

Electoral Systems in Texas

Spring Branch Independent School District
January 13, 2020

Lisa R. McBride
Thompson & Horton LLP

www.thompsonhorton.com

Electoral Systems Recognized in Texas

Pure At-Large

At-Large by Position

Combination SMD and At-Large

Pure SMD



Methods for Tallying Votes

Plurality

Majority

Block Voting

Cumulative Voting

Methods of Election and Tallying Votes

METHODS OF ELECTION AND TALLYING VOTES

<i>Method of Election</i>	<i>Description</i>
Pure At-Large	Candidates for trustee run as one group <u>in a single race</u> on the ballot, with the top vote-getters elected to the open seats on the board. All qualified voters in the school district vote in the election.
At-Large by Place	Positions on the board are designated by number. Candidates for trustee <u>run for election in separate races</u> on the ballot according to the number of the position for which they seek election. All qualified voters in the school district vote in all races on the ballot. <u>This is SBISD's current method of election.</u>
Combination At-Large and Single-Member Districts (5:2 or 6:1)	Under this system, the school district is divided into geographic sub-units called single-member districts of roughly equal size, <u>in a number less than the total number of trustee positions (usually 5 or 6)</u> . Candidates run for election according to the single-member district in which they reside, and the remaining positions are elected at-large. Only voters who reside within a single-member district may vote for candidates running for that single-member district. All qualified voters of the school district may vote in the at-large race(s).
Pure Single-Member Districts	Under this system, the school district is divided into geographic sub-units called single-member districts of roughly equal size, in a number equal to the number of trustee positions (usually 7) on the Board. Candidates run for election according to the single-member district in which they reside. Only voters who reside within a single-member district may vote for candidates running for that single-member district.
<i>Method of Tallying Votes</i>	<i>Description</i>
Plurality	Under a plurality system a candidate must receive more votes than any other candidate for the office to be elected. <u>This is SBISD's current method for tallying votes.</u>
Majority	Under a majority vote system, a candidate must receive more than fifty percent of the total vote for the office to be elected.
Block Voting	Under a block voting system, each voter can select up to as many candidates as there are open seats. The candidates with the greatest number of votes are elected to office. For example, if there are three at-large seats up for election and 8 candidates for those seats, each voter may select 3 candidates, and the top three vote-getters would win election to the seats.
Cumulative Voting	Under a cumulative voting system, each voter can cast a number of votes equal to the number of seats to be filled at the election. A voter can allocate all of these votes to a single candidate or distribute his/her votes among several candidates (<i>i.e.</i> casting one vote for one candidate and two votes for another candidate, or all three votes for a single candidate). The candidates who are elected are those, in the number to be elected, receiving the highest number of votes.

Data on Electoral Systems in Texas

Pure At-Large
455

At-Large by Place
393

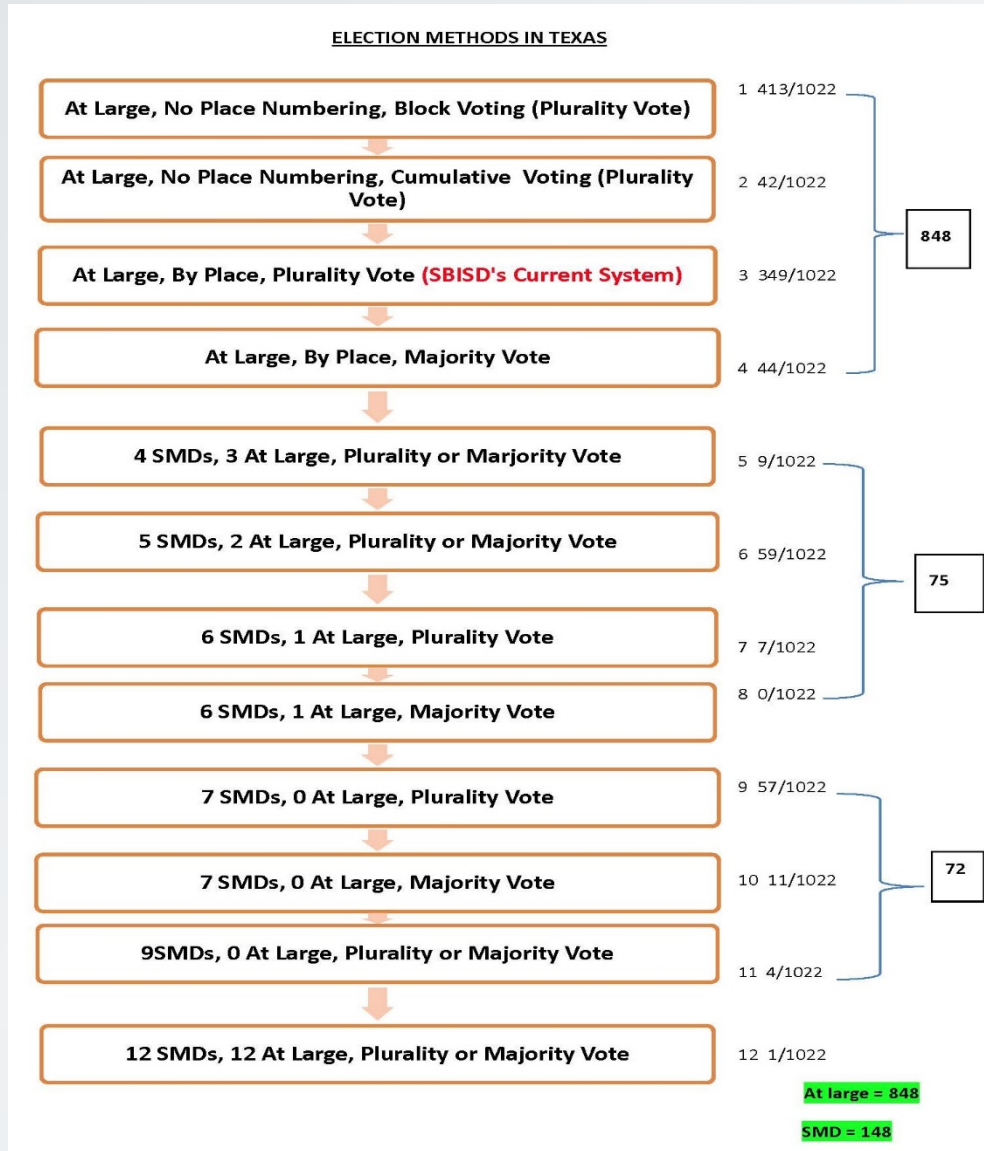
Pure SMD
72

Combination SMD
75

At-Large
848

SMD
147

Additional Data on Electoral Systems in Texas



When Will Census Data Useful for Considering Electoral Options Be Available?

- PL (Public Law) 94-171: this federal statute requires the census bureau to provide by April 1 of each year following a decennial census, the census data necessary for redistricting.
- i.e., April 2021
- First election at which electoral change based on current census data could be implemented: May 2022, or later, to allow more community input.

SINGLE-MEMBER DISTRICTS



SMD substantive requirements from federal and state law:

- SMDs must be compact and contiguous.
- SMDs must be as “nearly as practicable of equal population.”
- Equal population generally seen as no more than 10% deviation between most populous and least populous SMD.

State law also provides several procedural requirements, e.g.:

- at least 70% of trustee positions must be SMDs in an SMD system meaning at least 5 for a 7-member board.
- a SMD cannot cross a county precinct in ISDs with an ADA of 150,000 or more students.
- requirement to redistrict if data shows existing districts have a population deviation of more than 10% between the most populous and least populous.

Texas Education Code § 11.052 (a), (f), (i).

Under state law, before adopting a single member district plan a board must:

- hold a hearing at which registered voters of the District are given an opportunity to comment on whether they favor the election of board members by SMDs.
- Publish notice of the hearing in a newspaper that has general circulation in the District not later than the seventh day before the day of the hearing.
- Any order entered adopting a SMD plan must be entered no later than the 120th day before the day of the first election at which some or all the board members are elected by SMDs as authorized by the order.



Texas Education Code § 11.052 (c), (d).

Board Member Districts

- SMDs must be drawn not later than the 90th day before the first day of the first election of members from those districts.
- A member elected to represent a SMD at the first election of members must be a resident of the district he or she represents not later than the 90th day after the election returns are canvassed, or not later than the 60th day after final judgment has been entered in an election contest.

Texas Education Code § 11.052 (f), (g).

Notice of Board Member Districts

- A school district that changes its boundaries or the boundaries of the districts used to elect its members shall not later than the 30th day after the date the change is adopted:



- Notify the voter registrar of the county in which the area subject to the change is located of the adopted change; and
- Provide the voter registrar with a map of an adopted boundary change in a format that is compatible with the mapping format used by the registrar's office.



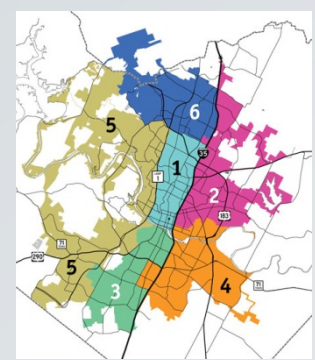
State law also provides for the transition to the new plan:

- All positions are up for election after adopting SMDs.
- Alternatively, incumbent trustees may serve the remainder of their terms and the new plan phased in in the order the Board determines.

Texas Education Code § § 11.052 (h); 11.053

NEXT STEPS

- Understand Pros and Cons of Alternative Electoral Systems
- Deeper Dive into Each Electoral System
- Determine Electoral Change Desired, if any
- Receive and Analyze Census Data (April 2021)
- Establish Timeline and Process for Implementing Electoral Change, if any



Electoral Systems in Texas

Spring Branch Independent School District

January 13, 2020

Lisa R. McBride

Thompson & Horton LLP

www.thompsonhorton.com