

Policy Report and Consideration No. 1 **(ACTION ITEM 1)** **Board Meeting 8-4-16**

Request: Consideration of Approval of Change to Policy I.C.2.19 (**ACTION ITEM 1**) (**FINAL READING**)

Chancellor's Recommendation: That the Board of Trustees approve the proposed change to Policy I.C.2.19.

Rationale: Currently Board Policy I.C.2.19 provides that to be elected to a public office, a candidate must receive more votes than any other candidate for the office. This is plurality vote requirement. Upon review of this policy and current statutory authority, as well as an Attorney General opinion, the College should be electing its trustees by majority vote rather than by plurality

Although Section 2.001 of the Election Code provides that elections in the State of Texas are by plurality that is only true if another law does not provide otherwise. Section 130.082 provides that junior college districts are to elect trustees by majority vote. Additionally, Section 130.0822, governing junior colleges electing by single member district, requires compliance with Section 130.082.

Fiscal Impact: This policy change, which now requires a majority vote could result in run-off elections for which the College would bear the cost of administering the run-off election and unlike their general elections the College likely would not be able to disperse the cost of a run-off with election partners.

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I.C.2.19 Majority Vote Required

A candidate receiving a majority of the votes cast for a position shall be declared elected. If no candidate receives a majority, then the two candidates receiving the highest number of votes shall run against each other for the position in a run-off election. The run-off election shall be held and conducted in compliance with state law.¹

¹ TEX. ELEC. CODE § 2.001; TEX. EDUC. CODE § 130.044(e)