

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 473
98TH GENERAL ASSEMBLY

2249L.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 162.471, 162.481, and 162.491, RSMo, and sections 162.481 and 162.491 as enacted by senate substitute for senate committee substitute for house committee substitute no. 2 for house bill no. 63, ninety-eighth general assembly, first regular session, 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, and sections 162.481 and
2 162.491 as enacted by senate substitute for senate committee substitute for house committee
3 substitute no. 2 for house bill no. 63, ninety-eighth general assembly, first regular session, are
4 repealed and four new sections enacted in lieu thereof, to be known as sections 160.671,
5 162.471, 162.481, and 162.491, to read as follows:

**160.671. 1. A school board member of any urban school district located in a county
2 of the first classification with more than eighty-three thousand but fewer than ninety-two
3 thousand inhabitants and with a home rule city with more than seventy-six thousand but
4 fewer than ninety-one thousand inhabitants as the county seat may be removed by the
5 voters in a recall election. Proceedings may be commenced for the recall of any such
6 member by the filing of a notice of intention to circulate a recall petition under this section.**
7
**2. The notice of intention to circulate a recall petition shall be served personally,
8 or by certified mail, on the board member sought to be recalled. A copy thereof shall be
9 filed, along with an affidavit of the time and manner of service, with the election authority,
10 as defined in chapter 115 and with the secretary of the school board. A separate notice**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 shall be filed for each board member sought to be recalled and shall contain all of the following:

12 (1) The name of the board member sought to be recalled;

13 (2) A statement, not exceeding two hundred words in length, of the reasons for the
14 proposed recall; and

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

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

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

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

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

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

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

36 5. Each section of the petition, when submitted to the election authority, shall have
37 attached to it an affidavit signed by the person circulating such section of the petition,
38 setting forth all of the following:

39 (1) The printed name of the affiant;

40 (2) The residential address of the affiant;

41 (3) That the affiant circulated that section of the petition and saw the appended
42 signatures be written;

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

45 (5) That the affiant is a registered voter in the school district; and

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

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

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

52 **8. Within thirty days after the date of filing the petition, the election authority shall**
53 **examine and ascertain whether the petition is signed by the requisite number of voters.**
54 **The election authority shall file with the petition a certificate showing the results of the**
55 **examination. The election authority shall give the proponents a copy of the certificate**
56 **upon their request.**

57 **9. If the election authority certifies the petition to be insufficient, it may be**
58 **supplemented within ten days of the date of certification by filing additional petition**
59 **sections containing all of the information required by this section. Within ten days after**
60 **the supplemental copies are filed, the election authority shall file with them a certificate**
61 **stating whether or not the petition as supplemented is sufficient.**

62 **10. If the election authority finds the signatures on the petition, together with the**
63 **supplementary petition sections, if any, to be sufficient, it shall submit its certificate as to**
64 **the sufficiency of the petition to the school board prior to its next meeting. The certificate**
65 **shall contain the following:**

- 66 **(1) The name of the member whose recall is sought;**
67 **(2) A copy of the petition with at least three hundred signatures;**
68 **(3) The total number of signatures on the petition; and**
69 **(4) The number of valid signatures on the petition.**

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

74 **12. At any time prior to fifty days before the election, the member sought to be**
75 **recalled may offer his or her resignation. If his or her resignation is offered, the recall**
76 **question shall be removed from the ballot and the office declared vacant. At such time, the**
77 **vacancy shall be filled as provided in section 162.471, except that the member who resigned**
78 **shall not fill the vacancy.**

79 **13. If a majority of the voters vote in favor of retaining the member, the member**
80 **shall remain in office and shall not be subject to another recall election during his or her**
81 **term of office. If a majority of voters vote to remove the member, his or her successor shall**
82 **be chosen by the county commission of any county of the first classification with more than**

83 **eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home**
84 **rule city with more than seventy-six thousand but fewer than ninety-one thousand**
85 **inhabitants as the county seat as provided in section 162.471.**

86 **14. The provisions of this section shall expire on December 31, 2021.**

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

11 **2. All vacancies occurring in the school board of any urban school district located**
12 **in a county of the first classification with more than eighty-three thousand but fewer than**
13 **ninety-two thousand inhabitants and with a home rule city with more than seventy-six**
14 **thousand but fewer than ninety-one thousand inhabitants as the county seat shall be filled**
15 **by appointment of the county commission of a county of the first classification with more**
16 **than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a**
17 **home rule city with more than seventy-six thousand but fewer than ninety-one thousand**
18 **inhabitants as the county seat. If the vacancy occurred because of a recall under section**
19 **160.671, the member who was recalled shall not fill the vacancy. The person appointed by**
20 **the county commission shall hold office until the next school board election, when his or**
21 **her successor shall be elected for the remainder of the unexpired term.**

162.481. 1. Except as otherwise provided in this section **and in section 162.492**, all
2 elections of school directors in urban **school** districts shall be held biennially at the same times
3 and places as municipal elections.

4 2. [In any urban district which includes all or the major part of a city which first obtained
5 a population of more than seventy-five thousand inhabitants by reason of the 1960 federal
6 decennial census, elections of directors shall be held on municipal election days of
7 even-numbered years. The directors of the prior district shall continue as directors of the urban
8 district until their successors are elected as herein provided. On the first Tuesday in April, 1964,
9 four directors shall be elected, two for terms of two years to succeed the two directors of the prior
10 district who were elected in 1960 and two for terms of six years to succeed the two directors of
11 the prior district who were elected in 1961. The successors of these directors shall be elected for

12 terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms
13 to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when
14 their successors shall be elected for terms of six years. No director shall serve more than two
15 consecutive six-year terms after October 13, 1963.

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

33 [4.] 3. In any school district in [any city with a population of one hundred thousand or
34 more inhabitants which is located within a county of the first classification that adjoins no other
35 county of the first classification, or any school district which becomes an urban school district
36 by reason of the 2000 federal decennial census] **which a majority of the district is located in**
37 **any home rule city with more than one hundred fifty-five thousand but fewer than two**
38 **hundred thousand inhabitants**, elections shall be held annually at the same times and places
39 as general municipal elections for all years where one or more terms expire, and the terms shall
40 be for three years and until their successors are duly elected and qualified for all directors elected
41 on and after August 28, 1998.

42 4. **For any school district which becomes an urban school district by reason of the**
43 **2000 federal decennial census, elections shall be held annually at the same times and places**
44 **as general municipal elections for all years where one or more terms expire, and the terms**
45 **shall be for three years and until their successors are duly elected and qualified for all**
46 **directors elected on and after August 28, 2001.**

47 5. In any school district in any county with a charter form of government and with more
48 than three hundred thousand but fewer than four hundred fifty thousand inhabitants which
49 becomes an urban school district by reason of the 2010 federal decennial census, elections shall
50 be held annually at the same times and places as general municipal elections for all years where
51 one or more terms expire, and the terms shall be for three years and until their successors are
52 duly 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 classification with more than**
54 **eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home**
55 **rule city with more than seventy-six thousand but fewer than ninety-one thousand**
56 **inhabitants as the county seat, elections shall be held annually at the same times and places**
57 **as general municipal elections for all years where one or more terms expire, and upon**
58 **expiration of any term after August 28, 2015, the term of office shall be for three years and**
59 **until their successors are duly elected and qualified.**

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

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

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

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

 [162.481. 1. Except as otherwise provided in this section **and in section**
2 **162.492**, all elections of school directors in urban **school** districts shall be held
3 biennially at the same times and 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
7 held on municipal election days of even-numbered years. The directors of the
8 prior district shall continue as directors of the urban district until their successors
9 are 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
15 5, 1968, and to terminate on the first Tuesday in April, 1974, when their
16 successors shall be elected for terms of six years. No director shall serve more
17 than two consecutive six-year terms after October 13, 1963.

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

38 [4.] 3. 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] **which a majority of the district is located in any home rule**
43 **city with more than one hundred fifty-five thousand but fewer than two**
44 **hundred thousand inhabitants,** elections shall be held annually at the same
45 times and places as general municipal elections for all years where one or more
46 terms expire, and the terms shall be for three years and until their successors are
47 duly elected and qualified for all directors elected on and after August 28, 1998.

48 **4. For any school district which becomes an urban school district by**
49 **reason of the 2000 federal decennial census, elections shall be held annually**
50 **at the same times and places as general municipal elections for all years**
51 **where one or more terms expire, and the terms shall be for three years and**
52 **until their successors are duly elected and qualified for all directors elected**
53 **on and after August 28, 2001.**

54 5. In any school district in any county with a charter form of government
55 and with more than three hundred thousand but fewer than four hundred fifty
56 thousand inhabitants which becomes an urban school district by reason of the
57 2010 federal decennial census, elections shall be held annually at the same times
58 and places as general municipal elections for all years where one or more terms
59 expire, and the terms shall be for three years and until their successors are duly
60 elected and qualified for all directors elected on and after April 2, 2012.

61 **6. In any urban school district in a county of the first classification**
62 **with more than eighty-three thousand but fewer than ninety-two thousand**
63 **inhabitants and with a home rule city with more than seventy-six thousand**
64 **but fewer than ninety-one thousand inhabitants as the county seat, elections**
65 **shall be held annually at the same times and places as general municipal**
66 **elections for all years where one or more terms expire, and upon expiration**
67 **of any term after August 28, 2015, the term of office shall be for three years**
68 **and until their successors are duly elected and qualified.]**

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

9 2. This section shall not be construed as providing the sole method of
nominating candidates for the office of school director in urban districts which

10 do not contain the greater part of a city of over three hundred thousand
11 inhabitants.

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

17 **4. In any urban school district located in a home rule city with more**
18 **than seventy-one thousand but fewer than seventy-nine thousand**
19 **inhabitants, a candidate for director shall file a declaration of candidacy**
20 **with the secretary of the board and shall not be required to submit a**
21 **petition.]**

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

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