

**Senator Peter C. Knudson** proposes the following substitute bill:

**CANDIDATE RESIDENCY REQUIREMENTS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Peter C. Knudson**

House Sponsor: Douglas C. Aagard

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**LONG TITLE**

**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;
- ▶ provides that residency requirements for local boards of education are effective for elections held after the 2008 general election;
- ▶ and makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

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**20A-14-103**, as repealed and reenacted by Laws of Utah 2001, Second Special Session, Chapter 2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



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

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

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

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

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

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

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

~~(2) **§**→ (i) ←**§**~~ A person seeking election to the state school board must have been a resident of the state school board district in which the person is seeking election for at least one year as of the date of the election.

**§→ (ii) A person who has resided within the state school board district, as the boundaries of the district exist on the date of the election, for one year immediately preceding the date of the election shall be considered to have met the requirements of this Subsection (2). ←**§****

~~(2)~~ (3) A member shall:

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

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

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

(a) the board[-];

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

(c) the Utah State Office of Rehabilitation.

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

58 **20A-14-202. Local boards of education -- Membership -- When elected --**

59 **Qualifications -- Avoiding conflicts of interest.**

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

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

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

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

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

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

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

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

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

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

85 (2) ~~§~~ **→ (ii) ←** ~~§~~ For an election held after the 2008 general election, a person seeking  
85a election to a

86 local school board must have been a resident of the local school board district in which the  
87 person is seeking election for at least one year as of the date of the election.

87a **→ (ii) A person who has resided within the local school board district, as the boundaries of**  
87b **the district exist on the date of the election, for one year immediately preceding the date of the**  
87c **election shall be considered to have met the requirements of this Subsection (2). ←**

88           ~~[(2)]~~ (3) A member of a local school board shall:

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

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

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

95           Section 3. **Effective date.**

96           If approved by two-thirds of all the members elected to each house, this bill takes effect  
97 upon approval by the governor, or the day following the constitutional time limit of Utah  
98 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
99 the date of veto override.

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**S.B. 13 1st Sub. (Green) - Candidate Residency Requirements**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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.

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