

CANDIDATE RESIDENCY REQUIREMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: Douglas C. Aagard

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20A-14-103, as repealed and reenacted by Laws of Utah 2001, Second Special Session, Chapter 2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

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

30 -- Avoiding conflicts of interest.

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

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

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

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

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

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

50 [~~2~~] (3) A member shall:

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

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

55 [~~3~~] (4) A member of the State Board of Education may not, during the member's term
56 of office, also serve as an employee of:

57 (a) the board[-];

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

59 **(c)** the Utah State Office of Rehabilitation.

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

61 **20A-14-202. Local boards of education -- Membership -- When elected --**

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

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

65 (b) The board of education of a school district with a student population of more than
66 10,000 students but fewer than 24,000 students shall increase from five to seven members
67 beginning with the 2004 regular general election.

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

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

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

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

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

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

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

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

88 (2) (a) For an election held after the 2008 general election, a person seeking election to
89 a local school board must have been a resident of the local school board district in which the
90 person is seeking election for at least one year as of the date of the election.

91 (b) A person who has resided within the local school board district, as the boundaries of
92 the district exist on the date of the election, for one year immediately preceding the date of the
93 election shall be considered to have met the requirements of this Subsection (2).

94 [~~2~~] (3) A member of a local school board shall:

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

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

99 [~~3~~] (4) A member of a local school board may not, during the member's term in office,
100 also serve as an employee of that board.

101 Section 3. **Effective date.**

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