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**Note:** If the district is subject to a court order or other binding legal determination, the district shall conduct its elections in accordance with that court order or determination, applicable law, and this policy. To the extent of any conflict, the court order or other legal determination shall prevail [See BBB(LOCAL)]

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**Eligibility**

To be eligible to be a candidate for, or elected or appointed to, the office of school board member, a person must

- 1 Be a United States citizen
- 2 Be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable.
- 3 Have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote
- 4 Have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities [but see Ineligibility below]
- 5 Have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date
  - a For an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot.
  - b For a write-in candidate, the date of the election at which the candidate's name is written in.
  - c For an appointee to an office, the date the appointment is made
- 6 Be registered to vote in the territory from which the office is elected on the date described at item 5, above.

*Election Code 1 020, 141 001(a), Gov't Code 601 009, Tex Const Art XVI, Sec 14*

**Qualified Voter**

A person may not be elected trustee of an independent school district unless the person is a qualified voter *Education Code 11 061(b)*

"Qualified voter" means a person who

- 1 Is 18 years of age or older,

- 2 Is a United States citizen,
- 3 Has not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote,
- 4 Has not been finally convicted of a felony or, if so convicted, has fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court, or been pardoned or otherwise released from the resulting disability to vote,
- 5 Is a resident of this state, and
- 6 Is a registered voter

*Election Code 1 020, 11 002 [See Atty Gen Op KP-0251 (2019) (concluding that the restoration of a convicted felon's qualification to vote under Election Code 11 002(a)(4)(A) after fully discharging a sentence does not restore the person's eligibility to hold public office under Election Code 141 001(a)(4))]*

**Residence**

"Residence"  
Defined

In the Election Code, "residence" means domicile, that is, one's home and fixed place of habitation to which one intends to return after any temporary absence. A person may not establish residence for the purpose of influencing the outcome of a certain election. A person does not lose the person's residence by leaving to go to another place for temporary purposes only. A person does not acquire a residence in a place to which the person has come for temporary purposes only and without the intention of making that place the person's home. A person may not establish a residence at any place the person has not inhabited. A person may not designate a previous residence as a home and fixed place of habitation unless the person inhabits the place at the time of designation and intends to remain. *Election Code 1 015*

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**Note:** The issue of whether a candidate has satisfied residency requirements should be judicially determined *State v Fischer, 769 S W 2d 619 (Tex App —Corpus Christi 1989, writ dism'd w o j)*

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*Intent to Return*

For purposes of satisfying the continuous residency requirement, a person who claims an intent to return to a residence after a temporary absence may establish that intent only in accordance with Election Code 141 001(a-1), which does not apply to a person displaced from the person's residence due to a declared local, state, or national disaster *Election Code 141 001(a-1)–(a-2)*

BOARD MEMBERS  
ELIGIBILITY/QUALIFICATIONS

BBA  
(LEGAL)

Single-Member  
Districts

A candidate for board member representing a single-member district must be a resident of the district the candidate seeks to represent *Education Code 11 052(g)*

**Ineligibility**

A person is ineligible to serve as a member of the board of a district if the person has been convicted of a felony or an offense under Penal Code 43 021 (solicitation of prostitution) *Education Code 11 066*

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**Membership**

The board consists of the number of members that the district had on September 1, 1995. *Education Code 11 051(b)*

Increase in  
Membership

A board that has three or five members may by resolution increase the membership to seven. A board that votes to increase its membership must consider whether the district would benefit from also adopting a single-member election system under Education Code 11 052. [See Single-Member Districts, below ]

A resolution increasing the number of trustees takes effect with the second regular election of trustees that occurs after the adoption of the resolution. The resolution must provide for a transition in the number of trustees so that when the transition is complete, trustees are elected as provided by Education Code 11 059 (terms).

*Education Code 11 051(c)*

**Terms**

A trustee of a district serves a term of three or four years

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

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

Board policy must state the schedule on which specific terms expire.

*Education Code 11 059*

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**Note:** For website posting requirements regarding trustee information, see CQA

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**Uniform Election  
Dates**

Each general or special election of board members shall be on one of the following dates:

- 1 The first Saturday in May

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ELECTIONS

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2 The first Tuesday after the first Monday in November

*Election Code 41 001(a)*

**Joint Elections**

Required

A district trustee 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, which is held on the first Tuesday after the first Monday in November in even-numbered years under Election Code 41 002,
- 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.

Elections held on the same date as provided above 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(a)–(c)*

A board may enter into an agreement with another political subdivision holding an election on the same day in all or part of the same county to hold the elections jointly. The terms of a joint election agreement must be stated in an order, resolution, or other official action adopted by the board. *Election Code 271 002*

**Methods of  
Election—Options**

At Large

In a district in which the positions of trustees are not designated by number or in which the trustees are not elected from single-member trustee districts, the candidates receiving the highest number of votes shall fill the positions the terms of which are normally expiring. *Education Code 11 057(b)*

Position or Place

The positions on the board shall be designated by number in any district in which the board by resolution orders that all candidates for trustee be voted on and elected separately for positions on the board and that all candidates be designated on the official ballot

according to the number of the positions for which they seek election.

Not later than the 60th day before the date of an election, the board must make the resolution and number the positions on the board in the order in which the terms of office expire. Once a board has ordered the election of trustees by numbered positions, neither the board nor their successors may rescind the action.

*Education Code 11 058(c)–(f)*

Single-Member  
Districts

*On Board's  
Motion*

Except as provided below, the board, on its own motion, may order that trustees of the district are to be elected from single-member districts or that not fewer than 70 percent of the members of the board are to be elected from single-member districts with the remaining board members to be elected from the district at large.

If a majority of the area of a district is located in a county with a population of less than 10,000, a board, on its own motion, may order that trustees of the district are to be elected from single-member districts or that not fewer than 50 percent of the members of the board are to be elected from single-member districts with the remaining board members to be elected from the district at large.

Before adopting an order, a board must

1. Hold a public hearing at which registered voters of a district are given an opportunity to comment on whether or not they favor the election of trustees in the manner proposed by the board, and
2. Publish notice of the hearing in a newspaper that has general circulation in the district, not later than the seventh day before the date of the hearing.

An order adopted by the board must be entered not later than the 120th day before the date of the first election at which all or some of the trustees are elected from single-member districts authorized by the order.

*Education Code 11 052(a)–(d)*

*By Voter Petition*

If at least 15 percent or 15,000 of the registered voters of the district, whichever is less, sign and present to the board a petition requesting submission to the voters of the proposition that trustees be elected in a specific manner, which must be generally described on the petition and which must be a manner of election the board could have ordered on its own motion, the board shall order that the appropriate proposition be placed on the ballot at the first regular election of trustees held after the 120th day after the date the

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ELECTIONS

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petition is submitted to the board. The proposition must specify the number of trustees to be elected from single-member districts. Beginning with the first regular election of trustees held after an election at which a majority of the registered voters voting approve the proposition, trustees shall be elected in the manner prescribed by the approved proposition. *Education Code 11 052(e)*

*Board Member  
Districts*

If single-member districts are adopted or approved by either method described above, the board shall divide the district into the appropriate number of trustee districts, based on the number of members that are to be elected from single-member districts, and shall number each trustee district. The trustee districts must be compact and contiguous and must be as nearly as practicable of equal population. In a district with 150,000 or more students in average daily attendance, the boundary of a trustee district shall not cross a county election precinct boundary except at a point at which the district boundary crosses the county election precinct boundary. Trustee districts must be drawn not later than the 90th day before the date of the first election of trustees from those districts. *Education Code 11 052(f)*

*Residency for  
First Election*

Residents of each trustee district are entitled to elect one trustee to the board. A trustee elected to represent a trustee district at the first election of members must be a resident of the district the trustee represents not later than the 90th day after the date election returns are canvassed, or the 60th day after the date of a final judgment in an election contest filed concerning that trustee district. A trustee vacates the office if the trustee fails to move into the district the trustee represents within the time provided. [For more information on residency, see BBA and BBC.] *Education Code 11 052(g)*

*Number and  
Term*

At the first election at which some or all of the trustees are elected from single-member trustee districts and after each redistricting, all positions on a board shall be filled. The trustees then elected shall draw lots for staggered terms as provided by Education Code 11.059 (terms). *Education Code 11 052(h)*

*Redistricting*

Not later than the 90th day before the date of the first regular board election at which trustees may officially recognize and act on the last preceding federal census, a board shall redivide a 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 a district shall be in the manner provided above at Board Member Districts. *Education Code 11 052(i)*

*Phase-in Option*

The board of a district that adopts a redistricting plan may provide for the trustees in office when the plan is adopted or the district is

redistricted to serve for the remainder of their terms in accordance with this provision. The trustee district and any at-large positions provided by the district's plan shall be filled as the staggered terms of trustees then in office expire. Not later than the 90th day before the date of the first election from trustee districts and after each re-districting, a board shall determine the order in which the positions will be filled. *Education Code 11 053*

**Boundary Change  
Notice**

A district that changes its boundaries or the boundaries of 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*

**Methods of Voting—  
Options**

Plurality

Except as otherwise provided at Majority, below, to be elected to a public office, a candidate elected at large, at large by position, or by single-member districts must receive more votes than any other candidate for the office. *Education Code 11 057(a), (b), Election Code 2 001*

Cumulative

The board of a district that elects its trustees at large or at large by position may order that elections for trustees be held using the cumulative voting procedure

If a board adopts an order requiring the use of cumulative voting, only the board member positions that were scheduled to be filled at the election are filled through the use of cumulative voting

At an election at which more than one board member position is to be filled, all of the positions that are to be filled at the election shall be voted on as one race by all the voters of a district. Each voter is entitled to cast a number of votes equal to the number of positions to be filled at the election

A voter may cast one or more of the specified number of votes for any one or more candidates in any combination. Only whole votes may be cast and counted. If a voter casts more than the number of votes to which the voter is entitled in the election, none of the voter's votes may be counted in that election. If a voter casts fewer votes than entitled, all of the voter's votes are counted in that election



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(LEGAL)

The candidates who are elected are those, in the number to be elected, receiving the highest number of votes.

A district that adopts an order requiring the use of cumulative voting may not elect its members by position as provided by Education Code 11.058

*Education Code 11 054*

Majority

The board of a district in which the positions of trustees are designated by number or in which the trustees are elected from single-member districts 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 trustee 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)*