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BOARD MEMBERS
ELECTIONS

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Section I:
Elections Generally

Membership and
Terms

The board consists of seven members 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), .059*

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

General Election
Date

Election of board members of the district shall be on the May uniform election date. *Election Code 41.001*

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 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 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 school district is wholly or partly located.

The district may enter into a joint election agreement with another political subdivision holding an election on the same day in all or part of the same county to conduct the election jointly. 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).

Education Code 11.0581; Election Code 271.002, .003, 42.002, .0621, 43.004

Method of Election

Election of board members is by position or place in accordance with Texas law. The decision to elect board members by this method shall not be rescinded. *Education Code 11.058*

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Boundary Change
Notice

A district that changes its boundaries 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

Methods of Voting
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*

*Majority Vote
Option*

The board in which the positions of board members are designated by number 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 for a position or in a board member district, as applicable, 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)

**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 first Saturday in May in an even-numbered year. *Election Code 31.093, 41.001(d)*

Delivery or
Submission of
Election Documents

Unless otherwise provided by the Election Code, delivery, submission, or filing of an application, notice, report, or other document or paper with an employee of the district at the district's usual place for conducting official business constitutes filing with the district. The district may accept the document or paper at a place other than the authority's usual place for conducting official business.

A delivery, submission, or filing of a document or paper under the Election Code may be made by personal delivery, mail, telephonic facsimile machine, or any other method of transmission.

Election Code 1.007(c)

Election Order

A call for an election held on a uniform election date shall be made not later than the 78th day before election day. A 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. *Election Code 3.006, .008, 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;
4. The location of the main early voting place, as determined under Election Code 85.002;
5. The dates and hours for early voting, including the dates and hours of any Saturday and Sunday early voting; and
6. 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 a district's boundaries or in a newspaper of general circulation in a district if none is published within the district's boundaries. *Election Code 4.003(a)(1), (c), .005(a)*

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 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)*

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If the district maintains a website, the district is required to post the notice described above on the Internet website of the district. *Election Code 85.007(d)*

*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. *Election Code 141.040*

Application

A candidate 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] and a public mailing address and e-mail at which the candidate receives correspondence relating to the candidate's campaign. *Election Code 31.0021, 141.031, .039*

Ballot Candidate

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

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An application must be filed not later than 5:00 p.m. of the 78th day before election day for any uniform election.

Education Code 11.055(a); Election Code 144.005(d)

*Write-In
Candidate*

A declaration of write-in candidacy must be filed not later than 5:00 p.m. of the 74th day before election day for any uniform election.

Education Code 11.056(b); Election Code 146.054

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; or
2. 5:00 p.m. of the 40th day before election day, if election day is on or after the 46th day and before the 70th 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

Unopposed
Candidate

The board may declare each unopposed candidate elected to office if, after all filing deadlines have passed, each candidate for an office that is to appear on the ballot is unopposed.

A measure election held at the same time as a general election or special election for officers is considered a separate election.

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.

Drawing

The district shall conduct a drawing of the names of candidates if more than one candidate for the same office are to appear on the ballot. The district shall post notice of the date, hour, and place of the ballot drawing in the place where notices are posted and shall be posted continuously for 72 hours immediately preceding the day and time of the scheduled drawing. The district shall mail written notice of the date, hour, and place of the drawing to each candidate not later than the fourth day before the date of the drawing.

Election Code 52.061-.064, .069, .093-.094; Education Code 11.058(g)

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 Ch. 32*

Polling Places

The board shall designate polling places for election day and early voting. Each polling place shall be accessible to and usable by the elderly and physically handicapped. *Election Code 42.002, .0621, 43.004, .034, Ch. 85*

If the district holds an election on a uniform election date, the district shall designate as the polling places for the election the regular county polling places in the county election precincts that contain territory from the district, as applicable.

The district is not required to use the county election precincts as the polling places for an election conducted on the May uniform election date if the district conducts early voting:

1. At 75 percent or more of its permanent or temporary branch polling places on the same days and during the same hours as voting is conducted at the main early voting place; and
2. At each remaining polling place for at least two consecutive days of voting during the early voting period, and for at least eight hours on each day; or

3. Has not established a permanent or temporary branch early voting polling place.

Election Code 42.002(a)(5), .0621, 43.004(b)

*Polling Places for
Early Voting*

The following provision applies to a district that:

1. Holds an election on the November uniform election date;
2. Is not holding a joint election with a county; and
3. Has not executed a contract with a county elections officer under which the district and the county share early voting polling places for the election.

The district shall designate as an early voting polling place for the election any early voting polling place, other than a polling place established under Election Code 85.062(e) (temporary branch polling place), established by the county and located in the district.

A shared polling place established under this provision that is designated as a main early voting polling place by any political subdivision must be open for voting for all political subdivisions the polling place serves for at least the days and hours required of a main early voting polling place under Election Code 85.002 for the political subdivision making the designation.

Election Code 85.010

Electioneering

A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party.

“Electioneering” includes the posting, use, or distribution of political signs or literature.

“Voting period” means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

“Early voting period” is described at Election Code 85.001.

A district that owns or controls a public building being used as a polling place or early voting polling place may not, at any time during the voting period or early voting periods, as applicable, prohibit electioneering on the building’s premises outside of the area described above. The district may enact reasonable regulations concerning the time, place, and manner of electioneering.

Election Code 61.003, 85.036

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| Bilingual Materials <i>Spanish</i> | 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. <i>Election Code 272.002</i> |
| <i>Other Languages</i> | 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. <i>Election Code 272.011; 42 U.S.C. 1973aa-1a</i> |
| Voting Systems | A voting system shall be selected and utilized in accordance with Election Code Title 8. <i>Election Code Title 8</i> |
| <i>Accessible Voting Stations</i> | 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. <i>Election Code 61.012(a)</i> |
| Electronic Voting System Exceptions | Upon providing the notice detailed in Election Code 61.013, the district is not required to meet the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) 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 with a certain population designation as set forth in Election Code 61.013. <i>Election Code 61.013</i> |
| Early Voting | The board shall provide for early voting in district elections by personal appearance at an early voting polling place and by mail in accordance with Election Code Title 7. <i>Election Code 81.001</i> |
| Conducting Elections | Elections shall be conducted in accordance with Election Code Title 6. <i>Election Code Title 6</i> |
| Section III: Post-Election Procedures | 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. <i>Election Code 2.021 et seq.</i> |
| Runoff Election | |
| Tie Votes | 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 |

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be held, unless the candidates agree to cast lots, one candidate withdraws, or an automatic recount resolves the tie. *Election Code 2.002*

Recounts

A candidate in a board election may obtain an initial recount after an election if the difference in the number of votes received by the candidate and any candidate for the office, who is shown by the election returns to be elected, tied, or entitled to a place on a runoff ballot if applicable, is less than 10 percent of that candidate's number of votes.

A candidate seeking a recount shall submit a petition to the presiding officer of the local canvassing authority in accordance with Election Code Chapter 212, Subchapter B and E. The district will conduct the initial recount in accordance with Election Code Chapter 212, Subchapter F, and Chapter 213.

Election Code 2.002, 212.022

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. *Election Code 67.003(a)*

*Early Voting
Canvass—
November
Election*

For an election held on the date of the general election for state and county officers (November of even-numbered years), the time for the canvass of early voting results by the district may be set not later than the 14th day after election day. *Election Code 65.051(a-1), 67.003(c)*

May Election

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.

Election Code 67.003(b)

*Quorum for
Canvass*

Two members of the board constitute a quorum for purposes of canvassing an election. *Election Code 67.004(a)*

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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 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, among others:

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.

Govt Code 602.002

Election Records

Except as otherwise provided by the Election Code, the district shall preserve the precinct election records distributed to it for at least six months after election day. *Election Code 66.058(a)*

Destruction of
Records

After expiration of the period for preserving precinct election records the records may be destroyed or otherwise disposed of unless, at the expiration of the preservation period, an election contest or a criminal investigation or proceeding connected with the election is pending. If a case is pending, the records shall be preserved until the contest, investigation, or other proceeding is completed. *Election Code 1.013*