

MAR 2 2006
LOCAL GOVERNMENT

HOUSE FILE 2605
BY MAY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the election of officers for an alternative
2 form of county government, county sheriff, and schools, and
3 providing an effective date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

PARTISAN ELECTION

Section 1. Section 331.238, subsection 3, Code 2005, is amended to read as follows:

3. An alternative form of county government for a county with a population greater than twenty thousand shall provide for the partisan election of its officers.

Sec. 2. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II

COUNTY SHERIFF ELECTION

Sec. 3. Section 39.17, Code 2005, is amended to read as follows:

39.17 COUNTY OFFICERS.

1. There shall be elected in each county at the general election to be held in the year 1976 and every four years thereafter, an auditor ~~and a sheriff,~~ each to hold office for a term of four years.

2. There shall be elected in each county at the general election to be held in 1974 and each four years thereafter, a treasurer, a recorder and a county attorney who shall hold office for a term of four years.

Sec. 4. Section 66.19, Code 2005, is amended to read as follows:

66.19 TEMPORARY OFFICER.

Upon a suspension, the board or person authorized to fill a vacancy in the office shall temporarily fill the office by appointment. In case of a suspension of a sheriff, the ~~district-court~~ county board of supervisors may designate an acting sheriff until a temporary sheriff is appointed. Orders of suspension and temporary appointment of the following officers shall be certified as follows:

1. Except for the county sheriff, county and township officers shall be certified to the county auditor for entry in the election book; ~~those of city.~~

1 2. City officers, shall be certified to the clerk and
2 entered upon the records, ~~in case of.~~

3 3. All other officers, including the county sheriff, shall
4 be certified to the person or body making the original
5 appointment.

6 Sec. 5. Section 97B.49C, subsection 1, paragraph e, Code
7 Supplement 2005, is amended to read as follows:

8 e. "Sheriff" means a county sheriff as defined described
9 in section ~~39.17~~ 331.651.

10 Sec. 6. Section 97B.49G, subsection 7, paragraph a,
11 subparagraph (1), Code 2005, is amended to read as follows:

12 (1) As a county sheriff as defined described in section
13 ~~39.17~~ 331.651.

14 Sec. 7. Section 331.651, subsections 1 and 2, Code 2005,
15 are amended to read as follows:

16 1. The office of sheriff is an elective appointed office.
17 ~~However, if~~ If a vacancy occurs in the office, the first
18 deputy shall assume the office after qualifying as provided in
19 this section. The first deputy shall hold the office until a
20 successor is appointed ~~or elected~~ to the unexpired term as
21 provided in chapter 69. If a sheriff is suspended from
22 office, the district court may appoint a sheriff until a
23 temporary appointment is made by the board as provided in
24 section 66.19.

25 A person ~~elected or~~ appointed sheriff shall meet all the
26 following qualifications:

27 a. Have no felony convictions.

28 b. Be age twenty-one or over at the time of assuming the
29 office of sheriff.

30 c. Be a certified peace officer recognized by the Iowa law
31 enforcement academy council under chapter 80B or complete the
32 basic training course provided at the Iowa law enforcement
33 academy's central training facility or a location other than
34 the central training facility within one year of taking
35 office. A person shall be deemed to have completed the basic

1 training course if the person meets all course requirements
2 except the physical training requirements.

3 2. A person ~~elected or~~ appointed to the office of sheriff
4 shall qualify by taking the oath of office as provided in
5 section 63.10 and give bond as provided in section 64.8.

6 Sec. 8. Section 331.661, Code 2005, is amended to read as
7 follows:

8 331.661 MULTICOUNTY OFFICE.

9 1. Two or more county boards of supervisors may adopt
10 resolutions proposing to share the services of a county
11 sheriff. ~~The resolutions shall also propose that the question~~
12 ~~of establishing the office of multicounty sheriff be submitted~~
13 ~~to the electorate of the counties proposing to share the~~
14 ~~services of a county sheriff. The proposal is adopted in~~
15 ~~those counties where a majority of the electors voting~~
16 ~~approves the proposal.~~

17 2. The county sheriff shall be ~~elected~~ appointed by a
18 majority of the ~~votes cast for the office of county sheriff in~~
19 supervisors for all of the counties which the county sheriff
20 will serve. ~~The election shall be conducted in accordance~~
21 ~~with section 47-27, subsection 2.~~

22 3. The office of multicounty sheriff is created effective
23 on January 1 of the year following the ~~next general election~~
24 ~~at which the county sheriff is elected as provided by this~~
25 ~~section and section 39-17~~ appointment by the supervisors.

26 Sec. 9. Section 411.30, subsection 4, unnumbered paragraph
27 1, Code 2005, is amended to read as follows:

28 Upon election or appointment as a county sheriff, was
29 transferred from membership under this chapter to membership
30 in a retirement system established in chapter 97B.

31 Sec. 10. Section 411.30, unnumbered paragraph 3, Code
32 2005, is amended to read as follows:

33 If the amount of the employer contributions transferred is
34 less than the amount that would have been contributed by the
35 employer under section 411.5, subsection 12, paragraph "b",

1 plus the interest that would have accrued on the
2 contributions, the board of trustees of the applicable
3 retirement system under this chapter shall determine the
4 remaining contribution amount due. The board of trustees
5 shall notify the county board of supervisors of the county in
6 which the sheriff was elected or appointed of the remaining
7 amount to be paid to the retirement system under this chapter.

8 Sec. 11. Section 411.30, unnumbered paragraph 5, Code
9 2005, is amended to read as follows:

10 From July 1, 1986, the county board of supervisors of the
11 county in which the sheriff was elected or appointed shall
12 deduct the contribution required of the member under section
13 411.8, subsection 1, paragraph "f", from the member's earnable
14 compensation and the county shall pay from the county general
15 fund an amount equal to the normal rate of contribution
16 multiplied by the member's earnable compensation to the
17 applicable retirement system for the period in which the
18 member remains sheriff or deputy sheriff of that county.

19 Sec. 12. TRANSITION. An elected county sheriff serving in
20 office on the effective date of this division of this Act
21 shall serve until the county sheriff's term of office expires.
22 Thereafter, the county board of supervisors shall fill the
23 office of county sheriff by appointment as provided in this
24 division of this Act.

25 Sec. 13. EFFECTIVE DATE. This division of this Act, being
26 deemed of immediate importance, takes effect upon enactment.

27 DIVISION III

28 SCHOOL ELECTION

29 Sec. 14. Section 39.24, Code 2005, is amended to read as
30 follows:

31 39.24 SCHOOL OFFICERS.

32 Members of boards of directors of community and independent
33 school districts, and boards of directors of merged areas
34 shall be elected at the school election. Their terms of
35 office shall be three four years, except as otherwise provided

1 by section 260C.11, ~~or~~ 260C.13, 275.23A, 275.37, or 275.37A.

2 Sec. 15. Section 260C.11, unnumbered paragraph 1, Code
3 2005, is amended to read as follows:

4 The governing board of a merged area is a board of
5 directors composed of one member elected from each director
6 district in the area by the electors of the respective
7 district. Members of the board shall be residents of the
8 district from which elected. Successors shall be chosen at
9 the ~~annual~~ regular school elections for members whose terms
10 expire. The term of a member of the board of directors is
11 ~~three~~ four years and commences at the organization meeting.
12 Vacancies on the board shall be filled at the next regular
13 meeting of the board by appointment by the remaining members
14 of the board. A member so chosen shall be a resident of the
15 district in which the vacancy occurred and shall serve until a
16 member is elected pursuant to section 69.12 to fill the
17 vacancy for the balance of the unexpired term. A vacancy is
18 defined in section 277.29. A member shall not serve on the
19 board of directors who is a member of a board of directors of
20 a local school district or a member of an area education
21 agency board.

22 Sec. 16. Section 260C.12, unnumbered paragraph 1, Code
23 2005, is amended to read as follows:

24 The board of directors of the merged area shall organize at
25 the first regular meeting in ~~October-of-each-year~~ December
26 following the regular school election. Organization of the
27 board shall be effected by the election of a president and
28 other officers from the board membership as board members
29 determine. The board of directors shall appoint a secretary
30 and a treasurer who shall each give bond as prescribed in
31 section 291.2 and who shall each receive the salary determined
32 by the board. The secretary and treasurer shall perform
33 duties under chapter 291 and additional duties the board of
34 directors deems necessary. However, the board may appoint one
35 person to serve as the secretary and treasurer. If one person

1 serves as the secretary and treasurer, only one bond is
2 necessary for that person. The frequency of meetings other
3 than organizational meetings shall be as determined by the
4 board of directors but the president or a majority of the
5 members may call a special meeting at any time.

6 Sec. 17. Section 260C.13, subsection 1, Code 2005, is
7 amended to read as follows:

8 1. The board of a merged area may change the number of
9 directors on the board and shall make corresponding changes in
10 the boundaries of director districts. Changes shall be
11 completed not later than ~~June~~ August 1 for the regular school
12 ~~election to be held the next following September~~ of the year
13 of the regular school election. As soon as possible after
14 adoption of the boundary changes, notice of changes in the
15 director district boundaries shall be submitted by the merged
16 area to the county commissioner of elections in all counties
17 included in whole or in part in the merged area.

18 Sec. 18. Section 260C.15, subsection 1, Code 2005, is
19 amended to read as follows:

20 1. Regular elections held ~~annually~~ by the merged area for
21 the election of members of the board of directors as required
22 by section 260C.11, for the renewal of the twenty and one-
23 fourth cents per thousand dollars of assessed valuation levy
24 authorized in section 260C.22, or for any other matter
25 authorized by law and designated for election by the board of
26 directors of the merged area, shall be held on the date of the
27 school election as fixed by section 277.1. The election
28 notice shall be made a part of the local school election
29 notice published as provided in section 49.53 in each local
30 school district where voting is to occur in the merged area
31 election and the election shall be conducted by the county
32 commissioner of elections pursuant to chapters 39 to 53 and
33 section 277.20.

34 Sec. 19. Section 260C.22, subsection 1, paragraph a, Code
35 2005, is amended to read as follows:

1 a. In addition to the tax authorized under section
2 260C.17, the voters in any a merged area may at the annual
3 regular school election vote a tax not exceeding twenty and
4 one-fourth cents per thousand dollars of assessed value in any
5 one year for a period not to exceed ten years for the purchase
6 of grounds, construction of buildings, payment of debts
7 contracted for the construction of buildings, purchase of
8 buildings and equipment for buildings, and the acquisition of
9 libraries, for the purpose of paying costs of utilities, and
10 for the purpose of maintaining, remodeling, improving, or
11 expanding the community college of the merged area. If the
12 tax levy is approved under this section, the costs of
13 utilities shall be paid from the proceeds of the levy. The
14 tax shall be collected by the county treasurers and remitted
15 to the treasurer of the merged area as provided in section
16 331.552, subsection 29. The proceeds of the tax shall be
17 deposited in a separate and distinct fund to be known as the
18 voted tax fund, to be paid out upon warrants drawn by the
19 president and secretary of the board of directors of the
20 merged area district for the payment of costs incurred in
21 providing the school facilities for which the tax was voted.

22 Sec. 20. Section 273.8, subsection 1, Code 2005, is
23 amended to read as follows:

24 1. BOARD OF DIRECTORS. The board of directors of an area
25 education agency shall consist of not less than five nor more
26 than nine members, each a resident of and elected in the
27 manner provided in this section from a director district that
28 is approximately equal in population to the other director
29 districts in the area education agency. Each director shall
30 serve a three-year four-year term which commences at the
31 organization meeting.

32 Sec. 21. Section 273.8, subsection 2, paragraphs a and b,
33 Code 2005, are amended to read as follows:

34 a. Notice of the election shall be published by the area
35 education agency administrator not later than ~~July~~ September

1 15 of the even-numbered year in at least one newspaper of
2 general circulation in the director district. The cost of
3 publication shall be paid by the area education agency.

4 b. A candidate for election to the area education agency
5 board shall file a statement of candidacy with the area
6 education agency secretary not later than ~~August~~ October 15 of
7 the even-numbered year, on forms prescribed by the department
8 of education. The statement of candidacy shall include the
9 candidate's name, address, and school district. The list of
10 candidates shall be sent by the secretary of the area
11 education agency in ballot form by certified mail to the
12 presidents of the boards of directors of all school districts
13 within the director district not later than ~~September~~ November

14 1. In order for the ballot to be counted, the ballot must be
15 received in the secretary's office by the end of the normal
16 business day on ~~September~~ November 30 or be clearly postmarked
17 by an officially authorized postal service not later than
18 ~~September~~ November 29 and received by the secretary not later
19 than noon on the first Monday following ~~September~~ November 30.

20 Sec. 22. Section 273.8, subsection 4, unnumbered paragraph
21 1, Code 2005, is amended to read as follows:

22 The board of directors of each area education agency shall
23 meet and organize at the first regular meeting in ~~October~~-of
24 each-year December following the regular school election at a
25 suitable place designated by the president. Directors whose
26 terms commence at the organization meeting shall qualify by
27 taking the oath of office required by section 277.28 at or
28 before the organization meeting.

29 Sec. 23. Section 273.8, subsection 7, Code 2005, is
30 amended to read as follows:

31 7. BOUNDARY LINE CHANGES. To the extent possible the
32 board shall provide that changes in the boundary lines of
33 director districts of area education agencies shall not
34 lengthen or diminish the term of office of a director of an
35 area education agency board. Initial terms of office shall be

1 set by the board so that as nearly as possible the terms of
2 one-third one-half of the members expire annually biennially.

3 Sec. 24. Section 274.7, Code 2005, is amended to read as
4 follows:

5 274.7 DIRECTORS.

6 The affairs of each school corporation shall be conducted
7 by a board of directors, the members of which in all community
8 or independent school districts shall be chosen for a term of
9 three four years.

10 Sec. 25. Section 275.1, subsections 2 and 5, Code 2005,
11 are amended to read as follows:

12 2. "Initial board" means the board of a newly reorganized
13 district that is selected pursuant to section 275.25 or 275.41
14 and functions until the organizational meeting following the
15 fourth third regular school election held after the effective
16 date of the reorganization.

17 5. "Regular board" means the board of a reorganized
18 district that begins to function at the organizational meeting
19 following the fourth third regular school election held after
20 the effective date of the school reorganization, and is
21 comprised of members who were elected to the current terms or
22 were appointed to replace members who were elected.

23 Sec. 26. Section 275.12, subsection 2, paragraphs b, c, d,
24 and e, Code 2005, are amended to read as follows:

25 b. Division of the entire school district into designated
26 geographical single director or multi-director subdistricts on
27 the basis of population for each director, to be known as
28 director districts, each of which ~~director-districts~~ shall be
29 represented on the school board by one or more directors who
30 shall be residents of the director district but who shall be
31 elected by the vote of the electors of the entire school
32 district. The boundaries of the director districts and the
33 area and population included within each district shall be
34 such as justice, equity, and the interests of the people may
35 require. Changes in the boundaries of director districts

1 shall not be made during a period commencing sixty days prior
2 to the date of the ~~annual~~ regular school election. ~~Insofar as~~
3 ~~may-be~~ To the extent practicable, the boundaries of the
4 districts shall follow established political or natural
5 geographical divisions.

6 c. Election of not more than one-half of the total number
7 of school directors at large from the entire district and the
8 remaining directors from and as residents of designated
9 single-member or multimember director districts into which the
10 entire school district shall be divided on the basis of
11 population for each director. In such case, all directors
12 shall be elected by the electors of the entire school
13 district. Changes in the boundaries of director districts
14 shall not be made during a period commencing sixty days prior
15 to the date of the ~~annual~~ regular school election.

16 d. Division of the entire school district into designated
17 geographical single director or multi-director subdistricts on
18 the basis of population for each director, to be known as
19 director districts, each of which ~~director-districts~~ shall be
20 represented on the school board by one or more directors who
21 shall be residents of the director district and who shall be
22 elected by the voters of the director district. Place of
23 voting in the director districts shall be designated by the
24 commissioner of elections. Changes in the boundaries of
25 director districts shall not be made during a period
26 commencing sixty days prior to the date of the ~~annual~~ regular
27 school election.

28 e. In districts having seven directors, election of three
29 directors at large by the electors of the entire district, one
30 no more than two at each ~~annual~~ regular school election, and
31 election of the remaining directors as residents of and by the
32 electors of individual geographic subdistricts established on
33 the basis of population and identified as director districts,
34 no more than two at a regular school election. Boundaries of
35 the subdistricts shall follow precinct boundaries, insofar as

1 far as practicable, and shall not be changed less than sixty
2 days prior to the ~~annual~~ regular school election.

3 Sec. 27. Section 275.25, subsection 3, Code 2005, is
4 amended to read as follows:

5 3. The directors who are elected and qualify to serve
6 shall serve until their successors are elected and qualify.
7 At the special election, the newly elected ~~director~~ directors
8 receiving the most votes shall be elected to serve until the
9 ~~director's successor qualifies~~ their successors qualify after
10 the ~~fourth~~ third regular school election date occurring after
11 the effective date of the reorganization; and the two newly
12 elected directors receiving the next largest number of votes
13 shall be elected to serve until the directors' successors
14 qualify after the ~~third~~ second regular school election date
15 occurring after the effective date of the reorganization; ~~and~~
16 ~~the two newly elected directors receiving the next largest~~
17 ~~number of votes shall be elected to serve until the directors'~~
18 ~~successors qualify after the second regular school election~~
19 ~~date occurring after the effective date of the reorganization.~~
20 However, in districts that include all or a part of a city of
21 fifteen thousand or more population and in districts in which
22 the proposition to establish a new corporation provides for
23 the election of seven directors, the ~~three newly elected~~
24 ~~directors receiving the most votes shall be elected to serve~~
25 ~~until the directors' successors qualify after the fourth~~
26 ~~regular school election date occurring after the effective~~
27 ~~date of the reorganization~~ timelines specified in this
28 subsection for the terms of office apply to the four newly
29 elected directors receiving the most votes and then to the
30 three newly elected directors receiving the next largest
31 number of votes.

32 Sec. 28. Section 275.37, Code 2005, is amended to read as
33 follows:

34 275.37 INCREASE IN NUMBER OF DIRECTORS.

35 At the next succeeding ~~annual~~ regular school election in a

1 district where the number of directors has been increased from
 2 five to seven, and directors are elected at large, there shall
 3 be elected a director to succeed each incumbent director whose
 4 term is expiring in that year, and two additional directors.
 5 Upon organizing as required by section 279.1, either one or
 6 two of the newly elected ~~director~~ directors who received the
 7 fewest votes in the election shall be assigned a term of
 8 ~~either-one-year-or~~ two years if as necessary in order that as
 9 nearly as possible ~~one-third~~ one-half of the members of the
 10 board shall be elected ~~each-year~~ biennially. If some or all
 11 directors are elected from director districts, the board shall
 12 assign terms appropriate for the method of election used by
 13 the district.

14 Sec. 29. Section 275.37A, Code 2005, is amended to read as
 15 follows:

16 275.37A DECREASE IN NUMBER OF DIRECTORS.

17 1. A change from seven to five directors shall be effected
 18 in a district at the first regular school election after
 19 authorization by the voters in the following manner:

20 a. If at the first election in the district there are
 21 ~~three~~ four terms expiring, ~~one-director~~ three directors shall
 22 be elected. At the second election in that district, if two
 23 three terms are expiring, two directors shall be elected. At
 24 ~~the-third-election-in-that-district,-if-there-are-two-terms~~
 25 ~~expiring,-two-directors-shall-be-elected-~~

26 b. If at the first election there are two three terms
 27 expiring, ~~no~~ two directors shall be elected. At the second
 28 election in that district, if two four terms are expiring, two
 29 three directors shall be elected. ~~At-the-third-election-in~~
 30 ~~that-district,-if-there-are-three-terms-expiring,-three~~
 31 ~~directors-shall-be-elected,-two-for-three-years-and-one-for~~
 32 ~~one-year.--The-newly-elected-director-who-received-the-fewest~~
 33 ~~votes-in-the-election-shall-be-assigned-a-term-of-one-year-~~

34 ~~c.--If-at-the-first-election-there-are-two-terms-expiring,~~
 35 ~~no-directors-shall-be-elected.--At-the-second-election-in-that~~

~~1 district, if three terms are expiring, three directors shall
2 be elected, two for three years and one for two years. The
3 newly elected director who received the fewest votes in the
4 election shall be assigned a term of two years. At the third
5 election in that district, if there are two terms expiring,
6 two directors shall be elected.~~

7 2. If some or all of the directors are elected from
8 director districts, the board shall devise a plan to reduce
9 the number of members so that as nearly as possible one-third
10 one-half of the members of the board shall be elected each
11 year biennially and so that each district will be continuously
12 represented.

13 Sec. 30. Section 275.38, Code 2005, is amended to read as
14 follows:

15 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

16 If change in the method of election of school directors is
17 approved at a regular or special school election, the
18 directors who were serving unexpired terms or were elected
19 concurrently with approval of the change of method shall serve
20 out the terms for which they were elected. If the plan
21 adopted is that described in section 275.12, subsection 2,
22 paragraph "b", "e", "d" or "e" "b", "c", "d", or "e", the
23 board shall at the earliest practicable time designate the
24 districts from which residents are to be elected as school
25 directors at each of the next three two succeeding annual
26 regular school elections, arranging so far as possible for
27 elections of directors as residents of the respective
28 districts to coincide with the expiration of terms of
29 incumbent members residing in those districts. If an increase
30 in the size of the board from five to seven members is
31 approved concurrently with the change in method of election of
32 directors, the board shall make the necessary adjustment in
33 the manner prescribed in section 275.37, as well as providing
34 for implementation of the districting plan under this section.
35 Sec. 31. Section 275.41, subsection 3, Code Supplement

1 2005, is amended to read as follows:

2 3. Prior to the effective date of the reorganization, the
3 initial board shall approve a plan that commences at the
4 ~~second~~ first regular school election held after the effective
5 date of the merger and is completed at the ~~fourth~~ third
6 regular school election held after the effective date of the
7 merger, to replace the initial board with the regular board.
8 If the petition specifies a number of directors on the regular
9 board to be different from the number of directors on the
10 initial board, the plan shall provide that the number
11 specified in the petition for the regular board is in place by
12 the time the regular board is formed. The plan shall provide
13 that as nearly as possible ~~one-third~~ one-half of the members
14 of the board shall be elected ~~each-year~~ biennially, and if a
15 special election was held to elect a member to create an odd
16 number of members on the board, the term of that member shall
17 end at the organizational meeting following the ~~fourth~~ third
18 regular school election held after the effective date.

19 Sec. 32. Section 277.1, Code 2005, is amended to read as
20 follows:

21 277.1 REGULAR ELECTION.

22 The regular election shall be held ~~annually~~ on the ~~second~~
23 first Tuesday after the first Monday in ~~September~~ November of
24 each even-numbered year in each school district for the
25 election of officers of the district and merged area and for
26 the purpose of submitting to the voters any matter authorized
27 by law.

28 Sec. 33. Section 277.25, Code 2005, is amended to read as
29 follows:

30 277.25 DIRECTORS IN NEW DISTRICTS.

31 At the first election in newly organized districts the
32 directors shall be elected as follows:

33 1. In districts having three directors, ~~one-director~~ two
34 directors shall be elected for ~~one-year~~, ~~one-for~~ two years,
35 and one for ~~three~~ four years.

1 2. In districts having five directors, ~~two~~ three shall be
2 elected for ~~one-year, two-for~~ two years, and one two for ~~three~~
3 four years.

4 3. In districts having seven directors, ~~two~~ four shall be
5 elected for ~~one-year, two-for~~ two years, and three for ~~three~~
6 four years.

7 Sec. 34. Section 278.2, unnumbered paragraph 2, Code 2005,
8 is amended to read as follows:

9 Petitions filed under this section shall be filed with the
10 secretary of the school board at least seventy-five days
11 before the date of the ~~annual~~ regular school election, if the
12 question is to be included on the ballot at that election.
13 The petition shall include the signatures of the petitioners,
14 a statement of their place of residence, and the date on which
15 they signed the petition.

16 Sec. 35. EFFECTIVE DATE, APPLICABILITY, AND TRANSITION.
17 This division of this Act, being deemed of immediate
18 importance, takes effect upon enactment for purposes of the
19 transition from election of directors of community and
20 independent school districts, merged areas, and area education
21 agencies annually from terms of three years each to the
22 staggered election of such directors biennially for terms of
23 four years each. This division of this Act shall be applied
24 so that the first election at which directors, due to the
25 expiration of predecessor director terms, shall be elected to
26 serve regular four-year terms is the regular school election
27 held in November 2008 or the director district conventions
28 held in November 2008.

29 The board of directors of each affected school district and
30 each merged area and area education agency shall review the
31 expiration dates of the terms of office of its directors and
32 shall adopt by resolution a plan for shortening or lengthening
33 terms of members for the annual school election or director
34 district convention held in September 2007 so that all members
35 whose terms expire at the regular school election or director

1 district convention held in November 2008 will be elected to
2 four-year terms, with the remaining members of the board
3 having their terms expire at the regular school election or
4 director district convention held in November 2010. The board
5 shall submit a copy of the resolution adopting its plan to the
6 office of the state commissioner of elections no later than
7 December 1, 2007. In developing the plan, the board of
8 directors shall take into consideration the terms for which
9 the members were elected and the number of votes the members
10 received in relation to the number of votes other candidates
11 received at the applicable election or director district
12 convention.

13 EXPLANATION

14 This bill concerns election requirements.

15 Under current law, an alternative form of county government
16 must provide for the partisan election of its officers. The
17 bill provides that a county with a population in excess of
18 20,000 must provide for such partisan election. The partisan
19 election requirement is dropped for counties having a
20 population of 20,000 or less.

21 Under current law, a sheriff is elected every four years to
22 hold office for a term of four years. The bill requires a
23 county board of supervisors to appoint a sheriff to hold
24 office for a four-year term. Conforming amendments and a
25 transition provision are included in the bill.

26 The bill provides for the election of directors of local
27 school districts and merged areas on the same day as the
28 regular general election in November in even-numbered years.
29 Area education agencies are required by law to hold director
30 district conventions within two weeks of the regular school
31 election. Area education agency board directors are elected
32 at those conventions. In order to accomplish these purposes,
33 the bill changes the terms of all of these directors from
34 three to four years and provides for a transition period.

35 Each division of the bill takes effect upon enactment to

S.F. _____ H.F. 2605

- 1 allow time for planning and transition.
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