

FILED JAN 17 2006

STATE GOVERNMENT

SENATE FILE 2035

BY JOHNSON

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the date of the regular school election and
2 including effective, applicability, and transition date
3 provisions.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

STATE GOVERNMENT

SF 2035

1 Section 1. Section 39.24, Code 2005, is amended to read as
2 follows:

3 39.24 SCHOOL OFFICERS.

4 Members of boards of directors of community and independent
5 school districts, and boards of directors of merged areas
6 shall be elected at the school election. Their terms of
7 office shall be ~~three~~ four years, except as otherwise provided
8 by section 260C.11, ~~or 260C.13, 275.23A, 275.37, or 275.37A.~~

9 Sec. 2. Section 260C.11, unnumbered paragraph 1, Code
10 2005, is amended to read as follows:

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

29 Sec. 3. Section 260C.12, unnumbered paragraph 1, Code
30 2005, is amended to read as follows:

31 The board of directors of the merged area shall organize at
32 the first regular meeting in ~~October-of-each-year~~ December
33 following the regular school election. Organization of the
34 board shall be effected by the election of a president and
35 other officers from the board membership as board members

1 determine. The board of directors shall appoint a secretary
2 and a treasurer who shall each give bond as prescribed in
3 section 291.2 and who shall each receive the salary determined
4 by the board. The secretary and treasurer shall perform
5 duties under chapter 291 and additional duties the board of
6 directors deems necessary. However, the board may appoint one
7 person to serve as the secretary and treasurer. If one person
8 serves as the secretary and treasurer, only one bond is
9 necessary for that person. The frequency of meetings other
10 than organizational meetings shall be as determined by the
11 board of directors but the president or a majority of the
12 members may call a special meeting at any time.

13 Sec. 4. Section 260C.13, subsection 1, Code 2005, is
14 amended to read as follows:

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

25 Sec. 5. Section 260C.15, subsection 1, Code 2005, is
26 amended to read as follows:

27 1. Regular elections held ~~annually~~ by the merged area for
28 the election of members of the board of directors as required
29 by section 260C.11, for the renewal of the twenty and one-
30 fourth cents per thousand dollars of assessed valuation levy
31 authorized in section 260C.22, or for any other matter
32 authorized by law and designated for election by the board of
33 directors of the merged area, shall be held on the date of the
34 school election as fixed by section 277.1. The election
35 notice shall be made a part of the local school election

1 notice published as provided in section 49.53 in each local
2 school district where voting is to occur in the merged area
3 election and the election shall be conducted by the county
4 commissioner of elections pursuant to chapters 39 to 53 and
5 section 277.20.

6 Sec. 6. Section 260C.22, subsection 1, paragraph a, Code
7 2005, is amended to read as follows:

8 a. In addition to the tax authorized under section
9 260C.17, the voters in any a merged area may at the ~~annual~~
10 regular school election vote a tax not exceeding twenty and
11 one-fourth cents per thousand dollars of assessed value in any
12 one year for a period not to exceed ten years for the purchase
13 of grounds, construction of buildings, payment of debts
14 contracted for the construction of buildings, purchase of
15 buildings and equipment for buildings, and the acquisition of
16 libraries, for the purpose of paying costs of utilities, and
17 for the purpose of maintaining, remodeling, improving, or
18 expanding the community college of the merged area. If the
19 tax levy is approved under this section, the costs of
20 utilities shall be paid from the proceeds of the levy. The
21 tax shall be collected by the county treasurers and remitted
22 to the treasurer of the merged area as provided in section
23 331.552, subsection 29. The proceeds of the tax shall be
24 deposited in a separate and distinct fund to be known as the
25 voted tax fund, to be paid out upon warrants drawn by the
26 president and secretary of the board of directors of the
27 merged area district for the payment of costs incurred in
28 providing the school facilities for which the tax was voted.

29 Sec. 7. Section 273.8, subsection 1, Code 2005, is amended
30 to read as follows:

31 1. BOARD OF DIRECTORS. The board of directors of an area
32 education agency shall consist of not less than five nor more
33 than nine members, each a resident of and elected in the
34 manner provided in this section from a director district that
35 is approximately equal in population to the other director

1 districts in the area education agency. Each director shall
2 serve a ~~three-year~~ four-year term which commences at the
3 organization meeting.

4 Sec. 8. Section 273.8, subsection 2, paragraphs a and b,
5 Code 2005, are amended to read as follows:

6 a. Notice of the election shall be published by the area
7 education agency administrator not later than ~~July~~ September
8 15 of the odd-numbered year in at least one newspaper of
9 general circulation in the director district. The cost of
10 publication shall be paid by the area education agency.

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

21 1. In order for the ballot to be counted, the ballot must be
22 received in the secretary's office by the end of the normal
23 business day on ~~September~~ November 30 or be clearly postmarked
24 by an officially authorized postal service not later than
25 ~~September~~ November 29 and received by the secretary not later
26 than noon on the first Monday following ~~September~~ November 30.

27 Sec. 9. Section 273.8, subsection 4, unnumbered paragraph
28 1, Code 2005, is amended to read as follows:

29 The board of directors of each area education agency shall
30 meet and organize at the first regular meeting in ~~October~~-of
31 ~~each-year~~ December following the regular school election at a
32 suitable place designated by the president. Directors whose
33 terms commence at the organization meeting shall qualify by
34 taking the oath of office required by section 277.28 at or
35 before the organization meeting.

1 Sec. 10. Section 273.8, subsection 7, Code 2005, is
2 amended to read as follows:

3 7. BOUNDARY LINE CHANGES. To the extent possible the
4 board shall provide that changes in the boundary lines of
5 director districts of area education agencies shall not
6 lengthen or diminish the term of office of a director of an
7 area education agency board. Initial terms of office shall be
8 set by the board so that as nearly as possible the terms of
9 ~~one-third~~ one-half of the members expire ~~annually~~ biennially.

10 Sec. 11. Section 274.7, Code 2005, is amended to read as
11 follows:

12 274.7 DIRECTORS.

13 The affairs of each school corporation shall be conducted
14 by a board of directors, the members of which in all community
15 or independent school districts shall be chosen for a term of
16 ~~three~~ four years.

17 Sec. 12. Section 275.1, subsections 2 and 5, Code 2005,
18 are amended to read as follows:

19 2. "Initial board" means the board of a newly reorganized
20 district that is selected pursuant to section 275.25 or 275.41
21 and functions until the organizational meeting following the
22 ~~fourth~~ third regular school election held after the effective
23 date of the reorganization.

24 5. "Regular board" means the board of a reorganized
25 district that begins to function at the organizational meeting
26 following the ~~fourth~~ third regular school election held after
27 the effective date of the school reorganization, and is
28 comprised of members who were elected to the current terms or
29 were appointed to replace members who were elected.

30 Sec. 13. Section 275.12, subsection 2, paragraphs b, c, d,
31 and e, Code 2005, are amended to read as follows:

32 b. Division of the entire school district into designated
33 geographical single director or multi-director subdistricts on
34 the basis of population for each director, to be known as
35 director districts, each of which ~~director-districts~~ shall be

1 represented on the school board by one or more directors who
2 shall be residents of the director district but who shall be
3 elected by the vote of the electors of the entire school
4 district. The boundaries of the director districts and the
5 area and population included within each district shall be
6 such as justice, equity, and the interests of the people may
7 require. Changes in the boundaries of director districts
8 shall not be made during a period commencing sixty days prior
9 to the date of the ~~annual~~ regular school election. Insofar As
10 far as may-be practicable, the boundaries of the districts
11 shall follow established political or natural geographical
12 divisions.

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

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

35 e. In districts having seven directors, election of three

1 directors at large by the electors of the entire district, one
2 no more than two at each annual regular school election, and
3 election of the remaining directors as residents of and by the
4 electors of individual geographic subdistricts established on
5 the basis of population and identified as director districts,
6 no more than two at a regular school election. Boundaries of
7 the subdistricts shall follow precinct boundaries, insofar as
8 far as practicable, and shall not be changed less than sixty
9 days prior to the annual regular school election.

10 Sec. 14. Section 275.25, subsection 3, Code 2005, is
11 amended to read as follows:

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

1 electd directors receiving the most votes and then to the
2 three newly elected directors receiving the next largest
3 number of votes.

4 Sec. 15. Section 275.37, Code 2005, is amended to read as
5 follows:

6 275.37 INCREASE IN NUMBER OF DIRECTORS.

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

21 Sec. 16. Section 275.37A, Code 2005, is amended to read as
22 follows:

23 275.37A DECREASE IN NUMBER OF DIRECTORS.

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

27 a. If at the first election in the district there are
28 ~~three~~ four terms expiring, ~~one-director~~ three directors shall
29 be elected. At the second election in that district, if ~~two~~
30 three terms are expiring, two directors shall be elected. At
31 ~~the-third-election-in-that-district, if there are two terms~~
32 ~~expiring, two directors shall be elected.~~

33 b. If at the first election there are ~~two~~ three terms
34 expiring, ~~no~~ two directors shall be elected. At the second
35 election in that district, if ~~two~~ four terms are expiring, ~~two~~

1 three directors shall be elected. ~~At the third election in~~
2 ~~that district, if there are three terms expiring, three~~
3 ~~directors shall be elected, two for three years and one for~~
4 ~~one year. The newly elected director who received the fewest~~
5 ~~votes in the election shall be assigned a term of one year.~~
6 ~~c. If at the first election there are two terms expiring,~~
7 ~~no directors shall be elected. At the second election in that~~
8 ~~district, if three terms are expiring, three directors shall~~
9 ~~be elected, two for three years and one for two years. The~~
10 ~~newly elected director who received the fewest votes in the~~
11 ~~election shall be assigned a term of two years. At the third~~
12 ~~election in that district, if there are two terms expiring,~~
13 ~~two directors shall be elected.~~

14 2. If some or all of the directors are elected from
15 director districts, the board shall devise a plan to reduce
16 the number of members so that as nearly as possible one-third
17 one-half of the members of the board shall be elected each
18 year biennially and so that each district will be continuously
19 represented.

20 Sec. 17. Section 275.38, Code 2005, is amended to read as
21 follows:

22 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.
23 If change in the method of election of school directors is
24 approved at a regular or special school election, the
25 directors who were serving unexpired terms or were elected
26 concurrently with approval of the change of method shall serve
27 out the terms for which they were elected. If the plan
28 adopted is that described in section 275.12, subsection 2,
29 paragraph "b", "c", "d", or "e", the
30 board shall at the earliest practicable time designate the
31 districts from which residents are to be elected as school
32 directors at each of the next three two succeeding annual
33 regular school elections, arranging so far as possible for
34 elections of directors as residents of the respective
35 districts to coincide with the expiration of terms of

1 incumbent members residing in those districts. If an increase
2 in the size of the board from five to seven members is
3 approved concurrently with the change in method of election of
4 directors, the board shall make the necessary adjustment in
5 the manner prescribed in section 275.37, as well as providing
6 for implementation of the districting plan under this section.

7 Sec. 18. Section 275.41, subsection 3, Code Supplement
8 2005, is amended to read as follows:

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

26 Sec. 19. Section 277.1, Code 2005, is amended to read as
27 follows:

28 277.1 REGULAR ELECTION.

29 The regular election shall be held ~~annually~~ on the ~~second~~
30 first Tuesday after the first Monday in September ~~November~~ of
31 each odd-numbered year in each school district for the
32 election of officers of the district and merged area and for
33 the purpose of submitting to the voters any matter authorized
34 by law.

35 Sec. 20. Section 277.25, Code 2005, is amended to read as

1 follows:

2 277.25 DIRECTORS IN NEW DISTRICTS.

3 At the first election in newly organized districts the
4 directors shall be elected as follows:

5 1. In districts having three directors, ~~one-director~~ two
6 directors shall be elected for ~~one-year~~two for two years,
7 and one for ~~three~~ four years.

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

11 3. In districts having seven directors, ~~two~~ four shall be
12 elected for ~~one-year~~two for two years, and three for ~~three~~
13 four years.

14 Sec. 21. Section 278.2, unnumbered paragraph 2, Code 2005,
15 is amended to read as follows:

16 Petitions filed under this section shall be filed with the
17 secretary of the school board at least seventy-five days
18 before the date of the ~~annual~~ regular school election, if the
19 question is to be included on the ballot at that election.
20 The petition shall include the signatures of the petitioners,
21 a statement of their place of residence, and the date on which
22 they signed the petition.

23 Sec. 22. EFFECTIVE DATE, APPLICABILITY, AND TRANSITION.
24 This Act, being deemed of immediate importance, takes effect
25 upon enactment, for purposes of the transition from election
26 of directors of community and independent school districts,
27 merged areas, and area education agencies annually from terms
28 of three years each to the staggered election of such
29 directors biennially for terms of four years each. This Act
30 shall be applied so that the first election at which
31 directors, due to the expiration of predecessor director
32 terms, shall be elected to serve regular four-year terms is
33 the regular school election held in November 2007 or the
34 director district conventions held in November 2007.

35 The board of directors of each affected school district and

1 each merged area and area education agency shall review the
2 expiration dates of the terms of office of its directors and
3 shall adopt by resolution a plan for shortening or lengthening
4 terms of members for the annual school election or director
5 district convention held in September 2006 so that all members
6 whose terms expire at the regular school election or director
7 district convention held in November 2007 will be elected to
8 four-year terms with the remaining members of the board having
9 their terms expire at the regular school election or director
10 district convention held in November 2009. The board shall
11 submit a copy of the resolution adopting its plan to the
12 office of the state commissioner of elections no later than
13 December 1, 2006. In developing the plan, the board of
14 directors shall take into consideration the terms for which
15 the members were elected and the number of votes the members
16 received in relation to the number of votes other candidates
17 received at the applicable election or director district
18 convention.

19 EXPLANATION

20 This bill provides for the election of the directors of
21 local school districts and merged areas on the same day as the
22 regular city election in November in odd-numbered years. Area
23 education agencies are required by law to hold their director
24 district conventions within two weeks of the regular school
25 election. Area education agency board directors are elected
26 at those conventions. In order to accomplish these purposes,
27 the bill changes the terms of all of these directors from
28 three to four years and provides for a transition period.

29 The bill takes effect upon enactment for purposes of
30 planning for and holding the area education agency director
31 district conventions in November 2007, and the first biennial
32 regular school election in November 2007.

33 Additional conforming amendments to the Code may be
34 necessary to fully implement the bill's provisions.

35