

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 171

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-501, IDAHO CODE, TO PROVIDE THAT
2 THE TERM OF OFFICE FOR SCHOOL DISTRICT TRUSTEES SHALL BE TWO YEARS AND
3 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-502, IDAHO CODE, TO
4 PROVIDE THAT THE POLITICAL PARTY OR THE UNAFFILIATED STATUS OF A CAN-
5 DIDATE FOR THE SCHOOL DISTRICT BOARD OF TRUSTEES SHALL BE INCLUDED IN
6 THE DECLARATION OF CANDIDACY; AMENDING SECTION 33-503, IDAHO CODE, TO
7 PROVIDE THAT ELECTION OF SCHOOL DISTRICT TRUSTEES SHALL OCCUR ON THE
8 DAY OF THE GENERAL ELECTION, TO PROVIDE THAT TRUSTEES ELECTED IN 2024
9 AND THEREAFTER SHALL SERVE TWO-YEAR TERMS, AND TO PROVIDE THAT TRUSTEES
10 ELECTED PRIOR TO NOVEMBER 5, 2024, SHALL SERVE OUT THE REMAINDER OF
11 THEIR TERMS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
12 DATE.
13

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

15 SECTION 1. That Section 33-501, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 33-501. BOARD OF TRUSTEES. (1) Each school district shall be governed
18 by a board of trustees. The board of trustees of each elementary school dis-
19 trict shall consist of three (3) members, and the board of trustees of each
20 other school district shall consist of five (5) members. Provided, however,
21 that the board of trustees of any district ~~which~~ that has had a change in its
22 district boundaries subsequent to June 30, 1973, may consist of no fewer than
23 five (5) nor more than nine (9) members if such provisions are included as
24 part of an approved proposal to redefine and change trustee zones as provided
25 in section 33-313, Idaho Code. The board of trustees of any district that has
26 had a change in its district boundaries because of district consolidation on
27 and after January 1, 2008, shall consist of five (5) members if two (2) dis-
28 tricts consolidated or seven (7) members if three (3) or more districts con-
29 solidated. Commencing ~~in 2018~~ November 5, 2024, a school district trustee
30 shall be elected for a term of ~~four (4)~~ two (2) years beginning at ~~twelve~~
31 ~~o'clock~~ noon on January 1 next succeeding his election.

32 (2) Each trustee shall at the time of his nomination and election, or
33 appointment, be a school district elector of his district and a resident of
34 the trustee zone from which nominated or appointed. In the event that a va-
35 cancy shall be declared as provided in section 33-504, Idaho Code, and the
36 board of trustees is unable to appoint a trustee from the zone vacated after
37 ninety (90) days, the board of trustees may appoint a person at-large from
38 within the boundaries of the school district to serve as the trustee from the
39 zone where the vacancy occurred.

40 (3) Each trustee shall qualify for and assume office on January 1 next
41 following his election, or, if appointed, at the regular meeting of the board
42 of trustees next following such appointment. At the first meeting after

1 a trustee assumes office, an oath of office shall be administered to the
2 trustee, whether elected, reelected or appointed. Said oath may be adminis-
3 tered by the clerk, or by another trustee, of the district, and the records
4 of the district shall show such oath of office to have been taken, and by whom
5 administered and shall be filed with the official records of the district.

6 SECTION 2. That Section 33-502, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 33-502. DECLARATIONS OF CANDIDACY FOR TRUSTEES. Any person legally
9 qualified to hold the office of school trustee may file a declaration of
10 candidacy for the office, each of which shall bear the name of the candi-
11 date and the political party with which the candidate is affiliated or the
12 candidate's unaffiliated status, state the term for which declaration of
13 candidacy is made, and bear the signature of not less than five (5) school
14 district electors resident of the trustee zone of which the candidate is res-
15 ident. The declaration shall be filed with the clerk of the board of trustees
16 of the school district as provided in section 34-1404, Idaho Code.

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

19 33-503. ELECTION OF TRUSTEES -- UNIFORM DATE. (1) The election of
20 school district trustees including those in charter districts shall be on
21 the Tuesday following the first Monday in November in odd-numbered years day
22 of the general election as provided in section 34-601, Idaho Code. Notice
23 and conduct of the election, and the canvassing of the returns, shall be
24 as provided in chapter 14, title 34, Idaho Code. In each trustee zone, the
25 person receiving the greatest number of votes cast within his zone shall be
26 declared by the board of trustees as the trustee elected from that person's
27 zone.

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

32 (3) Incumbent trustees as of the effective date of this act shall have
33 their terms expire on January 1 following the November election of their suc-
34 cessors.

35 (4) At the general election held November 5, 2024, and thereafter,
36 school district trustees shall be elected to two (2) year terms. Trustees
37 elected prior to November 5, 2024, shall serve out the remainder of the term
38 for which they were elected. If at the end of such term there will be a va-
39 cancy on the board, such vacancy shall be filled pursuant to section 33-504,
40 Idaho Code.

41 SECTION 4. An emergency existing therefor, which emergency is hereby
42 declared to exist, this act shall be in full force and effect on and after
43 July 1, 2023.