

FEB 14 2003  
STATE GOVERNMENT

HOUSE FILE 202  
BY MYERS

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to elections, by changing the date of the primary  
2 election, by providing for the biennial election of directors  
3 of local school districts, area education agencies, and merged  
4 areas, and including effective and applicability date  
5 provisions.

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

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HF-202

1 DIVISION I

2 Section 1. Section 43.7, Code 2003, is amended to read as  
3 follows:

4 43.7 TIME OF HOLDING.

5 The primary election by all political parties shall be held  
6 at the usual voting places of the several precincts on the  
7 first Tuesday after the first Monday in ~~June~~ September in each  
8 even-numbered year.

9 Sec. 2. Section 43.73, unnumbered paragraph 1, Code 2003,  
10 is amended to read as follows:

11 Not less than ~~sixty-nine~~ forty days before the general  
12 election the state commissioner shall certify to each  
13 commissioner, under separate party headings, the name of each  
14 person nominated as shown by the official canvass made by the  
15 executive council, or as certified to the state commissioner  
16 by the proper persons when any person has been nominated by a  
17 convention or by a party committee, or by petition, the office  
18 to which the person is nominated, and the order in which  
19 federal and state offices, judges, constitutional amendments,  
20 and state public measures shall appear on the official ballot.

21 Sec. 3. Section 43.76, Code 2003, is amended to read as  
22 follows:

23 43.76 WITHDRAWAL OF NOMINATED CANDIDATES.

24 1. A candidate nominated in a primary election for any  
25 office for which nomination papers are required to be filed  
26 with the state commissioner may withdraw as a nominee for that  
27 office on or before, but not later than, the ~~eighty-ninth~~  
28 forty-second day before the date of the general election by so  
29 notifying the state commissioner in writing.

30 2. A candidate nominated in a primary election for any  
31 office for which nomination papers are required to be filed  
32 with the commissioner may withdraw as a nominee for that  
33 office on or before, but not later than, the ~~seventy-fourth~~  
34 fifty-fifth day before the date of the general election by so  
35 notifying the commissioner in writing.

1     Sec. 4. Section 43.77, subsections 3, 4, and 5, Code 2003,  
2 are amended to read as follows:

3     3. The person nominated in the primary election as the  
4 party's candidate for that office subsequently withdrew as  
5 permitted by section 43.76, was found to lack the requisite  
6 qualifications for the office, or died, at a time not later  
7 than the ~~eighty-ninth~~ forty-second day before the date of the  
8 general election in the case of an office for which nomination  
9 papers must be filed with the state commissioner and not later  
10 than the ~~seventy-fourth~~ fifty-fifth day before the date of the  
11 general election in the case of an office for which nomination  
12 papers must be filed with the county commissioner.

13     4. A vacancy has occurred in the office of senator in the  
14 Congress of the United States, lieutenant governor, secretary  
15 of state, auditor of state, treasurer of state, secretary of  
16 agriculture, or attorney general, under the circumstances  
17 described in section 69.13, less than eighty-nine days before  
18 the primary election and not less than ~~eighty-nine~~ forty-two  
19 days before the general election.

20     5. A vacancy has occurred in the office of county  
21 supervisor or in any of the offices listed in section 39.17  
22 and the term of office has more than seventy days remaining  
23 after the date of the next general election and one of the  
24 following circumstances applies:

25     a. The vacancy occurred during the period beginning  
26 ~~seventy-three~~ fifty-five days before the primary election and  
27 ending on the date of the primary election and no special  
28 election was called to fill the vacancy.

29     b. The vacancy occurred after the date of the primary  
30 election and more than ~~seventy-three~~ fifty-five days before  
31 the general election.

32     Sec. 5. Section 43.78, subsections 2 and 3, Code 2003, are  
33 amended to read as follows:

34     2. The name of any candidate designated to fill a vacancy  
35 on the general election ballot in accordance with subsection

1 1, paragraph "a", "b", or "c", shall be submitted in writing  
2 to the state commissioner not later than five o'clock p.m. on  
3 the ~~eighty-first~~ forty-first day before the date of the  
4 general election.

5 3. The name of any candidate designated to fill a vacancy  
6 on the general election ballot in accordance with subsection  
7 1, paragraph "d", "e", or "f", shall be submitted in writing  
8 to the commissioner not later than five o'clock p.m. on the  
9 ~~sixty-ninth~~ fifty-fourth day before the date of the general  
10 election.

11 Sec. 6. Section 43.79, Code 2003, is amended to read as  
12 follows:

13 43.79 DEATH OF CANDIDATE AFTER TIME FOR WITHDRAWAL.

14 The death of a candidate nominated as provided by law for  
15 any office to be filled at a general election, during the  
16 period beginning on the ~~eighty-eighth~~ thirty-fifth day before  
17 the general election, in the case of any candidate whose  
18 nomination papers were filed with the state commissioner, or  
19 beginning on the ~~seventy-third~~ fortieth day before the general  
20 election, in the case of any candidate whose nomination papers  
21 were filed with the commissioner, and ending on the last day  
22 before the general election shall not operate to remove the  
23 deceased candidate's name from the general election ballot.  
24 If the deceased candidate was seeking the office of senator or  
25 representative in the Congress of the United States, governor,  
26 attorney general, senator or representative in the general  
27 assembly or county supervisor, section 49.58 shall control.  
28 If the deceased candidate was seeking any other office, and as  
29 a result of the candidate's death a vacancy is subsequently  
30 found to exist, the vacancy shall be filled as provided by  
31 chapter 69.

32 Sec. 7. Section 50.48, subsection 4, unnumbered paragraph  
33 3, Code 2003, is amended to read as follows:

34 The ballots or voting machine documents shall be resealed  
35 by the recount board before adjournment and shall be preserved

1 as required by section 50.12. At the conclusion of the  
2 recount, the recount board shall make and file with the  
3 commissioner a written report of its findings, which shall be  
4 signed by at least two members of the recount board. The  
5 recount board shall complete the recount and file its report  
6 not later than the eighteenth twenty-seventh day following the  
7 county board's canvass of the election in question.

8 Sec. 8. Section 53.2, unnumbered paragraph 1, Code 2003,  
9 is amended to read as follows:

10 Any registered voter, under the circumstances specified in  
11 section 53.1, may on any day, except election day, and not  
12 more than seventy forty days ~~prior-to~~ before the date of the  
13 general election and not more than seventy days before the  
14 date of other elections, apply in person for an absentee  
15 ballot at the commissioner's office or at any location  
16 designated by the commissioner, or make written application to  
17 the commissioner for an absentee ballot. The state  
18 commissioner shall prescribe a form for absentee ballot  
19 applications. However, if a registered voter submits an  
20 application that includes all of the information required in  
21 this section, the prescribed form is not required. Absentee  
22 ballot applications may include instructions to send the  
23 application directly to the county commissioner of elections.  
24 However, no absentee ballot application shall be preaddressed  
25 or printed with instructions to send the applications to  
26 anyone other than the appropriate commissioner.

27 Sec. 9. Section 53.39, unnumbered paragraph 2, Code 2003,  
28 is amended to read as follows:

29 All official ballots to be voted by qualified absent voters  
30 in the armed forces of the United States at the primary  
31 election ~~and-the-general-election~~ shall be printed prior to  
32 forty days before the ~~respective-elections~~ election and shall  
33 be available for transmittal to such qualified voters in the  
34 armed forces of the United States at least forty days before  
35 the ~~respective-elections~~ primary election. All official

1 ballots to be voted by qualified absent voters in the armed  
2 forces of the United States at the general election shall be  
3 printed prior to ten days before the election and shall be  
4 available for transmittal to such qualified voters at least  
5 ten days before the general election and shall be accepted  
6 until thirty days after the election. The provisions of this  
7 chapter apply to absent voting by qualified voters in the  
8 armed forces of the United States except as modified by the  
9 provisions of this division.

10 Sec. 10. Section 277.1, Code 2003, is amended to read as  
11 follows:

12 277.1 REGULAR ELECTION.

13 The regular election shall be held annually on the second  
14 Tuesday in September in each school district for the election  
15 of officers of the district and merged area and for the  
16 purpose of submitting to the voters any matter authorized by  
17 law. However, if the regular election falls on the same day  
18 as the primary election, the regular election shall be held  
19 the following Tuesday.

20 DIVISION II

21 Sec. 11. Section 39.24, Code 2003, is amended to read as  
22 follows:

23 39.24 SCHOOL OFFICERS.

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

29 Sec. 12. Section 260C.11, unnumbered paragraph 1, Code  
30 2003, is amended to read as follows:

31 The governing board of a merged area is a board of  
32 directors composed of one member elected from each director  
33 district in the area by the electors of the respective  
34 district. Members of the board shall be residents of the  
35 district from which elected. Successors shall be chosen at

1 the ~~annual~~ regular school elections for members whose terms  
2 expire. The term of a member of the board of directors is  
3 ~~three~~ four years and commences at the organization meeting.  
4 Vacancies on the board shall be filled at the next regular  
5 meeting of the board by appointment by the remaining members  
6 of the board. A member so chosen shall be a resident of the  
7 district in which the vacancy occurred and shall serve until a  
8 member is elected pursuant to section 69.12 to fill the  
9 vacancy for the balance of the unexpired term. A vacancy is  
10 defined in section 277.29. A member shall not serve on the  
11 board of directors who is a member of a board of directors of  
12 a local school district or a member of an area education  
13 agency board.

14 Sec. 13. Section 260C.12, unnumbered paragraph 1, Code  
15 2003, is amended to read as follows:

16 The board of directors of the merged area shall organize at  
17 the first regular meeting in ~~October-of-each-year~~ December  
18 following the regular school election. Organization of the  
19 board shall be effected by the election of a president and  
20 other officers from the board membership as board members  
21 determine. The board of directors shall appoint a secretary  
22 and a treasurer who shall each give bond as prescribed in  
23 section 291.2 and who shall each receive the salary determined  
24 by the board. The secretary and treasurer shall perform  
25 duties under chapter 291 and additional duties the board of  
26 directors deems necessary. However, the board may appoint one  
27 person to serve as the secretary and treasurer. If one person  
28 serves as the secretary and treasurer, only one bond is  
29 necessary for that person. The frequency of meetings other  
30 than organizational meetings shall be as determined by the  
31 board of directors but the president or a majority of the  
32 members may call a special meeting at any time.

33 Sec. 14. Section 260C.13, subsection 1, Code 2003, is  
34 amended to read as follows:

35 1. The board of a merged area may change the number of

1 directors on the board and shall make corresponding changes in  
2 the boundaries of director districts. Changes shall be  
3 completed not later than ~~June 1 for the regular school~~  
4 ~~election to be held the next following~~ September 1 of the year  
5 of the regular school election. As soon as possible after  
6 adoption of the boundary changes, notice of changes in the  
7 director district boundaries shall be submitted by the merged  
8 area to the county commissioner of elections in all counties  
9 included in whole or in part in the merged area.

10 Sec. 15. Section 260C.15, subsection 1, Code 2003, is  
11 amended to read as follows:

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

26 Sec. 16. Section 260C.22, subsection 1, paragraph a, Code  
27 2003, is amended to read as follows:

28 a. In addition to the tax authorized under section  
29 260C.17, the voters in any a merged area may at the ~~annual~~  
30 regular school election vote a tax not exceeding twenty and  
31 one-fourth cents per thousand dollars of assessed value in any  
32 one year for a period not to exceed ten years for the purchase  
33 of grounds, construction of buildings, payment of debts  
34 contracted for the construction of buildings, purchase of  
35 buildings and equipment for buildings, and the acquisition of

1 libraries, for the purpose of paying costs of utilities, and  
2 for the purpose of maintaining, remodeling, improving, or  
3 expanding the community college of the merged area. If the  
4 tax levy is approved under this section, the costs of  
5 utilities shall be paid from the proceeds of the levy. The  
6 tax shall be collected by the county treasurers and remitted  
7 to the treasurer of the merged area as provided in section  
8 331.552, subsection 29. The proceeds of the tax shall be  
9 deposited in a separate and distinct fund to be known as the  
10 voted tax fund, to be paid out upon warrants drawn by the  
11 president and secretary of the board of directors of the  
12 merged area district for the payment of costs incurred in  
13 providing the school facilities for which the tax was voted.

14 Sec. 17. Section 273.8, subsections 1, 5, and 6, Code  
15 2003, are amended to read as follows:

16 1. BOARD OF DIRECTORS. The board of directors of an area  
17 education agency shall consist of not less than five nor more  
18 than nine members, each a resident of and elected in the  
19 manner provided in this section from a director district that  
20 is approximately equal in population to the other director  
21 districts in the area education agency. Each director shall  
22 serve a ~~three-year~~ four-year term which commences at the  
23 organization meeting.

24 5. CHANGE IN DIRECTORS. The board of an area education  
25 agency may change the number of directors on the board and  
26 shall make corresponding changes in the boundaries of director  
27 districts. Changes shall be completed not later than ~~July~~  
28 September 1 of a fiscal year for the director district  
29 conventions to be held the following ~~September~~ November.

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

1 ~~one-third~~ one-half of the members expire ~~annually~~ biennially.

2 Sec. 18. Section 273.8, subsection 2, unnumbered paragraph  
3 2, Code 2003, is amended to read as follows:

4 The director district conventions shall be called and the  
5 locations of the conventions shall be determined by the area  
6 education agency administrator. ~~Annually~~ Biennially the  
7 director district conventions shall be held within two weeks  
8 following the regular school election. Notice of the time,  
9 date and place of a director district convention shall be  
10 published by the area education agency administrator at least  
11 forty-five days prior to the day of the district conventions  
12 in at least one newspaper of general circulation in the  
13 director district. The cost of publication shall be paid by  
14 the area education agency.

15 Sec. 19. Section 273.8, subsection 3, unnumbered paragraph  
16 1, Code 2003, is amended to read as follows:

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

24 Sec. 20. Section 274.7, Code 2003, is amended to read as  
25 follows:

26 274.7 DIRECTORS.

27 The affairs of each school corporation shall be conducted  
28 by a board of directors, the members of which in all community  
29 or independent school districts shall be chosen for a term of  
30 three ~~four~~ years.

31 Sec. 21. Section 275.1, subsections 2 and 5, Code 2003,  
32 are amended to read as follows:

33 2. "Initial board" means the board of a newly reorganized  
34 district that is selected pursuant to section 275.25 or 275.41  
35 and functions until the organizational meeting following the

1 ~~fourth~~ third regular school election held after the effective  
2 date of the reorganization.

3 5. "Regular board" means the board of a reorganized  
4 district that begins to function at the organizational meeting  
5 following the ~~fourth~~ third regular school election held after  
6 the effective date of the school reorganization, and is  
7 comprised of members who were elected to the current terms or  
8 were appointed to replace members who were elected.

9 Sec. 22. Section 275.12, subsection 2, paragraphs b, c, d,  
10 and e, Code 2003, are amended to read as follows:

11 b. Division of the entire school district into designated  
12 geographical single director or multi-director subdistricts on  
13 the basis of population for each director, to be known as  
14 director districts, each of which ~~director-districts~~ shall be  
15 represented on the school board by one or more directors who  
16 shall be residents of the director district but who shall be  
17 elected by the vote of the electors of the entire school  
18 district. The boundaries of the director districts and the  
19 area and population included within each district shall be  
20 such as justice, equity, and the interests of the people may  
21 require. Changes in the boundaries of director districts  
22 shall not be made during a period commencing sixty days prior  
23 to the date of the ~~annual~~ regular school election. ~~Insofar As~~  
24 far as ~~may-be~~ practicable, the boundaries of the districts  
25 shall follow established political or natural geographical  
26 divisions.

27 c. Election of not more than one-half of the total number  
28 of school directors at large from the entire district and the  
29 remaining directors from and as residents of designated  
30 single-member or multimember director districts into which the  
31 entire school district shall be divided on the basis of  
32 population for each director. In such case, all directors  
33 shall be elected by the electors of the entire school  
34 district. Changes in the boundaries of director districts  
35 shall not be made during a period commencing sixty days prior

1 to the date of the ~~annual~~ regular school election.

2 d. Division of the entire school district into designated  
3 geographical single director or multi-director subdistricts on  
4 the basis of population for each director, to be known as  
5 director districts, each of which ~~director-districts~~ shall be  
6 represented on the school board by one or more directors who  
7 shall be residents of the director district and who shall be  
8 elected by the voters of the director district. Place of  
9 voting in the director districts shall be designated by the  
10 commissioner of elections. Changes in the boundaries of  
11 director districts shall not be made during a period  
12 commencing sixty days prior to the date of the ~~annual~~ regular  
13 school election.

14 e. In districts having seven directors, election of three  
15 directors at large by the electors of the entire district, ~~one~~  
16 no more than two at each ~~annual~~ regular school election, and  
17 election of the remaining directors as residents of and by the  
18 electors of individual geographic subdistricts established on  
19 the basis of population and identified as director districts,  
20 no more than two at a regular school election. Boundaries of  
21 the subdistricts shall follow precinct boundaries, ~~insofar as~~  
22 far as practicable, and shall not be changed less than sixty  
23 days prior to the ~~annual~~ regular school election.

24 Sec. 23. Section 275.25, subsection 3, Code 2003, is  
25 amended to read as follows:

26 3. The directors who are elected and qualify to serve  
27 shall serve until their successors are elected and qualify.  
28 At the special election, the three newly elected ~~director~~  
29 directors receiving the most votes shall be elected to serve  
30 until ~~the-director's-successor-qualifies~~ their successors  
31 qualify after the ~~fourth~~ third regular school election date  
32 occurring after the effective date of the reorganization; and  
33 the two newly elected directors receiving the next largest  
34 number of votes shall be elected to serve until the directors'  
35 successors qualify after the ~~third~~ second regular school

1 election date occurring after the effective date of the  
2 reorganization, ~~and the two newly elected directors receiving~~  
3 ~~the next largest number of votes shall be elected to serve~~  
4 ~~until the directors' successors qualify after the second~~  
5 ~~regular school election date occurring after the effective~~  
6 ~~date of the reorganization.~~ However, in districts that  
7 include all or a part of a city of fifteen thousand or more  
8 population and in districts in which the proposition to  
9 establish a new corporation provides for the election of seven  
10 directors, the ~~three newly elected directors receiving the~~  
11 ~~most votes shall be elected to serve until the directors'~~  
12 ~~successors qualify after the fourth regular school election~~  
13 ~~date occurring after the effective date of the reorganization~~  
14 time lines specified in this subsection for the terms of  
15 office apply to the four newly elected directors receiving the  
16 most votes and then to the three newly elected directors  
17 receiving the next largest number of votes.

18 Sec. 24. Section 275.37, Code 2003, is amended to read as  
19 follows:

20 275.37 INCREASE IN NUMBER OF DIRECTORS.

21 At the next succeeding ~~annual~~ regular school election in a  
22 district where the number of directors has been increased from  
23 five to seven, and directors are elected at large, there shall  
24 be elected a director to succeed each incumbent director whose  
25 term is expiring in that year, and two additional directors.  
26 Upon organizing as required by section 279.1, either one or  
27 two of the newly elected ~~director~~ directors who received the  
28 fewest votes in the election shall be assigned a term of  
29 ~~either one year or~~ two years if as necessary in order that as  
30 nearly as possible ~~one-third~~ one-half of the members of the  
31 board shall be elected ~~each year~~ biennially. If some or all  
32 directors are elected from director districts, the board shall  
33 assign terms appropriate for the method of election used by  
34 the district.

35 Sec. 25. Section 275.37A, Code 2003, is amended to read as

1 follows:

2 275.37A DECREASE IN NUMBER OF DIRECTORS.

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

6 a. If at the first election in the district there are  
7 three ~~four~~ terms expiring, one-director ~~three~~ directors shall  
8 be elected. At the second election in that district, if two  
9 three terms are expiring, two directors shall be elected. At  
10 ~~the-third-election-in-that-district, if there are two terms~~  
11 ~~expiring, two directors shall be elected.~~

12 b. If at the first election there are two ~~three~~ terms  
13 expiring, no ~~two~~ directors shall be elected. At the second  
14 election in that district, if two ~~four~~ terms are expiring, two  
15 directors shall be elected. ~~At the third election in that~~  
16 ~~district, if there are three terms expiring, three directors~~  
17 ~~shall be elected, two for three years and one for one year.~~  
18 ~~The newly-elected director who received the fewest votes in~~  
19 ~~the election shall be assigned a term of one year.~~

20 c. ~~---If at the first election there are two terms expiring,~~  
21 ~~no directors shall be elected.---At the second election in that~~  
22 ~~district, if three terms are expiring, three directors shall~~  
23 ~~be elected, two for three years and one for two years.---The~~  
24 ~~newly-elected director who received the fewest votes in the~~  
25 ~~election shall be assigned a term of two years.---At the third~~  
26 ~~election in that district, if there are two terms expiring,~~  
27 ~~two directors shall be elected.~~

28 2. If some or all of the directors are elected from  
29 director districts, the board shall devise a plan to reduce  
30 the number of members so that as nearly as possible one-third  
31 one-half of the members of the board shall be elected each  
32 year biennially and so that each district will be continuously  
33 represented.

34 Sec. 26. Section 275.38, Code 2003, is amended to read as  
35 follows:

1 275.38 IMPLEMENTING CHANGED METHOD OF ELECTION.

2 If change in the method of election of school directors is  
3 approved at a regular or special school election, the  
4 directors who were serving unexpired terms or were elected  
5 concurrently with approval of the change of method shall serve  
6 out the terms for which they were elected. If the plan  
7 adopted is that described in section 275.12, subsection 2,  
8 paragraph "~~b~~"-"~~e~~"-"~~d~~"-or-"~~e~~" "b", "c", "d", or "e", the  
9 board shall at the earliest practicable time designate the  
10 districts from which residents are to be elected as school  
11 directors at each of the next ~~three~~ two succeeding ~~annual~~  
12 regular school elections, arranging so far as possible for  
13 elections of directors as residents of the respective  
14 districts to coincide with the expiration of terms of  
15 incumbent members residing in those districts. If an increase  
16 in the size of the board from five to seven members is  
17 approved concurrently with the change in method of election of  
18 directors, the board shall make the necessary adjustment in  
19 the manner prescribed in section 275.37, as well as providing  
20 for implementation of the districting plan under this section.

21 Sec. 27. Section 275.41, subsection 3, Code 2003, is  
22 amended to read as follows:

23 3. Prior to the effective date of the reorganization, the  
24 initial board shall approve a plan that commences at the  
25 ~~second~~ first regular school election held after the effective  
26 date of the merger and is completed at the ~~fourth~~ third  
27 regular school election held after the effective date of the  
28 merger, to replace the initial board with the regular board.  
29 If the petition specifies a number of directors on the regular  
30 board to be different from the number of directors on the  
31 initial board, the plan shall provide that the number  
32 specified in the petition for the regular board is in place by  
33 the time the regular board is formed. The plan shall provide  
34 that as nearly as possible ~~one-third~~ one-half of the members  
35 of the board shall be elected ~~each-year~~ biennially, and if a

1 special election was held to elect a member to create an odd  
2 number of members on the board, the term of that member shall  
3 end at the organizational meeting following the fourth third  
4 regular school election held after the effective date.

5 Sec. 28. Section 277.1, Code 2003, is amended to read as  
6 follows:

7 277.1 REGULAR ELECTION.

8 The regular election shall be held ~~annually~~ biennially on  
9 the second first Tuesday after the first Monday in September  
10 November of each odd-numbered year in each school district for  
11 the election of officers of the district and merged area and  
12 for the purpose of submitting to the voters any matter  
13 authorized by law.

14 Sec. 29. Section 277.2, Code 2003, is amended to read as  
15 follows:

16 277.2 SPECIAL ELECTION.

17 The board of directors in a school corporation may call a  
18 special election at which the voters shall have the powers  
19 exercised at the regular election with reference to the sale  
20 of school property and the application to be made of the  
21 proceeds, the authorization to change the method of election  
22 of school directors to any method authorized by section  
23 275.12, the authorization of seven members on the board of  
24 directors, the authorization to establish or change the  
25 boundaries of director districts, and the authorization of a  
26 voter-approved physical plant and equipment levy or  
27 indebtedness, as provided by law.

28 Sec. 30. Section 277.20, unnumbered paragraph 1, Code  
29 2003, is amended to read as follows:

30 On the next Friday Monday after the regular school  
31 election, the county board of supervisors shall canvass the  
32 returns made to the county commissioner of elections from the  
33 several precinct polling places and the absentee ballot  
34 counting board, ascertain the result of the voting with regard  
35 to every matter voted upon and cause a record to be made

1 thereof as required by section 50.24. Special elections held  
2 in school districts shall be canvassed at the time and in the  
3 manner required by that section. The board shall declare the  
4 results of the voting for members of boards of directors of  
5 school corporations nominated pursuant to section 277.4, and  
6 the commissioner shall at once issue a certificate of election  
7 to each person declared elected. The board shall also declare  
8 the results of the voting on any public question submitted to  
9 the voters of a single school district, and the commissioner  
10 shall certify the result as required by section 50.27.

11 Sec. 31. Section 277.25, Code 2003, is amended to read as  
12 follows:

13 277.25 DIRECTORS IN NEW DISTRICTS.

14 At the first election in newly organized districts the  
15 directors shall be elected as follows:

16 1. In districts having three directors, ~~one-director~~ two  
17 directors shall be elected for ~~one-year~~one-for two years,  
18 and one for ~~three~~ four years.

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

22 3. In districts having seven directors, ~~two~~ four shall be  
23 elected for ~~one-year~~two-for two years, and three for ~~three~~  
24 four years.

25 Sec. 32. Section 278.2, unnumbered paragraph 2, Code 2003,  
26 is amended to read as follows:

27 Petitions filed under this section shall be filed with the  
28 secretary of the school board at least seventy-five days  
29 before the date of the ~~annual~~ regular school election, if the  
30 question is to be included on the ballot at that election.  
31 The petition shall include the signatures of the petitioners,  
32 a statement of their place of residence, and the date on which  
33 they signed the petition.

34 Sec. 33. TRANSITION PROVISIONS. In order to accomplish  
35 the transition from election of directors of community and

1 independent school districts, merged areas, and area education  
2 agencies, annually for terms of three years each to the  
3 election of such directors biennially for terms of four years  
4 each, the following adjustments in terms and times of election  
5 shall be made, notwithstanding other provisions of law:

6 1. The term of office for each director of a community or  
7 independent school district, merged area, or area education  
8 agency board whose term expires in the year 2003 or 2004 shall  
9 expire at noon on January 2, 2004, and successors to these  
10 positions shall be elected at the regular election in 2003, or  
11 in the case of an area education agency, at the director  
12 district convention in 2003.

13 2. In community, independent, and consolidated school  
14 districts, merged areas, and area education agencies having  
15 five-member boards of directors, the persons elected as  
16 directors in 2002 who received the greatest and the next  
17 greatest number of votes in that election shall serve terms of  
18 three years each, and the other persons so elected shall serve  
19 terms of one year each.

20 3. In community, independent, and consolidated school  
21 districts, merged areas, and area education agencies having  
22 seven-member boards of directors, the persons elected as  
23 directors in 2002 who received the greatest, the next  
24 greatest, and the third greatest number of votes shall serve  
25 terms of three years each, and the other persons so elected  
26 shall serve terms of one year each.

27 4. In merged areas and area education agencies having more  
28 than seven members, the persons elected as directors in 2002  
29 who received the greatest, the next greatest, the third  
30 greatest, and the fourth greatest number of votes shall serve  
31 terms of three years each, and the other persons so elected  
32 shall serve terms of one year each.

33 Sec. 34. EFFECTIVE AND APPLICABILITY DATES.

34 1. Division I of this Act applies to primary elections  
35 held after the effective date of this Act.

