CHAPTER 508

H.B. No. 377

AN ACT

relating to the filing period for applications for a place on the ballot for school and junior college district trustee candidates.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 23.03(a), Education Code, is amended to read as follows:

(a) Applications of candidates for a place on the ballot *must* [shall] be filed not *later* [less] than *5 p.m. of the 45th day before* [30 days prior to] the day of the election. *An application may not be filed earlier than the 30th day before the date of the filing deadline. No*[, and no] candidate shall have his name printed on said ballot unless there has been compliance with the provisions of this section.

SECTION 2. Section 17.03(d), Education Code, is amended to read as follows:

(d) In elections for county school trustees or county board members, all candidate applications for a place on the ballot must be filed with the county judge not *later* [less] than *5 p.m. of the 45th day before* [30 days prior to] the day of election. *An application may not be filed earlier than the 30th day before the date of the filing deadline.*

SECTION 3. Section 22.02(c), Education Code, is amended to read as follows:

(c) Any person desiring to have his name placed on the ballot as a candidate for the office of trustee of a common or common consolidated school district *must* [shall], *not later than 5 p.m. of the 45th day* [at least 30 days] before the day of election, file a written *application* [request] with the county judge of the county in which the district is located, requesting that his name be placed on the official ballot. *An application may not be filed earlier than the 30th day before the date of the filing deadline.*

2120

SECTION 4. Section 130.044(d), Education Code, is amended to read as follows:

(d) A person desiring election to a numbered position on the board must, *not later than 5 p.m. of the 45th day* [at least 30 days] before the *date of the* election, file with the board of trustees a written *application* [notice of his candidacy], designating the number of the position on the board of trustees for which he desires to become a candidate, and requesting that his name be placed on the ballot. *An application may not be filed earlier than the 30th day before the date of the filing deadline.* Each candidate who files *an application* [notice] is entitled to have his name printed on the official ballot beneath the number of the position designated in his *application* [notice]. A person who fails to file the *application* [notice] required by this section may not have his name printed on the official ballot. A candidate is eligible to have his name printed on the ballot under only one position to be filled at the election.

SECTION 5. Section 130.082(g), Education Code, is amended to read as follows:

(g) The board shall designate a number for the position held by each member of the board, from one upward in consecutive numerical order in such manner that the lowest numbers shall be assigned to the members whose terms of office expire in the shortest length of time, provided that any such position number designations on existing boards under existing law at the effective date of this act shall remain in effect. At each election candidates shall be voted upon and be elected separately for each position on the board, and the name of each candidate shall be placed on the official ballot according to the number of the position for which he or she is running. A candidate receiving a majority of the votes cast for all candidates for a 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. The run-off election for all positions shall be held on *a date that complies with law* [the last Saturday in April] and shall be ordered, notice thereof given, and held, as provided herein for regular elections. Any resident, qualified elector of the 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 with the secretary of the board a written application therefor signed by the applicant, not *later* [less] than *5 p.m. of the 45th day before* [30 nor more than 60 days prior to] the date of the election. *An application may not be filed earlier than the 30th day before the date of the filing deadline.* Such application must state the number of the position for which he or she is a candidate, or the name of the incumbent member of the board holding the position for which he or she desires to run. The location on the ballot of the names of candidates for each position shall be chosen by lot by the board. A candidate shall be eligible to run for only one position at each election.

SECTION 6. This Act takes effect September 1, 1987.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 1, 1987, by a non-record vote. Passed by the Senate on May 19, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 17, 1987.

Effective Sept. 1, 1987.