This introductory page outlines the contents of the elections policy. See the following sections for statutory provisions on:

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Note: The District shall conduct its Board member elections in accordance with the Single-Member District Voting Plan established in CA. No. MO-85-CA-001, United States District Court, Western District of Texas, Midland-Odessa Division, and this policy.

To the extent of any conflict, the court order shall prevail over the following statutory provisions.

SECTION I: ELECTIONS GENERALLY

MEMBERSHIP, METHOD OF ELECTION, AND TERMS

The Board consists of seven members elected from single-member districts, serving terms of four years, with elections held biennially. The terms of one-half of the Board members, or as near to one-half as possible, expire every other year. *Education Code 11.051(b), 11.052 11.059*.

Board policy shall state the schedule on which specific terms expire. *Education Code 11.059* [See BBB(LOCAL)]

ADJUSTMENTS

Not later than December 31, 2011, the Board may adopt a resolution changing the length of the terms of its Board members. The resolution must provide for staggered terms of either three or four years and specify the manner in which the transition from the length of the former term to the modified term is made. The transition must begin with the first regular election for Board members that occurs after January 1, 2012, and a member who serves on that date shall serve the remainder of that term. *Education Code 11.059(e)*

Not later than December 31, 2012, if the District elects its Board members to a term that consists of an odd number of years, the District may adopt a resolution changing the length of the terms of its members to an even number of years. The resolution must specify the manner in which the transition from the length of the former term to the modified term is made. The transition must begin with the first regular election for members of the governing body that occurs after January 1, 2013, and a member who serves on that date shall serve the remainder of that term. *Act of the 82nd Legislative Session, Senate Bill 100, Sec. 52*

RESIDENCY

A candidate for Board member representing a single-member district must be a resident of the district the candidate seeks to represent. A Board member vacates the office if he or she fails to move into the district the Board member represents within the time provided. [See also BBA, BBC] *Education Code 11.052(g)*

REDISTRICTING

Not later than the 90th day before the day of the first regular Board election at which members may officially recognize and act on the last preceding federal census, the Board shall redivide the District into the appropriate number of Board member districts if the census data indicates that the population of the most populous district exceeds the population of the least populous district by more than ten percent. Redivision of the District shall be based on the number of members that are to be elected from single-member districts, and each Board member district shall be numbered. The Board member districts shall be compact and contiguous and shall be as nearly as practicable of equal population according to the last preceding federal census.

After each redistricting, the Board shall determine the order in which the positions will be filled. The Board members then elected shall draw lots for staggered terms as provided by Education Code 11.059.

PHASE-IN OPTION

The Board may provide for the members in office when the District is redistricted to serve for the remainder of their terms. The Board member districts provided by the District's plan shall be filled as the staggered terms of Board members then in office expire.

Education Code 11.052(h), (i), 11.053

GENERAL ELECTION DATE

Election of Board members of the District shall be on the November uniform election date. *Election Code 41.001*

CHANGING TO NOVEMBER ELECTION DATE

If the Board holds its general election for officers in May, the Board is authorized to change its general election for officers to the November uniform election date. The District must take such action not later than December 31, 2012. If the District changes its election date under this provision, it shall adjust the terms of office to conform to the new election date. Election Code 41.0052(a), (b)

JOINT ELECTIONS

REQUIRED

A District Board member election shall be held on the same date as:

1. The election for the members of the governing body of a municipality located in the District;

2. The general election for state and county officers. The general election for state and county officers is the first Tuesday after the first Monday in November in even-numbered years;

3. The election for the members of the governing body of a hospital district, if the 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 Board members 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 District is wholly or partly located.

The election shall be held as a joint election under Election Code Chapter 271 and the voters shall be served by common polling places consistent with Election Code 271.003(b).

The Board shall adjust the terms of office of its members to conform to the new election date if the election date is changed to comply with Education Code 11.0581 [see ADJUSTMENTS, above].

Education Code 11.0581; Election Code 41.002

ADMINISTRATOR

The District may seek to create the position of joint elections administrator under Election Code Chapter 31, Subchapter F. *Election Code 31.152*

BOUNDARY CHANGE NOTICE

If the District changes its boundaries or the boundaries of districts used to elect members to the Board, it shall not later than the 30th day after the date the change is adopted:

1. Notify the voter registrar of the county in which the area subject to the boundary change is located of the adopted boundary change; and

2. Provide the voter registrar with a map of an adopted boundary change in a format that is compatible with the mapping format used by the registrar's office.

Election Code 42.0615

PRECLEARANCE

The Board, being subject to the Voting Rights Act of 1965, shall submit any changes that affect elections to the U.S. Justice Department for preclearance and shall implement such changes unless the justice department interposes an objection within 60 days after the date of submission. *42 U.S.C. 1973c; 28 CFR 51.6; Garza v. Gates, 482 F. Supp. 1211 (D.C. Tex. 1980)*

NOTICE OF VOTING RIGHTS HOTLINE

A notice of voter's rights, in the form prescribed by the secretary of state and including information required by the secretary of state, shall be publicized as provided by the secretary of state. The no-

tice shall, in part, inform voters of the telephone number and purpose of the secretary of state's toll-free hotline for reporting existing or potential abuse of voting rights. *Election Code 31.0055, 62.0115*

SECTION II: CONDUCTING ELECTIONS

ELECTION SERVICES

If requested to do so by the District, a county elections administrator shall enter into a contract to furnish election services, as set forth at Election Code Chapter 31, Subchapter D. A county elections administrator is not required to enter into a contract to furnish elections services for an election held on the second Saturday in May in an even-numbered year. *Election Code 31.093, 41.001(d)*

ELECTION ORDER

A call for an election shall be made not later than the 71st day before election day, except that for an election to be held on the date of the general election for state and county officers (the November uniform election date of even-numbered years), the election shall be called not later than the 78th day before the election day. The Board shall order the election. *Election Code 3.004–.005*

Each election order must state the date of the election, the offices or measures to be voted on, the location of the main early voting polling place, the dates and hours for early voting, the dates and hours of any Saturday and Sunday early voting, and the early voting clerk's official mailing address. The Board shall retain the election order for at least 22 months after election day. *Election Code 3.006, .008, 66.058(a), 83.010, 85.004, .007*

FAILURE TO ORDER AN ELECTION

Failure to order a general election does not affect the validity of the election. *Election Code 3.007*

ELECTION NOTICE

CONTENTS

Notice of the election shall state:

1. The nature and date of the election;
2. The location of each polling place;
3. The hours the polls will be open; and
4. For early voting:
   a. The location of the main early voting place, as determined under Election Code 85.002;
   b. The dates and hours for early voting, including the dates and hours of any Saturday and Sunday early voting; and
   c. The early voting clerk's official mailing address.

Election Code 4.004(a), 83.010, 85.004, .007

NOTICE OF SPECIAL ELECTION

The notice of a special election must also state each office to be filled or the proposition stating each measure to be voted on. *Election Code 4.004(b)*

PUBLICATION

Notice of the election shall be published at least once, not earlier than the 30th day or later than the tenth day before election day, in a newspaper published within the District's boundaries or in a newspaper of general circulation in the District if none is published within the District's boundaries. The Board shall retain a copy of the published notice that contains the name of the newspaper and the date of publication. The Board shall preserve that copy for at least six months after election day. *Election Code 4.003(a)(1), (c), .005(a), 66.058(a)(2)*

POSTING

In addition to the notice described above, the District shall, not later than the 21st day before election day, post a copy of the notice on the bulletin board used for posting notices of the meetings of the Board. The notice must remain posted continuously through election day. The notice must include the location of each polling place. The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the Board after the last posting is made. *Election Code 4.003(b), .005(b)*

NOTICE TO COUNTY CLERK AND VOTER REGISTRAR

The Board shall also deliver notice of the election to the county clerk and voter registrar of each county in which the District is located not later than the 60th day before election day. *Election Code 4.008(a)*

NOTICE TO ELECTION JUDGE

Not later than the 15th day before election day or the seventh day after the date the election is ordered, whichever is later, the Board shall deliver to the presiding judge of each election precinct in which the election is to be held in the District a written notice of:

1. The nature and date of the election;
2. The location of the polling place for the precinct served by the judge;
3. The hours that the polls will be open;
4. The judge's duty to hold the election in the precinct specified by the notice; and
5. The maximum number of clerks that the judge may appoint for the election.

Election Code 4.007

FAILURE TO GIVE NOTICE OF ELECTION

Failure to give notice of a general election does not affect the validity of the election. *Election Code 4.006*

FILING INFORMATION

NOTICE TO CANDIDATES

The District shall post notice of the dates of the filing period in a public place in a building where applications are filed not later than the 30th day before the last day on which a candidate may file an application for a place on the ballot. This requirement does not apply to an office to be filled at the general election for state and county officers (the November uniform election date of even-numbered years). *Election Code 141.040*

GENERAL ELECTION

An application for a place on the ballot may not be filed earlier than the 30th day before the date of the filing deadline.

An application must be filed not later than 5:00 p.m. of:

1. The 78th day before election day, if the election is to be held on the date of the general election for state and county officers (the November uniform election date of even-numbered years); or
2. The 71st day before election day, if the election is to be held on any other uniform election date.

Education Code 11.055(a), (c); Election Code 144.005

SPECIAL ELECTION

An application for a place on a special election ballot may not be filed before the election is ordered.

An application must be filed not later than:

1. 5:00 p.m. of the 62nd day before election day if election day is on or after the 70th day after the election is ordered;
2. 5:00 p.m. of the 31st day before election day, if election day is on or after the 36th day and before the 70th day after the date the election is ordered; or
3. 5:00 p.m. of a day fixed by the District, which day must be not earlier than the fifth day after the date the election is ordered and not later than the 20th day before election day, if election day is before the 36th day after the date the election is ordered.

EXCEPTION

For a special election to be held on the date of the general election for state and county officers (the November uniform election date of even-numbered years), the day of the filing deadline is the 75th day before election day.

Election Code 201.054(a), (d), (f)

WRITE-IN CANDIDACY

A declaration of write-in candidacy must be filed no later than 5:00 p.m. of:

1. The 74th day before election day, if the election is to be held on the date of the general election for state and county officers (the November uniform election date of even-numbered years); or

2. The 71st day before election day, if the election is to be held on any other uniform election date.

Education Code 11.056(b); Election Code 146.054

APPLICATION

The application shall include all statutorily required information, including that found at Election Code 141.031 and 141.039, such as an oath and a statement that the candidate is aware of the nepotism law [see BBBB]. *Election Code 31.0021, 141.031, .039*

ELECTION OF UNOPPOSED CANDIDATE

The Board may declare each unopposed candidate elected to office if each candidate for an office that is to appear on the ballot is unopposed.

For purposes of determining whether all offices on a ballot are unopposed, a special election of the District is considered to be a separate election with a separate ballot from:

1. A general election for officers of the District held at the same time as the special election; or

2. Another special election of the District held at the same time as the special election.

SINGLE-MEMBER DISTRICTS

The unopposed candidate procedures apply to the election in a particular single-member district if each candidate for an office that is to appear on the ballot in that single-member district is unopposed and no opposed at-large race is to appear on the ballot.

Election Code 2.051

PROCEDURE FOR CANCELING ELECTION

The Board may declare each unopposed candidate elected to the office upon receipt of certification from the authority responsible for having the official ballot prepared. The certification must state that if the election were held, only the votes cast for that candidate in the election for that office may be counted. If the Board makes such a declaration, the election is not held. *Election Code 2.052, .053(a), (b)*

If no election is to be held by the District on election day, a copy of the order shall be posted on election day at each polling place used or that would have been used in the election.

If a Board member election has been canceled but a separate election is to be held by the District on election day, the ballots used at the separate election shall include the offices and names of the candidates declared elected. The offices and names of unopposed candidates shall be listed separately, after the measures or contested races in the separate election, under the heading "Unopposed Candidates Declared Elected." The candidates shall be grouped in the same relative order prescribed for the ballot generally. No votes are cast in connection with the unopposed candidates.

Election Code 2.053(a), (c)

BALLOT

The ballot shall be printed in the form required by law. *Election Code 52.061–.064, .069, .093–.094; Education Code 11.058(g)*

BALLOT POSITION

Except as otherwise provided by law, for an election at which the names of more than one candidate for the same office are to appear on the ballot in an independent column or are to appear on a general or special election ballot that does not contain a party nominee, the order of the candidates' names shall be determined by a drawing consistent with the requirements of Election Code 52.094. *Election Code 52.094*

ELECTION JUDGES AND CLERKS

The Board shall appoint election judges and set the maximum number of election clerks. The judges and clerks shall be selected and serve in accordance with Election Code Chapter 32. *Election Code Chapter 32*

The nepotism prohibitions [see DBE] do not apply to appointment of an election clerk under Election Code 32.031 if the clerk is not related in the first degree by consanguinity or affinity to an elected official of the District. *Gov't Code 573.061(8)*

POLLING PLACES

The Board shall designate polling places. Each polling place shall be accessible to and usable by the elderly and physically handicapped. *Election Code 43.004, .034*

If the District holds an election on the November uniform election date, the District shall follow procedures from the secretary of state and designate as the polling places for the election the regular county polling places in the county election precincts that contain territory from the District. *Election Code 42.002(a)(5), .0621, 43.004(b)*

POSTING SIGNS PROHIBITED

A person other than an election officer commits an offense if the person posts a sign, card, poster, or similar material at a polling place, including the area within 100 feet of an outside door through which a voter may enter the building in which the polling place is located. *Election Code 62.013(b)*

USE OF CERTAIN DEVICES PROHIBITED

A person may not use a wireless communication device or any mechanical or electronic means of recording images or sound within 100 feet of a voting station.

EXCEPTION

The prohibition does not apply to:

1. An election officer in conducting the officer's official duties;
2. The use of election equipment necessary for the conduct of the election; or
3. A person who is employed at the location in which a polling place is located, while the person is acting in the course of the person's employment.

Election Code 61.013

BILINGUAL MATERIALS

SPANISH

Bilingual election materials shall be used in each election precinct situated wholly or partly in a county in which five percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census that may be officially recognized or acted upon by the state or political subdivisions. *Election Code 272.002*

An election precinct may apply for an exemption from the requirement to provide election materials in Spanish if official census information or other information indicates that persons of Spanish origin or descent comprise less than five percent of the precinct's inhabitants. *Election Code 272.003*

OTHER LANGUAGES

If the director of the census determines that the District must provide election materials in a language other than English or Spanish, the District shall provide election materials in that language in the same manner in which the District would be required to provide materials in Spanish, to the extent practicable. *Election Code 272.011; 42 U.S.C. 1973aa-1a*

VOTING SYSTEMS

A voting system shall be selected and utilized in accordance with Election Code Title 8. *Election Code Title 8*

VOTING MACHINES AND PUNCH-CARD BALLOTS

A voting system may not be used in an election if the system uses mechanical voting machines or a punch-card ballot or similar form of tabulating card. *Election Code 122.001(d)*

VOTERS WITH DISABILITIES

ACCESSIBLE VOTING STATIONS

Each polling place in an election of the District must provide at least one voting station that complies with Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments, Title II of the federal Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments, and the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) and its subsequent amendments, and

that provides a practical and effective means for voters with physical disabilities to cast a secret ballot. *Election Code 61.012(a)*

ELECTRONIC VOTING SYSTEMS

Upon providing the notice detailed in Election Code 61.013(d), the District is not required to meet the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) and its subsequent amendments if the District's election is not held jointly with another election in which a federal office appears on the ballot and if the District is located in a county:

1. With a population of less than 2,000;

2. With a population of 2,000 or more but less than 5,000, and the District provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) on election day;

3. With a population of 5,000 or more but less than 10,000, and the District provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) on election day and during the period for early voting by personal appearance;

4. With a population of 10,000 or more but less than 20,000, and the District:

   a. Makes a showing in the manner provided by Election Code 61.103(c) that compliance with Section 61.012(a)(1)(C) constitutes an undue burden on the county;

   b. Provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) on election day and during the period for early voting by personal appearance; and

   c. Provides a mobile voting station that meets the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) that during the period for early voting by personal appearance is deployed at least once at each polling place used for early voting by personal appearance.

   For purposes of the above requirement, a district located in more than one county may choose:

   a. To be considered located in the county that contains the greatest number of registered voters of the District; or

   b. For each portion of the District located in a different county, to be considered a separate political subdivision.

Election Code 61.013

MULTIPLE VOTING SYSTEMS PERMITTED

The District may use more than one type of voting system in a single polling place in order to provide a person with physical disabilities with a method of casting a secret ballot. *1 TAC 81.55* [See GA]

VOTING SYSTEM MALFUNCTION

If no private vendor supports the District's voting system, the District must give notice to the secretary of state within 24 hours of a malfunction of the District's voting system software or equipment in an election. The notice may be verbal or in writing. *1 TAC 81.64*

EARLY VOTING

The Board shall provide for early voting in Board elections by personal appearance at an early voting polling place and by mail in accordance with Election Code Title 7. *Election Code 81.001*

CONDUCTING ELECTIONS

Elections shall be conducted in accordance with Election Code Title 6. *Election Code Title 6*

SECTION III: POST-ELECTION PROCEDURES

DETERMINATION OF RESULTS

PLURALITY

To be elected to a public office, a candidate must receive a plurality of votes, more votes than any other candidate, except as otherwise provided by law. *Election Code 2.001*

SINGLE MEMBER DISTRICTS

The candidate receiving the highest number of votes for each respective position voted on is entitled to serve as Board member. *Education Code 11.057*

MAJORITY VOTE OPTION

The Board may provide by resolution, not later than the 180th day before the date of an election, that a candidate must receive a majority of the votes cast in a single-member district to be elected.

The resolution is effective until rescinded by a subsequent resolution adopted not later than the 180th day before the date of the first election to which the rescission applies.

Education Code 11.057(c)

RUNOFF ELECTION

If no candidate for a particular office receives the vote necessary to be elected in an election requiring a majority vote, a runoff election for that office is required. *Election Code 2.021 et seq.*

WRITE-IN VOTING

A write-in vote may not be counted for a person who has not filed a declaration of write-in candidacy with the Secretary of the Board in the manner provided for write-in candidates in a general election for state and county officers. To the extent practicable and in accordance with rules adopted by the secretary of state, Election Code Chapter 146, Subchapter B, shall govern write-in voting in Board member elections. *Education Code 11.056*

TIE VOTES

In accordance with Election Code 2.002, if two or more candidates for the same office tie for the number of votes required to be elected, a second election to fill the office shall be held, unless the candidates agree to cast lots, one candidate withdraws, or an automatic recount resolves the tie. *Election Code 2.002*

CANVASS RETURNS

Except as provided below, the Board shall canvass the returns at the time set by the presiding officer not earlier than the eighth day or later than the 11th day after election day.

For an election held on the uniform election date in May, the local canvass must occur not later than the 11th day after election day and not earlier than the later of:

1. The third day after election day;
2. The date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or
3. The date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

Two members of the Board constitute a quorum for purposes of canvassing an election.

Election Code 67.003, .004(a)

CERTIFICATE OF ELECTION

After the completion of a canvass, the presiding officer shall prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by that authority's canvass. A certificate of election must contain:

1. The candidate's name;
2. The office to which the candidate is elected;
3. A statement of election to an unexpired term, if applicable;
4. The date of the election;
5. The signature of the officer preparing the certificate; and
6. Any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies.

The authority preparing a certificate of election shall promptly deliver it to the person for whom it is prepared, subject to the submission of a recount petition.

A recount petition shall delay the issuance of a certificate of election and qualification for the office involved in the recount pending completion of the recount. A candidate may not qualify for an office involved in a recount before completion of the recount. A candidate who has received a certificate of election and qualified for an office before the submission of a recount petition shall not be affected by the recount petition.

A certificate of election may not be issued to a person who has been declared ineligible to be elected to the office.

The presiding officer of the canvass shall also prepare a report of the precinct results as contained in the election register and shall deliver the report to the secretary of state as required by law.

Election Code 67.016, .017, 212.0331

CERTIFICATE OF ELECTION FOR UNOPPOSED CANDIDATE

A certificate of election shall be issued to each unopposed candidate in the same manner and at the same time as provided for a candidate elected at the election. The candidate must qualify for the office in the same manner as provided for a candidate elected at the election. *Election Code 2.053(c)*

OFFICER'S STATEMENT

Newly elected and appointed Board members, before taking the oath or affirmation of office and entering upon the duties of office, shall sign the required officer's statement. The statement shall be retained with the official records of the office. *Tex. Const. Art. XVI, Sec. 1(b)* [See BBB(EXHIBIT)]

OATH OF OFFICE

After the officer's statement has been signed and certificates of election have been issued, but before entering upon the duties of the office, the Board member shall take the oath or affirmation of office and shall file it with the President of the Board. *Tex. Const. Art. XVI, Sec. 1(a); Education Code 11.061* [See BBB(EXHIBIT)]

The oath may be administered and a certificate of the fact given by the individuals listed at Government Code 602.002, including:

1. A judge, retired judge, or clerk of a municipal court.
2. A judge, retired judge, senior judge, clerk, or commissioner of a court of record.
3. A notary public.
4. A justice of the peace or clerk of a justice court.
5. The secretary of state or a former secretary of state.
6. The speaker of the house of representatives or a former speaker of the house of representatives.

7. The lieutenant governor or a former lieutenant governor.
8. The governor or a former governor.
9. A legislator or retired legislator.
10. The attorney general or a former attorney general.

Gov't Code 602.002