

CHAPTER 224

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 06-1288

BY REPRESENTATIVE(S) Todd, Benefield, Massey, Merrifield, Penry, Solano, Berens, Paccione, and Ragsdale;
also SENATOR(S) Windels, Bacon, Shaffer, and Williams.

AN ACT

CONCERNING THE ELECTION OF NONPARTISAN SCHOOL DIRECTORS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 22-31-104 (2) and (3), Colorado Revised Statutes, are amended to read:

22-31-104. Regular biennial school election. (2) ~~(a) In order to implement the change in the date for holding regular biennial school elections, the following provisions shall apply:~~

~~(f) Any school district director elected at the regular biennial election held in May of 1991 whose term would otherwise expire in May of 1995 shall serve for a term of four years and six months and shall serve until such director is succeeded by a director elected at the regular biennial school election held in November of 1995.~~

~~(H) Any school district director elected at the regular biennial election held in May of 1991 and whose term would otherwise expire in May of 1997 shall serve for a term of six years and six months and shall serve until such director is succeeded by a director elected at the regular biennial school election held in November of 1997.~~

~~(Hh) Any school district director whose term expires in May of 1993 shall be succeeded by a director appointed in accordance with the provisions of paragraph (b) of this subsection (2) who shall serve until such appointed director is succeeded by a director elected at the regular biennial school election held in November of 1993.~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~(IV) Any school district director whose term expires in May of 1995 shall be succeeded by a director appointed in accordance with the provisions of paragraph (b) of this subsection (2) who shall serve until such appointed director is succeeded by a director elected at the regular biennial school election held in November of 1995.~~

~~(b) (1) The appointment of school district directors for six-month terms as provided in paragraph (a) of this subsection (2) shall be made by the board of education of the school district; except that no school district director whose term is expiring and who is seeking appointment to a six-month term shall participate in proceedings conducted by the board concerning the position held by that director pursuant to the provisions of this paragraph (b). A director whose term is expiring may notify the board in the time and manner prescribed by the board of such director's intention to be considered for the appointment. If the director whose term is expiring notifies the board and is otherwise qualified under this article, the board may appoint such director. If the board is not notified within the time provided that the director whose term is expiring intends to seek the appointment or such director is not appointed to the six-month term, the secretary of the board of education shall cause notice of the appointment to be published for no less than two consecutive weeks in some newspaper having general circulation in the school district, the first publication of such notice to be made not less than thirty days before the expiration of the term of office of the director in May of 1993 or May of 1995, whichever is applicable. Any person who meets the qualifications otherwise required by this article for the election of directors and who desires to be considered for the appointment shall file a written notice of such intention with the secretary of the board of education within the time and in the manner prescribed by the board. The board shall consider all applicants and shall make the appointment no later than ten days following the expiration of the term of office of the director in May of 1993 or May of 1995, whichever is applicable. In the event that the number of qualified applicants is less than the number of appointments to be made, the board may appoint any qualified person to any position for which there is no qualified applicant.~~

~~(II) An appointment made pursuant to this paragraph (b) shall be evidenced by an appropriate entry in the minutes of the meeting of the board of education and the delivery of the certificate of appointment to the person so appointed with a copy of such certificate forwarded to the department of education.~~

~~(3) Beginning with the regular biennial school election held in November of 1993, school district directors elected shall serve until their successors are elected and qualified. In order for the directors to take office within such time period, the county clerk and recorder shall complete the survey of votes no later than seven days following the election. The director shall take office upon completion of the survey of votes but no later than fifteen days following the survey. THE DATE ON WHICH THE SCHOOL DISTRICT RECEIVES THE OFFICIAL ABSTRACT OF VOTES PURSUANT TO SECTION 1-10-203, C.R.S.~~

SECTION 2. 22-31-107 (1) and (2), Colorado Revised Statutes, are amended, and the said 22-31-107 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-31-107. Candidates for school director - call - qualification - nomination.

(1) Any candidate for the office of school director of a school district shall ~~be an eligible~~ HAVE BEEN A REGISTERED elector of the district ~~and shall have been a resident of the district~~ for at least twelve consecutive months prior to the election. If the school district has a director district plan of representation or a combined director district and at-large plan of representation, the candidate shall be a resident of the director district that will be represented, unless the candidate will serve as an at-large director or has been elected at the time of or prior to the adoption of a director district plan of representation or a combined director district and at-large plan of representation by the eligible electors of the district.

(1.5) NOT LESS THAN SEVENTY-FIVE DAYS NOR MORE THAN NINETY DAYS BEFORE THE ELECTION DATE, THE DESIGNATED ELECTION OFFICIAL SHALL PROVIDE NOTICE BY PUBLICATION OF A CALL FOR NOMINATIONS FOR SCHOOL DIRECTOR CANDIDATES IN THE UPCOMING ELECTION. THE CALL SHALL STATE THE SCHOOL DIRECTOR OFFICES TO BE VOTED UPON AT THE ELECTION, WHERE A NOMINATION PETITION MAY BE OBTAINED, THE NUMBER OF SIGNATURES NECESSARY FOR THE NOMINATION PETITION, AND THE DEADLINE FOR SUBMITTING THE NOMINATION PETITION.

(2) Any person who desires to be a candidate for the office of school director shall file a written notice of intention, NO LATER THAN SIXTY-SEVEN DAYS BEFORE THE ELECTION DATE, with the secretary of the board of education of the school district in which the person resides ~~prior to sixty-six days before the election date~~, together with a nomination petition according to the provisions of section 1-4-803 and part 9 of article 4 of title 1, C.R.S. A PERSON WHO DESIRES TO BE A CANDIDATE FOR THE OFFICE OF SCHOOL DIRECTOR MAY NOT CIRCULATE THE NOMINATION PETITION FOR SIGNATURES PRIOR TO NINETY DAYS BEFORE THE ELECTION.

SECTION 3. 22-31-125, Colorado Revised Statutes, is amended to read:

22-31-125. Oath of directors. Each director shall, ~~no later than fifteen days following the survey of votes~~ NO LATER THAN TEN DAYS AFTER HE OR SHE RECEIVES THE CERTIFICATE OF ELECTION PURSUANT TO SECTION 1-11-103, C.R.S., OR APPOINTMENT PURSUANT TO SECTION 22-31-129 (2), appear before some officer authorized to administer oaths or before the president of the board of education and take an oath that the director will faithfully perform the duties of the office as required by law and will support the constitution of the United States, the constitution of the state of Colorado, and the laws made pursuant thereto. The oath shall be filed with the designated election official for the school district. In case a director fails to take the oath within the period, the office shall be deemed vacant, and the vacancy thus created shall be filled in the same manner as other vacancies in the office of director.

SECTION 4. 22-31-129 (1) (b), Colorado Revised Statutes, is amended to read:

22-31-129. Vacancies. (1) A school director office shall be deemed to be vacant upon the occurrence of any one of the following events prior to the expiration of the term of office:

(b) If the person who was duly elected or appointed fails, neglects, or refuses to subscribe to an oath of office as provided in section 22-31-125; ~~within ten days after~~

~~receipt of the certificate of election or appointment;~~

SECTION 5. 22-32-104 (1), Colorado Revised Statutes, is amended to read:

22-32-104. Organization of board of education. (1) Within fifteen days after ~~each regular biennial school district election~~ A SCHOOL DISTRICT RECEIVES THE OFFICIAL ABSTRACT OF VOTES PURSUANT TO SECTION 1-10-203, C.R.S., the incumbent secretary of the school district shall call a special meeting of the board of education of the district for the purpose of selecting officers of the board. At the meeting the incumbent president of the board shall preside until a successor shall have been elected and qualified.

SECTION 6. 1-4-803 (1) and (5), Colorado Revised Statutes, are amended to read:

1-4-803. Petitions for nominating school district directors. (1)(a) Any person who desires to be a candidate for the office of school director in a school district in which fewer than one thousand students are enrolled shall file a nomination petition signed by at least twenty-five eligible electors from throughout the school district, regardless of the school district's plan of representation. Any person who desires to be a candidate for the office of school director in a school district in which one thousand students or more are enrolled shall file a nomination petition signed by at least fifty eligible electors from throughout the school district, regardless of the school district's plan of representation. An eligible elector may sign as many petitions as candidates for whom that elector may vote.

(b) A PERSON WHO DESIRES TO BE A CANDIDATE FOR THE OFFICE OF SCHOOL DIRECTOR MAY NOT CIRCULATE THE NOMINATION PETITION FOR SIGNATURES PRIOR TO NINETY DAYS BEFORE THE ELECTION.

(5) The candidate for the office of school director shall have been ~~an eligible~~ A REGISTERED elector ~~and resident~~ of the school district, as shown on the books of the county clerk and recorder, for at least twelve consecutive months prior to the date of the election.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 25, 2006