

FIRST REGULAR SESSION

SENATE BILL NO. 473

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Read 1st time February 19, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2249S.02I

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Section A. Sections 162.471, 162.481, and 162.491, RSMo, are repealed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 sections 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 home rule city with more than seventy-one thousand but
3 fewer than seventy-nine thousand inhabitants may be removed by the
4 voters in a recall election. Such election shall be held upon the
5 submission of a petition signed by voters of the district equal in
6 number to at least ten percent of the number of persons voting at the
7 last preceding election to elect a district board member. The petition
8 shall be filed with the election authority and the secretary of the
9 district board of education, and the petition shall contain a general
10 statement of the grounds for which the removal is sought. The
11 signatures to the petition need not all be appended to one paper, but
12 each signer shall provide the street and number of his or her
13 residence. The person who files the petition with the election authority
14 shall sign an affidavit that the signatures attached are true and correct
15 to the best of his or her knowledge.**

**2. Within thirty days from the date of filing the petition, the
17 election authority shall examine and ascertain whether the petition is
18 signed by the requisite number of voters. The election authority shall
19 attach to the petition his or her certificate, showing the result of the**

20 examination. If the election authority finds the petition to be
21 insufficient, the petition shall be returned to the person filing the
22 petition, without prejudice to the filing of a new petition to the same
23 effect. If the petition shall be deemed to be sufficient, the election
24 authority shall submit the petition to the district board without delay.
25 If the petition shall be found to be sufficient, the district board shall
26 order the question to be submitted to the voters of the district on
27 election days specified in section 115.123. The election shall be held
28 not less than forty-five days but not more than one hundred twenty
29 days from the date the board receives the petition.

30 **3. If a majority of the voters vote in favor of retaining the**
31 **member, the member shall remain in office and shall not be subject to**
32 **another recall election during his or her term of office. If a majority**
33 **of voters vote to remove the member, his or her successor shall be**
34 **chosen as provided in section 162.471 for urban school districts.**

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 home rule city with more than seventy-one**
15 **thousand but fewer than seventy-nine thousand inhabitants shall be**
16 **filled by appointment of the county commission of 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. The person appointed by the county**
21 **commission shall hold office until the next school board election, when**
22 **his or her successor shall be elected for the remainder of the unexpired**

23 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, and upon expiration of any term after**
60 **August 28, 2015, the term of office shall be for three years and until**
61 **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 home rule city with**
17 **more than seventy-one thousand but fewer than seventy-nine thousand**
18 **inhabitants, a candidate for director shall file a declaration of**
19 **candidacy with the secretary of the board and shall not be required to**
20 **submit a petition.**

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

✓
Bill

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