

**Spring Branch Independent School District
Agenda Item Information**

Date of Board Meeting: January 26, 2009

Subject: Request for Approval of Adoption of Order Setting School Board Election

Administrator Responsible:

Name: Karen Wilson

Position: Associate Superintendent for Finance

Purpose of Agenda Item:

Information only Action needed Report

Additional Information and/or Back-Up:

It is recommended that the Order calling for a School Trustee Election to be held May 9, 2009, be approved.

Attached is the Order setting a Trustee Election for Saturday, May 9, 2009 for the purpose of electing members to Board Positions Three and Four. This Order also establishes polling places and a central location for early voting.

This Order has been developed by representatives of the law firm of McGinnis, Lochridge & Kilgore, L.L.P. and is in compliance with current statutes governing the conducting of school trustee elections.

ORDER CALLING THE MAY 9, 2009 TRUSTEE ELECTION;
AUTHORIZING NOTICE THEREOF;
AND CONTAINING OTHER PROVISIONS RELATING THERETO

WHEREAS, Spring Branch Independent School District (the "District") is an independent school district located entirely within Harris County, Texas, and is governed by a seven-member Board of Trustees;

WHEREAS, the terms of office of Trustees holding Trustee Positions Three and Four expire in May of 2009;

WHEREAS, an election is required to be held within the District for the purpose of electing persons to serve the succeeding terms of Trustee Positions Three and Four; and

WHEREAS, the Board of Trustees hereby declares it to be necessary to call the election hereinafter described, to authorize the giving of Notice of the election, to prescribe the manner in which the election shall be conducted, and to authorize and take all such other actions as are necessary in order to hold the election;

IT IS, THEREFORE, ORDERED BY THE BOARD OF TRUSTEES OF THE DISTRICT THAT:

1. Date and Time of Election. A general election shall be held for and within the District on May 9, 2009, between 7:00 o'clock a.m. and 7:00 o'clock p.m., for the election of one person to serve as Trustee for the full term of office of each of Trustee Positions Three and Four on the Board of Trustees. The term of office for each Trustee Position is three years. The person elected to each Trustee Position shall be that candidate for each Position who receives the highest number of the votes cast for that Position.

2. Joint Election. The election will be a joint election held with the City of Piney Point Village, Texas, a municipality located within the District. The joint election will be held in accordance with Chapter 271 of the Texas Election Code and Section 11.0581 of the Texas Education Code. Piney Point Village and the District will execute a separate Joint Election Agreement which the governing bodies of Piney Point Village and the District will adopt by order, resolution, or other official action.

3. Polling Places.

a. Opposed Election. In the event the election for any Position(s) is opposed, the general election shall be held at the following polling places within the District in the voting precincts heretofore established:

<u>Election Precinct Number</u>	<u>Polling Place</u>
2	Bunker Hill Elementary School 11950 Taylorcrest
3	Edgewood Elementary School 8655 Emnora

- 4 Frostwood Elementary School
12214 Memorial Drive
- 5 Hollibrook Elementary School
3602 Hollister
- 6 Housman Elementary School
6705 Housman Drive
- 7 Hunters Creek Elementary School
10650 Beinhorn
- 8 Memorial Drive Elementary School
11202 Smithdale
- 9 Pine Shadows Elementary School
9900 Neuens Road
- 10 Ridgecrest Elementary School
2015 Ridgecrest Drive
- 11 Rummel Creek Elementary School
625 Brittmooore
- 12 Shadow Oaks Elementary School
1335 Shadowdale
- 13 Spring Branch Elementary School
1700 Campbell Road
- 14 Valley Oaks Elementary School
8390 Westview Drive
- 15 Westwood Elementary School
2100 Shadowdale
- 16 Woodview Elementary School
9749 Cedardale
- 17 Meadow Wood Elementary School
14230 Memorial Drive
- 18 Wilchester Elementary School
13618 St. Mary's Lane
- 19 Sherwood Elementary School
1700 Sherwood Forest

- 20 Spring Shadows Elementary School
9725 Kempwood
- 21 Nottingham Elementary School
570 Nottingham Oaks
- 22 Terrace Elementary School
10400 Rothbury
- 23 Thornwood Elementary School
14400 Fern
- 24 Cedar Brook Elementary School
2121 Ojeman
- 25 Treasure Forest Elementary School
7635 Amelia Road
- 26 Buffalo Creek Elementary School
2801 Blalock

The Board of Trustees shall by written order appoint a presiding election judge and an alternate presiding election judge for each election precinct, each of whom must be a qualified voter of the precinct for which he or she is appointed. The presiding judge appointed by the Board of Trustees for each precinct shall appoint at least two, but not more than five, clerks to assist in conducting such election, all of whom shall be qualified voters of the District. In making the clerk appointments, each presiding election judge shall make reasonable efforts to appoint a sufficient number of election clerks who are fluent in English and Spanish or other language as required by law to serve the needs of the voters of the precinct.

b. Unopposed Election. In the event that each candidate whose name is to appear on the ballot is unopposed and no proposition is to appear on the ballot, the authority responsible for having the official ballot prepared shall certify in writing that a candidate is unopposed for election to an office if: (1) only one candidate's name is to be placed on the ballot for that office under Section 52.003 of the Texas Election Code; and (2) no candidate's name is to be placed on a list of write-in candidates for that office under applicable law. On receipt of the certification, the Board of Trustees by order or ordinance may declare each unopposed candidate elected to the office. If such a declaration is made, the election is not held.

4. Form of Ballot and Filing Procedures. Voting in such election shall be by electronic voting system. Ballots for the election shall be prepared in accordance with the applicable requirements of the Texas Election Code, as amended, and the Texas Education Code, as amended. In addition to all other ballot requirements, the ballots used for voting shall have printed at the top thereof the following:

TRUSTEE ELECTION, TWO TO BE ELECTED

OFFICIAL BALLOT
SPRING BRANCH INDEPENDENT SCHOOL DISTRICT
HARRIS COUNTY, TEXAS;

There shall be printed on the ballots and/or on the screen of the electronic voting machine, the names of applicants for each position who have duly filed their names in the manner and within the time required by law. No candidate for any position who has not filed an application for a place on the ballot at least sixty-two (62) days prior to the date of the election or who has not otherwise complied with the requirements for filing set forth in the Texas Education Code, as amended, and the Texas Election Code, as amended, shall have his or her name printed on the ballot. The order in which the names appear for each position on the ballot shall be determined by random selection, by lot, whereby the Secretary of the Board of Trustees places the name of each of the prospective candidates on a slip of paper, all such slips of paper are mixed in a receptacle, and then such slips are drawn therefrom. The names of candidates shall be placed on the ballot in the order in which they are drawn from such receptacle.

In order to vote for a candidate, a voter shall use the electronic voting machine to place a mark opposite the name of the candidate for whom the voter desires to vote. If the voter desires to vote for a person whose name does not appear on the ballot, such voter shall be directed to a screen on which he can type in the name of the person for whom he desires to vote, and if such person has timely filed a declaration of write-in candidacy then such ballot shall be counted and included in the official canvass.

A voter voting by mail shall place a mark opposite the name of the candidate for whom the voter desires to vote. A voter voting by mail shall write the name of the person for whom he desires to vote on the ballot card stub provided and designated for such purpose and if such person has timely filed a declaration of write-in candidacy then such ballot shall be counted and included in the official canvass; provided, however, that no irregular ballots shall be cast or counted for any persons whose names shall appear on the ballot labels.

5. Early Voting. The Board of Trustees shall appoint either a qualified voter of the District or a permanent employee of the District who is a qualified voter of any territory to serve as the Clerk for Early Voting. Qualified voter is defined in Section 11.002 of the Texas Election Code. The Clerk for Early Voting shall conduct the early voting in accordance with the provisions of the Texas Education Code, as amended, and the Texas Election Code, as amended.

Early Voting by personal appearance shall be by electronic voting system as aforesaid at the main early voting polling place. The main early voting polling place is Room 133, District Administration Building, 955 Campbell Road, Houston, Texas, being a public place within the boundaries of the District. Beginning on April 27, 2009 and continuing through May 5, 2009, the Clerk for Early Voting shall keep the office for early voting by personal appearance open for such purpose from 7:00 o'clock a.m. to 7:00 o'clock p.m. on each weekday which is not a legal state holiday. The Clerk for Early Voting also shall keep the office for early voting by personal appearance open for such purposes on each Saturday which is not a legal state holiday during the early voting period from 8:00 o'clock a.m. to 12:00 p.m. (noon). In addition, the Clerk for Early Voting shall keep the office for early voting by personal appearance open for such purpose from 7:00 o'clock a.m. to 7:00 o'clock p.m. on the day of the general election, which is May 9, 2009.

Early voting ballots for voting by mail, which shall be paper ballots, the form of which shall comply with the Texas Election Code, as amended, may be obtained from the Clerk for Early Voting. Applications for ballots for voting by mail may be submitted to the Clerk for Early Voting by mail or common or contract carrier at Post Office Box 19432, Houston, Texas 77224-9432, or if the applicant is absent from the county, by telephonic facsimile machine at (713) 365-4797. An application submitted in one of these manners must be received by the Clerk for Early Voting by 5:00 o'clock p.m. on May 1, 2009. Applications for ballots for voting by mail may also be submitted by personal delivery to Room 133, District Administration Building, 955 Campbell Road, Houston, Texas, if the application is submitted by 5:00 o'clock p.m. on April 24, 2009. The Clerk for Early Voting shall mail an early voting ballot to each voter who submits a proper application not later than the seventh calendar day after the later of the date the clerk accepts the voter's application for a ballot to be voted by mail or the date the ballots become available for mailing. However, if the date the ballots become available for mailing is earlier than the 45th day before election day, the balloting materials shall be mailed not later than the 38th day before election day. Early voting ballots voted by mail must be delivered by mail or common or contract carrier to the Clerk for Early Voting at the address provided above. To be counted, the early ballots voted by mail must be received by the Clerk for Early Voting in the form and manner provided in the Texas Election Code, as amended, before 7:00 o'clock p.m. on election day, which is May 9, 2009.

6. Eligible Candidates. Only qualified voters of the District may serve as Trustees. Candidates must also meet the eligibility requirements for public office as provided in the Texas Election Code § 141.001, as amended.

7. Eligible Voters. All qualified voters of the District shall be entitled to vote at the election.

8. Applicable Law. The election shall be held and conducted in accordance with the applicable provisions of the Texas Election Code, as amended, and the Texas Education Code, as amended, and in accordance with the terms of this Order.

9. Returns and Canvass. Immediately after the election, each presiding election judge for each precinct shall make, or cause to be made, returns of the results to the Board of Trustees. The Board of Trustees shall canvass the returns and declare the results not earlier than the later of the following: (1) the third (3rd) day after the election (May 12, 2009); (2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or (3) the date on which all timely received ballots cast from addresses outside the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States. The Board of Trustees shall canvass the returns and declare the results not later than the eleventh (11th) day after the election day (May 20, 2009).

10. Notice. The President of the Board of Trustees shall forthwith cause to be posted on the bulletin board used for posting notices of the meetings of the Board of Trustees a Notice of Election, stating in substance the content of this Order, the time and place of such election, the places where the polls shall be open, and all other matters which are required by law to be stated in the Notice of Election. The Notice of Election shall be prepared in accordance with the provisions of the Texas Election Code, as amended, the Texas Education Code, as amended, and any other applicable laws, state or federal. Such posting is to be done not less than twenty-one (21) days prior to the fixed date of the election, or by April 18, 2009. Additionally, the President of the Board of Trustees shall give Notice of the election by causing the Notice of Election to be published at least once, not earlier than the thirtieth (30th) day preceding the election day, April 9, 2009, nor later than

the tenth (10th) day before election day, April 29, 2009, in a newspaper published in the territory that is covered by the election and is in the jurisdiction of the Board of Trustees of the District. Further; the President of the Board of Trustees may cause the publication of such Notice in such other places as she deems necessary and advisable.

11. Officers' Duties. The President and Secretary of the Board of Trustees are hereby authorized and directed, on behalf of the Board of Trustees, to evidence adoption of this Order and to do any and all things legal and necessary in connection with the holding and consummation of such election and to give effect to the intent and purpose of this order. Such authorization shall include, without limitation, the authority to supply to the Clerk for Early Voting all necessary equipment, ballot boxes, poll lists, stub boxes, tally sheets, and other election supplies necessary for conducting the early voting and shall likewise include the due provision for an electronic voting system and all necessary supplies to each polling place on the date of the general election.

This Order was passed, adopted and approved on this the 26th day of January, 2009.

Susan Kellner, President
Board of Trustees of
Spring Branch Independent
School District

Susan Mathews, Secretary
Board of Trustees of
Spring Branch Independent
School District

CERTIFICATE OF ORDER

We, the undersigned officers of Spring Branch Independent School District (the "District"), hereby certify as follows:

The Board of Trustees of the District (the "Board") convened in meeting on the 26th day of January, 2009, at the regular meeting place within the District, and the roll was called of the duly constituted officers and members of said Board, to-wit:

Susan Kellner, President
Theresa Kosmoski, Vice President
Susan Mathews, Secretary
David Converse, Trustee
Mike Falick, Trustee
Mary Grace Landrum, Trustee
Wayne Schaper, Trustee

All said persons were present, except _____, thus constituting a quorum whereupon, among other business, the following was transacted at said meeting:

Order Calling the May 9, 2009, Trustee Election; Authorizing Notice
Thereof; and Containing Other Provisions Relating Thereto.

The Order Calling the May 9, 2009, Trustee Election; Authorizing Notice Thereof; and Containing Other Provisions Relating Thereto (the "Order") was introduced for the consideration of the Board. It was then duly moved and seconded that the Order be adopted, and, after due discussion, said motion, carrying with it the adoption of the Order, carried by the following vote:

Ayes: _____
Noes: _____

A true and complete copy of the Order adopted at the meeting described in the above paragraph is attached hereto and follows this certificate; the Order has been duly signed and attested by the proper officers, and as signed has been duly recorded in the Board's minutes of said meeting; the above and foregoing paragraph is a true and complete excerpt from the District's minutes of said meeting pertaining to the adoption of the Order. The meeting was conducted in open session following written Notice of the date, place, and subject of such meeting, as required by the laws of the State of Texas, including TEX. GOV'T CODE, Sec. 551.001 *et seq.*, Vernon's Texas Civil Statutes, as amended.

WITNESS OUR HANDS AND THE SEAL OF THE DISTRICT this 26th day of January, 2009.

Susan Kellner, President
Board of Trustees of
Spring Branch Independent
School District

Susan Mathews, Secretary
Board of Trustees of
Spring Branch Independent
School District