

- SUBJECT:** Allowing school board trustees to be elected by majority vote
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 6 ayes — Sadler, Dunnam, Grusendorf, Hochberg, Lengefeld, Smith  
0 nays  
2 present, not voting — Dutton, Olivo  
1 absent — Oliveira
- SENATE VOTE:** On final passage, March 2 — voice vote (Zaffirini recorded nay)
- WITNESSES:** For — Cathy Douglass, Texas Association of School Boards  
Against — Joe Sanchez, Mexican American Legal Defense and Education Fund
- BACKGROUND:** Under Education Code, sec. 11.057, a candidate for school board trustee receiving the highest number of votes is entitled to serve as trustee. This provision applies to districts in which candidates run for numbered positions and to districts in which all candidates run at-large.
- DIGEST:** SB 111 would allow the board of trustees in a school district in which the trustees' positions are designated by number or in which the trustees are elected from single-member districts to require a candidate to receive a majority of votes to be elected.  
  
Boards of trustees would have to approve this requirement by resolution no later than the 180th day before the date of the election. The requirement would be effective until rescinded by a subsequent resolution that would have to be approved no later than 180 days before the date of the first election that would be affected by the rescission.  
  
The bill would not require boards of trustees to elect trustees in a different manner than they were using on June 1, 1999.

The bill would take effect September 1, 1999.

**SUPPORTERS  
SAY:**

SB 111 would remedy an oversight in SB 1, the revamping of the Education Code enacted in 1995, by giving most school boards the option of requiring that trustee candidates receive a majority of votes in order to serve on the board. In the process of revising the code, this provision was left out inadvertently.

Under plurality voting, in an election with several candidates, a trustee potentially could be elected with few votes and little community support. Under SB 111, school districts that wanted to allow candidates to be elected without a majority vote would retain that option, but those that preferred election by majority vote with a runoff could choose that system.

Allowing a majority vote option for school trustee elections would not dilute minority voting. Texas school districts that went to a majority vote system after 1975, when Congress included Texas under the Voting Rights Act, had to obtain preclearance from the U.S. Department of Justice (DOJ) to determine whether the change would have the purpose or effect of diluting or abridging minority strength. The districts obtained preclearance and used runoff elections until 1995, when SB 1 removed this option. Any district that chose to revert to the majority requirement under SB 111 would be subject again to the DOJ preclearance process and would have to show that any electoral change would not have the purpose or effect of diluting minority votes compared to the existing electoral system.

The bill would make the majority voting option rescindable to give districts flexibility regarding their election schemes in order to address any potential Voting Rights Acts litigation.

**OPPONENTS  
SAY:**

SB 111 could harm minority voters, because a majority voting system can dilute minority votes and would open the door to widespread defeat of minority candidates. Under the current plurality voting system, districts with a significant minority population have a better chance of electing candidates who represent them. SB 111 could violate the federal Voting Rights Act by diluting the power of minority voters to elect the candidates of their choice.

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OTHER  
OPPONENTS  
SAY:

SB 111 would result in more runoff elections. The cost of runoff elections varies from minimal in small districts to as much as \$300,000 in very large districts. The local school district would have to pay the cost of any runoff election.

NOTES:

In the 1997 legislative session, a similar bill, SB 232 by Carona, passed the Senate, but died when all bills on the May 27 calendar were ruled out of order.