

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~~

1 ~~the election for the members of the governing body of the hospital~~
2 ~~district before May 2007; or~~

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

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

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

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

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

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

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

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

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

24 (2) the district's student enrollment is more than
25 125,000 and less than 200,000.

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

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

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

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

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

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

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

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

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

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

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

- 14 (1) United States senator \$5,000
- 15 (2) office elected statewide, except United States
16 senator 3,750
- 17 (3) United States representative 3,125
- 18 (4) state senator 1,250
- 19 (5) state representative 750
- 20 (6) member, State Board of Education 300
- 21 (7) chief justice or justice, court of appeals, other
22 than a justice specified by Subdivision (8) 1,875
- 23 (8) chief justice or justice of a court of appeals that
24 serves a court of appeals district in which a county with a
25 population of more than one million is wholly or partly situated
26 2,500
- 27 (9) district judge or judge specified by Section

1 52.092(d) for which this schedule does not otherwise prescribe a
2 fee 1,500

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

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

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

10 (13) district attorney, criminal district attorney,
11 or county attorney performing the duties of a district attorney
12 1,250

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

16 (A) county with a population of 200,000 or more
17 1,250

18 (B) county with a population of under 200,000
19 750

20 (15) justice of the peace or constable:

21 (A) county with a population of 200,000 or more
22 1,000

23 (B) county with a population of under 200,000
24 375

25 (16) county surveyor 75

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

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

3 SECTION 10. Section [172.025](#), Election Code, is amended to
4 read as follows:

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

- 8 (1) 5,000, for a statewide office; or
9 (2) for a district, county, independent school
10 district, or precinct office, the lesser of:

- 11 (A) 500; or
12 (B) two percent of the total vote received in the
13 district, county, school district, or precinct, as applicable, by
14 all the candidates for governor in the most recent gubernatorial
15 general election, unless that number is under 50, in which case the
16 required number of signatures is the lesser of:

- 17 (i) 50; or
18 (ii) 20 percent of that total vote.

19 SECTION 11. Section [181.002](#), Election Code, is amended to
20 read as follows:

21 Sec. 181.002. NOMINATING BY CONVENTION AUTHORIZED. A
22 political party may make nominations for the general election for
23 state and county officers and members of the board of trustees of an
24 independent school district by convention, as provided by this
25 chapter, if the party is authorized by Section [172.002](#) to make
26 nominations by primary election.

27 SECTION 12. Section [181.003](#), Election Code, is amended to

1 read as follows:

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

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

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

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

15 (2) submit to the secretary of state for a statewide,
16 ~~or~~ district, or school district office or the county judge for a
17 county or precinct office a petition in lieu of a filing fee that
18 satisfies the requirements prescribed by Subsection (e) and Section
19 141.062.

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

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

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

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

27 SECTION 15. Sections 181.061(b) and (c), Election Code, are

1 amended to read as follows:

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

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

15 SECTION 16. Sections [11.054](#) and [11.065\(c\)](#), Education Code,
16 are repealed.

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

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