

### **B.3.1 (Policy) Board Elections, Vacancies, and Removal From Office**

Responsible Department: Legal Services

Board Adoption: 8-18-09

Last Board Action: 9-17-13

Last Amended: 11-18-16

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#### **Campaigning**

Individual candidates for the Board of Trustees are not to campaign on campus apart from authorized forums and receptions to which they have been invited.

#### **Vacancies**

Education Code 130.082(d) provides that any vacancy occurring on the Board through death, resignation, or otherwise, shall be filled by one of the following methods:

1. A special election ordered by the Board. A special election to fill a Board vacancy is conducted as provided by the applicable provisions of the Election Code. A vacancy filled by special election shall be for the remainder of the term for the trustee district.
2. Appointment by order of the Board. A person appointed to fill the unexpired term shall serve until the next regular election of members to the Board, at which time the position shall be filled by election for the remainder of the term. Any person appointed to fill a vacancy in a trustee district must be a resident of that trustee district.

#### **Eligibility Requirements**

In order to be elected or appointed to a public elective office the candidate must meet the requirements established by the Texas Election Code §141.001.

#### **Removal for Purchasing Violations**

A board member who is convicted of a purchasing offense under Education Code 44.032 is considered to have committed official misconduct and is immediately removed from office by the judgment under Local Government Code 87.031. Education Code 44.032(e).

**Removal by Petition and Trial** - A public officer, including an Alamo Colleges Trustee, may be removed from office if a court agrees with a written petition for removal filed in a district court of the county in which the officer resides. The petition must be sworn and must be filed on behalf a person resident in the relevant jurisdiction for at least six (6) months at the time of filing who is not currently under indictment there.

A public officer may be so removed from office upon conviction by a jury of any felony or upon a jury finding of:

1. Incompetency,
2. Official misconduct,
3. Intoxication, or

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4. Nonattendance of board meetings if the member is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year, not counting an absence for which the member is excused by a majority vote of the board.

*Tex. Const. Art. V, Sec. 24; Local Gov't Code Chapter 87; Education Code 130.0845.*

*Legal Reference - TACC Policy Reference Manual*

BBA(LEGAL) - Board Members: Eligibility/Qualifications

BBB(LEGAL) - Board Members: Elections

BBBA(LEGAL) – Elections: Reporting Campaign Funds

BBC(LEGAL) - Board Members: Vacancies and Removal from Office