

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 350

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO SCHOOL TRUSTEE RECALL ELECTIONS; AMENDING SECTION 33-503, IDAHO
2 CODE, TO REVISE PROVISIONS REGARDING CERTAIN SCHOOL BOARD TRUSTEE ELEC-
3 TIONS; AMENDING SECTION 33-504, IDAHO CODE, TO REVISE PROVISIONS RE-
4 GARDING CERTAIN VACANCIES ON BOARDS OF SCHOOL TRUSTEES; AND DECLARING
5 AN EMERGENCY.
6

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

8 SECTION 1. That Section 33-503, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 33-503. ELECTION OF TRUSTEES -- UNIFORM DATE -- RECALL ELECTION
11 DATE. (1) Except as provided in section 33-504, Idaho Code, ~~t~~The election of
12 school district trustees including those in charter districts shall be on
13 the Tuesday following the first Monday in November in odd-numbered years.
14 Notice and conduct of the election, and the canvassing of the returns, shall
15 be as provided in chapter 14, title 34, Idaho Code. In each trustee zone, the
16 person receiving the greatest number of votes cast within his zone shall be
17 declared by the board of trustees as the trustee elected from that person's
18 zone.

19 (2) If any two (2) or more persons residing in the same trustee zone have
20 an equal number of votes and a greater number than any other nominee residing
21 in that zone, then the board of trustees shall determine the winner by a toss
22 of a coin.

23 (3) Incumbent trustees as of ~~the effective date of this act~~ July 1,
24 2018, shall have their terms expire on January 1 following the November elec-
25 tion of their successors.

26 (4) An election for the recall of a school district trustee shall be
27 held on an election date authorized in section 34-106(9), Idaho Code.

28 SECTION 2. That Section 33-504, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 33-504. VACANCIES ON BOARDS OF TRUSTEES. (1) A vacancy shall be de-
31 clared by the board of trustees when any nominee has been elected but has
32 failed to qualify for office, or within thirty (30) days of when any trustee
33 shall (a) die; (b) resign as trustee; (c) remove himself from his trustee
34 zone of residence; (d) no longer be a resident or school district elector of
35 the district; (e) refuse to serve as trustee; (f) without excuse acceptable
36 to the board of trustees, fail to attend four (4) consecutive regular meet-
37 ings of the board; or (g) be recalled and discharged from office as provided
38 in law.

1 (2) Such declaration of vacancy shall be made at any regular or special
2 meeting of the board of trustees, at which any of the above-mentioned condi-
3 tions are determined to exist.

4 (3) The board of trustees shall appoint to such vacancy a person qual-
5 ified to serve as trustee of the school district provided there remains in
6 membership on the board of trustees a majority of the membership thereof, and
7 the board shall notify the state superintendent of public instruction of the
8 appointment. Such appointment shall be made within ninety (90) days of the
9 declaration of vacancy. After ninety (90) days, if the board of trustees
10 is unable to appoint a trustee from the zone vacated, the board of trustees
11 may appoint a person at-large from within the boundaries of the school dis-
12 trict to serve as the trustee from the zone where the vacancy occurred. Oth-
13 erwise, after one hundred twenty (120) days from the declaration of vacancy,
14 appointments shall be made by the board of county commissioners of the county
15 in which the district is situate, or of the home county if the district be a
16 joint district.

17 (4) Any person appointed as herein provided shall serve for the balance
18 of the unexpired term of the office which was declared vacant and filled by
19 appointment.

20 (5) Notwithstanding any other provision of law to the contrary, if
21 a trustee is recalled from office or has resigned following the filing of
22 a prospective recall petition with the county clerk pursuant to section
23 34-1704(1), Idaho Code, and a vacancy is declared, the vacancy shall be
24 filled by an election held on the next available election date provided in
25 section 34-106(1) or (7), Idaho Code, that is at least eighty-five (85) days
26 after the date on which the county clerk orders the election to be held. Ex-
27 cept as otherwise specifically provided in this subsection, the provisions
28 of section 33-502, Idaho Code, and chapter 14, title 34, Idaho Code, shall
29 govern an election under this subsection.

30 (a) If the election will be held within one hundred (100) days of the
31 date of the clerk's order to hold the election, the seat shall remain
32 vacant until the election, after which the newly elected trustee shall
33 serve the remainder of the recalled trustee's term or, if the recalled
34 trustee's seat was up for reelection on that election date, the newly
35 elected trustee shall serve the next full term of office. Provided,
36 however, if more than one (1) trustee is recalled and the board no longer
37 has a quorum to conduct business, the board of county commissioners
38 shall appoint only such number of temporary trustees necessary to pro-
39 vide the board with a quorum to conduct business until the next election
40 date.

41 (b) If the election to fill the recalled trustee's seat will be held
42 more than one hundred (100) days from the date of the clerk's order to
43 hold the election, a temporary trustee shall be appointed to serve un-
44 til a new trustee is elected. The temporary appointment shall be made
45 according to the procedures set forth in subsection (3) of this section,
46 except that a thirty (30) day period shall be substituted for the sixty
47 (60) day period, and a sixty (60) day period shall be substituted for the
48 one hundred twenty (120) day period set forth in subsection (3) of this
49 section.

1 SECTION 3. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after its
3 passage and approval.