

IN THE SENATE

SENATE BILL NO. 1103, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO SCHOOL DISTRICTS; AMENDING SECTION 33-313, IDAHO CODE, TO PRO-  
2 VIDE THAT THE BOUNDARIES OF SCHOOL TRUSTEE ZONES SHALL BE DRAWN ALONG  
3 VOTING PRECINCT BOUNDARIES TO THE GREATEST EXTENT POSSIBLE AND TO CLAR-  
4 IFY A DATE; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION  
5 OF A NEW SECTION 33-403, IDAHO CODE, TO AUTHORIZE THE LOCAL OPTION OF  
6 SCHOOL DISTRICTWIDE VOTING FOR SCHOOL BOARD TRUSTEES; AMENDING SECTION  
7 33-405, IDAHO CODE, TO REVISE THE QUALIFICATIONS OF A SCHOOL ELECTOR  
8 IN CERTAIN CIRCUMSTANCES; AMENDING SECTION 33-501, IDAHO CODE, TO RE-  
9 VISE CERTAIN DATES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
10 33-503, IDAHO CODE, TO REVISE THE ELECTION DATE FOR SCHOOL DISTRICT  
11 TRUSTEES, TO PROVIDE FOR THE ELECTION OF A CANDIDATE RECEIVING THE MOST  
12 VOTES WITHIN A SCHOOL DISTRICT UNDER THE LOCAL OPTION, AND TO PROVIDE A  
13 TERM EXPIRATION DATE FOR INCUMBENT TRUSTEES; AMENDING SECTION 33-505,  
14 IDAHO CODE, TO REVISE A CERTAIN DATE AND TO MAKE TECHNICAL CORRECTIONS;  
15 AMENDING SECTION 33-510, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS;  
16 AND AMENDING SECTION 34-1702, IDAHO CODE, TO PROVIDE FOR THE REQUIRED  
17 NUMBER OF SIGNATURES ON A RECALL PETITION UNDER CERTAIN CIRCUMSTANCES.  
18

19 Be It Enacted by the Legislature of the State of Idaho:

20 SECTION 1. That Section 33-313, Idaho Code, be, and the same is hereby  
21 amended to read as follows:

22 33-313. TRUSTEE ZONES. (1) Each elementary school district shall be  
23 divided into three (3) trustee zones and each other school district shall be  
24 divided into no fewer than five (5) nor more than nine (9) trustee zones ac-  
25 cording to the provisions of section 33-501, Idaho Code. A school district  
26 that has had a change in its district boundaries because of consolidation  
27 on and after January 1, 2008, shall divide trustee zones so that each former  
28 district in the new district shall not be split into different trustee zones,  
29 unless the provisions of subsection (2) of this section cannot be satisfied.

30 (2) Any proposal to define the boundaries of the several trustee zones  
31 in each such school district shall include the determination, where appro-  
32 priate, of the number of trustee zones in such district, and the date of  
33 expiration of the term of office for each trustee. The boundaries of the  
34 several trustee zones in each such school district shall be defined and drawn  
35 so that, as reasonably as may be, each such zone shall have approximately  
36 the same population. The boundaries of the several trustee zones shall also  
37 be drawn, to the greatest extent possible, along existing county voting  
38 precinct boundaries.

39 (3) Whenever the area of any district has been enlarged by the annexa-  
40 tion of all or any part of another district, or by the correction of errors  
41 in the legal description of school district boundaries, any such additional  
42 territory shall be included in the trustee zone or zones contiguous to such

1 additional territory until such time as the trustee zones may be redefined  
2 and changed. Trustee zones may be redefined and changed not more than once  
3 every five (5) years in the manner hereinafter provided.

4 (4) A proposal to redefine and change trustee zones of any district may  
5 be initiated by its board of trustees and shall be initiated by its board  
6 of trustees at the first meeting following the report of the decennial cen-  
7 sus, and submitted to the state board of education, or by petition signed by  
8 not less than fifty (50) school electors residing in the district, and pre-  
9 sented to the board of trustees of the district. Within one hundred twenty  
10 (120) days following the report of the decennial census or the receipt of a  
11 petition to redefine and change the trustee zones of a district the board of  
12 trustees shall prepare a proposal for a change which will equalize the popu-  
13 lation in each zone in the district and shall submit the proposal to the state  
14 board of education. Any proposal shall include a legal description of each  
15 trustee zone as the same would appear as proposed, a map of the district show-  
16 ing how each trustee zone would then appear, and the approximate population  
17 each would then have, should the proposal to change any trustee zones become  
18 effective.

19 (5) Within sixty (60) days after it has received the said proposal the  
20 state board of education may approve or disapprove the proposal to redefine  
21 and change trustee zones and shall give notice thereof in writing to the  
22 board of trustees of the district wherein the change is proposed. Should the  
23 state board of education disapprove a proposal, the board of trustees shall,  
24 within forty-five (45) days, submit a revised proposal to the state board  
25 of education. Should the state board of education approve the proposal,  
26 it shall notify the school district, the trustee zones shall be changed in  
27 accordance with the proposal and a copy of the legal description of each  
28 trustee zone and map of the district showing how each trustee zone will ap-  
29 pear shall be filed by the school district with the county clerk.

30 (6) At the next regular meeting of the board of trustees following  
31 the approval of the proposal the board shall appoint from its membership a  
32 trustee for each new zone to serve as trustee until that incumbent trustee's  
33 term expires. If the current board membership includes two (2) incumbent  
34 trustees from the same new trustee zone, the board will select the incumbent  
35 trustee with the most seniority as a trustee to serve the remainder of his  
36 term. If both incumbent trustees have equal seniority, the board will choose  
37 one (1) of the trustees by the drawing of lots. If there is a trustee vacancy  
38 in any of the new zones, the board of trustees shall appoint from the patrons  
39 resident in that new trustee zone, a person from that zone to serve as trustee  
40 until the next annual meeting. At the annual election a trustee shall be  
41 elected to serve during the term specified in the election for the zone. The  
42 elected trustee shall assume office at the annual meeting of the school dis-  
43 trict next following the election.

44 SECTION 2. That Chapter 4, Title 33, Idaho Code, be, and the same is  
45 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
46 ignated as Section 33-403, Idaho Code, and to read as follows:

47 33-403. TRUSTEE ZONES -- DISTRICTWIDE VOTING -- LOCAL OPTION. A school  
48 board of trustees may, by a majority vote of board members, authorize school  
49 districtwide voting for school board trustees in its district. Under such

1 a districtwide election, a school district elector shall vote for one (1)  
 2 candidate in each trustee zone of the school district. Every school board  
 3 shall, by resolution, decide by no later than October 1, 2017, whether to al-  
 4 low its school district electors to vote in all trustee zone elections or in  
 5 only the trustee zone election in which the elector resides. After October  
 6 1, 2017, a school board may change the chosen district voting method only by  
 7 an affirmative majority vote of its members.

8 SECTION 3. That Section 33-405, Idaho Code, be, and the same is hereby  
 9 amended to read as follows:

10 33-405. QUALIFICATIONS OF SCHOOL ELECTORS. (1) Any person voting, or  
 11 offering to vote, in any school election must be, at the time of the elec-  
 12 tion eighteen (18) years of age and a United States citizen who has resided in  
 13 this state and in the school district at least thirty (30) days next preced-  
 14 ing the election in which the elector desires to vote. In the case of elec-  
 15 tion of trustees, the elector must be a resident of the same trustee zone as  
 16 the candidate or candidates for school district trustees for whom the elec-  
 17 tor offers to vote for at least thirty (30) days next preceding the elec-  
 18 tion in which the elector desires to vote, unless the school district fol-  
 19 lows the school districtwide voting method authorized under section 33-403,  
 20 Idaho Code.

21 (2) Registration requirements set forth in chapter 4, title 34, Idaho  
 22 Code, shall be applicable to school elections. The elector may be required  
 23 to furnish to the election official proof of residence, which proof shall be  
 24 established by either an Idaho motor vehicle driver's license or any other  
 25 document definitely establishing the elector's residence within the school  
 26 district or trustee zone, if applicable.

27 SECTION 4. That Section 33-501, Idaho Code, be, and the same is hereby  
 28 amended to read as follows:

29 33-501. BOARD OF TRUSTEES. (1) Each school district shall be governed  
 30 by a board of trustees. The board of trustees of each elementary school dis-  
 31 trict shall consist of three (3) members, and the board of trustees of each  
 32 other school district shall consist of five (5) members. Provided, however,  
 33 that the board of trustees of any district which has had a change in its dis-  
 34 trict boundaries subsequent to June 30, 1973, may consist of no fewer than  
 35 five (5) nor more than nine (9) members if such provisions are included as  
 36 part of an approved proposal to redefine and change trustee zones as provided  
 37 in section 33-313, Idaho Code. The board of trustees of any district that has  
 38 had a change in its district boundaries because of district consolidation on  
 39 and after January 1, 2008, shall consist of five (5) members if two (2) dis-  
 40 tricts consolidated or seven (7) members if three (3) or more districts con-  
 41 solidated. Commencing in 2014~~7~~, a school district trustee shall be elected  
 42 for a term of four (4) years beginning at twelve o'clock noon on ~~July~~ January  
 43 1 next succeeding his election.

44 (2) Each trustee shall at the time of his nomination and election, or  
 45 appointment, be a school district elector of his district and a resident  
 46 of the trustee zone from which nominated ~~and elected~~, or appointed. In the  
 47 event that a vacancy shall be declared as provided in section 33-504, Idaho

1 Code, and the board of trustees is unable to appoint a trustee from the zone  
 2 vacated after ninety (90) days, the board of trustees may appoint a person  
 3 at-large from within the boundaries of the school district to serve as the  
 4 trustee from the zone where the vacancy occurred.

5 (3) Each trustee shall qualify for and assume office on ~~July~~ January 1  
 6 next following his election, or, if appointed, at the regular meeting of the  
 7 board of trustees next following such appointment. An oath of office shall  
 8 be administered to each trustee, whether elected, reelected or appointed.  
 9 Said oath may be administered by the clerk, or by a trustee, of the district,  
 10 and the records of the district shall show such oath of office to have been  
 11 taken, and by whom administered and shall be filed with the official records  
 12 of the district.

13 SECTION 5. That Section 33-503, Idaho Code, be, and the same is hereby  
 14 amended to read as follows:

15 33-503. ELECTION OF TRUSTEES -- UNIFORM DATE. (1) The election of  
 16 school district trustees including those in charter districts shall be  
 17 on the ~~third Tuesday in May~~ following the first Monday in November in odd  
 18 even-numbered years. Notice and conduct of the election, and the canvassing  
 19 of the returns shall be as provided in chapter 14, title 34, Idaho Code. In  
 20 each trustee zone, the person receiving the greatest number of votes cast  
 21 within his zone, or within the school district if it operates under a dis-  
 22 trictwide voting method pursuant to section 33-403, Idaho Code, shall be  
 23 declared by the board of trustees as the trustee elected from that person's  
 24 zone.

25 (2) If any two (2) or more persons residing in the same trustee zone have  
 26 an equal number of votes ~~in any trustee zone~~ and a greater number than any  
 27 other nominee residing in that zone, then the board of trustees shall deter-  
 28 mine the winner by a toss of a coin.

29 (3) The provisions of sections 67-6601 through 67-6616, Idaho Code, and  
 30 sections 67-6623 through 67-6630, Idaho Code, shall apply to all elections  
 31 of school district trustees, except for elections of trustees in a school  
 32 district that has fewer than five hundred (500) students. Provided however,  
 33 the county clerk shall stand in place of the secretary of state and the county  
 34 prosecutor shall stand in place of the attorney general. Any report or fil-  
 35 ing required to be filed by or for a candidate by such Idaho Code sections  
 36 shall be filed with the county clerk of the county wherein the district lies  
 37 or, in the case of a joint district, with the county clerk of the home county  
 38 as designated pursuant to section 33-304, Idaho Code.

39 (4) Incumbent trustees as of the effective date of this act shall have  
 40 their terms expire on January 1 following the November election of their suc-  
 41 cessors. For instance, an incumbent trustee's term that, prior to this act,  
 42 would have expired on July 1, 2019, shall have his or her term expire on Jan-  
 43 uary 1, 2019.

44 SECTION 6. That Section 33-505, Idaho Code, be, and the same is hereby  
 45 amended to read as follows:

46 33-505. BOARD OF TRUSTEES, DISTRICT NEWLY CREATED. (1) Within ten (10)  
 47 days after the entry of any order creating a new school district by the con-

1 consolidation of districts or parts thereof, the trustees of all school dis-  
 2 tricts involved in the consolidation shall meet at the call of the state su-  
 3 perintendent of public instruction or his designee and, from their number,  
 4 shall select a board of trustees of the new district representing each of the  
 5 merged districts in an equal number to serve as follows: if two (2) districts  
 6 consolidated, one (1) member representing the board of trustees of each dis-  
 7 trict shall serve until the annual election of trustees next following; one  
 8 (1) member representing the board of trustees of each district shall serve  
 9 until the annual election the following year; and one (1) member appointed  
 10 by the other four (4) members shall serve until the annual election in the  
 11 year after that. If three (3) or more districts consolidated, three (3) mem-  
 12 bers shall serve until the annual election of trustees next following; three  
 13 (3) members shall serve until the annual election the following year; and  
 14 one (1) member appointed by the other six (6) members shall serve until the  
 15 annual election in the year after that. If the number of merged districts  
 16 is greater than three (3), the superintendent of public instruction shall  
 17 appoint as equally as possible from trustees of the previous districts so  
 18 that each district, if possible, has representation on the consolidated dis-  
 19 trict's board of trustees. The superintendent shall stagger the terms of  
 20 his appointments so that an equal number of appointees' terms expire annu-  
 21 ally and those trustees shall sit for election. Thereafter, all trustees who  
 22 are elected shall serve terms as provided in section 33-501, Idaho Code, for  
 23 a board of trustees of a school district. The board of trustees shall re-  
 24 port the names of said trustees to the state board of education. The board of  
 25 trustees of the newly consolidated school district shall expeditiously re-  
 26 draw the trustee zones pursuant to section 33-313, Idaho Code.

27 (2) The state board of education, at its first meeting next following  
 28 receipt of notice of the creation of new school districts by the division of  
 29 a district, shall appoint a board of trustees for each such new district, to  
 30 serve until ~~July~~ January 1 next following.

31 (3) Boards of trustees selected or appointed as in this section pro-  
 32 vided shall forthwith meet and organize as provided in section 33-506, Idaho  
 33 Code, and thereupon the board of trustees of any district, the whole of which  
 34 has been incorporated within the new district, or which was divided as the  
 35 case may be, shall be dissolved and its powers and duties shall cease. Prior  
 36 to the notice of annual election of trustees next following, the board of  
 37 trustees of each school district created by consolidation or by division of  
 38 districts shall determine by lot or by agreement from which of the trustee  
 39 zones the trustees therefor shall be elected. Thereafter each trustee shall  
 40 be elected for a term of four (4) years.

41 SECTION 7. That Section 33-510, Idaho Code, be, and the same is hereby  
 42 amended to read as follows:

43 33-510. ANNUAL MEETINGS -- REGULAR MEETINGS -- BOARDS OF TRUSTEES. (1)  
 44 The annual meeting of each school district shall be on the date of its regular  
 45 July meeting in each year. Notice of the annual meeting of elementary school  
 46 districts shall be given as provided in section 33-402, Idaho Code, but one  
 47 (1) publication shall suffice.

48 (2) Regular meetings of each board of school district trustees shall  
 49 be held monthly, on a uniform day of a uniform week as determined at the an-

1 nual meeting. Special meetings may be called by the chairman or by any two  
2 (2) members of the board and held at any time. If the time and place of spe-  
3 cial meetings shall not have been determined at a meeting of the board with  
4 all members being present, then notice of the time and place shall be given  
5 to each member and announced by written notice conspicuously posted at the  
6 school district office and at least two (2) or more public buildings within  
7 the school district not less than twenty-four (24) hours before such special  
8 meeting is to be convened.

9 (3) A quorum for the transaction of business of the board of trustees  
10 shall consist of a majority of the members of the board. Unless otherwise  
11 provided by law, all questions shall be determined by a majority of the vote  
12 cast. The chairman of the board may vote in all cases.

13 (4) All meetings shall conform to the provisions of chapter 2, title 74,  
14 Idaho Code.

15 SECTION 8. That Section 34-1702, Idaho Code, be, and the same is hereby  
16 amended to read as follows:

17 34-1702. REQUIRED SIGNATURES ON PETITION. A petition for recall of an  
18 officer shall be instituted by filing with the appropriate official a veri-  
19 fied written petition requesting such recall.

20 (1) If the petition seeks recall of any of the officers named in subsec-  
21 tion (1) (a) of section 34-1701, Idaho Code, the petition shall be filed with  
22 the secretary of state, and must be signed by registered electors equal in  
23 number to twenty percent (20%) of the number of electors registered to vote  
24 at the last general election held to elect a governor.

25 (2) If the petition seeks recall of any of the officers named in subsec-  
26 tion (1) (b) of section 34-1701, Idaho Code, the petition shall be filed with  
27 the secretary of state, and must be signed by registered electors of the leg-  
28 islative district equal in number to twenty percent (20%) of the number of  
29 electors registered to vote at the last general election held in the legisla-  
30 tive district at which the member was elected.

31 (3) If the petition seeks recall of any of the officers named in subsec-  
32 tion (2) (a) of section 34-1701, Idaho Code, the petition shall be filed with  
33 the county clerk, and must be signed by registered electors of the county  
34 equal in number to twenty percent (20%) of the number of electors registered  
35 to vote at the last general election held in the county for the election of  
36 county officers at which the officer was elected.

37 (4) If the petition seeks recall of any of the officers named in subsec-  
38 tion (3) of section 34-1701, Idaho Code, the petition shall be filed with the  
39 city clerk, and must be signed by registered electors of the city equal in  
40 number to twenty percent (20%) of the number of electors registered to vote  
41 at the last general city election held in the city for the election of offi-  
42 cers.

43 (5) If the petition seeks recall of any of the officers named in subsec-  
44 tion (4) of section 34-1701, Idaho Code, the petition shall be filed with the  
45 county clerk of the county wherein the district is located. If the district  
46 is located in two (2) or more counties, the clerk in each county shall perform  
47 the functions within that county. The petition must be signed by registered  
48 electors of the district or school trustee zone equal in number to fifty per-  
49 cent (50%) of the number of electors who cast votes in the last election of

1 the district or school trustee zone, if applicable. If no district election  
2 has been held in the last six (6) years, the petition must be signed by twenty  
3 percent (20%) of the number of electors registered to vote in the district or  
4 school trustee zone, if applicable, at the time the petition is filed.