

IN THE SENATE

SENATE BILL NO. 1308

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-405, IDAHO CODE, TO REMOVE A CER-  
2 TAIN QUALIFICATION REQUIREMENT OF SCHOOL ELECTORS AND TO MAKE TECHNICAL  
3 CORRECTIONS; AMENDING SECTION 33-501, IDAHO CODE, TO REMOVE REF-  
4ERENCE TO ELECTED AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SEC-  
5TION 33-503, IDAHO CODE, TO REVISE PROVISIONS REGARDING ELECTIONS OF  
6 TRUSTEES.  
7

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

9 SECTION 1. That Section 33-405, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

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

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

26 SECTION 2. That Section 33-501, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28 33-501. BOARD OF TRUSTEES. (1) Each school district shall be governed  
29 by a board of trustees. The board of trustees of each elementary school dis-  
30 trict shall consist of three (3) members, and the board of trustees of each  
31 other school district shall consist of five (5) members. Provided, however,  
32 that the board of trustees of any district which has had a change in its dis-  
33 trict boundaries subsequent to June 30, 1973, may consist of no fewer than  
34 five (5) nor more than nine (9) members if such provisions are included as  
35 part of an approved proposal to redefine and change trustee zones as provided  
36 in section 33-313, Idaho Code. The board of trustees of any district that has  
37 had a change in its district boundaries because of district consolidation on  
38 and after January 1, 2008, shall consist of five (5) members if two (2) dis-  
39 tricts consolidated or seven (7) members if three (3) or more districts con-  
40 solidated. Commencing in 2011, a school district trustee shall be elected

1 for a term of four (4) years beginning at twelve o'clock noon on July 1 next  
2 succeeding his election.

3 (2) Each trustee shall at the time of his nomination and election, or  
4 appointment, be a school district elector of his district and a resident  
5 of the trustee zone from which nominated ~~and elected~~, or appointed. In the  
6 event that a vacancy shall be declared as provided in section 33-504, Idaho  
7 Code, and the board of trustees is unable to appoint a trustee from the zone  
8 vacated after ninety (90) days, the board of trustees may appoint a person  
9 at-large from within the boundaries of the school district to serve as the  
10 trustee from the zone where the vacancy occurred.

11 (3) Each trustee shall qualify for and assume office on July 1 next fol-  
12 lowing his election, or, if appointed, at the regular meeting of the board of  
13 trustees next following such appointment. An oath of office shall be admin-  
14 istered to each trustee, whether elected, reelected or appointed. Said oath  
15 may be administered by the clerk, or by a trustee, of the district, and the  
16 records of the district shall show such oath of office to have been taken, and  
17 by whom administered and shall be filed with the official records of the dis-  
18 trict.

19 SECTION 3. That Section 33-503, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 33-503. ELECTION OF TRUSTEES -- UNIFORM DATE. (1) The election of  
22 school district trustees including those in charter districts shall be on  
23 the third Tuesday in May in odd-numbered years. Notice and conduct of the  
24 election, and the canvassing of the returns shall be as provided in chapter  
25 14, title 34, Idaho Code. ~~In each trustee zone,~~ The person receiving the  
26 greatest number of votes cast within his zone the school district shall be  
27 declared by the board of trustees as the trustee elected from that person's  
28 zone.

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

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