

# Senate Bill 793

Sponsored by Senator GELSER

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires that directors of district school boards be nominated for, and elected to, office based on zones of school district.

## A BILL FOR AN ACT

1  
2 Relating to district school board directors; creating new provisions; amending ORS 332.118, 332.122,  
3 332.124 and 332.136; and repealing ORS 332.126, 332.128 and 332.134.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 332.122 is amended to read:

6 332.122. (1) Except as provided in ORS 255.400 to 255.424, in common school districts and union  
7 high school districts the directors **of the district school board shall be nominated by zone by**  
8 **the electors of the zone.** [*may be nominated in one of the following methods or a combination*  
9 *thereof:*]

10 [*(a) At large by position number by the electors of the district.*]

11 [*(b) By zone by electors of zones, if zoning is approved by the electors under ORS 332.128.*]

12 (2) A person shall be nominated as a candidate for director by filing a petition for nomination  
13 or a declaration of candidacy under ORS 255.235.

14 (3) If a candidate is nominated by petition, the petition[:]

15 [*(a) If the candidate is nominated from a zone,*] must be signed by the electors of the zone.

16 [*(b) If the candidate is nominated at large, must be signed by the electors of the district.*]

17 (4) Except as provided in ORS 255.400 to 255.424, a candidate for school director must be an  
18 elector registered in the district. [*If the district is zoned and the candidate seeks nomination from a*  
19 *zone, the candidate also*] **and** must be a resident of [*that zone*] **the zone for which the candidate**  
20 **is nominated.**

21 **SECTION 2.** ORS 332.124 is amended to read:

22 332.124. (1) Except as provided in ORS 255.400 to 255.424, all candidates [*shall be elected at large*  
23 *in the district unless the*] **of a** district school board [*provides for election from zones under ORS*  
24 *332.126*] **shall be elected from zones.**

25 (2) [*In a district in which directors are elected from zones*] **For elections described in sub-**  
26 **section (1) of this section:**

27 (a) The candidate for the office of director in each zone who receives the plurality of the votes  
28 shall be elected.

29 (b) At the expiration of each director's term of office, a successor shall be elected from the same  
30 zone.

31 (3) Except as provided in ORS 255.400 to 255.424, in the event that no person from the same zone

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 is nominated under ORS 332.122 as a candidate for the vacant office of director by the school dis-  
 2 trict election filing deadline or is elected as a write-in candidate at the subsequent school district  
 3 election, or in the event that an office of director becomes vacant at midterm, the district school  
 4 board shall fill the vacancy as follows:

5 (a) The board shall advertise the vacancy for a 20-day period in an attempt to find an eligible  
 6 resident from the same zone to fill the vacancy. If one or more eligible residents declare interest in  
 7 the vacant office, the school district board shall appoint one of the eligible residents to fill the va-  
 8 cant office until June 30 following the next regular school district election.

9 (b) If, after 20 days of advertising the vacancy, no eligible resident from the same zone declares  
 10 interest in the vacant office, the school district board shall appoint one of the eligible residents from  
 11 the district at large to fill the vacant office until June 30 following the next regular school district  
 12 election.

13 (c) Offices filled in the manner described in paragraphs (a) and (b) of this subsection shall be-  
 14 come vacant on June 30 following the next regular school district election. Nomination of candidates  
 15 for vacant offices shall occur as provided under ORS 332.122.

16 **SECTION 3.** ORS 332.118 is amended to read:

17 332.118. Except as provided in ORS 255.400 to 255.424:

18 (1) Unless specifically provided otherwise, ORS chapter 255 governs the following:

19 (a) The nomination and election of school directors.

20 (b) The conduct of all school district elections.

21 (2) ORS 249.865 to 249.877 govern the recall of school board members.

22 (3) The Secretary of State has supervising authority over all elections conducted by school dis-  
 23 tricts and over elections conducted by a district boundary board.

24 (4) A petition for a proposed change or merger under ORS 330.095, a remonstrance petition un-  
 25 der ORS 330.101[ *a petition for zoning under ORS 332.128*] or a petition to lengthen the course of  
 26 study under ORS 335.495 may not be circulated for signatures until the prospective petition has been  
 27 filed with the county clerk. The prospective petition must designate the names and residence ad-  
 28 dresses of not more than three persons as chief petitioner. The authority of the Secretary of State  
 29 and the application of the election laws commence when the prospective petition is filed with the  
 30 county clerk. The filing of the prospective petition is to be treated like a prospective petition for  
 31 an initiative, referendum or recall. Except as otherwise provided in ORS 330.080 to 330.113, ORS  
 32 chapter 255 applies to the procedures applicable to petitions described in this subsection and the  
 33 elections held on the petitions.

34 **SECTION 4.** ORS 332.136 is amended to read:

35 332.136. (1) Each position of school director shall be designated by number as Position No. 1,  
 36 Position No. 2 and so on.

37 (2) At the first organizational meeting of the board following formation of the district, the  
 38 chairperson of the board shall assign a position number to each office on the board. The chairperson  
 39 shall certify the number assigned to the director holding that position and shall file one copy of the  
 40 certification in the records of the district.

41 (3) This section applies to [*the following districts that are not zoned:*]

42 [(a) *Common school districts;*]

43 [(b) *Union high school districts; and*]

44 [(c)] *education service districts.*

45 **SECTION 5.** ORS 332.126, 332.128 and 332.134 are repealed.

1        **SECTION 6.** The amendments to ORS 332.118, 332.122, 332.124 and 332.136 by sections 1  
2 to 4 of this 2021 Act and the repeal of ORS 332.126, 332.128 and 332.134 by section 5 of this  
3 2021 Act apply to vacancies for school board director occurring on or after the effective date  
4 of this 2021 Act.

5        **SECTION 7.** (2) Except as provided in ORS 255.400 to 255.424:

6            (1) A school board director shall be eligible for reelection in an election subsequent to  
7 zoning only if the director resides in a zone that is not otherwise represented on the board.

8            (2) Any vacancy occurring on a school board before all zones are represented shall be  
9 filled from among residents in an unrepresented zone, the zone to be determined by the  
10 board by lot.

11        **SECTION 8.** Section 7 of this 2021 Act is repealed on January 1, 2027.  
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