

SUBJECT: Allowing school boards to set certain voting requirements

COMMITTEE: Public Education — favorable, with amendments

VOTE: 8 ayes — Sadler, Dutton, Culberson, Hernandez, Hochberg, Price, Rhodes, Williamson
0 nays
1 absent — Uher

SENATE VOTE: On final passage, February 11 — 30-0

WITNESSES: None

DIGEST: SB 232 would allow school boards to require that candidates for the board receive a majority of the votes in order to be elected. The board would have to approve this requirement no later than the 120th day before the date of the election. Once the board adopted this requirement, neither the board nor its successors could rescind the action.

The bill would specify that boards of trustees would not be required to elect trustees in a different manner than they were using on June 1, 1997.

A declaration of a write-in candidacy would have to be filed no later than the 45th day before the election. If a candidate whose name was to appear on the ballot died or was declared ineligible after the 48th day before the date of the election, a declaration could be filed not later than the 42nd day before the date of the election.

SB 232 would take effect September 1, 1997.

SUPPORTERS SAY: SB 232 would remedy an oversight in SB 1, the 1995 revision of the Education Code, by giving school boards the option of requiring that candidates must receive a majority of votes in order to serve on board. In the process of revising the code, this provision was inadvertently left out. Without this provision, a candidate could be elected without the support of a

majority of the voters. School districts that want to allow candidates to be elected without a majority would still have the option of doing so.

The bill would also move up the deadline by which write-in candidates must declare their candidacies in order to conform these provisions to those that govern other elections. By tracking part of the Election Code, this provision would allow school districts to cancel elections in which all candidates ran unopposed.

OPPONENTS
SAY:

No apparent opposition.