

## CHAPTER 36

## SCHOOLS. OFFICERS. VACANCIES, QUALIFICATIONS, TENURE

S. F. 82

AN ACT to repeal sections forty-two hundred twenty-three-a two (4223-a2) and forty-two hundred twenty-three-b one (4223-b1), code, 1931, as amended by chapter fifty-three (53), acts Forty-fifth General Assembly, and enact substitutes therefor; to repeal sections forty-two hundred sixteen-c twenty-eight (4216-c28) and forty-two hundred twenty-two (4222), code, 1931, and enact substitutes therefor; to amend sections forty-two hundred sixteen-c seven (4216-c7), forty-two hundred sixteen-c nine (4216-c9), forty-two hundred sixteen-c ten (4216-c10), and forty-two hundred sixteen-c twenty-four (4216-c24), code, 1931; and to amend sections thirteen (13) and fourteen (14), chapter fifty-three (53), acts Forty-fifth General Assembly, all relating to the election or appointment, qualification, and tenure of school officers.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section forty-two hundred twenty-three-a two (4223-  
2 a2), code, 1931, as amended by section eighteen (18), chapter fifty-  
3 three (53), acts Forty-fifth General Assembly, is repealed and the  
4 following enacted in lieu thereof:

5 "4223-a2. Vacancies filled by board—Qualification—Tenure. Va-  
6 cancies occurring among the officers or members of a school board  
7 shall be filled by the board by appointment. A person so appointed  
8 to fill a vacancy in an elective office shall hold until the organization  
9 of the board the third Monday in March immediately following the  
10 next regular election and until his successor is elected and qualified.  
11 A person appointed to fill a vacancy in an appointive office shall hold  
12 such office for the residue of the unexpired term and until his suc-  
13 cessor is appointed and qualified. Any person so appointed shall  
14 qualify within ten days thereafter in the manner required by section  
15 forty-two hundred sixteen-c twenty-eight (4216-c28)."

1 SEC. 2. Section forty-two hundred twenty-three-b one (4223-b1),  
2 code, 1931, as amended by section nineteen (19), chapter fifty-three  
3 (53), acts Forty-fifth General Assembly, is hereby repealed and the  
4 following enacted in lieu thereof:

5 "4223-b1. Vacancies filled by special election—Qualification—Ten-  
6 ure. In any case where a vacancy or vacancies occur among the  
7 elective officers or members of a school board and the remaining mem-  
8 bers of such board have not filled such vacancy within ten days after  
9 the occurrence thereof, or when the board is reduced below a quorum  
10 for any cause, the secretary of the board, or if there be no secretary,  
11 the county superintendent of schools shall call a special election in the  
12 district, subdistrict, or subdistricts, as the case may be, to fill such  
13 vacancy or vacancies, giving the notices required by law for such  
14 special elections, which election shall be held not sooner than ten days  
15 nor later than fourteen days thereafter. In any case where the sec-  
16 retary fails for more than three days to call such election, the county  
17 superintendent shall call it by giving the notices required by law for  
18 special elections.

19 Any appointment by the board to fill any vacancy in an elective  
20 office on or after the day notice has been given for a special election  
21 to fill such vacancy as provided herein shall be null and void.

22 In any case of a special election as provided herein to fill a vacancy

23 occurring among the elective officers or members of a school board  
 24 before the expiration of a full term, the person so elected shall qualify  
 25 within ten days thereafter in the manner required by section forty-  
 26 two hundred sixteen-c twenty-eight (4216-c28) and shall hold office  
 27 for the residue of the unexpired term and until his successor is elected,  
 28 or appointed, and qualified."

1 SEC. 3. Section forty-two hundred sixteen-c twenty-eight (4216-  
 2 c28), code, 1931, is hereby repealed and the following enacted in lieu  
 3 thereof:

4 "4216-c28. Oath required. Each director or subdirector elected  
 5 at a regular district or subdistrict election, as the case may be, shall  
 6 qualify by taking the oath of office on or before the time set for the  
 7 organization meeting of the board the third Monday in March, and  
 8 his election and qualification entered of record by the secretary. The  
 9 oath may be administered by any qualified member of the board, the  
 10 secretary of the board, or the county superintendent of schools, and  
 11 may be taken in substantially the following form:

12 'Do you solemnly swear that you will support the constitution of  
 13 the United States and the constitution of the state of Iowa and that  
 14 you will faithfully and impartially to the best of your ability discharge  
 15 the duties of the office of..... (naming the office) in  
 16 ..... (naming the district) as now or hereafter re-  
 17 quired by law?'

18 If the oath of office is taken elsewhere than in the presence of the  
 19 board in session it may be administered by any officer listed in sections  
 20 twelve hundred fifteen (1215) and twelve hundred sixteen (1216)  
 21 and shall be subscribed to by the person taking it in substantially the  
 22 following form:

23 'I, ....., do solemnly swear that I will sup-  
 24 port the constitution of the United States and the constitution of the  
 25 state of Iowa and that I will faithfully and impartially to the best of  
 26 my ability discharge the duties of the office of.....  
 27 (naming the office) in..... (naming the district) as  
 28 now or hereafter required by law.'

29 Such oath shall be properly verified by the administering officer and  
 30 filed with the secretary of the board.

31 The treasurer elected at a regular election in city and town dis-  
 32 tricts shall qualify by taking the oath of office in the manner herein  
 33 required and filing a bond as required by section forty-three hundred  
 34 five (4305) within ten days after the first secular day in July follow-  
 35 ing his election."

1 SEC. 4. Section forty-two hundred twenty-two (4222), code, 1931,  
 2 is hereby repealed and the following enacted in lieu thereof:

3 "4222. Appointment of secretary and treasurer. At the meeting of  
 4 the board the first secular day in July the board shall appoint a secre-  
 5 tary who shall not be a teacher or other employee of the board. It  
 6 shall also, except in districts composed in whole or in part of a city  
 7 or town, appoint a treasurer. Such officers shall be appointed from  
 8 outside the membership of the board for terms of one year beginning  
 9 with the first secular day in July which appointment and qualifica-  
 10 tion shall be entered of record in the minutes of the secretary. They

11 shall qualify within ten days following their appointment by taking  
 12 the oath of office in the manner required by section forty-two hundred  
 13 sixteen-c twenty-eight (4216-c28), and filing a bond as required by  
 14 section forty-three hundred five (4305) and shall hold office until their  
 15 successors are appointed and qualified."

1 SEC. 5. Section forty-two hundred sixteen-c seven (4216-c7), code,  
 2 1931, is hereby amended by striking out lines 6, 7, 8, and 9 and insert-  
 3 ing in lieu thereof the following: "In subdistricts a suitable polling  
 4 place shall be selected by the person authorized by law to post the  
 5 notices of such elections."

1 SEC. 6. Section forty-two hundred sixteen-c nine (4216-c9), code,  
 2 1931, is hereby amended by striking from lines 17 and 18 the words  
 3 "nor adjourn before twelve o'clock m." and inserting in lieu thereof  
 4 the words "nor later than seven o'clock p. m."

1 SEC. 7. Section forty-two hundred sixteen-c ten (4216-c10), code,  
 2 1931, is hereby amended as follows:

3 1. Strike from lines 5 and 6 the words "at the organization of the  
 4 meeting the voters present" and insert in lieu thereof the words "or  
 5 refuses to serve, the voters present at the polls."

6 2. Strike out all of said section after the period following the word  
 7 "attendance" in line 20 and insert in lieu thereof the following: "In  
 8 subdistrict elections the judges shall consist of the subdirector and  
 9 two qualified electors selected by the voters present at the polling  
 10 place. If the subdirector is absent or refuses to serve as such judge,  
 11 or if an elector selected as judge refuses to serve, the voters present  
 12 shall select a judge to take his place."

1 SEC. 8. Section forty-two hundred sixteen-c twenty-four (4216-  
 2 c24), code, 1931, is hereby amended by striking from lines 13 and 14  
 3 the words "chosen for a term of one year" and inserting in lieu thereof  
 4 the words "elected at the regular election for a term of one year and  
 5 until his successor is elected, or appointed, and qualified."

1 SEC. 9. Section thirteen (13), chapter fifty-three (53), acts Forty-  
 2 fifth General Assembly, is hereby amended by inserting immediately  
 3 after the word "election" in line 4 the words "or to appoint within  
 4 the time fixed by law."

1 SEC. 10. Section fourteen (14), chapter fifty-three (53), acts Forty-  
 2 fifth General Assembly, is hereby amended by striking from line 6  
 3 the words "or at a special election."

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