

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 657
AN ACT

To amend chapter 162, RSMo, by adding thereto two new sections relating to school boards.

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

Section A. Chapter 162, RSMo, is amended by adding thereto
2 two new sections, to be known as sections 162.009 and 162.089,
3 to read as follows:

162.009. 1. Each member of a school board of any
2 public school district may receive a per diem of up to five
3 hundred dollars for each month devoted to the affairs of the
4 school board and be reimbursed for his or her actual and
5 necessary expenses incurred in the discharge of his or her
6 official duties.

7 2. Each member of a school board of any public school
8 district may have access to any insurance contract or plan,
9 including a noninsurance health benefit program, which
10 provides group health insurance or benefits for employees
11 pursuant to section 169.590.

162.089. 1. As used in this section the term
2 "election authority" shall mean the election authority in
3 which a plurality of the school district's registered voters
4 is situated.

5 (1) Each member of any school board of any public
6 school district shall be subject to recall from office by
7 the registered voters of the school district such member was
8 elected to represent. Such recall election shall be held
9 upon the submission of a petition signed by registered
10 voters of the district equal in number to at least twenty-
11 five percent of the number of voters who voted in the most

12 recent election held to elect a district board member in
13 such district.

14 (2) No proceedings shall be commenced against any
15 member under this section if, at the time of commencement,
16 such member:

17 (a) Has not held office during the member's term for
18 more than thirty days;

19 (b) Has fewer than one hundred eighty days remaining
20 in the member's term; or

21 (c) Has had a recall election determined in the
22 member's favor during the member's current term of office.

23 2. (1) Proceedings may be commenced for the recall of
24 any school board member by the filing of a notice of
25 intention to circulate a recall petition under this
26 section. The notice shall be filed with the election
27 authority having jurisdiction over the school district under
28 this chapter and chapter 115. Each notice shall contain the
29 following:

30 (a) The name and office of the board member sought to
31 be recalled;

32 (b) A statement of grounds, not exceeding two hundred
33 words in length, listing the particular reasons for the
34 proposed recall;

35 (c) A sworn statement of at least three proponents of
36 the recall that they are registered voters in the school
37 district and that the information in the statement of
38 grounds is true, correct, and complete to the best of the
39 knowledge and belief of the proponent;

40 (d) The printed names and the business or residential
41 addresses of the proponents of the recall making the sworn
42 statement under paragraph (c) of this subdivision; and

43 (e) The notarized signature of each of the proponents
44 of the recall making the sworn statement under paragraph (c)
45 of this subdivision.

46 (2) (a) The grounds for recall required to be stated
47 in paragraph (b) of subdivision (1) of this subsection may
48 include but shall not be limited to the following:

49 a. Conduct that relates to and adversely affects the
50 rights and interests of the public;

51 b. Commission of an act or acts of malfeasance;

52 c. Moral turpitude;

53 d. Violation of the member's oath of office;

54 e. Abuse of power or authority;

55 f. Misuse or misappropriation of public property or
56 public moneys;

57 g. Conviction of a felony;

58 h. Willful violation of any code of ethics applicable
59 to such member as provided in the revised statutes of
60 Missouri;

61 i. Violation of any school board policy of the school
62 district in which the member serves;

63 j. Breach of public trust;

64 k. Lack of responsiveness to concerns raised by the
65 public or staff;

66 l. Promotion and implementation of measures that are
67 counterproductive to the best interests of the students and
68 staff of the school district; or

69 m. Violation of any applicable provision of chapter
70 610; except that, discretionary performance of a lawful act
71 or a prescribed duty shall not constitute a ground for
72 recall.

73 (b) The election authority shall neither have nor
74 assume the authority to determine the validity of the
75 grounds for recall.

76 (3) No notice of intention shall name more than one
77 board member sought to be recalled.

78 (4) (a) If the election authority finds that the
79 notice of intention contains the required information under
80 this section, the election authority shall attach to the
81 affidavit a certification showing that the notice has been
82 properly filed.

83 (b) Within three business days after the
84 certification, the election authority shall send
85 notification of the filing of the notice by registered mail
86 to the school district administration, the school board, and
87 the board member sought to be recalled.

88 (c) Within fourteen days after the receipt of the
89 notice, the board member who is the subject of the notice
90 may file with the election authority a statement, not
91 exceeding two hundred words in length, in answer to the
92 statement of the proponents. If an answer is filed, the
93 election authority shall make the answer available for
94 public viewing upon request at the election authority's
95 office.

96 3. (1) After the election authority certifies the
97 notice, the proponents of the recall may begin circulating a
98 petition for recall and collecting signatures on such
99 petition.

100 (a) Any person circulating a petition for recall shall
101 be a registered voter in the district of the board member
102 sought to be recalled.

103 (b) Collection of signatures may begin after seven
104 days have passed following the election authority's
105 certification with the date of the certification counted as
106 the first day. The election authority shall indicate the
107 date on which collection of signatures may begin in the
108 certification of the notice. The number of signatures

109 required to equal the twenty-five percent of voters
110 necessary under subsection 1 of this section shall be
111 determined by the election authority.

112 (2) Each page of the petition for recall shall include:

113 (a) The name and office of the member for whom recall
114 is sought;

115 (b) The grounds for recall described in particular, in
116 no more than two hundred words;

117 (c) A statement that the petition signatories are
118 registered voters of the district in which the member sought
119 to be recalled serves; and

120 (d) Space for the date of the signing, the signer's
121 printed name, the house number and street name of each
122 signer's residence, and each signer's signature.

123 (3) Each signer shall be a registered voter in the
124 school district.

125 (4) Each signer shall provide the date of the signing,
126 the signer's printed name, the house number and street name
127 of the signer's residence, and the signer's signature.

128 (5) Every person signing a petition shall do so in the
129 presence of the person who is circulating the petition and
130 who will execute the affidavit of verification for each page
131 of the petition.

132 4. (1) Within sixty days after the beginning date for
133 the collection of signatures, the completed petition with
134 the required number of signatures shall be filed with the
135 election authority. The signatures to the petition need not
136 all be attached to one paper, but the person who files the
137 petition with the election authority shall sign each page
138 attesting that the signatures attached are true and correct
139 to the best of such person's knowledge and belief. Such
140 signature on each page of the petition shall be notarized.

141 (2) Within fifteen business days after the date of
142 filing the signed petition, the election authority shall
143 examine the petition and determine whether the petition is
144 signed by the required number of registered voters.
145 Signatures that cannot be verified shall not be counted.

146 (3) (a) If the election authority finds the signed
147 petition to be insufficient, the election authority shall,
148 within three business days after such determination, send
149 notification of the insufficiency by registered mail to the
150 person who filed the signed petition. The election
151 authority shall specify the errors, omissions, or other
152 problems that cause the insufficiency.

153 (b) The signed petition shall be returned to the
154 person who filed the signed petition, without prejudice to
155 the refiling of the petition or the filing of a new petition.

156 (c) The person who filed the signed petition shall
157 have thirty days after the date of notification of
158 insufficiency to correct the insufficiencies and refile the
159 petition. If the petition is not corrected and refiled, the
160 petition and all its signatures shall be void.

161 (4) If the election authority finds the signed
162 petition to be sufficient, the election authority shall
163 attach to the petition a certificate showing the result of
164 the examination. The election authority shall, within three
165 business days after the certification, send notification of
166 the sufficiency and certification by registered mail to the
167 person who filed the signed petition, the school district
168 administration, the school board, and the board member
169 sought to be recalled.

170 5. (1) Upon receipt of the notification of the
171 sufficiency of the petition and the election authority's
172 certification, the election authority shall order the

173 question to be submitted to the voters of the district on
174 one of the following days:

175 (a) The next general election day;

176 (b) At a special election to be called on the first
177 Tuesday after the first Monday in November of odd-numbered
178 years if that date is no fewer than ninety calendar days
179 after the date of notification; or

180 (c) At the next election in which the voters of the
181 school district vote for any school board member on the
182 general municipal election day, if that date is no fewer
183 than ninety calendar days after the date of notification.

184 (2) If no election will occur or can be called at the
185 times described in this subsection before the term of the
186 member who is the subject of the recall petition expires, no
187 recall election shall be held and such member may serve the
188 remainder of the member's term.

189 6. (1) The name of the member who is the subject of
190 the recall shall appear on the ballot under the separate
191 heading "(name of school district) Recall Election".

192 (2) The question on the ballot shall be in
193 substantially the following form: "Shall school board
194 member (name of member) be removed from the school board?".

195 (3) (a) If a majority of the votes cast on the
196 question by the qualified voters voting thereon are opposed
197 to removing the member, the member shall remain in office
198 and shall not be subject to another recall election during
199 the remainder of the member's term.

200 (b) If a majority of the votes cast on the question by
201 the qualified voters voting thereon in a November election
202 are in favor of removing the member, the vacancy shall be
203 filled in the manner provided in this chapter.

204 (c) If a majority of the votes cast on the question by
205 the qualified voters voting thereon in an April election are

206 in favor of removing the member and the number of candidates
207 on the ballot is greater than the number of seats for
208 expired board member terms, the vacancy shall be filled by
209 the candidate receiving the next highest number of votes
210 after the seats for expired board member terms are filled.
211 If the number of candidates is not greater than the number
212 of seats of expired board member terms, the vacancy shall be
213 filled in the manner provided in this chapter.

214 7. A school board member who has been recalled shall
215 not fill the vacancy created by the recall, but such member
216 may seek election to the school board at any election not
217 held to fill the vacancy created by the member's recall.

218 8. Except as otherwise provided in this section, the
219 provisions of this chapter and chapter 115 governing the
220 conduct of school board elections shall apply, if
221 appropriate, to recall elections held under this section.
222 The costs of the election shall be paid as provided in
223 chapter 115.

224 9. The provisions of this section shall not apply to
225 school boards authorized under sections 162.670 to 162.999.