



John Rau

## *Bill Analysis*

Legislative Service Commission

### **S.B. 192**

124th General Assembly  
(As Passed by the Senate)

**Sen. Robert Gardner**

---

#### **BILL SUMMARY**

- Removes the requirement that the State Board of Education be dissolved and recreated with newly elected members following the establishment of new Board districts.
- Specifies that members of the State Board of Education holding office when new districts are established must represent certain statutorily specified districts (the district containing the largest portion of the population of the district from which they were originally elected) or certain assigned districts for the remainder of the term for which they were originally elected.
- Declares an emergency.

---

#### **CONTENT AND OPERATION**

##### *Existing law*

##### *Creation of new State Board of Education districts*

Existing law permits the General Assembly to establish new State Board of Education districts during the year in which the legislative apportionment is made. (See **COMMENT.**) If the General Assembly does not enact legislation establishing new districts during that year, the Governor is required to designate the boundaries of the districts no later than January 31 of the year following the apportionment. (Sec. 3301.01(B)(2)--unchanged by the bill.)

##### *Member elections*

Once new districts have been established, existing law specifies that elected voting members of the Board holding office as of the date of a change in district

boundaries must continue in office until their successors are elected and qualified for office, at which time the prior Board is dissolved. Board members representing the new districts must be elected at the first regular state election that occurs after the change in district boundaries, for a term of office beginning on January 1 after the election. (Sec. 3301.02.) Thus, if new districts are established between October 1, 2001, and January 31, 2002, existing law requires the election of members to represent those districts in the November 2002 general election.<sup>1</sup>

Once elected, the term of office for each elected member of the Board must be determined by lot at the initial organizational meeting of the new Board. The elected members must select six elected members by lot, each of whom must serve for a term of four years or until a successor is elected and qualified. Each of the remaining five elected members must serve a term of two years or until a successor is elected and qualified. (Sec. 3301.02(A).) At each subsequent election, the elected members must be elected as required by the expiration of their respective terms for a term of four years or until a successor is elected and qualified (sec. 3301.02(B)). By dividing the members elected immediately after the establishment of new districts into two-year terms (five members) and four-year terms (six members), the law establishes staggered terms for the remainder of the decade during which the district lines will remain in place.

### **Changes proposed by the bill**

The bill eliminates the requirement that the State Board of Education be dissolved and recreated following the establishment of new districts. Because a new Board is not required to be formed, the bill also removes the requirement that all Board members be elected in the first regular state election after new districts are created and eliminates the process of determining the length of member terms by lot. (Sec. 3301.02(A).)

Instead, the bill requires an elected member of the Board whose term will not expire within two years after a change in district boundaries is made, to represent, for the remainder of the term for which the member was elected, the district containing the largest portion of the population of the district from which the member was elected.<sup>2</sup> In a case where more than one such member would

---

<sup>1</sup> Section 3501.01 (not in the bill) of the Revised Code defines "regular state election" as the election held on the first Tuesday after the first Monday in November in each even-numbered year.

<sup>2</sup> A Board member may represent a newly created district under this section even if that member's residence is no longer located within the district. Although a Board member generally is required to reside in the district that the member represents (sec. 3.15(A)(1)-not in the bill), the residency requirement does not apply to a Board member

meet the requirements to represent the same district (because that district contains for each member the largest portion of the population of the district from which the member was elected), the members must be assigned districts to represent for the balance of their terms as follows (sec. 3301.02(B)):

- If the General Assembly enacted legislation establishing the new districts, the General Assembly must designate which member will represent each district.
- If the Governor designated the boundaries of the new districts, the Governor must designate which member will represent each district.

---

## COMMENT

Under Section 4 of Article VI of the Ohio Constitution, a state board of education is required to be created by law, to be selected in the manner and for the terms as provided by law. Section 3301.01(A) creates such a board consisting of 19 members: the 11 elected members that are the focus of the bill and eight members appointed by the Governor with the advice and consent of the Senate. In addition to these 19 members, the chairpersons of the Senate and House of Representatives committees that primarily deal with education are nonvoting ex officio members of the State Board of Education.

Under section 3301.01(B)(1), the territory of each Board district for each elected voting member of the Board must consist of the territory of three contiguous Senate districts "as established in the most recent apportionment for members of the General Assembly." The territory of a Senate district cannot be part of the territory of more than one Board district. Each Board district must be as compact as practicable, and Board districts must include, when practicable, some districts that primarily consist of territory in rural areas and some districts that primarily consist of territory in urban areas.

---

*during the remainder of the member's existing term of office after there is a change in the member's district boundaries that leaves the member's permanent residence outside the district (sec. 3.15(B)). If a member later seeks reelection to that same district, however, the member will be required to reside in the district since it would be a separate term of office and not a continuation of the term existing at the time the district boundaries were changed.*

---

## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	11-08-01	p. 1046
Reported, S. State & Local Gov't & Veterans Affairs	12-06-01	p. 1247
Passed Senate (30-0)	01-08-02	pp. 1282-1283

s0192-ps.124/kl

