

Senate File 2037 - Introduced

SENATE FILE 2037

BY WILHELM

A BILL FOR

1 An Act relating to filling school board vacancies.

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

1 Section 1. Section 279.6, Code 2014, is amended to read as
2 follows:

3 **279.6 Vacancies – qualification – tenure.**

4 1. a. Vacancies Except as provided in paragraph "b" and
5 subsection 2, vacancies occurring among the officers or members
6 of a school board shall be filled by the board by appointment.
7 A person so appointed to fill a vacancy in an elective office
8 shall hold office until a successor is elected and qualified
9 pursuant to section 69.12. To fill a vacancy occurring among
10 the members of a school board, the board shall publish notice
11 in the manner prescribed by section 279.36, stating that the
12 board intends to fill the vacancy by appointment but that
13 the electors of the school district have the right to file
14 a petition requiring that the vacancy be filled by a special
15 election conducted pursuant to section 279.7. The board may
16 publish notice in advance if a member of the board submits a
17 resignation to take effect at a future date. The board may
18 make an appointment to fill the vacancy after the notice is
19 published or after the vacancy occurs, whichever is later.

20 b. If within fourteen days after publication of a notice
21 required pursuant to paragraph "a", or within fourteen
22 days after the appointment is made, there is filed with
23 the secretary of the school board a petition requesting a
24 special election to fill the vacancy, an appointment to fill
25 the vacancy is temporary and the board shall call a special
26 election pursuant to section 279.7, to fill the vacancy for
27 the remaining balance of the unexpired term. When the board
28 is reduced below a quorum, the secretary of the board, or if
29 there is no secretary, the area education agency administrator,
30 shall call a special election in the district, subdistrict, or
31 subdistricts, as the case may be, to fill the vacancies. The
32 petition must be signed by eligible electors equal in number
33 to not less than one hundred or thirty percent of the number of
34 voters at the last preceding regular school election, whichever
35 is greater.

1 c. A person appointed to fill a vacancy in an appointive
2 office shall hold such office for the residue of the unexpired
3 term and until a successor is appointed and qualified. Any
4 person so appointed shall qualify within ten days thereafter in
5 the manner required by section 277.28.

6 2. A vacancy shall be filled at the next regular school
7 election if a member of a school board resigns from the board
8 not later than forty-five days before the election and the
9 notice of resignation specifies an effective date at the
10 beginning of the next term of office for elective school
11 officials. The president of the board shall declare the office
12 vacant as of the date of the next organizational meeting.
13 Nomination papers shall be received for the unexpired term of
14 the resigning member. The person elected at the next regular
15 school election to fill the vacancy shall take office at the
16 same time and place as the other elected school board members.

17 Sec. 2. Section 279.7, subsection 1, Code 2014, is amended
18 to read as follows:

19 1. If a vacancy or vacancies occur among the elective
20 officers or members of a school board and the remaining
21 members of the board have not filled the vacancy within thirty
22 days after the vacancy becomes known by the secretary or the
23 board or if a valid petition is submitted to the secretary
24 of the board pursuant to section 279.6, subsection 1, or
25 when the board is reduced below a quorum, the secretary of
26 the board, or if there is no secretary, the area education
27 agency administrator, shall call a special election in the
28 district, subdistrict, or subdistricts, as the case may be,
29 to fill the vacancy or vacancies. The county commissioner of
30 elections shall publish the notices required by law for special
31 elections, and the election shall be held not sooner than
32 thirty days nor later than forty days after the thirtieth day
33 following the day the vacancy becomes known by the secretary or
34 the board. If the secretary fails for more than three days to
35 call an election, the administrator shall call it.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with
the explanation's substance by the members of the general assembly.

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4 This bill relates to the filling of school district board
5 vacancies.

6 The bill maintains current law for the filling of a vacancy
7 that occurs not later than 45 days before a regular school
8 election. The bill also maintains current law requiring that
9 the school board fill all other vacancies occurring among the
10 officers and members of the school board by appointment.

11 The bill requires that the board publish notice of the
12 intent of the board to fill a vacancy among the members of a
13 school board by appointment but that the electors of the school
14 district have the right to file a petition requiring that the
15 vacancy be filled by a special election. The bill allows the
16 board to publish the notice in advance of a vacancy if the
17 officer or member of the board submits a resignation that will
18 take effect at a future date. The bill allows the board to
19 make an appointment after the notice is published or after the
20 vacancy occurs, whichever is later. The bill provides that the
21 appointment is considered temporary if a valid petition to call
22 a special election is filed with the secretary of the school
23 board within 14 days after publication of the notice or within
24 14 days after the appointment is made.

25 The bill provides that a valid petition must be signed by
26 at least 100 eligible electors or eligible electors equaling
27 at least 30 percent of the number of voters at the preceding
28 regular school election, whichever is greater.

29 The bill requires that a special election be called by the
30 school board upon the filing of a valid petition. The special
31 election shall be held in accordance with requirements under
32 current law for filling school district board vacancies. If
33 the board is reduced below a quorum, the secretary of the
34 board, or if there is no secretary, the area education agency
35 administrator, shall call a special election in the district,

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1 subdistrict, or subdistricts, as the case may be, to fill the
2 vacancies.