

FEB 8 2000

STATE GOVERNMENT

HOUSE FILE
BY WELTER

2138

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

A BILL FOR

1 An Act relating to the election of boards of directors of area
2 education agencies and providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2138

1 Section 1. Section 39.24, Code 1999, 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, boards of directors of area education
6 agencies, and boards of directors of merged areas shall be
7 elected at the school election. Their terms of office shall
8 be three years, except as otherwise provided by section
9 260C.11, 273.8, or 275.23A.

10 Sec. 2. Section 273.8, subsection 2, Code 1999, is amended
11 by striking the subsection and inserting in lieu thereof the
12 following:

13 2. ELECTION OF DIRECTORS. The board of directors of the
14 area education agency shall be elected at the regular school
15 election. The election notice shall be made a part of the
16 local school election notice published as provided in section
17 49.53 in each local school district where voting is to occur
18 in the merged area election and the election shall be
19 conducted by the county commissioner of elections pursuant to
20 chapters 39 to 53 and section 277.20.

21 An area education agency board member may be a member of a
22 local school district board of directors and shall be an
23 elector and a resident of the director district, and shall not
24 be a school district employee. Directors shall be elected so
25 that as nearly as possible one-third of the members of the
26 board shall be elected each year. Vacancies shall be filled
27 by election and the provisions of section 69.12 shall control.

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

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

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

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

1 shall qualify by taking the oath of office prescribed in
2 section 277.28.

3 Sec. 3. Section 273.8, subsection 5, Code 1999, is amended
4 by striking the subsection and inserting in lieu thereof the
5 following:

6 5. DIRECTOR DISTRICTS.

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

16 b. The board of the merged area shall redraw boundary
17 lines of director districts in the merged area after each
18 census to compensate for changes in population if changes in
19 population have taken place. To the extent possible the board
20 shall provide that changes in the boundary lines of director
21 districts of area education agencies shall not lengthen or
22 diminish the term of office of a director of an area education
23 agency board. Initial terms of office shall be set by the
24 board so that as nearly as possible the terms of one-third of
25 the members expire annually.

26 c. Boundary lines of director districts shall be drawn
27 according to the following standards:

28 (1) All boundaries shall follow precinct boundaries or
29 school director district boundaries unless a merged area
30 director district boundary follows the boundary of a school
31 district which divides one or more election precincts.

32 (2) To the extent possible in order to comply with
33 paragraph "a", all districts shall be as nearly equal as
34 practicable to the ideal population for the districts as
35 determined by dividing the number of districts to be

1 established into the population of the merged area.

2 (3) All districts shall be composed of contiguous
3 territory as compact as practicable.

4 (4) Consideration shall not be given to the addresses of
5 incumbent officeholders, political affiliations of registered
6 voters, previous election results, or demographic information
7 other than population head counts, except as required by the
8 Constitution and the laws of the United States.

9 (5) Cities shall not be divided into two or more districts
10 unless the population of the city is greater than the ideal
11 size of a district. Cities shall be divided into the smallest
12 number of districts possible.

13 d. If more than one incumbent officeholder resides in a
14 district redrawn during reprecincting, their terms of office
15 expire after the next regular school election.

16 Sec. 4. Section 273.8, subsections 6 and 7, Code 1999, are
17 amended by striking the subsections.

18 Sec. 5. Section 277.1, Code 1999, is amended to read as
19 follows:

20 277.1 REGULAR ELECTION.

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

26 Sec. 6. Section 277.20, unnumbered paragraph 2, Code 1999,
27 is amended to read as follows:

28 The abstracts of the votes cast for members of the board of
29 directors of any merged area, and of the votes cast on any
30 public question submitted to the voters of any merged area, or
31 for members of the board of directors of any area education
32 agency, shall be promptly certified by the commissioner to the
33 county commissioner of elections who is responsible under
34 section 47.2 for conducting the elections held for that merged
35 area or area education agency.

