

FIRST REGULAR SESSION

HOUSE BILL NO. 1029

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JOHNSON.

2269H.021

D. ADAM CRUMBLISS, Chief Clerk

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Section A. Sections 162.471, 162.481, and 162.491, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 160.671, 162.471, 162.481, and
3 162.491, to read as follows:

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

**13 2. Within thirty days from the date of filing the petition, the election authority shall
14 examine and ascertain whether the petition is signed by the requisite number of voters.
15 The election authority shall attach to the petition his or her certificate, showing the result
16 of the examination. If the election authority finds the petition to be insufficient, the**

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.

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

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

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 **or her** office until the next school board election, when his **or her**
9 successor shall be elected for the remainder of the unexpired term. The power of the board to
10 perform any official 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 home rule city with more than seventy-one thousand but fewer than seventy-nine**
13 **thousand inhabitants shall be filled by appointment by the county commission of a county**
14 **of the first classification with more than eighty-three thousand but fewer than ninety-two**
15 **thousand inhabitants and with a home rule city with more than seventy-six thousand but**
16 **fewer than ninety-one thousand inhabitants as the county seat. The person appointed by**
17 **the county commission shall hold office until the next school board election, when his or**
18 **her successor shall be elected for the remainder of the unexpired term.**

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

3 2. In any urban district which includes all or the major part of a city which first obtained
4 a population of more than seventy-five thousand inhabitants by reason of the 1960 federal
5 decennial census, elections of directors shall be held on municipal election days of
6 even-numbered years. The directors of the prior district shall continue as directors of the urban
7 district until their successors are elected as herein provided. On the first Tuesday in April, 1964,

8 four directors shall be elected, two for terms of two years to succeed the two directors of the prior
9 district who were elected in 1960 and two for terms of six years to succeed the two directors of
10 the prior district who were elected in 1961. The successors of these directors shall be elected for
11 terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms
12 to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when
13 their successors shall be elected for terms of six years. No director shall serve more than two
14 consecutive six-year terms after October 13, 1963.

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

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

39 5. In any school district in any county with a charter form of government and with more
40 than three hundred thousand but fewer than four hundred fifty thousand inhabitants which
41 becomes an urban school district by reason of the 2010 federal decennial census, elections shall
42 be held annually at the same times and places as general municipal elections for all years where

43 one or more terms expire, and the terms shall be for three years and until their successors are
44 duly elected and qualified for all directors elected on and after April 2, 2012.

45 **6. In any urban school district in a county of the first classification with more than**
46 **eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home**
47 **rule city with more than seventy-six thousand but fewer than ninety-one thousand**
48 **inhabitants as the county seat, elections shall be held annually at the same times and places**
49 **as general municipal elections for all years where one or more terms expire, and upon**
50 **expiration of any term after August 28, 2015, the term of office shall be for four years and**
51 **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 home rule city with more than**
15 **seventy-one thousand but fewer than seventy-nine thousand inhabitants, a candidate for**
16 **director shall file a declaration of candidacy with the secretary of the board and shall not**
17 **be required to submit a petition.**

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

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