

CANDIDATE RESIDENCY REQUIREMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: Douglas C. Aagard

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

General Description:

This bill modifies provisions of the Election Code by establishing residency requirements for state and local boards of education.

Highlighted Provisions:

This bill:

- ▶ establishes residency requirements for state and local boards of education.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-14-103, as repealed and reenacted by Laws of Utah 2001, Second Special Session, Chapter 2

20A-14-202, as last amended by Laws of Utah 2003, Chapter 315

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **20A-14-103** is amended to read:



28 **20A-14-103. State Board of Education members -- When elected -- Qualifications**
 29 **-- Avoiding conflicts of interest.**

30 (1) (a) In 2002 and every four years thereafter, one member each shall be elected from
 31 new Districts 2, 3, 5, 6, 9, 10, 14, and 15 to serve a four-year term.

32 (b) In 2004 and every four years thereafter, one member each shall be elected from new
 33 Districts 4, 7, 8, 11, 12, and 13 to serve a four-year term.

34 (c) (i) Because of the combination of certain former districts, the state school board
 35 members elected from old Districts 2 and 4 who will reside in new District 1 may not serve out
 36 the term for which they were elected, but shall stand for election in 2002 for a term of office of
 37 four years from the realigned district in which each resides.

38 (ii) If one of the incumbent state school board members from new District 1 indicates
 39 in writing to the lieutenant governor that the school board member will not seek reelection, that
 40 incumbent state school board member may serve until January 1, 2003 and the other incumbent
 41 state school board member shall serve out the term for which the member was elected, which is
 42 until January 1, 2005.

43 (2) A person seeking election to the state school board must have been a resident of the
 44 state school board district in which the person is seeking election for at least one year as of the
 45 date of the election.

46 ~~[(2)]~~ (3) A member shall:

47 (a) be and remain a registered voter in the state board district from which the member
 48 was elected or appointed; and

49 (b) maintain ~~[his]~~ the member's primary residence within the state board district from
 50 which the member was elected or appointed during the member's term of office.

51 ~~[(3)]~~ (4) A member of the State Board of Education may not, during the member's term
 52 of office, also serve as an employee of:

53 (a) the board~~[-];~~

54 (b) the Utah State Office of Education~~[-];~~ or

55 (c) the Utah State Office of Rehabilitation.

56 Section 2. Section **20A-14-202** is amended to read:

57 **20A-14-202. Local boards of education -- Membership -- When elected --**
 58 **Qualifications -- Avoiding conflicts of interest.**

59 (1) (a) Except as provided in Subsection (1)(b), the board of education of a school
60 district with a student population of up to 24,000 students shall consist of five members.

61 (b) The board of education of a school district with a student population of more than
62 10,000 students but fewer than 24,000 students shall increase from five to seven members
63 beginning with the 2004 regular general election.

64 (c) The board of education of a school district with a student population of 24,000 or
65 more students shall consist of seven members.

66 (d) Student population is based on the October 1 student count submitted by districts to
67 the State Office of Education.

68 (e) If the number of members of a local school board is required to change under
69 Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in
70 Sections 20A-14-201 and 20A-14-203.

71 (f) A school district which now has or increases to a seven-member board shall
72 maintain a seven-member board regardless of subsequent changes in student population.

73 (g) (i) Members of a local board of education shall be elected at each regular general
74 election.

75 (ii) Except as provided in Subsection (1)(g)(iii), no more than three members of a local
76 board of education may be elected to a five-member board, nor more than four members
77 elected to a seven-member board, in any election year.

78 (iii) More than three members of a local board of education may be elected to a
79 five-member board and more than four members elected to a seven-member board in any
80 election year only when required by reapportionment or to fill a vacancy or to implement
81 Subsection (1)(b).

82 (h) One member of the local board of education shall be elected from each local school
83 board district.

84 (2) A person seeking election to a local school board must have been a resident of the
85 local school board district in which the person is seeking election for at least one year as of the
86 date of the election.

87 [~~2~~] (3) A member of a local school board shall:

88 (a) be and remain a registered voter in the local school board district from which the
89 member is elected or appointed; and

90 (b) maintain [~~his~~] the member's primary residence within the local school board district
91 from which the member is elected or appointed during the member's term of office.

92 [~~3~~] (4) A member of a local school board may not, during the member's term in
93 office, also serve as an employee of that board.

Legislative Review Note
as of 10-18-07 7:36 AM

Office of Legislative Research and General Counsel

S.B. 13 - Candidate Residency Requirements

Fiscal Note

2008 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
