

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HOUSE BILL 2678

AN ACT

AMENDING SECTIONS 15-393 AND 15-424, ARIZONA REVISED STATUTES; AMENDING
TITLE 15, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING
SECTION 15-425.01; RELATING TO EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-393, Arizona Revised Statutes, is amended to
3 read:

4 15-393. Career technical education district governing board:
5 report; definitions

6 A. The management and control of a career technical education
7 district are vested in the career technical education district governing
8 board, including the content and quality of the courses offered by the
9 district, the quality of teachers who provide instruction on behalf of the
10 district, the salaries of teachers who provide instruction on behalf of
11 the district and the reimbursement of other entities for the facilities
12 used by the district. This section does not restrict a school district
13 from offering any career and technical education course that does not
14 qualify for funding as a career technical education course or career
15 technical education district program. Unless the governing boards of the
16 school districts participating in the formation of the career technical
17 education district vote to implement an alternative election system as
18 provided in subsection B of this section, the career technical education
19 board shall consist of five members elected from five single member
20 districts formed within the career technical education district. The
21 single member district election system shall be submitted as part of the
22 plan for the career technical education district pursuant to section
23 15-392 and shall be established in the plan as follows:

24 1. The governing boards of the school districts participating in
25 the formation of the career technical education district shall define the
26 boundaries of the single member districts so that the single member
27 districts are as nearly equal in population as is practicable, except that
28 if the career technical education district lies in part in each of two or
29 more counties, at least one single member district may be entirely within
30 each of the counties comprising the career technical education district if
31 this district design is consistent with the obligation to equalize the
32 population among single member districts.

33 2. The boundaries of each single member district shall follow
34 election precinct boundary lines, as far as practicable, in order to avoid
35 further segmentation of the precincts.

36 3. A person who is a registered voter of this state and who ~~is~~ HAS
37 BEEN a resident of the single member district FOR AT LEAST ONE YEAR
38 IMMEDIATELY PRECEDING THE DATE OF THE ELECTION is eligible for election to
39 the office of career technical education board member from the single
40 member district. The terms of office of the members of the career
41 technical education board shall be as prescribed in section 15-427,
42 subsection B. An employee of a career technical education district or the
43 spouse of an employee shall not hold membership on a governing board of a
44 career technical education district by which the employee is employed. A
45 member of one school district governing board or career technical

1 education district governing board is ineligible to be a candidate for
2 nomination or election to or serve simultaneously as a member of any other
3 governing board, except that a member of a governing board may be a
4 candidate for nomination or election for any other governing board if the
5 member is serving in the last year of a term of office. A member of a
6 governing board shall resign the member's seat on the governing board
7 before becoming a candidate for nomination or election to the governing
8 board of any other school district or career technical education district,
9 unless the member of the governing board is serving in the last year of a
10 term of office. Members of a career technical education district
11 governing board are subject to the conflict of interest requirements
12 prescribed in section 38-503.

13 4. Nominating petitions shall be signed by the number of qualified
14 electors of the single member district as provided in section 16-322.

15 B. The governing boards of the school districts participating in
16 the formation of the career technical education district may vote to
17 implement any other alternative election system for the election of career
18 technical education district board members. If an alternative election
19 system is selected, it shall be submitted as part of the plan for the
20 career technical education district pursuant to section 15-392, and the
21 implementation of the system shall be as approved by the United States
22 justice department.

23 C. ~~The Career technical education district shall be~~ DISTRICTS ARE
24 subject to the following provisions of this title:

- 25 1. Chapter 1, articles 1 through 6.
- 26 2. Sections 15-208, 15-210, 15-213 and 15-234.
- 27 3. Articles 2, 3 and 5 of this chapter.
- 28 4. Section 15-361.
- 29 5. Chapter 4, articles 1, 2 and 5.
- 30 6. Chapter 5, articles 1 and 3.
- 31 7. Sections 15-701.01, 15-722, 15-723, 15-724, 15-727, 15-728,
32 15-729 and 15-730.
- 33 8. Chapter 7, article 5.
- 34 9. Chapter 8, articles 1, 3 and 4.
- 35 10. Sections 15-828 and 15-829.
- 36 11. Chapter 9, article 1, article 6, except for section 15-995, and
37 article 7.
- 38 12. Sections 15-941, 15-943.01, 15-952, 15-953 and 15-973.
- 39 13. Sections 15-1101 and 15-1104.
- 40 14. Chapter 10, articles 2, 3, 4 and 8.

41 D. Notwithstanding subsection C of this section, the following
42 apply to a career technical education district:

- 43 1. A career technical education district may issue bonds for the
44 purposes specified in section 15-1021 and in chapter 4, article 5 of this
45 title to an amount in the aggregate, including the existing indebtedness,

1 not exceeding one percent of the net assessed value of the full cash value
2 of the property within the career technical education district. For the
3 purposes of this paragraph, "full cash value" and "net assessed value"
4 have the same meanings prescribed in section 42-11001.

5 2. The number of governing board members for a career technical
6 education district shall be as prescribed in subsection A of this section.

7 3. The student count for the first year of operation of a career
8 technical education district as provided in this article shall be
9 determined as follows:

10 (a) Determine the estimated student count for career technical
11 education district classes that will operate in the first year of
12 operation. This estimate shall be based on actual registration of pupils
13 as of March 30 scheduled to attend classes that will be operated by the
14 career technical education district. The student count for the school
15 district of residence of the pupils registered at the career technical
16 education district shall be adjusted. The adjustment shall cause the
17 school district of residence to reduce the student count for the pupil to
18 reflect the courses to be taken at the career technical education
19 district. The school district of residence shall review and approve the
20 adjustment of its own student count as provided in this subdivision before
21 the pupils from the school district can be added to the student count of
22 the career technical education district.

23 (b) The student count for the new career technical education
24 district shall be the student count as determined in subdivision (a) of
25 this paragraph.

26 (c) For the first year of operation, the career technical education
27 district shall revise the student count to the actual average daily
28 membership as prescribed in section 15-901, subsection A, paragraph 1 for
29 students attending classes in the career technical education district. A
30 career technical education district shall revise its student count, the
31 base support level as provided in section 15-943.02, the revenue control
32 limit as provided in section 15-944.01 and the district additional
33 assistance as provided in section 15-962.01 before May 15. A career
34 technical education district that overestimated its student count shall
35 revise its budget before May 15. A career technical education district
36 that underestimated its student count may revise its budget before May 15.

37 (d) After March 15 of the first year of operation, the school
38 district of residence shall adjust its student count by reducing it to
39 reflect the courses actually taken at the career technical education
40 district. The school district of residence shall revise its student
41 count, the base support level as provided in section 15-943, the revenue
42 control limit as provided in section 15-944 and the district additional
43 assistance as provided in section 15-962.01 prior to May 15. A district
44 that underestimated the student count for students attending the career
45 technical education district shall revise its budget before May 15. A

1 district that overestimated the student count for students attending the
2 career technical education district may revise its budget before May 15.

3 (e) The procedures for implementing this paragraph shall be as
4 prescribed in the uniform system of financial records.

5 (f) Pupils in an approved career technical education district
6 centralized program may generate an average daily membership of 1.0 during
7 any day of the week and at any time between July 1 and June 30 of each
8 fiscal year. For the purposes of this paragraph, "school district of
9 residence" means the school district that included the pupil in its
10 average daily membership for the year before the first year of operation
11 of the career technical education district and that would have included
12 the pupil in its student count for the purposes of computing its base
13 support level for the fiscal year of the first year of operation of the
14 career technical education district if the pupil had not enrolled in the
15 career technical education district.

16 4. A student includes any person enrolled in the career technical
17 education district without regard to the person's age or high school
18 graduation status, except that:

19 (a) A student in a kindergarten program or in any of grades one
20 through nine who enrolls in courses offered by the career technical
21 education district shall not be included in the career technical education
22 district's student count or average daily membership.

23 (b) A student in a kindergarten program or in any of grades one
24 through nine who is enrolled in career and technical education courses
25 shall not be funded in whole or in part with monies provided by a career
26 technical education district, except that a pupil in grade eight or nine
27 may be funded with monies generated by the ~~five-cent~~ \$.05 qualifying tax
28 rate authorized in subsection F of this section.

29 (c) A student who has graduated from high school or received a
30 general equivalency diploma or who is over twenty-one years of age shall
31 not be included in the student count of the career technical education
32 district for the purposes of chapter 9, articles 3, 4 and 5 of this title.

33 (d) A student who is enrolled in any internship course as part of a
34 career technical education district program shall not be included in the
35 student count of the career technical education district for that
36 internship course for the purposes of chapter 9, articles 3, 4 and 5 of
37 this title.

38 5. A career technical education district may operate for more than
39 one hundred eighty days per year, with expanded hours of service.

40 6. A career technical education district may use the carryforward
41 provisions of section 15-943.01.

42 7. A school district that is part of a career technical education
43 district shall use any monies received pursuant to this article to
44 supplement and not supplant base year career and technical education
45 courses, and directly related equipment and facilities, except that a

1 school district that is part of a career technical education district and
 2 that has used monies received pursuant to this article to supplant career
 3 and technical education courses that were offered before the first year
 4 that the school district participated in the career technical education
 5 district or the first year that the school district used monies received
 6 pursuant to this article or that used the monies for purposes other than
 7 for career and technical education courses shall use one hundred percent
 8 of the monies received pursuant to this article to supplement and not
 9 supplant base year career and technical education courses. Each
 10 applicable school district shall provide a report to the career technical
 11 education board and the department of education outlining the required
 12 maintenance of effort and how monies were used to supplement and not
 13 supplant base year career and technical education courses and directly
 14 related equipment and facilities.

15 8. A career technical education district shall use any monies
 16 received pursuant to this article to enhance and not supplant career and
 17 technical education courses and directly related equipment and facilities.

18 9. A career technical education district or a school district that
 19 is part of a career technical education district or a charter school shall
 20 only include pupils in grades ten through twelve in the calculation of
 21 student count or average daily membership if the pupils are enrolled in
 22 courses that are approved jointly by the governing board of the career
 23 technical education district and each participating school district or
 24 charter school for satellite courses taught within the participating
 25 school district or charter school, or approved solely by the career
 26 technical education district for centrally located courses. Student count
 27 and average daily membership from courses that are not part of an approved
 28 program for career and technical education shall not be included in
 29 student count and average daily membership of a career technical education
 30 district.

31 E. The career technical education board shall appoint a
 32 superintendent as the executive officer of the career technical education
 33 district.

34 F. Taxes may be levied ~~for the~~ TO support ~~of~~ the career technical
 35 education district as prescribed in chapter 9, article 6 of this title,
 36 except that a career technical education district shall not levy a
 37 property tax pursuant to law that exceeds ~~five cents~~ \$.05 per ~~one hundred~~
 38 ~~dollars~~ \$100 assessed valuation except for bond monies pursuant to
 39 subsection D, paragraph 1 of this section. Except for the taxes levied
 40 pursuant to section 15-994, such taxes shall be obtained from a levy of
 41 taxes on the taxable property used for secondary tax purposes.

42 G. The schools in the career technical education district are
 43 available to all persons who reside in the career technical education
 44 district and to pupils whose school district of residence within this
 45 state is paying tuition on behalf of the pupils to a district of

1 attendance that is a member of the career technical education district,
2 subject to the rules for admission prescribed by the career technical
3 education board.

4 H. The career technical education board may collect tuition for
5 adult students and the attendance of pupils who are residents of school
6 districts that are not participating in the career technical education
7 district pursuant to arrangements made between the governing board of the
8 school district and the career technical education board.

9 I. The career technical education board may accept gifts, grants,
10 federal monies, tuition and other allocations of monies to erect, repair
11 and equip buildings and for the cost of ~~operation of~~ OPERATING the schools
12 of the career technical education district.

13 J. One member of the career technical education board shall be
14 selected chairman. The chairman shall be selected annually on a rotation
15 basis from among the participating school districts. The chairman of the
16 career technical education board shall be a voting member.

17 K. A career technical education board and a community college
18 district may enter into agreements TO PROVIDE for ~~the provision of~~
19 administrative, operational and educational services and facilities.

20 L. Any agreement between the governing board of a career technical
21 education district and another career technical education district, a
22 school district, a charter school or a community college district shall be
23 in the form of an intergovernmental agreement or other written
24 contract. The auditor general shall modify the uniform system of
25 financial records and budget forms in accordance with this
26 subsection. The intergovernmental agreement or other written contract
27 shall completely and accurately specify each of the following:

28 1. The financial provisions of the intergovernmental agreement or
29 other written contract and the format for the billing of all services.

30 2. The accountability provisions of the intergovernmental agreement
31 or other written contract.

32 3. The responsibilities of each career technical education
33 district, each school district, each charter school and each community
34 college district that is a party to the intergovernmental agreement or
35 other written contract.

36 4. The type of instruction that will be provided under the
37 intergovernmental agreement or other written contract, including
38 individualized education programs pursuant to section 15-763.

39 5. The quality of the instruction that will be provided under the
40 intergovernmental agreement or other written contract.

41 6. The transportation services that will be provided under the
42 intergovernmental agreement or other written contract and the manner in
43 which transportation costs will be paid.

1 7. The amount that the career technical education district will
2 contribute to a course and the amount of support required by the school
3 district, ~~THE CHARTER SCHOOL~~ or the community college.

4 8. That the services provided by the career technical education
5 district, the school district, the charter school or the community college
6 district be proportionally calculated in the cost of delivering the
7 service.

8 9. That the payment for services shall not exceed the cost of the
9 services provided.

10 10. That the career technical education district will provide the
11 following minimum services for all member districts:

12 (a) Professional development of career and technical teachers in
13 the career technical education district who are teaching programs or
14 courses at a satellite campus.

15 (b) Ongoing evaluation and support of satellite campus programs and
16 courses to ensure quality and compliance.

17 11. An itemized listing of other goods and services that are
18 provided to the member district and that are paid for by the retention of
19 satellite campus student funding.

20 M. A member school district or charter school may not submit
21 requests ~~for the approval~~ **TO APPROVE** or ~~addition of~~ **ADD** satellite campus
22 career technical education district programs or courses directly to the
23 career and technical education division of the department of education,
24 but shall submit all appropriate application documentation and materials
25 for programs or courses to the career technical education district. On
26 approval from the career technical education board, a career technical
27 education district shall only submit requests ~~for the approval~~ **TO APPROVE**
28 or ~~addition of~~ **ADD** satellite campus career technical education district
29 programs or courses directly to the career and technical education
30 division of the department of education, which shall determine whether the
31 criteria prescribed in section 15-391, paragraphs 2 and 4 have been
32 met. If the career and technical education division of the department of
33 education determines that a course does not meet the criteria for approval
34 as a career technical education course, the governing board of the career
35 technical education district may appeal this decision to the state board
36 of education acting as the state board of vocational education.

37 N. Notwithstanding any other law, the average daily membership for
38 a pupil who is enrolled in a career technical education course and who
39 does not meet the criteria specified in subsection P or Q of this section
40 shall be 0.25 for each course, except the sum of the average daily
41 membership shall not exceed the limits prescribed by subsection D, P or Q
42 of this section, as applicable.

43 O. If a career and technical education course or program is
44 provided on a satellite campus, the sum of the average daily membership,
45 as provided in section 15-901, subsection A, paragraph 1, for that pupil

1 in the school district or charter school and career technical education
2 district shall not exceed 1.25. The school district or charter school and
3 the career technical education district shall determine the apportionment
4 of the average daily membership for that pupil between the school district
5 or charter school and the career technical education district. A pupil
6 who attends a course or program at a satellite campus and who is not
7 enrolled in the school district or charter school where the satellite
8 campus is located may generate the average daily membership pursuant to
9 this subsection if the pupil is enrolled in a school district that is a
10 member district in the same career technical education district.

11 P. The sum of the average daily membership of a pupil who is
12 enrolled in both the school district and career technical education course
13 or career technical education program provided at a community college
14 pursuant to subsection K of this section or at a centralized campus shall
15 not exceed 1.75. The member school district and the career technical
16 education district shall determine the apportionment of the average daily
17 membership and student enrollment for that pupil between the member school
18 district and the career technical education district, except that the
19 amount apportioned shall not exceed 1.0 for either entity.
20 Notwithstanding any other law, the average daily membership for a pupil in
21 grade ten, eleven or twelve who is enrolled in a course that meets for at
22 least one hundred fifty minutes per class period at a centralized campus
23 shall be 0.75. To qualify for funding pursuant to this subsection, a
24 centralized campus shall offer programs and courses to all eligible
25 students in each member district of the career technical education
26 district.

27 Q. The average daily membership for a pupil in grade ten, eleven or
28 twelve who is enrolled in a course that meets for at least one hundred
29 fifty minutes per class period at a leased centralized campus shall not
30 exceed 0.75. The sum of the average daily membership, as provided in
31 section 15-901, subsection A, paragraph 1, of a pupil who is enrolled in
32 both the school district and in career technical education courses
33 provided at a leased centralized campus shall not exceed 1.75 if all of
34 the following conditions are met:

- 35 1. The course qualifies as a career technical education course.
- 36 2. The course is offered to all eligible students in each member
37 district of the career technical education district and enrolls students
38 from multiple high schools.
- 39 3. The career technical education district program in which the
40 course is included addresses a specific industry need and has been
41 developed in cooperation with that industry, or the leased facility is a
42 state or federal asset that would otherwise be unused or underutilized.
- 43 4. The lease is established at fair market value if the lease is
44 executed for a facility located on the site of a member district and was
45 approved by the joint committee on capital review, except that a lease

1 that was executed or renewed before December 31, 2012 is not subject to
2 approval by the joint committee on capital review.

3 R. A student who is enrolled in an accommodation school may be
4 treated as a student of the school district in which the student
5 physically resides for the purposes of enrollment in a career technical
6 education district and shall be included in the calculation of average
7 daily membership for either the career technical education district or the
8 accommodation school, or both.

9 S. Notwithstanding any other law, the student count for a career
10 technical education district shall be equivalent to the career technical
11 education district's average daily membership.

12 T. A school district or charter school may not prohibit or
13 discourage students who are enrolled in that school district or charter
14 school from attending courses offered by a career technical education
15 district, including requiring students to generate a full 1.0 average
16 daily membership or to enroll in more courses than are needed to graduate
17 before enrolling in and attending programs or courses offered by a career
18 technical education district.

19 U. The governing board of the career technical education district
20 may contract with any charter school that is located within the boundaries
21 of the career technical education district to allow that charter school to
22 offer career and technical education courses or programs as a satellite
23 campus.

24 V. Beginning in 2020 and every five years thereafter, the career
25 and technical education division of the department of education shall
26 review career technical education district programs and career technical
27 education courses to ensure compliance, quality and eligibility. Any
28 program or course deemed to not meet the requirements set forth by law
29 shall not be funded for the current school year and shall be removed from
30 the approved program and course list for the purposes of funding. The
31 career and technical education division may establish a staggered schedule
32 for reviewing each career technical education district.

33 W. For the purposes of this section:

34 1. "Base year" means the complete school year in which voters of a
35 school district elected to join a career technical education district.

36 2. "Centralized campus" means a facility that is owned and operated
37 by a career technical education district ~~for the purpose of offering TO~~
38 ~~OFFER~~ career technical education district programs or career technical
39 education courses.

40 3. "Lease" means a written agreement in which the right ~~of~~
41 ~~occupancy TO OCCUPY~~ or use ~~of~~ real property is conveyed from one person or
42 entity to another person or entity for a specified period of time.

1 4. "Leased centralized campus" means a facility that is leased and
2 operated by a career technical education district ~~for the purpose of~~
3 ~~offering~~ TO OFFER career technical education district programs or career
4 technical education courses.

5 5. "Satellite campus" means a facility that is owned or operated by
6 a school district or charter school ~~for the purpose of offering~~ TO OFFER
7 career technical education district programs or career technical education
8 courses.

9 Sec. 2. Section 15-424, Arizona Revised Statutes, is amended to
10 read:

11 15-424. Election of governing board members; terms; statement
12 of contributions and expenditures

13 A. A regular election shall be held for each school district at the
14 time and place, and in the manner, of general elections as provided in
15 title 16.

16 B. Except as provided in subsection C of this section and sections
17 15-429 and 15-430, the term of office for each member shall be four years
18 from January 1 next following the member's election.

19 C. At the first general election held for a newly formed district,
20 three members shall be elected. The candidate receiving the highest
21 number of votes shall be elected to a ~~four-year~~ FOUR-YEAR term, and the
22 candidates having the second and third highest number of votes shall be
23 elected to ~~two-year~~ TWO-YEAR terms. A district increasing its governing
24 board to five members shall elect at the next general election members in
25 the following manner:

26 1. If one of the previous three offices is to be filled, the three
27 candidates receiving the highest, the second highest and the third highest
28 number of votes shall be elected to ~~four-year~~ FOUR-YEAR terms.

29 2. If two of the previous three offices are to be filled, the
30 candidates receiving the highest, the second highest and the third highest
31 number of votes shall be elected to ~~four-year~~ FOUR-YEAR terms. The
32 candidate receiving the fourth highest number of votes shall be elected to
33 a ~~two-year~~ TWO-YEAR term. Thereafter all such offices shall have ~~four-year~~
34 FOUR-YEAR terms.

35 D. A MEMBER WHO IS SERVING ON A GOVERNING BOARD FOR A DISTRICT THAT
36 REDUCES ITS GOVERNING BOARD TO THREE MEMBERS PURSUANT TO SECTION 15-425.01
37 SHALL CONTINUE TO SERVE AS A MEMBER OF THE GOVERNING BOARD UNTIL
38 EXPIRATION OF THE MEMBER'S CURRENT TERM OF OFFICE. A DISTRICT THAT
39 REDUCES ITS GOVERNING BOARD TO THREE MEMBERS PURSUANT TO SECTION 15-425.01
40 SHALL REDUCE ITS MEMBERS AS FOLLOWS:

41 1. IF TWO OF THE PREVIOUS FIVE OFFICES ARE EXPIRING AT THE FIRST
42 GENERAL ELECTION HELD AFTER THE GENERAL ELECTION IN WHICH A DISTRICT
43 REDUCES ITS GOVERNING BOARD TO THREE MEMBERS PURSUANT TO SECTION
44 15-425.01:

1 (a) AT THE FIRST GENERAL ELECTION HELD AFTER THE GENERAL ELECTION
2 IN WHICH A DISTRICT REDUCES ITS GOVERNING BOARD TO THREE MEMBERS PURSUANT
3 TO SECTION 15-425.01, THE CANDIDATE RECEIVING THE HIGHEST NUMBER OF VOTES
4 SHALL BE ELECTED TO A FOUR-YEAR TERM.

5 (b) AT THE SECOND GENERAL ELECTION HELD AFTER THE GENERAL ELECTION
6 IN WHICH A DISTRICT REDUCES ITS GOVERNING BOARD TO THREE MEMBERS PURSUANT
7 TO SECTION 15-425.01, THE CANDIDATES RECEIVING THE HIGHEST AND SECOND
8 HIGHEST NUMBER OF VOTES SHALL BE ELECTED TO FOUR-YEAR TERMS.

9 2. IF THREE OF THE PREVIOUS FIVE OFFICES ARE EXPIRING AT THE FIRST
10 GENERAL ELECTION HELD AFTER THE GENERAL ELECTION IN WHICH A DISTRICT
11 REDUCES ITS GOVERNING BOARD TO THREE MEMBERS PURSUANT TO SECTION
12 15-425.01, THE CANDIDATE RECEIVING THE HIGHEST NUMBER OF VOTES SHALL BE
13 ELECTED TO A FOUR-YEAR TERM AT THE ELECTION.

14 ~~D.~~ E. If only one person files a nominating petition or nomination
15 paper for a write-in candidate for an election to fill a district office,
16 the board of supervisors, ~~no~~ NOT earlier than seventy-five days before the
17 election, may cancel the election for the position and appoint the person
18 who filed the nominating petition or nomination paper to fill the
19 position. If no person files a nominating petition or nomination paper
20 for an election to fill a district office, the board of supervisors, ~~no~~
21 NOT earlier than seventy-five days before the election, may cancel the
22 election for that office and that office is deemed vacant and shall be
23 filled as provided in section 15-302. A person who is appointed pursuant
24 to this subsection is fully vested with the powers and duties of the
25 office as if elected to that office.

26 ~~E.~~ F. If two or more candidates receive an equal number of votes
27 for the same office, and a higher number than any other candidate for that
28 office, whether ~~upon~~ ON the tally by the school election board or canvass
29 of returns by the board of supervisors, or ~~upon~~ ON recount by a court, the
30 officer or board whose duty it is to declare the result shall determine by
31 lot and in the presence of the candidates which candidate shall be
32 declared elected.

33 ~~F.~~ G. Position of the names of candidates for each office shall be
34 rotated so that each candidate occupies each position on the ballot an
35 equal number of times, insofar as is possible, for each ballot style. For
36 candidates seeking election to fill a vacancy on the governing board, the
37 ballot shall be designated as provided in section 16-502.

38 ~~G.~~ H. This section does not require that a school election at
39 which no member is to be elected be held on a general election day.

40 ~~H.~~ I. All candidates for the office of school district governing
41 board member shall file with the county school superintendent a statement
42 of contributions and expenditures as provided in section 16-926.

1 Sec. 3. Title 15, chapter 4, article 2, Arizona Revised Statutes,
2 is amended by adding section 15-425.01, to read:

3 15-425.01. Election; reduction of governing board to three
4 members; ballot; requirements; reconsideration

5 A. A QUALIFIED ELECTOR OF A SCHOOL DISTRICT THAT QUALIFIES UNDER
6 SUBSECTION B OF THIS SECTION MAY SUBMIT TO THE COUNTY SCHOOL
7 SUPERINTENDENT A PETITION, SIGNED BY AT LEAST TEN PERCENT OF THE QUALIFIED
8 ELECTORS OF THE DISTRICT, REQUESTING THAT THE QUESTION OF REDUCING THE
9 NUMBER OF MEMBERS OF THE SCHOOL DISTRICT GOVERNING BOARD TO THREE BE
10 CONSIDERED IN THE NEXT GENERAL ELECTION HELD UNDER SECTION 15-424. ON
11 RECEIPT OF A PETITION THAT IS IN PROPER FORM AND HAS THE NECESSARY
12 SIGNATURES, THE COUNTY SCHOOL SUPERINTENDENT SHALL SUBMIT TO THE QUALIFIED
13 ELECTORS OF THE SCHOOL DISTRICT AT THE NEXT GENERAL ELECTION HELD UNDER
14 SECTION 15-424 THE QUESTION OF WHETHER THE MEMBERSHIP OF THE SCHOOL
15 DISTRICT GOVERNING BOARD SHOULD BE REDUCED TO THREE.

16 B. ONLY A SCHOOL DISTRICT THAT HAS PREVIOUSLY INCREASED ITS
17 GOVERNING BOARD TO FIVE MEMBERS UNDER SECTION 15-425 IS ELIGIBLE TO REDUCE
18 ITS GOVERNING BOARD TO THREE MEMBERS UNDER THIS SECTION.

19 C. PUBLIC NOTICES THAT THE GENERAL ELECTION WILL ADDRESS THE
20 QUESTION OF REDUCING THE NUMBER OF GOVERNING BOARD MEMBERS TO THREE SHALL
21 BE POSTED IN AT LEAST THREE PUBLIC PLACES IN THE SCHOOL DISTRICT AT LEAST
22 TEN DAYS BEFORE THE GENERAL ELECTION.

23 D. THE BALLOTS SHALL CONTAIN THE WORDS: "THREE GOVERNING BOARD
24 MEMBERS, YES. THREE GOVERNING BOARD MEMBERS, NO."

25 E. IF THE MAJORITY OF THE ELECTORS VOTING ON THE QUESTION OF
26 REDUCING THE NUMBER OF GOVERNING BOARD MEMBERS VOTES IN THE AFFIRMATIVE,
27 THE SCHOOL DISTRICT SHALL REDUCE ITS GOVERNING BOARD TO THREE MEMBERS AS
28 PROVIDED IN SECTION 15-424. IF THE MAJORITY OF THE ELECTORS VOTING ON THE
29 QUESTION VOTES IN THE NEGATIVE, THE QUESTION MAY NOT BE PLACED ON THE
30 BALLOT OF AN ELECTION IN THE DISTRICT UNTIL AT LEAST ONE YEAR AFTER THE
31 DATE OF THE ELECTION.