

SENATE FILE NO. SF0098

State board of education-membership.

Sponsored by: Senator(s) Meier, Bebout, Dockstader and  
Nutting and Representative(s) Hutchings,  
Jaggi, Piiparinen, Reeder and Teeters

A BILL

for

1 AN ACT relating to the state board of education; providing  
2 for the election of members; modifying the appointment of  
3 members; providing conforming amendments; prescribing  
4 transition of terms of service; and providing for effective  
5 dates.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 21-2-301 as amended by 2013 Wyoming  
10 Session Laws, Chapter 1, is amended to read:

11

12 **21-2-301. Election and appointment; election**  
13 **districts established; meetings; chairman.**

14

15 (a) There is created a state board of education  
16 composed of ~~thirteen (13) members,~~ eleven (11) voting

1 ~~members, ten (10)~~ of whom shall be ~~voting appointed members~~  
2 ~~with at least~~ elected as provided by subsection (b) of this  
3 section and one (1) member appointed ~~from each appointment~~  
4 ~~district pursuant to W.S. 9-1-218. Appointments from each~~  
5 ~~appointment district shall be rotated among the several~~  
6 ~~counties comprising the district~~ by the governor in  
7 accordance with this subsection. ~~The remaining members of~~  
8 ~~the board shall be~~ The state superintendent of public  
9 instruction and the director of the state department of  
10 education. ~~The state superintendent and the director~~ shall  
11 be ex-officio members and shall not have the right to vote.  
12 ~~One (1)~~ The appointed member shall ~~be appointed~~ represent  
13 the public at large, ~~and shall be a certified classroom~~  
14 ~~teacher at the time of appointment. One (1) appointed~~  
15 ~~member shall also be appointed at large and shall be a~~  
16 ~~certified school administrator at the time of appointment.~~  
17 ~~Two (2) appointed members shall be appointed at large and~~  
18 ~~shall be representative of private business or industry in~~  
19 ~~Wyoming. On and after March 1, 2013 and upon expiration of~~  
20 ~~their respective terms, the appointments of the two (2)~~  
21 ~~members previously designated to be representative of~~  
22 ~~business or industry shall be at large, one (1) a~~  
23 ~~representative of Wyoming private business or industry and~~  
24 ~~one (1) a member of a school district board of trustees at~~

1 ~~the time of appointment. The first appointment to the term~~  
2 ~~of such member which expires on or after March 1, 2013,~~  
3 ~~shall be a school district board member at the time of~~  
4 ~~appointment. The remaining seven (7) appointed members of~~  
5 ~~the board shall be appointed from among the lay citizens of~~  
6 ~~the state who are electors of the state, known for their~~  
7 ~~public spirit, business or professional ability and~~  
8 ~~interest in education. Not more than six (6) appointed~~  
9 ~~members of the board shall be from one (1) political party.~~  
10 ~~Members shall be appointed for six (6) year terms, except~~  
11 ~~those who may be appointed to fill unexpired terms. Members~~  
12 ~~shall be appointed by the governor with be an elector of~~  
13 ~~the state, be known for his professional ability and~~  
14 ~~interest in education, be appointed for a six (6) year term~~  
15 ~~and be subject to the approval of the senate. ~~Vacancies~~~~  
16 ~~Any vacancy in the appointed member's seat shall be filled~~  
17 ~~by the governor without senate approval until the next~~  
18 ~~session of the legislature. ~~No~~~~The~~ member is not eligible~~  
19 ~~to for reappointment, ~~except any member~~ unless appointed to~~  
20 ~~fill an unexpired term of less than six (6) years, in which~~  
21 ~~case he may be reappointed for one (1) additional six (6)~~  
22 ~~year term. The appointed ~~members of the board~~ member may~~  
23 ~~be removed by the governor as provided in W.S. 9-1-202.~~  
24

1       (b) The ten (10) voting members of the state board  
2 shall be elected by nonpartisan ballot at each general  
3 election for a term of four (4) years pursuant to the  
4 provisions of this section and title 22 of the Wyoming  
5 statutes. One (1) member shall be elected from among the  
6 qualified elector residents of each of the following ten  
7 (10) election districts:

8  
9       (i) Board of education district 1 which shall  
10 consist of senate legislative districts 5, 7 and 8;

11  
12       (ii) Board of education district 2 which shall  
13 consist of senate legislative districts 3, 4 and 6;

14  
15       (iii) Board of education district 3 which shall  
16 consist of senate legislative districts 2, 9 and 10;

17  
18       (iv) Board of education district 4 which shall  
19 consist of senate legislative districts 1, 23 and 24;

20  
21       (v) Board of education district 5 which shall  
22 consist of senate legislative districts 11, 12 and 13;

23

1           (vi) Board of education district 6 which shall  
2 consist of senate legislative districts 14, 15 and 16;

3  
4           (vii) Board of education district 7 which shall  
5 consist of senate legislative districts 27, 28 and 29;

6  
7           (viii) Board of education district 8 which shall  
8 consist of senate legislative districts 21, 22 and 30;

9  
10           (ix) Board of education district 9 which shall  
11 consist of senate legislative districts 17, 25 and 26;

12  
13           (x) Board of education district 10 which shall  
14 consist of senate legislative districts 18, 19 and 20.

15  
16       ~~(b)~~(c) During the first quarter of the calendar year,  
17 a meeting shall be held at which a chairman shall be  
18 elected. Meetings may be held at regular intervals as  
19 often as the duties of the board require. ~~and~~The board  
20 shall meet at the call of the state superintendent of  
21 public instruction, ~~or~~ the director of the department of  
22 education, the governor or the chairman whenever in the  
23 opinion of these officials, or any of them, the need for  
24 such meeting exists.

1

2       ~~(e)~~(d) Notwithstanding subsection (a) of this  
3 section, the superintendent of public instruction and the  
4 director shall not participate in board deliberations on  
5 any matter relating to a contested case involving actions  
6 of the department of education.

7

8       **Section 2.** W.S. 22-2-105(a)(ii)(intro), 22-5-206(a),  
9 22-5-208(a)(i), 22-6-125(a) by creating a new paragraph  
10 (ix) and by renumbering (ix) through (xiv) as (x) through  
11 (xv), 22-6-126(b), 22-18-111(a) by creating a new paragraph  
12 (vii), 22-22-202(a), 22-22-203 and 22-25-107(a)(ii) are  
13 amended to read:

14

15       **22-2-105. Terms of office and offices voted on at**  
16 **general elections.**

17

18       (a) The terms of office and offices voted on at  
19 general elections are as follows:

20

21       (ii) Four Year Term. - At the general election  
22 in 1974 and in every fourth (4th) year thereafter, there  
23 shall be elected the following officers: one (1) governor,  
24 one (1) secretary of state, one (1) state treasurer, one

1 (1) state auditor, one (1) superintendent of public  
2 instruction, county clerks, county treasurers, county  
3 assessors, county coroners, county and prosecuting  
4 attorneys, district attorneys, sheriffs, clerks of the  
5 district court. At the 2016 general election, and as  
6 provided by W.S. 21-2-301(b), ten (10) members of the state  
7 board of education shall be elected, five (5) members to a  
8 term of four (4) years and five (5) members to a term of  
9 two (2) years. Five (5) members of the state board of  
10 education elected to a two (2) year term in the 2016  
11 general election shall subsequently be elected at the 2018  
12 general election for a term of four (4) years. At every  
13 general election there shall be elected the necessary  
14 member or members of the Wyoming senate and county  
15 commissioners. The question of retention of a circuit court  
16 judge or a magistrate of the circuit court shall be  
17 submitted:

18

19 **22-5-206. Where nomination applications to be filed.**

20

21 (a) Nomination applications for United States  
22 senators and representatives in congress, state offices,  
23 members of the legislature, members of the state board of  
24 education, circuit court judges, and state district court

1 judges shall be filed in the office of the secretary of  
2 state.

3

4 **22-5-208. Filing fees; exception.**

5

6 (a) Applications shall be accompanied by the  
7 following fees:

8

9 (i) Twenty-five dollars (\$25.00) for the offices  
10 of state senator, state representative, and district  
11 attorney, for membership on the state board of education  
12 and for the offices to be voted for by electors wholly  
13 within a county;

14

15 **22-6-125. Order of offices and ballot propositions on**  
16 **nonpartisan ballots.**

17

18 (a) The nonpartisan ballot shall contain the offices  
19 and ballot propositions to be voted on in the following  
20 order:

21

22 (ix) Candidates for state board of education;

23



1           ~~(ix)~~(x) Candidates for special district  
2 directors;

3

4           ~~(x)~~(xi) Candidates for other offices of county  
5 subdivisions;

6

7           ~~(xi)~~(xii) Constitutional amendments;

8

9           ~~(xii)~~(xiii) Initiative propositions;

10

11           ~~(xiii)~~(xiv) Referendum propositions;

12

13           ~~(xiv)~~(xv) Other ballot propositions.

14

15           **22-6-126. Form of nonpartisan ballots.**

16

17           (b) The official nonpartisan ballot for a primary  
18 election shall be so identified in the title and shall omit  
19 all references to justices of the supreme court, judges of  
20 the district court, ~~and~~ circuit court judges and members of  
21 the state board of education, but otherwise shall be in the  
22 same form as the general election nonpartisan ballot.

23

1           **22-18-111. Vacancies in other offices; temporary**  
2 **appointments.**

3  
4           (a) Any vacancy in any other elective office in the  
5 state except representative in congress or the board of  
6 trustees of a school or community college district, shall  
7 be filled by the governing body, or as otherwise provided  
8 in this section, by appointment of a temporary successor.

9 The person appointed shall serve until a successor for the  
10 remainder of the unexpired term is elected at the next  
11 general election and takes office on the first Monday of  
12 the following January. Provided, if a vacancy in a four  
13 (4) year term of office occurs in the term's second or  
14 subsequent years after the first day for filing an  
15 application for nomination pursuant to W.S. 22-5-209, no  
16 election to fill the vacancy shall be held and the  
17 temporary successor appointed shall serve the remainder of  
18 the unexpired term. The following apply:

19  
20           (vii) A vacancy in the office of any state board  
21 of education membership shall be filled by the county  
22 commissioners in accordance with subparagraphs (iii)(B) and  
23 (C) of this subsection.

24

1           **22-22-202. Filing of application; form.**

2

3           (a) A qualified elector may be nominated for the  
4 office of school district trustee, member of the state  
5 board of education or member of a community college board  
6 by filing an application for election in the office of the  
7 county clerk not more than ninety (90) nor less than  
8 seventy (70) days prior to the election. The application  
9 shall be in substantially the following form:

10

11                           APPLICATION FOR ELECTION FOR SCHOOL OR

12   COMMUNITY COLLEGE TRUSTEE

13

14           I, the undersigned, swear or affirm that I was born on  
15 ....., ....(year), and that I have been a resident of the  
16 State of Wyoming since ....., and that I am a registered  
17 voter of the .... school district or community college  
18 district (and resident of trustee residence area or  
19 subdistrict ....., if any), residing at ....., and I do  
20 hereby request that my name, ....., be printed on the ballot  
21 of the election to be held on the .... day of .....,  
22 ....(year), as a candidate for the office of .... for a  
23 term of .... years. I hereby declare that if I am elected,  
24 I will qualify for the office.

1

2 Dated: ....

3 ..... (Signature of Candidate)

4 .... Name as it is to appear on the ballot

5 ..... (Residence Address)

6

7 **22-22-203. Determining validity of application;**  
8 **placement on ballot; procedure for multi-county districts.**

9

10 (a) The county clerk receiving a nomination  
11 application shall determine whether the person seeking  
12 nomination is a qualified candidate. If the application is  
13 sufficient in all respects, the name of the person  
14 nominated shall appear on the official ballot for the  
15 election specified in the application. In the case of a  
16 school, state board of education election district or  
17 community college district which crosses county boundaries,  
18 the clerk of the county in which a valid application is  
19 filed shall certify the name of the person nominated to the  
20 clerk of the other county or counties involved for  
21 placement on the official ballot for the election specified  
22 in the application.

23

1           (b) Each county clerk in each election involving a  
2 school, state board of education election district or  
3 community college district which crosses county boundaries  
4 shall determine whether voting machines, electronic voting  
5 system, paper ballots, or a combination thereof, shall be  
6 used to insure that each qualified elector votes only for  
7 the candidate or candidates from the school district and  
8 trustee residence area, if any, from the state board of  
9 education election district, if any, and from the community  
10 college district and subdistrict, if any, for which he is  
11 entitled to vote.

12

13           **22-25-107. Where statements to be filed.**

14

15           (a) All statements required under this chapter shall  
16 be filed as follows:

17

18           (ii) Any candidate for a state legislative or  
19 district judgeship office, for membership on the state  
20 board of education and any political action committee or  
21 candidate's campaign committee supporting or opposing such  
22 a candidate, shall file with the secretary of state;

23

1           **Section 3.** W.S. 21-3-301, as in effect prior to the  
2 enactment of 2013 Wyoming Session Laws, Chapter 1, is  
3 amended to read:

4  
5           **21-2-301. Appointment; qualifications, terms and**  
6 **removal of members; meetings; chairman.**

7  
8           (a) There is created a state board of education  
9 composed of twelve (12) members, ~~eleven (11)~~ ten (10) of  
10 whom shall be ~~appointed members with at least~~ elected as  
11 provided by subsection (b) of this section and one (1)  
12 member appointed ~~from each appointment district pursuant to~~  
13 ~~W.S. 9-1-218. Appointments from each appointment district~~  
14 ~~shall be rotated among the several counties comprising the~~  
15 ~~district~~ by the governor in accordance with this  
16 subsection. The remaining voting member of the board shall  
17 be the state superintendent of public instruction. ~~One (1)~~  
18 The appointed member shall ~~be appointed~~ represent the  
19 public at large, ~~and shall be a certified classroom teacher~~  
20 ~~at the time of appointment. One (1) appointed member shall~~  
21 ~~also be appointed at large and shall be a certified school~~  
22 ~~administrator at the time of appointment. Two (2)~~  
23 ~~appointed members shall be appointed at large and shall be~~  
24 ~~representative of private business or industry in Wyoming.~~

1 ~~On and after March 1, 2013 and upon expiration of their~~  
2 ~~respective terms, the appointments of the two (2) members~~  
3 ~~previously designated to be representative of business or~~  
4 ~~industry shall be at large, one (1) a representative of~~  
5 ~~Wyoming private business or industry and one (1) a member~~  
6 ~~of a school district board of trustees at the time of~~  
7 ~~appointment. The first appointment to the term of such~~  
8 ~~member which expires on or after March 1, 2013, shall be a~~  
9 ~~school district board member at the time of appointment.~~  
10 ~~The remaining seven (7) appointed members of the board~~  
11 ~~shall be appointed from among the lay citizens of the state~~  
12 ~~who are electors of the state, known for their public~~  
13 ~~spirit, business or professional ability and interest in~~  
14 ~~education. Not more than six (6) appointed members of the~~  
15 ~~board shall be from one (1) political party. Members shall~~  
16 ~~be appointed for six (6) year terms, except those who may~~  
17 ~~be appointed to fill unexpired terms. Members shall be~~  
18 ~~appointed by the governor with be an elector of the state,~~  
19 ~~be known for his professional ability and interest in~~  
20 ~~education, be appointed to a six (6) year term and shall be~~  
21 ~~subject to the approval of the senate. ~~Vacancies~~ Any~~  
22 ~~vacancy in the appointed member's seat shall be filled by~~  
23 the governor without senate approval until the next session  
24 of the legislature. ~~No~~ The member is not eligible ~~to~~ for

1 reappointment, ~~except any member~~ unless appointed to fill  
2 an unexpired term of less than six (6) years, in which case  
3 he may be reappointed for one (1) additional six (6) year  
4 term. The appointed ~~members~~ member of the board may be  
5 removed by the governor as provided in W.S. 9-1-202.

6

7 (b) The ten (10) voting members of the state board  
8 shall be elected by nonpartisan ballot at each general  
9 election for a term of four (4) years pursuant to the  
10 provisions of this section and title 22 of the Wyoming  
11 statutes. One (1) member shall be elected from among the  
12 qualified elector residents of each of the following ten  
13 (10) election districts:

14

15 (i) Board of education district 1 which shall  
16 consist of senate legislative districts 5, 7 and 8;

17

18 (ii) Board of education district 2 which shall  
19 consist of senate legislative districts 3, 4 and 6;

20

21 (iii) Board of education district 3 which shall  
22 consist of senate legislative districts 2, 9 and 10;

23



1           (iv) Board of education district 4 which shall  
2 consist of senate legislative districts 1, 23 and 24;

3

4           (v) Board of education district 5 which shall  
5 consist of senate legislative districts 11, 12 and 13;

6

7           (vi) Board of education district 6 which shall  
8 consist of senate legislative districts 14, 15 and 16;

9

10           (vii) Board of education district 7 which shall  
11 consist of senate legislative districts 27, 28 and 29;

12

13           (viii) Board of education district 8 which shall  
14 consist of senate legislative districts 21, 22 and 30;

15

16           (ix) Board of education district 9 which shall  
17 consist of senate legislative districts 17, 25 and 26;

18

19           (x) Board of education district 10 which shall  
20 consist of senate legislative districts 18, 19 and 20.

21

22       ~~(b)~~(c) During the first quarter of the calendar year  
23 a meeting shall be held at which a chairman shall be  
24 elected. Meetings may be held at regular intervals as

1 often as the duties of the board require and the board  
2 shall meet at the call of the state superintendent of  
3 public instruction or the governor or the chairman whenever  
4 in the opinion of these officials, or any of them, the need  
5 for such meeting exists.

6

7 ~~(e)~~(d) Notwithstanding subsection (a) of this  
8 section, the superintendent of public instruction shall  
9 not participate in board deliberations on or vote on any  
10 matter relating to a contested case involving actions of  
11 the department of education.

12

13 **Section 4.**

14

15 (a) Except for the term of that member appointed at  
16 large as a representative of a school district board of  
17 trustees at the time of appointment, the terms of the  
18 remaining ten (10) members appointed to the state board of  
19 education under W.S. 21-2-301 prior to the effective date  
20 of this act shall expire January 4, 2017. Any board member  
21 appointed to a term of office in accordance with W.S.  
22 21-2-301 that commences after the effective date of this  
23 act and prior to the 2016 general election, shall be  
24 appointed to a term of office that expires January 4, 2017.

1 The appointed member whose term does not expire on January  
2 4, 2017 pursuant to this subsection shall continue to serve  
3 on the state board for the remainder of the term of his  
4 initial appointment and if otherwise qualified, shall fill  
5 the membership of the appointed member under the state  
6 board as reconstituted under W.S. 21-2-301, as amended by  
7 section 1 or 2 of this act, as applicable. Nothing in this  
8 act shall prevent a state board member appointed to a term  
9 of office that expires on January 4, 2017 under this  
10 section, from seeking election to the state board pursuant  
11 to this act if the member is otherwise eligible for  
12 candidacy in the election.

13

14 (b) The election of the ten (10) state board members  
15 required by W.S. 21-2-301(a), as amended by section 1 of  
16 this act, shall commence with the 2016 general election by  
17 nonpartisan ballot. The service of the members elected at  
18 the 2016 general election shall begin on January 5, 2017.  
19 Notwithstanding W.S. 21-2-301(b), as amended by section 1  
20 of this act, the initial term of the elected state board  
21 members from board of education election districts 1, 3, 5,  
22 7 and 9 shall be for a term of two (2) years.

23

24 **Section 5.**

1

2 (a) Section 1 of this act is effective July 1, 2014,  
3 only if section 3 of this act is not effective as provided  
4 by subsection (b) of this section.

5

6 (b) Sections 2 and 4 of this act are effective July  
7 1, 2014.

8

9 (c) If a final order by the district court of Laramie  
10 County, Wyoming, is issued implementing without change the  
11 final ruling of the Wyoming Supreme Court issued January  
12 28, 2014, in the case of Kerry and Clara Powers, on behalf  
13 of themselves and the citizens of Wyoming, and Cindy Hill,  
14 on behalf of herself and as the Superintendent of Public  
15 Instruction v. State of Wyoming and Matthew H. Mead,  
16 Governor, in his official capacity [Docket No. S-13-0052],  
17 then upon expiration of time for appeal of that order, or  
18 if appealed, upon issuance of a final order or mandate of  
19 the Wyoming Supreme Court confirming the district court  
20 final order, the Governor shall certify the entry of the  
21 district court final order. The Governor shall immediately  
22 file any certification under this section together with the

23

1 final order with the secretary of state. If the  
2 certification is filed with the secretary of state after  
3 July 1, 2014, section 3 of this act is effective upon  
4 filing and shall supersede W.S. 21-2-301, as amended by  
5 section 1 of this act. If the certification is filed with  
6 the secretary of state before July 1, 2014, section 3 of  
7 this act is effective July 1, 2014 and shall supersede W.S.  
8 21-2-301, as amended by section 1 of this act.

9

10

(END)