

- SUBJECT:** Continuing current junior college district trustee terms after redistricting
- COMMITTEE:** Higher Education — favorable, without amendment
- VOTE:** 7 ayes — Rangel, F. Brown, Farabee, J. Jones, Morrison, Uher, West  
0 nays  
2 absent — Goolsby, E. Reyna
- WITNESSES:** None
- BACKGROUND:** Education Code, sec. 130.082(e) provides that trustees for the governing board of a junior college district be elected for six-year terms and that one-third of the seven- or nine-member board be elected at-large during regular elections held in even-numbered years every two years. Education Code, secs. 130.821 and 130.822 provide for the election of some or all trustees from single-member districts. Fourteen of the state's 50 junior and community college districts elect all trustees from single-member districts, and four other districts use some combination of single-member districts and at-large elections.
- The U.S. Constitution requires a census every 10 years to apportion the states' members in the U.S. House of Representatives, and that information about population is also used for redistricting at the state and local levels. The U.S. Supreme Court decision in *Baker v. Carr*, 369 U.S. 186 (1962) established the principle of one-person, one-vote to ensure that all voting districts — including single-member junior college trustee districts — be redistricted every 10 years so that each contain an equal population.
- DIGEST:** HB 1754 would add Education Code, sec.130.826 to give junior college districts the option of allowing trustees elected from single-member districts to serve the remainder of their unexpired term rather than requiring the election of all trustees in the next election after redistricting. No trustee would be allowed to remain in office after the redistricting if that member no longer resided in the district as it was redrawn after redistricting.

HB 1754 also would revise the requirement in Education Code 130.0821 that the governing board of a countywide community college district that contains a city with a population of more than 384,500 residents redistrict the seven single-member districts within 90 days of the earliest date on which the board may recognize and act on publication of the federal census.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

**SUPPORTERS  
SAY:**

HB 1754 would provide for continuity and stability of decision-making by retaining experienced trustees on junior college boards. Opening all the single-member district seats for reelection after the census could be disruptive and potentially could result in the replacement of all trustees. Administering a junior college district requires experience that can only be gained through continued service on the board.

HB 1754 would provide for equal treatment of county elected officials. The Texas Constitution, art. 5, sec. 18 permits constables, justices of the peace, and county commissioners to serve the remainder of their elected terms after redistricting. Those county officers are allowed to remain in office even if the changes in boundaries place their residences outside the precinct they were elected or appointed to represent, and the change could result in two or more constables, justices of the peace, or commissioners living in the same electoral district. HB 1754 also would permit trustees to serve out their elected terms. However, the bill would provide a safeguard to guarantee that trustees live in the areas they represent, because incumbents no longer living in the redrawn districts would not be eligible to complete their existing terms.

Countywide elections can be expensive for larger junior college districts. For example, the Dallas County Community College District would spend \$500,000 for an election for all its trustees. HB 1754 would allow the district to reduce its election costs and redirect those taxpayer-provided funds into needed educational programs.

Elections also are expensive and time-consuming for candidates, particularly those elected to new terms only last year. It would be unfair to have new

trustees run again when they yet have much to learn about their duties and responsibilities. Voters still would be able to decide on at least a third of the board membership, as they do every two years.

HB 1754 would be permissive and would not require all boards of trustees to adopt a plan to allow trustees to serve out their existing terms. A board could decide to make all trustee positions subject to election after redistricting, if local circumstances warrant it.

OPPONENTS  
SAY:

HB 1754 would provide unnecessary and unwarranted protection for incumbents. The voters should have the right to vote for the entire board of trustees because all districts would change after redistricting. Allowing a change in representation to reflect the new district would be only fair.

Texas law is inconsistent on what offices are subject to new elections after redistricting. The entire state Senate becomes subject to election once a new redistricting plan is drawn, and that body decides on matters significantly more complex than those facing junior college trustees or other county officials.

Democracy and free elections should not be evaluated merely on the basis of cost or trouble to the junior college districts or the candidates. Election of the entire board could encourage a higher level of voter turnout, which has its own value.

A newly-drawn district may retain the trustee's residence but might include a significantly different constituency because of changing demographics or inclusion of other neighborhoods needed to meet one-person, one-vote or Voting Rights Act concerns. Voters in the newly reconfigured district should be given the right to decide on their representative as soon as possible in these cases rather than wait two to four years.

NOTES:

The companion bill, SB 972 by Van de Putte, was referred to the Senate Redistricting Committee on March 1.