

SECOND REGULAR SESSION

[PERFECTED]

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.

Taken up for Perfection April 16, 2002. House Committee Substitute for House Bill No. 1809 ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

4250L.03P

AN ACT

To repeal sections 162.291, 162.459, and 162.601, RSMo, and to enact in lieu thereof four new sections 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Section A. Sections 162.291, 162.459, and 162.601, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as section 162.015, 162.291, 162.459, and 162.601,
3 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**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 grounds for which the removal is sought, which are limited to the following: misconduct
14 in office, attempting to exert undue influence, or failure to perform prescribed duties. The
15 signatures to the petition need not all be appended to one paper, but each signer shall add
16 to his or her signature his or her place of residence, giving the street and number. One of
17 the signers of each paper shall make oath before an officer competent to administer oaths
18 that the statements made on the paper are true as he or she believes and that each
19 signature to the paper appended is the genuine signature of the person whose name it
20 purports to be.

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

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

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

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

162.291. The voters of each seven-director district other than urban districts shall, at
2 municipal elections, elect two **or three** directors **according to the schedule set out in section**
3 **162.459** who are citizens of the United States and resident taxpayers of the district, who have
4 resided in [this state] **and been registered voters of the district** for one year next preceding
5 their election or appointment, and who are at least twenty-four years of age.

162.459. 1. Notwithstanding other provisions of law to the contrary, the school board
2 of each **seven-director** school district [designated in the statutes as a seven-director,
3 seven-director] or urban school district, except an urban district containing the greater part of a

4 city of more than three hundred thousand inhabitants, shall consist of seven members. At the
5 first election for members of the school board in each of such districts after January 1, 1993, and
6 each three years thereafter, three members of the school board shall be elected **and two**
7 **members in other years**; except, no school district composed of seven members as of January
8 1, 1993, shall be required to modify its schedule of electing board members.

9 2. Provisions of law applicable to seven-director[, seven-director] and urban school
10 districts, except those which conflict with the provisions of this section, shall apply to and
11 govern the school districts designated in subsection 1 of this section.

162.601. 1. Elected members of the board in office on August 28, 1998, shall hold office
2 for the length of term for which they were elected, and any members appointed pursuant to
3 section 162.611 to fill vacancies left by elected members in office on August 28, 1998, shall
4 serve for the remainder of the term to which the replaced member was elected.

5 2. No board members shall be elected at the first municipal election in an odd-numbered
6 year next following August 28, 1998.

7 3. Three board members shall be elected at the second municipal election in an
8 odd-numbered year next following August 28, 1998, to serve four-year terms.

9 4. Four board members shall be elected at the third municipal election in an
10 odd-numbered year next following August 28, 1998, and two of such members shall be elected
11 to four-year terms and two of such members shall be elected to three-year terms.

12 5. Beginning with the fourth municipal election in an odd-numbered year next following
13 August 28, 1998, and at each succeeding municipal election in a year during which board
14 member terms expire, there shall be elected members of the board of education, who shall
15 assume the duties of their office at the first regular meeting of the board of education after their
16 election, and who shall hold office for four years, and until their successors are elected and
17 qualified.

18 6. [Members of the board of directors shall be elected to represent seven subdistricts.
19 The subdistricts shall be established by the state board of education to be compact, contiguous
20 and as nearly equal in population as practicable. The subdistricts shall be revised by the state
21 board of education after each decennial census and at any other time the state board determines
22 that the district's demographics have changed sufficiently to warrant redistricting.

23 7. A member shall reside in and be elected in the subdistrict which the member is elected
24 to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27. Subdistrict 2 shall be
25 comprised of wards 3, 4, 5 and 21. Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26.
26 Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28. Subdistrict 5 shall be comprised of
27 wards 9, 10, 11 and 12. Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25. Subdistrict
28 7 shall be comprised of wards 8, 15, 23 and 24.

29 8.] No one may run for school board who is employed by the school district [or who is
30 related to an employee of the school district within the second degree of affinity or
31 consanguinity].