

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1809
91ST GENERAL ASSEMBLY

Reported from the Committee on Education - Elementary and Secondary, April 8, 2002, with recommendation that the House Committee Substitute for House Bill No. 1809 Do Pass.

TED WEDEL, Chief Clerk

4250L.03C

AN ACT

To amend chapter 162, RSMo, by adding thereto one new section relating to recall elections for certain school board members.

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

Section A. Chapter 162, RSMo, is amended by adding thereto one new section, to be
2 known as section 162.015, to read as follows:

**162.015. 1. In addition to the recall procedures provided in section 160.538, a
2 school board member in any urban school district containing the greater part of the
3 population of a city which has more than three hundred thousand inhabitants may be
4 removed by the voters in a recall election, provided that the member has served on the
5 board for more than ninety days. If the school board member was elected from a
6 subdistrict, the voters of the subdistrict may petition for a recall election. If the school
7 board member was elected at-large, the voters of the school district at-large may petition
8 for a recall election. Such election shall be held upon the submission of a petition signed
9 by voters of the subdistrict or district at-large equal in number to at least twenty-five
10 percent of the number of persons voting at the last preceding election to elect a district
11 board member. The petition shall be filed with the election authority and the secretary of
12 the district board of education, and the petition shall contain a general statement of the
13 grounds for which the removal is sought. The signatures to the petition need not all be
14 appended to one paper, but each signer shall add to his or her signature his or her place
15 of residence, giving the street and number. One of the signers of each paper shall make
16 oath before an officer competent to administer oaths that the statements made on the paper
17 are true as he or she believes and that each signature to the paper appended is the genuine
18 signature of the person whose name it purports to be.**

19 **2. Within ten days from the date of the filing of the petition, the election authority**
20 **shall examine and ascertain whether the petition is signed by the requisite number of**
21 **voters. The election authority shall attach to the petition his or her certificate, showing the**
22 **result of the examination. If the petition is shown to be insufficient, it may be amended**
23 **within ten days from the date of the certificate. The election authority shall, within ten**
24 **days after such amendment, make like examination of the amended petition and, if his or**
25 **her certificate shall show the amended petition to be insufficient, it shall be returned to the**
26 **person filing the amended petition, without prejudice to the filing of a new petition to the**
27 **same effect. If the petition shall be deemed to be sufficient, the election authority shall**
28 **submit the petition to the district board without delay. If the petition shall be found to be**
29 **sufficient, the district board shall order the question to be submitted to the voters of the**
30 **petitioning subdistrict or district at-large.**

31 **3. If a majority of the voters vote in favor of retaining the member, the member**
32 **shall remain in office and shall not be subject to another recall election during his or her**
33 **term of office, except as provided in subsection 2 of section 160.538, RSMo.**

34 **4. If a majority of voters vote to remove the member, the member's successor shall**
35 **be determined by an election at the next election date available for school elections.**

36 **5. If a school board member resigns from the school board after a recall petition**
37 **naming the member is filed, the position shall remain vacant until the next election date**
38 **available for school elections.**