

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 473

98TH GENERAL ASSEMBLY

Reported from the Committee on Education, March 19, 2015, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

2249S.04C

AN ACT

To repeal sections 162.471, 162.481, and 162.491, RSMo, and to enact in lieu thereof four new sections relating to school directors for urban school districts, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 162.471, 162.481, and 162.491, RSMo, are repealed
2 and four new section enacted in lieu thereof, to be known as sections 160.671,
3 162.471, 162.481, and 162.491, to read as follows:

**160.671. 1. A school board member of any urban school district
2 located in a county of the first classification with more than
3 eighty-three thousand but fewer than ninety-two thousand inhabitants
4 and with a home rule city with more than seventy-six thousand but
5 fewer than ninety-one thousand inhabitants as the county seat may be
6 removed by the voters in a recall election. Proceedings may be
7 commenced for the recall of any such member by the filing of a notice
8 of intention to circulate a recall petition under this section.**

9 **2. The notice of intention to circulate a recall petition shall be
10 served personally, or by certified mail, on the board member sought to
11 be recalled. A copy thereof shall be filed, along with an affidavit of the
12 time and manner of service, with the election authority, as defined in
13 chapter 115 and with the secretary of the school board. A separate
14 notice shall be filed for each board member sought to be recalled and
15 shall contain all of the following:**

- 16 **(1) The name of the board member sought to be recalled;**
17 **(2) A statement, not exceeding two hundred words in length, of
18 the reasons for the proposed recall; and**

19 **(3) The names and business or residential addresses of at least**
20 **one but not more than five proponents of the recall who are registered**
21 **voters in the district.**

22 **3. Within seven days after the filing of the notice of intention,**
23 **the board member may file with the election authority and the**
24 **secretary of the school board a statement, not exceeding two hundred**
25 **words in length, which may include an answer to the statement of the**
26 **proponents. If a statement is filed, the board member shall also serve**
27 **a copy of it, personally or by certified mail, on one of the proponents**
28 **named in the notice of intention. The statement is intended solely to**
29 **be used for the information of the voters. No insufficiency in form or**
30 **substance of such statements shall affect the validity of the election**
31 **proceedings.**

32 **4. Before any signature may be affixed to a recall petition, the**
33 **petition is required to bear all of the following:**

34 **(1) A request that an election be called to elect a successor to the**
35 **board member at the next school board election;**

36 **(2) A copy of the notice of intention, including a general**
37 **statement of the grounds for which removal is sought;**

38 **(3) The statement of the board member sought to be recalled, if**
39 **any exists. If the board member has not filed a statement, the petition**
40 **shall so state; and**

41 **(4) A place for each signer to affix his or her signature, printed**
42 **name, and residential address, including any address in a city, town,**
43 **village, or unincorporated community.**

44 **5. Each section of the petition, when submitted to the election**
45 **authority, shall have attached to it an affidavit signed by the person**
46 **circulating such section of the petition, setting forth all of the**
47 **following:**

48 **(1) The printed name of the affiant;**

49 **(2) The residential address of the affiant;**

50 **(3) That the affiant circulated that section of the petition and**
51 **saw the appended signatures be written;**

52 **(4) That according to the best information and belief of the**
53 **affiant, each signature is the genuine signature of the person whose**
54 **name it purports to be;**

55 **(5) That the affiant is a registered voter in the school district;**

56 and

57 (6) The dates between which all of the signatures to the petition
58 were obtained.

59 6. A recall petition shall be filed with the election authority and
60 secretary of the school board not more than one hundred eighty days
61 after the filing of the notice of intention.

62 7. The qualified signatures of at least three hundred registered
63 voters shall be required for the submission of a petition.

64 8. Within thirty days after the date of filing the petition, the
65 election authority shall examine and ascertain whether the petition is
66 signed by the requisite number of voters. The election authority shall
67 file with the petition a certificate showing the results of the
68 examination. The election authority shall give the proponents a copy
69 of the certificate upon their request.

70 9. If the election authority certifies the petition to be
71 insufficient, it may be supplemented within ten days of the date of
72 certification by filing additional petition sections containing all of the
73 information required by this section. Within ten days after the
74 supplemental copies are filed, the election authority shall file with
75 them a certificate stating whether or not the petition as supplemented
76 is sufficient.

77 10. If the election authority finds the signatures on the petition,
78 together with the supplementary petition sections, if any, to be
79 sufficient, it shall submit its certificate as to the sufficiency of the
80 petition to the school board prior to its next meeting. The certificate
81 shall contain the following:

- 82 (1) The name of the member whose recall is sought;
83 (2) A copy of the petition with at least three hundred signatures;
84 (3) The total number of signatures on the petition; and
85 (4) The number of valid signatures on the petition.

86 11. Following the school board's receipt of the certificate, the
87 election authority shall order an election to be held on the next
88 election day as specified in section 115.123 but the election shall be
89 held not less than forty-five days from the date the school board
90 receives the petition.

91 12. At any time prior to fifty days before the election, the
92 member sought to be recalled may offer his or her resignation. If his

93 or her resignation is offered, the recall question shall be removed from
94 the ballot and the office declared vacant. At such time, the vacancy
95 shall be filled as provided in section 162.471, except that the member
96 who resigned shall not fill the vacancy.

97 13. If a majority of the voters vote in favor of retaining the
98 member, the member shall remain in office and shall not be subject to
99 another recall election during his or her term of office. If a majority
100 of voters vote to remove the member, his or her successor shall be
101 chosen by the county commission of any county of the first
102 classification with more than eighty-three thousand but fewer than
103 ninety-two thousand inhabitants and with a home rule city with more
104 than seventy-six thousand but fewer than ninety-one thousand
105 inhabitants as the county seat as provided in section 162.471.

106 14. The provisions of this section shall expire on December 31,
107 2021.

162.471. 1. The government and control of an urban school district is
2 vested in a board of seven directors. Each director shall be a voter of the district
3 who has resided within this state for one year next preceding his election or
4 appointment and who is at least twenty-four years of age. All directors, except
5 as otherwise provided in section 162.481 and section 162.492, hold their offices
6 for six years and until their successors are duly elected and qualified. All
7 vacancies occurring in the board, except as provided in section 162.492 **and in**
8 **subsection 2 of this section**, shall be filled by appointment by the board as
9 soon as practicable, and the person appointed shall hold his office until the next
10 school board election, when his successor shall be elected for the remainder of the
11 unexpired term. The power of the board to perform any official duty during the
12 existence of a vacancy continues unimpaired thereby.

13 2. All vacancies occurring in the school board of any urban
14 school district located in a county of the first classification with more
15 than eighty-three thousand but fewer than ninety-two thousand
16 inhabitants and with a home rule city with more than seventy-six
17 thousand but fewer than ninety-one thousand inhabitants as the county
18 seat shall be filled by appointment of the county commission of a
19 county of the first classification with more than eighty-three thousand
20 but fewer than ninety-two thousand inhabitants and with a home rule
21 city with more than seventy-six thousand but fewer than ninety-one
22 thousand inhabitants as the county seat. If the vacancy occurred

23 **because of a recall under section 160.671, the member who was recalled**
24 **shall not fill the vacancy. The person appointed by the county**
25 **commission shall hold office until the next school board election, when**
26 **his or her successor shall be elected for the remainder of the unexpired**
27 **term.**

162.481. 1. Except as otherwise provided in this section, all elections of
2 school directors in urban districts shall be held biennially at the same times and
3 places as municipal elections.

4 2. In any urban district which includes all or the major part of a city
5 which first obtained a population of more than seventy-five thousand inhabitants
6 by reason of the 1960 federal decennial census, elections of directors shall be held
7 on municipal election days of even-numbered years. The directors of the prior
8 district shall continue as directors of the urban district until their successors are
9 elected as herein provided. On the first Tuesday in April, 1964, four directors
10 shall be elected, two for terms of two years to succeed the two directors of the
11 prior district who were elected in 1960 and two for terms of six years to succeed
12 the two directors of the prior district who were elected in 1961. The successors
13 of these directors shall be elected for terms of six years. On the first Tuesday in
14 April, 1968, two directors shall be elected for terms to commence on November 5,
15 1968, and to terminate on the first Tuesday in April, 1974, when their successors
16 shall be elected for terms of six years. No director shall serve more than two
17 consecutive six-year terms after October 13, 1963.

18 3. Except as otherwise provided in subsections 4 and 5 of this section,
19 hereafter when a seven-director district becomes an urban district, the directors
20 of the prior seven-director district shall continue as directors of the urban district
21 until the expiration of the terms for which they were elected and until their
22 successors are elected as provided in this subsection. The first biennial school
23 election for directors shall be held in the urban district at the time provided in
24 subsection 1 which is on the date of or subsequent to the expiration of the terms
25 of the directors of the prior district which are first to expire, and directors shall
26 be elected to succeed the directors of the prior district whose terms have expired.
27 If the terms of two directors only have expired, the directors elected at the first
28 biennial school election in the urban district shall be elected for terms of six
29 years. If the terms of four directors have expired, two directors shall be elected
30 for terms of six years and two shall be elected for terms of four years. At the next
31 succeeding biennial election held in the urban district, successors for the

32 remaining directors of the prior seven-director district shall be elected. If only
33 two directors are to be elected they shall be elected for terms of six years each.
34 If four directors are to be elected, two shall be elected for terms of six years and
35 two shall be elected for terms of two years. After seven directors of the urban
36 district have been elected under this subsection, their successors shall be elected
37 for terms of six years.

38 4. In any school district in any city with a population of one hundred
39 thousand or more inhabitants which is located within a county of the first
40 classification that adjoins no other county of the first classification, or any school
41 district which becomes an urban school district by reason of the 2000 federal
42 decennial census, elections shall be held annually at the same times and places
43 as general municipal elections for all years where one or more terms expire, and
44 the terms shall be for three years and until their successors are duly elected and
45 qualified for all directors elected on and after August 28, 1998.

46 5. In any school district in any county with a charter form of government
47 and with more than three hundred thousand but fewer than four hundred fifty
48 thousand inhabitants which becomes an urban school district by reason of the
49 2010 federal decennial census, elections shall be held annually at the same times
50 and places as general municipal elections for all years where one or more terms
51 expire, and the terms shall be for three years and until their successors are duly
52 elected and qualified for all directors elected on and after April 2, 2012.

53 **6. In any urban school district in a county of the first**
54 **classification with more than eighty-three thousand but fewer than**
55 **ninety-two thousand inhabitants and with a home rule city with more**
56 **than seventy-six thousand but fewer than ninety-one thousand**
57 **inhabitants as the county seat, elections shall be held annually at the**
58 **same times and places as general municipal elections for all years**
59 **where one or more terms expire. Beginning at the general municipal**
60 **election in 2016, directors shall be elected in the following manner:**

61 **(1) For the two directors' terms that expire at the general**
62 **municipal election in 2016, their successor members shall be elected for**
63 **a term of three years and until their successors are duly elected and**
64 **qualified. Successor members shall continue to be elected for a term**
65 **of three years and until their successors are duly elected and qualified;**

66 **(2) For the three directors' terms that expire at the general**
67 **municipal election in 2018, their successor members shall be elected for**

68 a term of two years and until their successors are duly elected and
69 qualified. When such terms expire at the general municipal election in
70 2020, the successor members shall be elected for a term of three years
71 and until their successors are duly elected and qualified. Successor
72 members shall continue to be elected for a term of three years and until
73 their successors are duly elected and qualified;

74 (3) For the two directors' terms that expire at the general
75 municipal election in 2020, their successor members shall be elected for
76 a term of one year and until their successors are duly elected and
77 qualified. When such terms expire at the general municipal election in
78 2021, their successor members shall be elected for a term of three years
79 and until their successors are duly elected and qualified. Successor
80 members shall continue to be elected for a term of three years and until
81 their successors are duly elected and qualified.

162.491. 1. Directors for urban school districts, other than those districts
2 containing the greater part of a city of over one hundred thirty thousand
3 inhabitants, may be nominated by petition to be filed with the secretary of the
4 board and signed by a number of voters in the district equal to ten percent of the
5 total number of votes cast for the director receiving the highest number of votes
6 cast at the next preceding biennial election, **except as provided in subsection**
7 **4 of this section.**

8 2. This section shall not be construed as providing the sole method of
9 nominating candidates for the office of school director in urban districts which do
10 not contain the greater part of a city of over three hundred thousand inhabitants.

11 3. A director for any urban school district containing a city of greater than
12 one hundred thirty thousand inhabitants and less than three hundred thousand
13 inhabitants may be nominated as an independent candidate by filing with the
14 secretary of the board a petition signed by five hundred registered voters of such
15 school district.

16 4. **In any urban school district located in a county of the first**
17 **classification with more than eighty-three thousand but fewer than**
18 **ninety-two thousand inhabitants and with a home rule city with more**
19 **than seventy-six thousand but fewer than ninety-one thousand**
20 **inhabitants as the county seat, a candidate for director shall file a**
21 **declaration of candidacy with the secretary of the board and shall not**
22 **be required to submit a petition.**

Section B. Because of the importance of establishing procedures for
2 recalling school board members and filling school board member vacancies,
3 section A of this act is deemed necessary for the immediate preservation of the
4 public health, welfare, peace and safety, and is hereby declared to be an
5 emergency act within the meaning of the constitution, and section A of this act
6 shall be in full force and effect upon its passage and approval.

✓

Unofficial

Bill

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