

FIRST REGULAR SESSION

HOUSE BILL NO. 544

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SANDERS BROOKS.

Read 1st time February 24, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0742L.011

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 known as section 162.015, to read as follows:

162.015. 1. In addition to the recall procedures provided in section 160.538, a school board member in any urban school district containing the greater part of the population of a home rule city which has more than four hundred thousand inhabitants and located in more than one county may be removed by the voters in a recall election, provided that the member has served on the board for more than ninety days. If the school board member was elected from a subdistrict, the voters of the subdistrict may petition for a recall election. If the school board member was elected at-large, the voters of the school district at-large may petition for a recall election. Such election shall be held upon the submission of a petition signed by voters of the subdistrict or district at-large equal to at least twenty-five percent of the persons voting in the last preceding election to elect a subdistrict or at-large board member. The petition shall be filed with the election authority and the secretary of the district board within sixty days from the date on which the school board receives a complaint against the member sought to be recalled. The complaint shall have included a general statement of the grounds for the complaint, which shall have been at least one of the grounds listed in subdivision (2) of subsection 2 of this section. The signatures to the petition need not all be appended to one paper, but each signer shall add to his or her signature the date of signature, his or her place of residence, giving the street and number. One of the signers of each paper shall make oath before an

19 officer competent to administer oaths that the statements made on the paper are true as he
20 or she believes and that each signature to the paper appended is the genuine signature of
21 the person whose name it purports to be. Such signer shall also sign and date the oath.

22 2. The election authority shall have the power to certify the sufficiency of all recall
23 petitions. All recall petitions shall contain the following:

24 (1) The name of the official who the petitioners seek to remove;

25 (2) A general statement of the grounds for which the removal is sought, which are
26 limited to the following:

27 (a) Misconduct in office;

28 (b) Attempting to exert undue influence;

29 (c) Failure to perform prescribed duties;

30 (3) Appropriate spaces for the signature, printed name, and place of residence of
31 each petitioner, with all signatures made in ink;

32 (4) Except the person circulating the recall petition, any person may assist a voter
33 who is physically unable to sign the petition in completing the information on the petition
34 as required by law. On the petition immediately following the name of the disabled voter,
35 the person providing assistance shall sign and state that the assistance was given to the
36 disabled voter;

37 (5) Only an eligible voter may circulate a recall petition;

38 (6) At the top of each page of the petition, the following shall be printed in bold-
39 faced type:

40 **WARNING:**

41 **IT IS AGAINST THE LAW:**

42 For anyone to sign this petition with any name other than one's own or to knowingly
43 sign one's name more than once for the same measure or to knowingly sign the petition
44 when not a registered voter.

45 Do not sign this petition unless you voted in the last preceding election to elect a
46 subdistrict or district at-large school board member. To be an eligible voter, you must be
47 registered to vote and eligible to vote in the subdistrict or district at-large elections.

48 Do not sign this petition unless you have read or have had read to you the proposed
49 recall measure in its entirety and understand its meaning.

50 (7) Ballots used at a recall election shall conform to the following requirements:

51 With respect to the officer whose removal is sought, the question shall be submitted:
52 "Shall (name of person) be removed as a member of the school board by recall?"
53 Immediately below the question there shall be printed on the ballots the two following
54 propositions, one above the other, in the order here indicated:

55 **"For the recall of (name of person)",**
56 **"Against the recall of (name of person)".**

57 **Immediately at the left of each such proposition there shall be a square in which the**
58 **voter, by making a cross mark (X) may vote for either of such propositions.**

59 **(8) Applications for absentee ballots shall be made available by the election**
60 **authority no later than twenty-four hours after the date for the recall election is set.**

61 **3. A separate petition shall be filed for each school board member petitioners seek**
62 **to remove from office.**

63 **4. Within ten days from the date of the filing of the petition, the election authority**
64 **shall examine and ascertain whether the petition is signed by the requisite number of**
65 **voters. The election authority shall attach to the petition his or her certificate, showing the**
66 **result of the examination. If the petition is shown to be insufficient, it may be amended**
67 **within ten days from the date of the certificate. The election authority shall, within ten**
68 **days after such amendment, make like examination of the amended petition and, if his or**
69 **her certificate shall show the amended petition to be insufficient, it shall be returned to the**
70 **person filing the amended petition, without prejudice to the filing of a new petition to the**
71 **same effect. If the petition shall be deemed to be sufficient, the election authority shall**
72 **submit the petition to the district board without delay. The district board shall notify the**
73 **member whose removal is sought by the petition. If the member whose removal is sought**
74 **does not resign within five days after such submission, the district board shall notify the**
75 **election authority which shall then order the question to be submitted to the voters of the**
76 **petitioning subdistrict or district at-large at the next date available for school elections.**

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

80 **6. If a majority of voters vote to remove the member, the member shall be deemed**
81 **removed from office and the member's successor shall be determined by an election at the**
82 **next election date available for school elections. Candidates to succeed any member whose**
83 **removal is sought shall be placed in nomination by petition, signed, filed, and verified as**
84 **provided for nominating petitions for a primary election, except that each petition paper**
85 **shall specify that the candidate named therein is a candidate to succeed the particular**
86 **member whose removal is sought.**

87 **7. If a school board member resigns from the school board after a recall petition**
88 **naming the member is filed, the position shall remain vacant until the next election date**
89 **available for school elections.**