

School Board Elections



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First Question: REAA or Borough/City School District?

- Largely similar rules, but with some differences.
- Borough and home rule or first class city school districts are subject to Alaska Statute (AS) 14.12, as well as the local election ordinances for that borough or city.
- Local borough and city election rules vary. However, they must be in accordance with AS 29.26, the section of state statute addressing municipal elections.
- REAA elections are subject to provisions in AS 14.08, Regional School Boards.

Borough/City School District Elections

- Few statewide laws apply specifically to borough/city school board elections.
- Term of Office: Three years, and until a successor takes office. AS 14.12.050.
- Vacancies: If a vacancy occurs, the remaining members of the board shall appoint a successor within 30 days. The seat shall then be contested at the next regular election. The winner of the election serves the balance of the original term. AS 14.12.070.

Municipal Elections under State Law

- Borough/city school board elections are governed under the state municipal elections statutes and local ordinances.
- AS 29.26.010(a): “The governing body shall prescribe the rules for conducting an election.”
- Notice (AS 29.26.030): Must be provided a minimum of 20 days prior to election.
- Voter Qualification (AS 29.26.050): A person may vote in a school board election if the person:
 - Is qualified to vote in state elections.
 - Has been a resident of the borough/city for 30 days immediately preceding the election.
 - Registered to vote in a state election at a residence address within the borough/city at least 30 days prior to the election.
 - Is not disqualified to vote under Article V of the Constitution.

Runoff Elections –

AS 29.26.060

- Unless otherwise provided by ordinance, a runoff election shall be held if no candidate receives over 40 percent of the votes cast for a specific seat.
- If the school board candidates run for at-large seats, a runoff election shall be held if no candidate receives, “a number of votes greater than 40 percent of the total votes cast for all candidates divided by the number of seats to be filled.”
- Runoffs must be held within three weeks after the date of the certification of the regular election.
 - Notice must be provided at least five days prior to the runoff election.
 - The runoff is held between the two candidates receiving the greatest number of votes for the seat.

Election Contests – AS 29.26.070

- Not required, but boroughs/cities usually provide for them.
- Generally may be brought by a candidate or group of voters.
- The contestant is required to pay for the cost of a recount if the recount does not change the results of the election, or the difference between the winning and losing vote on the result contested is more than two percent.
- Appealable to Alaska Superior Court.

Recall –

AS 29.26.240 - 360

- School board members may be recalled after the official has served the first 120 days of their term.
- “Grounds for recall are misconduct in office, incompetence, or failure to perform prescribed duties.”
- Petition must include a list of ten voters to serve as sponsors and a statement of the grounds for recall.
- After a legal review, the recall sponsors must secure signatures from a number of voters equal to 25 percent of the votes cast for the office in the last regular election.
- If the recall is successful, a school board seat is filled in accordance with AS 14.12.070.

Local Election Codes Can Vary

- Look at your borough or city's election code! These can vary widely.
- There may be different rules on:
 - Election notice.
 - Residency requirements for voter/candidate eligibility.
 - Board President election.
 - Election worker conflict of interests.
 - Incorporation of state election laws, such as applicability of Title 15.

REAA Elections – AS 14.08.071

- Supervised by the Lieutenant Governor's office and implemented by the school board.
- Election is held “as far as practicable” in the same manner of borough/city elections.
- Difference: 40 percent vote requirement may not apply if requested by the school board, meaning a REAA school board member may be elected by a small plurality.
- REAA school boards may also request to have no runoff elections.
- Recalls may occur under the same statutes for borough/city elections, except that the state Director of Elections serves the function of municipal clerk and the Lieutenant Governor serves the function of the assembly or council (to rule on the recall).
- Just like borough/city elections, codes may vary.

Advisory School Boards

- Advisory School Board are created under AS 14.08.115.
- ASBs exist in each community in an REAA that has more than 50 permanent residents.
- Elections are held in accordance with regulations adopted by the Regional School Board, consistent with applicable state law.
- AS 14.12.035: “A borough school district board may establish advisory school boards, and by regulation shall prescribe their manner of selection, organization, powers, and duties.”

Questions?

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