

SUBJECT: Requirements for write-in candidates for junior college districts

COMMITTEE: Elections — favorable, without amendment

VOTE: 6 ayes — Danburg, Averitt, Denny, Hodge, Madden, Uher
0 nays
3 absent — J. Jones, Gallego, Greenberg

WITNESSES: None

BACKGROUND: The Education Code prohibits a vote for a write-in candidate in a school board or a junior college district election from being counted unless that candidate has filed a declaration of write-in candidacy.

Section 11.056, Education Code states that for school board elections, the declaration must be filed with the secretary of the board of trustees in the manner provided for write-in candidates in the general election for state and county officers.

Section 130.0825, Education Code states that for junior college district elections, the declaration must be filed with the authority with whom an application for a place on the ballot is required to be filed in the election.

DIGEST: HB 442 would amend section 130.0825, Education Code to provide that write-in votes for members of the governing bodies of junior college districts not be counted unless the candidate receiving the vote had filed a declaration of write-in candidacy with the secretary of the board of trustees of the junior college district, in the same manner provided for candidates in the general election for state and county officials.

This bill would take effect September 1, 1999.

SUPPORTERS SAY: Sections in the Education Code for public education and higher education include essentially the same requirements for write-in candidates. Because the sections are written differently, some junior colleges have interpreted the codes as having different requirements. HB 442 would just clarify the

HB 442
House Research Organization
page 2

Education Code by making the write-in candidacy filing requirements for junior college district elections consistent with the filing requirements for school district trustees and state and county officers.

OPPONENTS
SAY:

No apparent opposition.