

REFERENCE TITLE: school district boards; family members

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2567

Introduced by
Representative Anderson

AN ACT

AMENDING SECTION 15-421, ARIZONA REVISED STATUTES; RELATING TO SCHOOL DISTRICT GOVERNING BOARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-421, Arizona Revised Statutes, is amended to
3 read:
4 15-421. Governing board; members; qualifications; statement
5 A. The governing body of a school district shall be a governing
6 board. There shall be three governing board members, except as otherwise
7 provided by this section and section 15-425, subsection A.
8 B. The governing body of a high school district shall be a governing
9 board composed of:
10 1. In a single district, the governing board members of the common
11 school district.
12 2. In a union high school district, five members.
13 C. A person who is a registered voter of this state and has been a
14 resident of the school district for at least one year immediately preceding
15 the day of election is eligible for election to the office of governing board
16 member.
17 D. No employee of a school district or the spouse of such employee may
18 hold membership on a governing board of a school district by which such
19 employee is employed.
20 E. A member of one governing board is ineligible to be a candidate for
21 nomination or election to or serve simultaneously as a member of any other
22 governing board, except that a member of a governing board may be a candidate
23 for nomination or election for any other governing board if the member is
24 serving in the last year of a term of office. A member of a governing board
25 shall resign the member's seat on the governing board before becoming a
26 candidate for nomination or election to the governing board of any other
27 school district, unless the member of the governing board is serving in the
28 last year of a term of office.
29 F. Notwithstanding section 15-511, each county school superintendent
30 shall publish on its website the statement of each certified candidate for
31 membership on a school district governing board located in the county. The
32 county school superintendent shall list each school district on its website
33 from which a link shall be established to the candidate's name, which shall
34 link to the candidate's statement and photograph. The candidate shall submit
35 the statement to the person at the county school superintendent's office
36 assigned to manage candidate statements, after notice of certification from
37 the county school superintendent's office but not later than twenty-one days
38 before the date that general election early ballots are allowed to be mailed.
39 The person shall post each candidate's statement on the county school
40 superintendent's website not later than fourteen days before the date that
41 general election early ballots are allowed to be mailed. If a candidate does
42 not submit a statement, the county school superintendent's website shall
43 state "no response submitted" for the candidate. The candidate statements
44 shall be posted on the website alphabetically by each school district and by
45 candidate. The candidate statement shall be typewritten or electronically

1 submitted. The county school superintendent shall post the statements
2 verbatim as they are received unless a candidate requests in writing that
3 typographical errors be corrected. The candidate statement shall contain the
4 following items in the same size and format for each candidate:

- 5 1. A recent photograph of the candidate.
- 6 2. A statement not to exceed five hundred words.

7 G. PERSONS RELATED BY CONSANGUINITY TO THE FIRST DEGREE OR AFFINITY TO
8 THE FIRST DEGREE SHALL NOT SERVE SIMULTANEOUSLY ON THE GOVERNING BOARD OF THE
9 SAME SCHOOL DISTRICT. A QUALIFIED ELECTOR WHO RESIDES IN THE SCHOOL DISTRICT
10 MAY BRING AN ACTION IN SUPERIOR COURT TO ENFORCE THIS SUBSECTION. IF A COURT
11 DETERMINES THAT A VIOLATION OF THIS SUBSECTION HAS OCCURRED, THE COURT SHALL
12 ISSUE AN ORDER THAT BOTH:

13 1. ALLOWS THE PERSON WHO HAS SERVED ON THE GOVERNING BOARD FOR THE
14 LONGEST CONSECUTIVE PERIOD OF TIME TO REMAIN ON THE GOVERNING BOARD.

15 2. IMMEDIATELY REMOVES FROM THE GOVERNING BOARD ALL OTHER PERSONS WHO
16 ARE RELATED TO THAT PERSON BY CONSANGUINITY TO THE FIRST DEGREE OR AFFINITY
17 TO THE FIRST DEGREE. VACANCIES IN OFFICE THAT OCCUR AS A RESULT OF THIS
18 PARAGRAPH SHALL BE FILLED AS PROVIDED BY LAW.

19 H. A PERSON WHO IS RELATED BY CONSANGUINITY TO THE FIRST DEGREE OR
20 AFFINITY TO THE FIRST DEGREE TO A MEMBER OF THE GOVERNING BOARD OF THE SAME
21 SCHOOL DISTRICT IS INELIGIBLE TO BE A CANDIDATE FOR NOMINATION OR ELECTION TO
22 THAT GOVERNING BOARD, EXCEPT THAT A PERSON WHO IS RELATED BY CONSANGUINITY TO
23 THE FIRST DEGREE OR AFFINITY TO THE FIRST DEGREE TO A MEMBER OF A GOVERNING
24 BOARD MAY BE A CANDIDATE FOR NOMINATION OR ELECTION TO THE GOVERNING BOARD OF
25 THE SAME SCHOOL DISTRICT IF THE MEMBER IS SERVING IN THE LAST YEAR OF A TERM
26 OF OFFICE. A QUALIFIED ELECTOR WHO RESIDES IN THE SCHOOL DISTRICT MAY BRING
27 AN ACTION IN SUPERIOR COURT TO ENFORCE THIS SUBSECTION. IF A COURT
28 DETERMINES THAT A VIOLATION OF THIS SUBSECTION HAS OCCURRED, THE COURT SHALL
29 ISSUE AN ORDER THAT BOTH:

30 1. ALLOWS THE PERSON WHO IS A CURRENT MEMBER OF THE GOVERNING BOARD TO
31 REMAIN ON THE GOVERNING BOARD.

32 2. DIRECTS THE COUNTY SCHOOL SUPERINTENDENT TO IMMEDIATELY REMOVE FROM
33 THE BALLOT FOR ELECTION TO THE GOVERNING BOARD THE NAME OR NAMES OF ALL OTHER
34 PERSONS WHO ARE RELATED TO THAT PERSON BY CONSANGUINITY TO THE FIRST DEGREE
35 OR AFFINITY TO THE FIRST DEGREE.

36 I. PERSONS RELATED BY CONSANGUINITY TO THE FIRST DEGREE OR AFFINITY TO
37 THE FIRST DEGREE ARE INELIGIBLE TO BE SIMULTANEOUS CANDIDATES FOR NOMINATION
38 OR ELECTION TO THE GOVERNING BOARD OF THE SAME SCHOOL DISTRICT. A QUALIFIED
39 ELECTOR WHO RESIDES IN THE SCHOOL DISTRICT MAY BRING AN ACTION IN SUPERIOR
40 COURT TO ENFORCE THIS SUBSECTION. IF A COURT DETERMINES THAT A VIOLATION OF
41 THIS SUBSECTION HAS OCCURRED, THE COURT SHALL ISSUE AN ORDER THAT BOTH:

42 1. ALLOWS THE PERSON WHO FILED THE FIRST NOMINATING PETITION WITH A
43 SUFFICIENT NUMBER OF SIGNATURES PURSUANT TO SECTION 15-422 TO REMAIN ON THE
44 BALLOT FOR ELECTION TO THE GOVERNING BOARD.

1 2. DIRECTS THE COUNTY SCHOOL SUPERINTENDENT TO IMMEDIATELY REMOVE FROM
2 THE BALLOT FOR ELECTION TO THE GOVERNING BOARD THE NAME OR NAMES OF ALL OTHER
3 PERSONS WHO ARE RELATED TO THAT PERSON BY CONSANGUINITY TO THE FIRST DEGREE
4 OR AFFINITY TO THE FIRST DEGREE.

5 Sec. 2. Current governing board members

6 Notwithstanding section 15-421, Arizona Revised Statutes, as amended by
7 this act, any person who is a member of a school district governing board on
8 the effective date of this act may continue to serve until the expiration of
9 that person's current term of office.