a county with a population of more than two million; and

(2)  the district's student enrollment is more than 125,000 and less than 200,000.

SECTION 5.  Section 41.0052, Election Code, is amended by adding Subsection (a-2) to read as follows:

(a-2)  The governing body of an independent school district that holds its general election for officers on a date other than the date of the general election for state and county officers shall, not later than December 31, 2023, change the date on which the governing body holds its general election for officers to that date. This subsection expires January 1, 2027.

SECTION 6.  Section 144.001, Election Code, is amended to read as follows:

Sec. 144.001.  APPLICABILITY OF CHAPTER. (a) Except as provided by Subsection (b), this [~~This~~] chapter applies to a candidate for an office of a political subdivision other than a city or county.

(b)  This chapter does not apply to a candidate for a member of the board of trustees of an independent school district.

SECTION 7.  Section 172.001, Election Code, is amended to read as follows:

Sec. 172.001.  NOMINATING BY PRIMARY ELECTION REQUIRED. Except as otherwise provided by this code, a political party's nominees in the general election for members of the board of trustees of an independent school district, offices of state and county government, and offices of the United States Congress must be nominated by primary election, held as provided by this code, if the party's nominee for governor in the most recent gubernatorial general election received 20 percent or more of the total number of votes received by all candidates for governor in the election.

SECTION 8.  Section 172.002(a), Election Code, is amended to read as follows:

(a)  Except as otherwise provided by this code, a political party's nominees in the general election for members of the board of trustees of an independent school district, offices of state and county government, and offices of the United States Congress may be nominated by primary election, held as provided by this code, if the party's nominee for governor in the most recent gubernatorial general election received at least two percent but less than 20 percent of the total number of votes received by all candidates for governor in the election.

SECTION 9.  Section 172.024(a), Election Code, is amended to read as follows:

(a)  The filing fee for a candidate for nomination in the general primary election is as follows:

(1)  United States senator $5,000

(2)  office elected statewide, except United States senator 3,750

(3)  United States representative 3,125

(4)  state senator 1,250

(5)  state representative 750

(6)  member, State Board of Education 300

(7)  chief justice or justice, court of appeals, other than a justice specified by Subdivision (8) 1,875

(8)  chief justice or justice of a court of appeals that serves a court of appeals district in which a county with a population of more than one million is wholly or partly situated 2,500

(9)  district judge or judge specified by Section 52.092(d) for which this schedule does not otherwise prescribe a fee 1,500

(10)  district or criminal district judge of a court in a judicial district wholly contained in a county with a population of more than 1.5 million 2,500

(11)  judge, statutory county court, other than a judge specified by Subdivision (12) 1,500

(12)  judge of a statutory county court in a county with a population of more than 1.5 million 2,500

(13)  district attorney, criminal district attorney, or county attorney performing the duties of a district attorney 1,250

(14)  county commissioner, district clerk, county clerk, sheriff, county tax assessor-collector, county treasurer, or judge, constitutional county court:

(A)  county with a population of 200,000 or more 1,250

(B)  county with a population of under 200,000 750

(15)  justice of the peace or constable:

(A)  county with a population of 200,000 or more 1,000

(B)  county with a population of under 200,000 375

(16)  county surveyor 75

(17)  member of the board of trustees of an independent school district 75

(18)  office of the county government for which this schedule does not otherwise prescribe a fee 750

SECTION 10.  Section 172.025, Election Code, is amended to read as follows:

Sec. 172.025.  NUMBER OF PETITION SIGNATURES REQUIRED.  The minimum number of signatures that must appear on the petition authorized by Section 172.021(b) is:

(1)  5,000, for a statewide office; or

(2)  for a district, county, independent school district, or precinct office, the lesser of:

(A)  500; or

(B)  two percent of the total vote received in the district, county, school district, or precinct, as applicable, by all the candidates for governor in the most recent gubernatorial general election, unless that number is under 50, in which case the required number of signatures is the lesser of:

(i)  50; or

(ii)  20 percent of that total vote.

SECTION 11.  Section 181.002, Election Code, is amended to read as follows:

Sec. 181.002.  NOMINATING BY CONVENTION AUTHORIZED. A political party may make nominations for the general election for state and county officers and members of the board of trustees of an independent school district by convention, as provided by this chapter, if the party is authorized by Section 172.002 to make nominations by primary election.

SECTION 12.  Section 181.003, Election Code, is amended to read as follows:

Sec. 181.003.  NOMINATING BY CONVENTION REQUIRED. A political party must make nominations for the general election for state and county officers and members of the board of trustees of an independent school district by convention, as provided by this chapter, if the party is not required or authorized to nominate by primary election.

SECTION 13.  Section 181.0311(a), Election Code, is amended to read as follows:

(a)  In addition to any other requirements, to be considered for nomination by convention, a candidate must:

(1)  pay a filing fee to the secretary of state for a statewide, [~~or~~] district, or school district office or the county judge for a county or precinct office; or

(2)  submit to the secretary of state for a statewide, [~~or~~] district, or school district office or the county judge for a county or precinct office a petition in lieu of a filing fee that satisfies the requirements prescribed by Subsection (e) and Section 141.062.

SECTION 14.  Section 181.032(a), Election Code, is amended to read as follows:

(a)  An application for nomination by a convention must be filed with:

(1)  the state chair, for a statewide, [~~or~~] district, or school district office; or

(2)  the county chair, for a county or precinct office.

SECTION 15.  Sections 181.061(b) and (c), Election Code, are amended to read as follows:

(b)  A party nominating by convention must make its nominations for offices of districts and school districts situated in more than one county at district conventions held on the second Saturday after the second Tuesday in March. A district convention consists of delegates selected at the county conventions held under Subsection (c).

(c)  A party nominating by convention must make its nominations for county and precinct offices and for offices of districts and school districts not situated in more than one county at county conventions held on the first Saturday after the second Tuesday in March. A county convention consists of delegates selected at precinct conventions held on the second Tuesday in March in the regular county election precincts.

SECTION 16.  Sections 11.054 and 11.065(c), Education Code, are repealed.

SECTION 17.  The change in law made by this Act applies only to an election ordered on or after the effective date of this Act. An election ordered before the effective date of this Act is governed by the law in effect when the election was ordered, and the former law is continued in effect for that purpose.

SECTION 18.  This Act takes effect September 1, 2023.