

BOARD MEMBERS
ELECTIONS

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SECTION I: ELECTIONS GENERALLY

GENERAL ELECTION DATES	<p>Election of Trustees of the College District shall be on one of the following dates:</p> <ol style="list-style-type: none">1. The second Saturday in May.2. The first Tuesday after the first Monday in November. <p><i>Election Code 41.001</i></p>
ELECTION DATES IN CERTAIN COLLEGE DISTRICTS	<p>A College District with a service area that is primarily the same as that of a city with a population of more than 450,000 in which all members of the city's governing body are elected at large shall hold a general or special election of officers on the spring uniform election date. <i>Election Code 41.0053</i></p>
CHANGING TO NOVEMBER ELECTION DATE	<p>A College District that holds its election in May is authorized to change its elections to the November uniform election date. The College District must take such action not later than December 31, 2010. <i>Election Code 41.0052(a-1)</i></p>
JOINT ELECTIONS ADMINISTRATOR	<p>The College District may seek to create the position of joint elections administrator under Election Code Chapter 31, Subchapter F. <i>Election Code 31.152</i></p>
METHOD OF ELECTION, MEMBERSHIP, AND TERMS	<p>Election of Trustees shall be from single-member districts. <i>Education Code 130.0822(a)</i></p> <p>Either two or three Trustees shall be elected at each election, the number of Trustees depending upon that required to constitute a Board of seven to serve terms of six years. <i>Education Code 130.082(d), 130.0822(c)</i></p>
SINGLE-MEMBER DISTRICTS TRUSTEE DISTRICTS	<p>If the Board orders that all or a majority of the Trustees shall be elected from single-member Trustee districts, the Board shall divide the College District into the appropriate number of Trustee districts, based on the number of members of the Board that are to be elected from single-member districts, and shall number each Trustee district.</p> <p>The Trustee districts must be compact and contiguous and must be as nearly as practicable of equal population according to the last preceding federal census. Trustee districts must be drawn not later than the 90th day before the day of the first election of Trustees from single-member districts.</p> <p>The Board may provide for Trustees holding office on the date of the initial election of Trustees from single-member districts to serve the remainder of their terms and to represent a Trustee district for that term without having residency in that Trustee district.</p>

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Unless the Board has made provision for Trustees to complete their term, as described above, residents of each Trustee district are entitled to elect one Trustee to the Board. A candidate for Trustee must be a resident of the Trustee district the candidate seeks to represent.

REDISTRICTING

Not later than the 90th day before the day of the first regular Trustee election at which Trustees may officially recognize and act on the last preceding federal census, the Board shall redivide the College District into the appropriate number of Trustee 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 College District shall be in the manner provided for the initial division of the College District.

After each redistricting, all positions on the Board shall be filled unless the Board determines that Trustees shall be elected from the new Trustee districts as provided by Education Code 130.0826. The Trustees then elected shall draw lots for staggered terms as provided by Education Code 130.082.

The Board of any College District that elects some or all of its members from single-member districts and in which the Trustees serve staggered terms may provide for the Trustees in office at the first election after the College District is redistricted to serve for the remainder of their terms in accordance with Education Code 130.0826.

If the Board provides for the Trustees in office to serve for the remainder of their terms in accordance with Education Code 130.0826, the Trustee districts established by the redistricting plan shall be filled as the staggered terms of Trustees in office expire. When the Board adopts a redistricting plan, the Board shall determine from which new Trustee district the position of each Trustee in office will be filled as it becomes vacant.

Education Code 130.0826 does not authorize a Trustee of the College District to continue in office after a redistricting plan takes effect if the member no longer resides in the district from which the Trustee was elected.

APPLICABILITY

This method of election does not apply to a College District to which Education Code 130.081, 130.083, 130.0821, or 130.088 applies, or to a College District required by other law to elect Trustees from single-member districts. This method of election does not apply to the election of Trustees in any College District in which the election of Trustees is governed by a court order so long as that order remains in effect. This method of election does apply to

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an independent school district junior College District governed by a separate board.

Education Code 130.0822, 130.0826

BOUNDARY CHANGE
NOTICE

A College District that changes its boundaries or the boundaries of College Districts used to elect members to the Board 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 provisions of 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 voters' 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 notice 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 AN ELECTION

ELECTION ORDER

The Board shall call the election not later than the 62nd 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 election shall be called not later than the 70th day before the election day. A board shall order an 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 each 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. A board shall retain the election order for at least 22 months after election day. *Election Code 3.006, 3.008, 66.058(a), 83.010, 85.004, 85.007*

FAILURE TO ORDER
AN ELECTION

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

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ELECTION NOTICE

Notice of the election shall be posted in at least three public places in the College District and shall also 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 College District's boundaries or in a newspaper of general circulation in the College District if none is published within the College District's boundaries. *Election Code 4.003(a)(1),(c); Education Code 130.082(f)*

The notice shall state the nature and date of the election, the location of each polling place, the hours the polls will be open, the location of each 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 notice of a special election must also state each office to be filled or the proposition stating each measure to be voted on, unless the notice regards an election on a proposed constitutional amendment. The Board shall retain a copy of the published notice that contains the name of the newspaper and the date of publication and shall preserve that copy at least 22 months after election day.

Election Code 4.004, 4.005, 66.058(a), 83.010, 85.004, 85.007

POSTING

In addition to the notice described above, the College 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 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), 4.005*

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 College District is located not later than the 60th day before election day. *Election Code 4.008*

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 College 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;

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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

Not later than the 30th day before the first day on which a candidate may file an application for a place on the ballot, the College District shall post notice of the dates of the filing period in a public place in a building where applications are filed. *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.

Any resident, qualified elector of the College District may have his or her name placed as a candidate on the official ballot for any position to be filled at each regular election by filing a written application, signed by the candidate, with the Secretary of the Board not later than 5:00 p.m. of the 62nd day before the day of the election except for an election to be held on the general election date for state and county officers, when the day of the filing deadline is the 70th day before election day.

Education Code 130.082(g); 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 College District, which day must not be 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.

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EXCEPTION	<p>For a special election to be held on the date of the general election for state and county officers, the day of the filing deadline is the 67th day before election day.</p> <p><i>Election Code 201.054(a), (d), (f)</i></p>
WRITE-IN CANDIDACY	<p>A declaration of write-in candidacy must be filed not later than 5:00 p.m. of the fifth day after the date an application for a place on the ballot is required to be filed, except for an election to be held on the general election date for state and county officers, when the day of the filing deadline is the 67th day before election day. <i>Education Code 130.0825(b), (e)</i></p>
APPLICATION	<p>The application must state the number of the position for which the candidate is filing or the name of the incumbent member of the Board holding the position sought. 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] The candidate shall be eligible to run for only one position in each election. <i>Education Code 130.082(g); Election Code 31.0021, 141.031, 141.039</i></p>
ELECTION OF UNOPPOSED CANDIDATE	<p>The Board may declare each unopposed candidate elected if each candidate for an office that is to appear on the ballot is unopposed.</p> <p>For purposes of determining whether all offices on a ballot are unopposed, a special election of the College District is considered to be a separate election with a separate ballot from:</p> <ol style="list-style-type: none">1. A general election for officers of the College District held at the same time as the special election; or2. Another special election of the College District held at the same time as the special election.
SINGLE-MEMBER DISTRICTS	<p>If any members of the Board are elected from 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 College District is unopposed and no opposed at-large race is to appear on the ballot.</p> <p><i>Election Code 2.051</i></p>
PROCEDURE FOR CANCELING ELECTION	<p>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</p>

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the election for that office may be counted. If the Board makes such a declaration, the election is not held. *Election Code 2.052, 2.053(a), (b)*

If no election is to be held by the College 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 trustee election has been canceled but a separate election is to be held by the College 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, 52.069, 52.093-.094*

BALLOT POSITION

The location on the ballot of the names of the candidates for each position shall be chosen by lot by the Board. The candidate shall be eligible to run for only one position in each election. *Education Code 130.082(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 Chapter 32*

POLLING PLACES

A board shall designate polling places. Each polling place shall be accessible to and usable by the elderly and physically disabled. *Election Code 43.004, 43.034*

If a College District holds an election on the November uniform election date, the College 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 College District. *Election Code 42.002(a)(5), 42.0621, 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)*

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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

The College District shall provide bilingual election materials, as specified by law, when the director of the federal census determines that:

1. More than five percent of the citizens of voting age of the College District are members of a single language minority and are limited-English proficient, or more than 10,000 of the citizens of voting age of the College District are members of a single language minority and are limited-English proficient; and
2. The illiteracy rate of the citizens in the language minority as a group is higher than the national illiteracy rate, illiteracy defined as the failure to complete the fifth primary grade.

The term "limited-English proficient" means unable to speak or understand English adequately enough to participate in the electoral process.

The term "language minorities" or "language minority group" means people who are American Indian, Asian American, Alaskan natives, or of Spanish heritage.

42 U.S.C. 1973aa-1a

Except as provided by Election Code 272.003, 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.

An election precinct may be exempt from the bilingual requirement if official census information or other information indicates that per-

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sons of Spanish origin or descent comprise less than five percent of the precinct's inhabitants.

Election Code 272.002, 272.003

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 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, and the requirements for accessibility under 42 U.S.C. Section 15481(a)(3) and its subsequent amendments, and Title II of the federal Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) 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 SYSTEM
EXCEPTIONS

Upon providing the notice detailed in Election Code 61.013(d), the College 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 College District's election is not held jointly with another election in which a federal office appears on the ballot and if the College 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 College 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 College 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 College 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;

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

Election Code 61.013

MULTIPLE
VOTING
SYSTEMS
PERMITTED

A College 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 GL]

VOTING SYSTEM
MALFUNCTION

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

EARLY VOTING

A 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
MAJORITY

A candidate receiving a majority of the votes cast for all candidates for a Trustee position shall be declared elected. If no candidate receives such a majority, then the two candidates receiving the highest number of votes shall run against each other for the position. *Education Code 130.082(g); Atty. Gen. Op. M-1101 (1972)*

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RUNOFF ELECTIONS	If no candidate receives a majority of the votes cast for all candidates for a position, then the two candidates receiving the highest number of votes shall run against each other for the position. The runoff election for all positions shall be held not earlier than the 20th day or later than the 45th day after the date the final canvass of the main election is completed. <i>Education Code 130.082(g); Election Code Chapter 2, Subchapter B</i>
WRITE-IN VOTING	Subchapter B, Chapter 146, Election Code, applies to write-in voting in an election for members of the governing body except to the extent of a conflict with this section. In a general or special election for members of the governing body of the College District, a write-in vote may not be counted for a person unless the person has filed a declaration of write-in candidacy with the Secretary of the Board in the manner provided for write-in candidates in the general election for state and county officers. <i>Education Code 130.0825(a), (c)</i>
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. <i>Election Code 2.002</i>
CANVASS RETURNS	<p>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.</p> <p>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:</p> <ol style="list-style-type: none">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; or3. 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. <p>Two members of the Board constitute a quorum for purposes of canvassing an election.</p> <p><i>Election Code 67.003, 67.004(a)</i></p>
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

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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, 67.017, 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 Trustees, 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 statement has been signed and certificates of election have been issued, but before entering upon the duties of the office, the Trustee 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