



The Senate of
The State of Texas
Austin 78711

KEN ARMBRISTER
District 18

COMMITTEES:
NATURAL RESOURCES, Chairman
BUSINESS AND COMMERCE
HEALTH & HUMAN SERVICES
STATE AFFAIRS

June 20, 2005

RECEIVED

JUN 20 2005

OPINION COMMITTEE

RQ-0350-GA

The Honorable Gregg Abbott
Texas Attorney General
P.O. Box 12548
Austin, TX 78711-2548

FILE # ML-44241-05
I.D. # 044241

VIA U.S. Certified Mail

RE: Whether a school district trustee whose term is about to expire, but has not sought re-election, may vote for himself to fill another vacant position?

Dear General Abbott:

Earlier this year a member of the Schulenburg Independent School District resigned (March 1, 2005). This person's term ran to May 2006. At a Board meeting on April 18, 2005, a sitting trustee was presented to the members for appointment to the vacated post. This sitting trustee's term was ending in May 2005, but he was not seeking re-election.

The appointment was favorably voted on by three members, including the member who was being appointed to the vacated term. Two members voted in opposition to the appointment. Without the appointed member's affirmative vote, the appointment would not have been ratified by a majority of the board members.

Texas Education Code Section 11.060(a) provides that, "If a vacancy occurs on the board of trustees of an independent school district, the remaining trustees may fill the vacancy by appointment until the next trustee election." I am seeking your guidance on whether the appointee, who was a trustee, may vote for himself to fill the unexpired term?

I am requesting this opinion in my capacity as Chairman of the Senate Natural Resources Committee. If you need further information please do not hesitate to contact me.

Sincerely,

Ken Armbrister
Chairman
Senate Natural Resources Committee