

MAR 7 1995

STATE GOVERNMENT

HOUSE FILE 272

BY VAN FOSSEN, MILLAGE, and
MARTIN

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

A BILL FOR

1 An Act relating to the election of the board of directors for an
2 area education agency and providing effective date and
3 applicability provisions.

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

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HF 272

1 Section 1. Section 273.8, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. BOARD OF DIRECTORS. The board of directors of an area
4 education agency shall consist of not less than five nor more
5 than nine members, each a resident of and elected in the
6 manner provided in this section from a director district that
7 is approximately equal in population to the other director
8 districts in the area education agency. Each director member
9 shall serve a three-year term which commences at the
10 organization meeting. A member may serve on the board of
11 directors who is a member of a board of directors of a school
12 district if the member is a qualified elector and resident of
13 the area education agency director district.

14 Sec. 2. Section 273.8, subsection 2, Code 1995, is amended
15 by striking the subsection and inserting in lieu thereof the
16 following:

17 2. ELECTION OF DIRECTORS. Regular elections held annually
18 by the area education agency for the election of members of
19 the board of directors shall be held on the date of the school
20 election as fixed by section 277.1. The election notice shall
21 be made a part of the local school election notice published
22 as provided in section 49.53 in each local school district
23 where voting is to occur in the area education agency election
24 and the election shall be conducted by the county commissioner
25 of elections pursuant to chapters 39 through 53 and section
26 277.20.

27 A candidate for member of the board of directors of an area
28 education agency shall be nominated by a petition signed by
29 not less than fifty eligible electors of the director district
30 from which the member is to be elected. The petition shall
31 state the number of the director district from which the
32 candidate seeks election, and the candidate's name and status
33 as an eligible elector of the director district. Signers of
34 the petition, in addition to signing their names, shall show
35 their residence, including street and number if any, the

1 school district in which they reside, and the date they signed
2 the petition. A person may sign nomination petitions for more
3 than one candidate for the same office, and the signature is
4 not invalid solely because the person signed nomination
5 petitions for one or more other candidates for the office.
6 The petition shall include the affidavit of the candidate
7 being nominated, stating the candidate's name and residence,
8 and that the individual is a candidate, is eligible for the
9 office sought, and if elected will qualify for the office.

10 Nomination papers on behalf of candidates for member of the
11 board of directors of an area education agency shall be filed
12 with the secretary of the area education agency board not
13 earlier than sixty-five days nor later than five p.m. on the
14 fortieth day prior to the election at which members of the
15 board are to be elected. The secretary shall deliver all
16 nomination petitions filed to the county commissioner of
17 elections who is responsible under section 47.2 for conducting
18 elections held for the area education agency not later than
19 five p.m. on the day following the last day on which
20 nomination petitions can be filed. That commissioner shall
21 certify the names of candidates to all county commissioners of
22 elections in the area education agency by the thirty-fifth day
23 prior to the election.

24 The votes cast in the election shall be canvassed and
25 abstracts of the votes cast shall be certified as required by
26 section 277.20. In each county whose commissioner of
27 elections is responsible under section 47.2 for conducting
28 elections held for an area education agency, the county board
29 of supervisors shall convene on the last Monday in September
30 or at the last regular board meeting in September, canvass the
31 abstracts of votes cast and declare the results of the voting.
32 The commissioner shall at once issue certificates of election
33 to each person declared elected.

34 Successors shall be chosen at the annual school elections
35 for members of the board of directors whose terms expire.

1 Vacancies on the board shall be filled at the next regular
2 meeting of the board by appointment by the remaining members
3 of the board. A member so chosen shall be a resident of the
4 district in which the vacancy occurred and shall serve until a
5 member is elected pursuant to section 69.12 to fill the
6 vacancy for the balance of the unexpired term. A vacancy is
7 defined in section 277.29.

8 Sec. 3. Section 273.8, subsection 5, Code 1995, is amended
9 to read as follows:

10 5. CHANGE IN DIRECTORS. The board of an area education
11 agency may change the number of directors on the board and
12 shall make corresponding changes in the boundaries of director
13 districts if sixty percent of the number of local school
14 boards located in an area education agency, or if local school
15 boards representing sixty percent of the enrollment in the
16 school districts located in the agency, request in writing to
17 the area education agency board that the number of directors
18 on the board be changed. Changes-shall-be-completed-not-later
19 than-July-1-of-a-fiscal-year-for-the-director-district
20 conventions-to-be-held-the-following-September.

21 Sec. 4. Section 277.1, Code 1995, is amended to read as
22 follows:

23 277.1 REGULAR ELECTION.

24 The regular election shall be held annually on the second
25 Tuesday in September in each school district for the election
26 of officers of the district, the area education agency, and
27 merged area and for the purpose of submitting to the voters
28 any matter authorized by law.

29 Sec. 5. Section 277.20, unnumbered paragraph 2, Code 1995,
30 is amended to read as follows:

31 The abstracts of the votes cast for members of the board of
32 directors of any merged area, or any area education agency and
33 of the votes cast on any public question submitted to the
34 voters of any merged area, shall be promptly certified by the
35 commissioner to the county commissioner of elections who is

1 or at the last regular board meeting in September, canvass the
2 abstracts of votes cast, and declare the results of the
3 voting. The commissioner shall at once issue certificates of
4 election to each person declared elected.

5 Successors for members of the board of directors whose
6 terms expire shall be chosen at the annual school elections.
7 Vacancies on the board shall be filled at the next regular
8 meeting of the board by appointment by the remaining members
9 of the board. A member so chosen shall be a resident of the
10 district in which the vacancy occurred and shall serve until a
11 member is elected to fill the vacancy for the balance of the
12 unexpired term. A member who is a member of a board of
13 directors of a local school district may serve on the board of
14 directors of the area education agency.

15 The bill contains effective date and applicability
16 provisions. It takes effect July 1, 1995, for the school
17 election in September 1996, and members of area education
18 agency boards will continue in office until the expiration of
19 their terms.

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