

MAR 2 2006

EDUCATION

HOUSE FILE

527

BY STRUYK

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the manner in which a vacancy on a school
2 district board of directors is filled and including effective
3 and applicability date provisions.

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

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HF 527

1 Section 1. Section 277.7, unnumbered paragraph 1, Code
2 2005, is amended to read as follows:

3 A petition filed with the school board to request an
4 election on a public measure or to request a special election
5 to fill a vacancy on the board of directors shall be examined
6 before it is accepted for filing. If the petition appears
7 valid on its face it shall be accepted for filing. If it
8 lacks the required number of signatures it shall be returned
9 to the petitioners.

10 Sec. 2. Section 279.6, Code 2005, is amended by striking
11 the section and inserting in lieu thereof the following:

12 279.6 VACANCIES IN ELECTION OFFICE -- QUALIFICATION --
13 TENURE.

14 Vacancies occurring among the members of a school board
15 shall be filled, at the board's option, by one of the two
16 following procedures:

17 1. By appointment by the remaining members of the board,
18 except that if the remaining members do not constitute a
19 quorum of the full membership or if the remaining members of
20 the board have not filled the vacancy within thirty days after
21 the vacancy occurs, subsection 2 shall be followed. The
22 appointment shall be for the period until the next pending
23 election as defined in section 69.12, and shall be made within
24 thirty days after the vacancy occurs. If the board chooses to
25 proceed under this subsection, the board shall publish notice
26 in a newspaper of general circulation in the school district
27 stating that the board intends to fill the vacancy by
28 appointment but that the electors of the school district have
29 the right to file a petition requiring that the vacancy be
30 filled by a special election. The notice shall also state
31 that if an election is petitioned for, the cost of the special
32 election shall be paid by a property tax levy imposed solely
33 for that purpose and such property tax will be due and payable
34 in the next fiscal year beginning following the election. The
35 board may publish notice in advance if an elected official

1 submits a resignation to take effect at a future date. The
2 board may make an appointment to fill the vacancy after the
3 notice is published or after the vacancy occurs, whichever is
4 later. Any person so appointed shall qualify within ten days
5 after the appointment in the manner required by section
6 277.28.

7 If within ten days after publication of the notice or
8 within ten days after the appointment is made, a petition is
9 filed with the secretary of the board requesting a special
10 election to fill the vacancy, an appointment to fill the
11 vacancy is temporary and the board shall call a special
12 election to fill the vacancy permanently, under subsection 2.
13 The petition must be signed by eligible electors equal in
14 number to not less than one hundred or thirty percent of the
15 number of voters at the last preceding regular school
16 election, whichever is greater. The petition shall include
17 the signatures of the petitioners, a statement of their place
18 of residence, and the date on which they signed the petition.
19 At the top of each page of the petition a statement shall be
20 included that the cost of the special election shall be paid
21 by a property tax levy imposed solely for that purpose and
22 such property tax will be due and payable in the fiscal year
23 beginning next following the election.

24 An appointment by the board to fill a vacancy in an
25 elective office shall be null and void if such appointment is
26 made more than thirty days after the vacancy occurs.

27 2. By a special election held to fill the office for the
28 remaining balance of the unexpired term. If the board opts
29 for a special election or if the remaining members of the
30 board have not filled the vacancy within the time required or
31 if a valid petition is filed under subsection 1, the secretary
32 of the board, or if there is no secretary, the area education
33 agency administrator, shall call a special election in the
34 district, subdistrict, or subdistricts, as the case may be, to
35 fill the vacancy or vacancies. The county commissioner of

1 elections shall publish the notices required by law for
2 special elections, and the election shall be held not sooner
3 than thirty days nor later than forty days after the thirtieth
4 day following the occurrence of the vacancy. If the secretary
5 fails for more than three days to call an election, the
6 administrator shall call the election.

7 Nomination petitions shall be filed in the manner provided
8 in section 277.4, except that the petitions shall be filed not
9 less than twenty-five days before the date set for the
10 election.

11 In any case of a special election to fill a vacancy
12 occurring among the members of a school board before the
13 expiration of a full term, the person so elected shall qualify
14 within ten days after the election in the manner required by
15 section 277.28 and shall hold office for the residue of the
16 unexpired term and until a successor is elected, or appointed,
17 and qualifies.

18 3. If a special election is called by petition pursuant to
19 subsection 1, the board of directors shall, for the next
20 fiscal year beginning following the election, certify a
21 property tax levy in an amount sufficient to pay the cost of
22 the election.

23 Sec. 3. Section 279.7, Code 2005, is amended by striking
24 the section and inserting in lieu thereof the following:

25 279.7 VACANCIES IN APPOINTIVE OFFICE -- QUALIFICATION --
26 TENURE.

27 Vacancies occurring among the appointive officers of a
28 school board shall be filled by the board by appointment. A
29 person appointed to fill a vacancy in an appointive office
30 shall hold such office for the residue of the unexpired term
31 and until a successor is appointed and qualifies. Any person
32 so appointed shall qualify within ten days after the
33 appointment by taking the oath of office in section 277.28.

34 Sec. 4. EFFECTIVE AND APPLICABILITY DATES. This Act,
35 being deemed of immediate importance, takes effect upon

1 enactment and applies to school board member vacancies
2 occurring on or after the effective date of this Act.

3 EXPLANATION

4 This bill makes changes relating to the manner in which a
5 vacancy on a school district board of directors is filled.
6 Under current law, a vacancy on a school district board of
7 directors is filled by the remaining members of the board.
8 However, if the board does not fill the vacancy by appointment
9 within 30 days after the vacancy occurs or if the board is
10 reduced below a quorum, the vacancy is filled by special
11 election.

12 The bill provides that a vacancy on a school district board
13 of directors shall be filled at the option of the board,
14 either by appointment or by special election. The bill
15 further provides that the vacancy must be filled by special
16 election if the board fails to make an appointment within 30
17 days after the vacancy occurs or if the board is reduced below
18 a quorum. In addition, the bill provides that if the board
19 chooses to fill the vacancy by appointment, the board shall
20 publish notice of that decision. If, within 10 days of
21 publication or within 10 days of an appointment being made, a
22 petition signed by eligible electors is filed with the school
23 district board secretary calling for a special election to
24 fill the vacancy, the vacancy shall be filled in that manner.
25 The bill further provides that if an election is petitioned
26 for, the cost of the special election shall be paid by a
27 property tax levy imposed solely for that purpose and such
28 property tax will be due and payable in the next fiscal year
29 beginning following the election.

30 Current law relating to vacancies in school district
31 appointive offices is not changed by the bill.

32 The bill takes effect upon enactment and applies to school
33 board member vacancies occurring on or after that date.

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