

Sixty-fourth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2213

Introduced by

Senators Miller, Unruh

Representatives Rick C. Becker, Boehning, Rohr, Schatz

1 A BILL for an Act to amend and reenact sections 15-20.2-04, 15-20.2-06, and 15-20.2-13,  
2 subsection 1 of section 15.1-07-02, subsection 2 of section 15.1-07-03, sections 15.1-09-01 and  
3 15.1-09-02, subsection 2 of section 15.1-09-05, sections 15.1-09-08, 15.1-09-09, 15.1-09-13,  
4 15.1-09-22, and 15.1-09-23, subsection 1 of section 15.1-09-30, section 15.1-09-31,  
5 subsection 34 of section 15.1-09-33, subsection 3 of section 15.1-09-39, and subsection 1 of  
6 section 15.1-29-03 of the North Dakota Century Code, relating to school district elections; and  
7 to repeal section 15.1-09-03 of the North Dakota Century Code, relating to school board  
8 changes in terms of office.

9 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

10 **SECTION 1. AMENDMENT.** Section 15-20.2-04 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **15-20.2-04. Center boards - Appointment of members - Terms - Compensation -**  
13 **Vacancies.**

14 An area career and technology center must be operated by a center board of not less than  
15 five members nor more than a total of one member for each participating district; provided,  
16 however, that each participating school district with three hundred or more high school students  
17 must be allowed one member for each three hundred high school students or fraction thereof  
18 with a limitation of not more than three members from any one school district. Center board  
19 members must be members of the school boards. The terms of office of the members of center  
20 boards must be for ~~at least one year~~ two years and terminate upon the expiration of their terms  
21 on their respective school boards. Members are eligible for reappointment to center boards.  
22 Center board members shall receive the same compensation and expenses for attending center  
23 board meetings or for otherwise engaging in official business for the center as provided in

1 section 15.1-09-06 for members of school boards. Compensation and expenses of center board  
2 members must be paid out of center funds.

3 Vacancies on a center board must be filled by the school board whose representation was  
4 lost when the vacancy occurred.

5 **SECTION 2. AMENDMENT.** Section 15-20.2-06 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **15-20.2-06. Meetings of center boards - Election of officers - Quorum.**

8 The initial organizational meeting of a center board must be called and conducted by the  
9 chairman of the state board, and thereafter a center board shall meet monthly. At the next  
10 meeting following the ~~annual~~biennial organizational meeting of the school boards, the officers of  
11 a center board ~~for the current school year~~ must be selected. The officers of a center board must  
12 be a chairman and a vice chairman, who may not be from the same school district. The  
13 chairman shall preside at all meetings of a center board and in the chairman's absence the vice  
14 chairman shall preside. Each center board member is entitled to one vote. A majority of the  
15 members of a center board constitutes a quorum. Any motion or resolution may be adopted only  
16 by a majority vote of the members of the center board.

17 **SECTION 3. AMENDMENT.** Section 15-20.2-13 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19 **15-20.2-13. Referendum on district participation in area center - Majority required for**  
20 **approval.**

21 A school district board may not proceed to obtain approval as a participating district in an  
22 area career and technology center if a petition for referendum of the question of said school  
23 district participating in an area career and technology center signed by twenty percent of the  
24 qualified electors of said school district voting at the last ~~annual~~regular school election is filed  
25 with the school board within sixty days of the publication of the resolution provided for in section  
26 15-20.2-12. When such petition is filed, the school board may not obtain approval as a  
27 participating district in an area career and technology center until the question of whether the  
28 district shall enter into an area career and technology center has been submitted to the qualified  
29 electors of the district. If a majority of the total number of votes cast on the question within the  
30 school district is in favor of the question, the school board may proceed to obtain approval as a  
31 participating district in an area career and technology center.

1       **SECTION 4. AMENDMENT.** Subsection 1 of section 15.1-07-02 of the North Dakota  
2 Century Code is amended and reenacted as follows:

- 3       1. In order for the name of a school district to be changed, the question must be placed  
4 before and approved by a majority of the district's qualified voters at a district election.  
5 The school board may place the question on the ballot by resolution and shall place  
6 the question on the ballot if it receives a petition signed by qualified electors of the  
7 district equal in number to at least one-third of those who voted at the most recent  
8 ~~annual~~regular school district election.

9       **SECTION 5. AMENDMENT.** Subsection 2 of section 15.1-07-03 of the North Dakota  
10 Century Code is amended and reenacted as follows:

- 11       2. The board of a school district shall place on the ballot of the next regular or special  
12 election the question of increasing the district's limit of indebtedness, beyond that fixed  
13 by the constitution, by five percent of the assessed valuation of all taxable property in  
14 the district, if the board receives a petition requesting the increase and signed by  
15 qualified electors of the district equal in number to at least one-third of those who  
16 voted at the most recent ~~annual~~regular school district election.

17       **SECTION 6. AMENDMENT.** Section 15.1-09-01 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19       **15.1-09-01. School board membership - Size and term adjustments.**

- 20       1. The board of a school district must be composed of five, seven, or nine members.  
21       2. The size of a school board may be increased to seven or nine members or decreased  
22 to seven or five members if a petition is signed by qualified electors of the school  
23 district equal in number to at least one-third of those who voted at the most recent  
24 ~~annual~~regular school district election and the change is approved by a majority of the  
25 qualified electors of the school district voting on the question at a special election  
26 called for that purpose.  
27       3. If a majority of the qualified voters in a school district elect to increase the size of the  
28 school board, the additional members must be elected to the board at the next  
29 ~~annual~~regular school district election in the same manner as other board members.  
30       a. If the total number of board members after approval of the increase is seven, the  
31 terms of three members extend until the first ~~annual~~regular election, ~~the terms of~~

- 1           two members extend until the second annual election, and the terms of the  
2           remaining ~~two~~four members extend until the ~~third annual~~second regular election  
3           after the increase.
- 4           b. If the total number of board members after approval of the increase is nine, the  
5           terms of ~~three~~four members extend until the first ~~annual~~regular election, ~~the~~  
6           ~~terms of three members extend until the second annual election, and the terms of~~  
7           the remaining ~~three~~five members extend until the ~~third annual~~second regular  
8           election after the increase.
- 9           c. The length of the terms specified in this subsection must be determined by lot.
- 10          d. All board members shall serve for the terms specified in this subsection and until  
11          their successors are elected and qualified.
- 12          e. The length of any term in existence before the increase in board membership and  
13          held by a board member who is duly qualified may not be modified.
- 14          f. Terms subsequent to the first term are for the normal period of ~~three~~four years  
15          and extend until a successor is elected and qualified.
- 16          4. ~~If on July 1, 2005, the board of any school district contains only three members, the~~  
17          ~~board must be increased to five members and the additional members must be~~  
18          ~~elected at the next annual school district election, in the same manner as other board~~  
19          ~~members. The initial term of one additional member must be one year and the initial~~  
20          ~~term of the other additional member must be two years. The length of the terms~~  
21          ~~specified in this subsection must be determined by lot. Thereafter, the size of the~~  
22          ~~board may be increased in accordance with subsections 2 and 3.~~
- 23          5. The voters of a school district shall elect school board members at large. If, however,  
24          the district has been reorganized, board members may be elected at large, by  
25          geographical area, or at large by geographical area.
- 26          ~~6.5.~~ An election on a reorganization proposal takes the place of the petition and election  
27          requirements of this section. Approval of the reorganization proposal has the same  
28          effect as if the approval were by the election provided for in this section.
- 29          ~~7.6.~~ If the qualified electors of a district approve a reduction in the size of the school board,  
30          the excess number of members will serve out existing terms until the number  
31          approved by the electors has been reached.

1       8. ~~If the board of a school district has elected to convert its members' terms to four years~~  
2       ~~and has also increased the number of its board members, the board by lot or by some~~  
3       ~~other random selection method shall provide for a combination of initial terms of office~~  
4       ~~not to exceed four years for the new members. The combination must equalize to the~~  
5       ~~greatest extent possible the number and length of terms for old board members and~~  
6       ~~for new members to be elected during the next three election years. The members'~~  
7       ~~terms must be staggered and must expire in even-numbered years.~~

8       9.7. Notwithstanding the provisions of this section, the board of education of the city of  
9       Fargo consists of nine members.

10       **SECTION 7. AMENDMENT.** Section 15.1-09-02 of the North Dakota Century Code is  
11       amended and reenacted as follows:

12       **15.1-09-02. School boards - Terms of office.**

13       The term of each elected member of a school board is ~~three~~four years, except when the  
14       member is completing the unexpired term of another. The term of office for a school board  
15       member begins at the ~~annual~~organizational meeting in July following the member's election and  
16       continues until a successor is elected and qualified. Each school board that has members  
17       whose terms expire in 2017 shall conduct a special election in 2017. The school board, by coin  
18       flip, shall determine which positions to be filled in 2017 are for one year and which positions are  
19       for three years so that, as nearly as is practicable, one-half of the members are elected at each  
20       regular election.

21       **SECTION 8. AMENDMENT.** Subsection 2 of section 15.1-09-05 of the North Dakota  
22       Century Code is amended and reenacted as follows:

23       2. The board of a school district shall fill by appointment or special election any vacant  
24       seat on the board. The term of an individual selected by appointment or special  
25       election to fill a vacancy extends until a successor is elected and qualified at the next  
26       ~~annual~~regular election. If a school board fails to fill a vacancy by appointment or fails  
27       to call a special election to fill a vacancy within sixty days from the time the vacancy  
28       occurred, the county superintendent shall call a special election to fill the vacancy. The  
29       election must be conducted in the same manner as the ~~annual~~regular school district  
30       election.

1       **SECTION 9. AMENDMENT.** Section 15.1-09-08 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15.1-09-08. School district elections - Candidate filings.**

4       An individual seeking election to the board of a school district shall prepare and sign a  
5 document stating the individual's name and the position for which that individual is a candidate.  
6 A candidate shall also file a statement of interests as required by section 16.1-09-02. ~~Whether~~  
7 ~~or not the election is held in conjunction with a statewide election, these~~The documents must be  
8 filed with the school district business manager, or mailed to and in the possession of the  
9 business manager, by four p.m. of the sixty-fourth day before the election.

10       **SECTION 10. AMENDMENT.** Section 15.1-09-09 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12       **15.1-09-09. School district elections - Notice.**

13       Thirty days before the filing deadline for candidate names to be printed on the ballot, an  
14 official notice of this deadline must be published in the official newspaper of the city or county.  
15 At least fourteen days before the date of ~~an annual or special~~a school district election, the  
16 school board shall publish a notice in the official newspaper of the district stating the time and  
17 place of the election and the purpose of the vote. If a school board agrees to hold the election in  
18 conjunction with a primary election, the deadline for giving notice of the school district election  
19 and the purpose of the vote must meet the publishing requirements of the county. The  
20 governing body of the city of Fargo shall publish notice with respect to Fargo school district  
21 elections.

22       **SECTION 11. AMENDMENT.** Section 15.1-09-13 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24       **15.1-09-13. Election precincts - Polling places - Election officials.**

- 25       1. At least thirty-five days prior to the ~~annual~~ election, the board of each school district  
26 shall designate one or more precincts for the election. The board shall arrange the  
27 precincts in a way that divides the electors of the district as equally as possible.
- 28       2. At least thirty-five days prior to the ~~annual~~ election, the board of each school district  
29 shall designate one or more polling places for each precinct. The board shall locate  
30 the polling places as conveniently as possible for the voters in the precinct. Once

1 established by the board, a polling place must remain a polling place for a precinct  
2 until it is changed by subsequent action of the board.

3 3. For school board elections not held in conjunction with county elections, the board  
4 shall appoint two election judges and two election clerks for each polling place. Before  
5 opening the polls, the judges and clerks shall take an affirmation or oath to perform  
6 their duties according to law and to the best of their ability. The affirmation or oath may  
7 be administered by any officer authorized to administer oaths or by any of the judges  
8 or clerks.

9 4. For school board elections held in conjunction with county elections, the county  
10 election boards shall administer the election in the same manner as the county or  
11 state election.

12 **SECTION 12. AMENDMENT.** Section 15.1-09-22 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **15.1-09-22. School boards - ~~Annual~~Biennial elections - Poll books.**

15 1. ~~The~~In each even-numbered year, the board of a school district shall hold an election  
16 ~~each year~~ between April first and June thirtieth to fill all vacancies, including those  
17 caused by the expiration of terms of office.

18 2. Upon resolution of the school board, the ~~annual~~biennial election may be held in  
19 conjunction with the regular election of a city, as required by state law or by the home  
20 rule powers of the city, provided the city is located wholly or partially within the school  
21 district. The school board may agree with the governing body of the city to share  
22 election costs and responsibilities, including those associated with election personnel,  
23 the printing of election materials, the publishing of legal notices, and the use of poll  
24 books.

25 3. If a school board holds its election in conjunction with a city, references in this chapter  
26 to the date of a school board election mean the date of the applicable city election.

27 4. If a school board holds its election in conjunction with a city and only one set of poll  
28 books is used, the set must reference the voter's eligibility to vote in the city election,  
29 in the school district election, or both.

30 **SECTION 13. AMENDMENT.** Section 15.1-09-23 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1       **15.1-09-23. School boards - Special elections.**

2       In addition to the ~~annual~~regular election, a special election may be held at any time and for  
3 any lawful purpose, if approved by the school board.

4       **SECTION 14. AMENDMENT.** Subsection 1 of section 15.1-09-30 of the North Dakota  
5 Century Code is amended and reenacted as follows:

6       1. Each school board shall hold an ~~initial~~organizational meeting during the month of July  
7 following the ~~annual~~regular election. The president of the school board shall select a  
8 meeting date that is convenient to the other board members and shall provide board  
9 members with written notice of the meeting.

10       **SECTION 15. AMENDMENT.** Section 15.1-09-31 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12       **15.1-09-31. School board proceedings - Publication.**

13       Every two years, at the time of a school district's ~~annual~~regular election of board members,  
14 the electors of the district shall determine whether a record of the board proceedings must be  
15 published in the official newspaper of the district. If a majority of the electors voting on the  
16 question approve the publication, the school district business manager shall provide for  
17 publication of the school board proceedings, including an itemized list of obligations approved  
18 for payment. If appropriate, the business manager shall require that the newspaper publishing  
19 the board proceedings indicate that the published proceedings are subject to review and  
20 revision by the board. The business manager shall ensure that the proceedings are published  
21 within a reasonable time after each board meeting. A vote to approve the publication is effective  
22 for a period of two years or until disapproved at a succeeding school district election.

23       **SECTION 16. AMENDMENT.** Subsection 34 of section 15.1-09-33 of the North Dakota  
24 Century Code is amended and reenacted as follows:

25       34. Designate, at its ~~annual~~biennial organizational meeting, a newspaper of general  
26 circulation as the official newspaper of the district.

27       **SECTION 17. AMENDMENT.** Subsection 3 of section 15.1-09-39 of the North Dakota  
28 Century Code is amended and reenacted as follows:

29       3. If the superintendent approves the contract, the board shall submit the contract to the  
30 electorate of the district, for approval, at an ~~annual~~regular or a special election.

1           **SECTION 18. AMENDMENT.** Subsection 1 of section 15.1-29-03 of the North Dakota  
2 Century Code is amended and reenacted as follows:

3           1. After taking into account the best interests of all affected parties, the board of a school  
4 district may elect to send its students to another school district. In this instance, the  
5 board shall pay for the students' tuition and transportation. The board may arrange,  
6 and when petitioned to do so by qualified electors of the district equal in number to at  
7 least a majority of those who voted in the most recent ~~annual~~regular school district  
8 election shall arrange, with other boards to send students to the other districts and to  
9 pay for their tuition and transportation.

10           **SECTION 19. REPEAL.** Section 15.1-09-03 of the North Dakota Century Code is repealed.