

House Bill 2308

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Education)

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**.

Provides for election of certain members of State Board of Education. Removes State Treasurer and Secretary of State or their designees from board. Provides that first election for elected members is November 2012 general election.

A BILL FOR AN ACT

1
2 Relating to the State Board of Education; creating new provisions; and amending ORS 249.002,
3 254.005, 326.021, 326.031 and 326.041.

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

5 **SECTION 1.** ORS 326.021 is amended to read:

6 326.021. *[(1) The State Board of Education shall consist of:]*

7 *[(a) The State Treasurer, or the designee of the State Treasurer;]*

8 *[(b) The Secretary of State, or the designee of the Secretary of State; and]*

9 *[(c) Seven members, appointed by the Governor for a term of four years beginning July 1 of the*
10 *year of appointment, subject to confirmation by the Senate in the manner provided in ORS 171.562 and*
11 *171.565. A person appointed under this paragraph may not be appointed to serve consecutively more*
12 *than two full terms as a board member.]*

13 *[(2) In making appointments under subsection (1) of this section, the Governor shall select from*
14 *residents of Oregon one member from each congressional district and two members from the state at*
15 *large. An appointed member may not be engaged in teaching or participate in the administration or*
16 *operation of any school.]*

17 *[(3) The Governor may remove appointed members of the State Board of Education for cause at*
18 *any time after notice and public hearing.]*

19 *[(4) The State Treasurer and the Secretary of State, or the designee of the State Treasurer or*
20 *Secretary of State, are nonvoting, ex officio members of the board.]*

21 **(1) The State Board of Education shall consist of seven members. Five members shall be**
22 **elected as provided in subsection (2) of this section, and two members shall be appointed by**
23 **the Governor as provided in subsection (3) of this section.**

24 **(2) The elected members of the board shall be elected from each of the five congressional**
25 **districts at the regular general election held on the first Tuesday after the first Monday in**
26 **November of each even-numbered year. An elected member shall serve for a term of four**
27 **years and may not serve more than two consecutive full terms. The term of an elected**
28 **member begins on the first Monday in January next following the regular general election,**
29 **except for a vacancy described in ORS 326.031.**

30 **(3) The appointed members shall be appointed by the Governor from among the residents**

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 of this state and shall serve the state at large. An appointed member shall serve for a term
 2 of four years and may not serve more than two consecutive full terms. Appointments are
 3 subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.
 4 The Governor may remove an appointed member for cause at any time after notice and
 5 public hearing. A vacancy occurring in an appointed position shall be filled as provided in
 6 ORS 326.031.

7 (4) The members of the board shall be nonpartisan.

8 (5) A member of the board may not engage in teaching or participate in the adminis-
 9 tration or operation of any school while serving on the board.

10 **SECTION 2.** ORS 326.031 is amended to read:

11 326.031. [*Appointments made to fill vacancies of the State Board of Education occurring prior to*
 12 *expiration of a term of an appointed member shall be for the remainder of the unexpired term. When*
 13 *a vacancy occurs in an appointment made from a congressional district, the successor shall be ap-*
 14 *pointed from the congressional district for which the vacancy exists.*]

15 (1) A vacancy occurring in an elected position on the State Board of Education before the
 16 expiration of the term of the position shall be filled by appointment by the Governor, subject
 17 to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. The ap-
 18 pointee must reside in the congressional district for which the vacancy exists at the time
 19 of appointment. The term of an appointee for a vacancy under this subsection expires on the
 20 day before the first Monday in January next following the regular general election.

21 (2) A vacancy occurring in an appointed position on the board before the expiration of
 22 the term of the position shall be filled by appointment by the Governor, subject to confir-
 23 mation by the Senate in the manner provided in ORS 171.562 and 171.565. The term of an
 24 appointee for a vacancy under this subsection expires at the end of the unexpired term.

25 **SECTION 3.** ORS 326.041 is amended to read:

26 326.041. (1) The State Board of Education shall meet at least six times each year on dates de-
 27 termined by the board, and at such other times as may be designated by the chairperson [*agreeable*
 28 *to*] **that are agreed to by** a majority of the board, or at the call of a majority of the board members.

29 (2) The board shall elect one of its members to serve as chairperson of the board for a **term**
 30 **of** one year [*commencing July 1*]. In case the office of chairperson of the board is permanently va-
 31 cated for any reason, the board may elect a new chairperson to serve [*until the June 30 next fol-*
 32 *lowing*] **for the remainder of the term.**

33 (3) A member is entitled to compensation and expenses as provided in ORS 292.495.

34 **SECTION 4.** (1) **The first elected members of the State Board of Education shall be**
 35 **elected at the regular general election held on the first Tuesday after the first Monday in**
 36 **November 2012.**

37 (2)(a) **Notwithstanding ORS 326.021, the members first elected to the board shall deter-**
 38 **mine by lot the length of their terms such that:**

39 (A) **Two shall serve a term expiring on the day before the first Monday in January 2015;**
 40 **and**

41 (B) **Three shall serve a term expiring on the day before the first Monday in January 2017.**

42 (b) **Notwithstanding ORS 326.021, the members first appointed to the board shall deter-**
 43 **mine by lot the length of their terms such that:**

44 (A) **One shall serve a term expiring on the day before the first Monday in January 2015;**
 45 **and**

1 (B) One shall serve a term expiring on the day before the first Monday in January 2017.

2 **SECTION 5.** On the day before the first Monday in January 2013, the terms of office of
3 the current members of the State Board of Education expire. Notwithstanding the prohibi-
4 tion under ORS 326.021 against a person serving more than two consecutive full terms as a
5 board member, a member whose office is terminated pursuant to this section is eligible for
6 election or appointment to the board.

7 **SECTION 6.** ORS 249.002, as amended by section 2, chapter 18, Oregon Laws 2010, is amended
8 to read:

9 249.002. As used in this chapter:

10 (1) "Candidate" means an individual whose name is or is expected to be printed on the official
11 ballot.

12 (2) "County clerk" means the county clerk or the county official in charge of elections.

13 (3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-
14 tution.

15 (4) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
16 Tax Court, or any county judge who exercises judicial functions.

17 (5) "Member" means an individual who is registered as being affiliated with the political party.

18 (6) "Minor political party" means a political party that has qualified as a minor political party
19 under ORS 248.008.

20 (7) "Nonpartisan office" means the office of judge, Superintendent of Public Instruction, **State**
21 **Board of Education**, Commissioner of the Bureau of Labor and Industries, any elected office of a
22 metropolitan service district under ORS chapter 268, justice of the peace, county clerk, county
23 assessor, county surveyor, county treasurer, sheriff, district attorney or any office designated non-
24 partisan by a home rule charter.

25 (8) "Prospective petition" means the information, except signatures and other identification of
26 petition signers, required to be contained in a completed petition.

27 (9) "Public office" means any national, state, county, city or district office or position, except
28 a political party office, filled by the electors.

29 (10) "State office" means Governor, Secretary of State, State Treasurer, Attorney General,
30 Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, judge,
31 state Senator, state Representative or district attorney.

32 **SECTION 7.** ORS 254.005, as amended by section 3, chapter 18, Oregon Laws 2010, is amended
33 to read:

34 254.005. As used in this chapter:

35 (1) "Ballot" means any material on which votes may be cast for candidates or measures. In the
36 case of a recall election, "ballot" includes material posted in a voting compartment or delivered to
37 an elector by mail.

38 (2) "Chief elections officer" means the:

39 (a) Secretary of State, regarding a candidate for a state office or an office to be voted on in the
40 state at large or in a congressional district, or a measure to be voted on in the state at large.

41 (b) County clerk, regarding a candidate for a county office, or a measure to be voted on in a
42 county only.

43 (c) City clerk, auditor or recorder, regarding a candidate for a city office, or a measure to be
44 voted on in a city only.

45 (3) "County clerk" means the county clerk or the county official in charge of elections.

1 (4) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-
2 tution.

3 (5) "Major political party" means a political party that has qualified as a major political party
4 under ORS 248.006.

5 (6) "Measure" includes any of the following submitted to the people for their approval or re-
6 jection at an election:

7 (a) A proposed law.

8 (b) An Act or part of an Act of the Legislative Assembly.

9 (c) A revision of or amendment to the Oregon Constitution.

10 (d) Local, special or municipal legislation.

11 (e) A proposition or question.

12 (7) "Minor political party" means a political party that has qualified as a minor political party
13 under ORS 248.008.

14 (8) "Nonpartisan office" means the office of judge of the Supreme Court, Court of Appeals, cir-
15 cuit court or the Oregon Tax Court, Superintendent of Public Instruction, **State Board of Educa-**
16 **tion**, Commissioner of the Bureau of Labor and Industries, any elected office of a metropolitan
17 service district under ORS chapter 268, justice of the peace, county clerk, county assessor, county
18 surveyor, county treasurer, county judge who exercises judicial functions, sheriff, district attorney
19 or any office designated nonpartisan by a home rule charter.

20 (9) "Prospective petition" means the information, except signatures and other identification of
21 petition signers, required to be contained in a completed petition.

22 (10) "Regular district election" means the election held each year for the purpose of electing
23 members of a district board as defined in ORS 255.005 (2).

24 (11) "Vote tally system" means one or more pieces of equipment necessary to examine and tally
25 automatically the marked ballots.

26 (12) "Voting machine" means any device that will record every vote cast on candidates and
27 measures and that will either internally or externally total all votes cast on that device.

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