

SENATE BILL NO. 532

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

2082S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 115.124, 162.491, 162.492, 162.860, and 162.910, RSMo, and to enact in lieu thereof five new sections relating to school board candidate filing.

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

Section A. Sections 115.124, 162.491, 162.492, 162.860, and 162.910, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 115.124, 162.491, 162.492, 162.860, and 162.910, to read as follows:

115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district including municipal elections in any city, town, or village with two thousand or fewer inhabitants that have adopted a proposal pursuant to subsection 3 of this section but excluding municipal elections in any city, town, or village with more than two thousand inhabitants, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation as defined in section 493.050 in the district, and if the number of candidates for each office in a particular political subdivision, special district, or municipality is equal to the number of positions for each office within the political subdivision, special district, or municipality to be filled by the election and no ballot measure is placed on the ballot such that a particular political subdivision will owe

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

18 no proportional elections costs if an election is not held,
19 no election shall be held, and the candidates shall assume
20 the responsibilities of their offices at the same time and
21 in the same manner as if they had been elected. If no
22 election is held for a particular political subdivision,
23 special district, or municipality as provided in this
24 section, the election authority shall publish a notice
25 containing the names of the candidates that shall assume the
26 responsibilities of office under this section. Such notice
27 shall be published in at least one newspaper of general
28 circulation as defined in section 493.050 in such political
29 subdivision or district by the first of the month in which
30 the election would have occurred, had it been contested.
31 Notwithstanding any other provision of law to the contrary,
32 if at any election the number of candidates filing for a
33 particular office exceeds the number of positions to be
34 filled at such election, the election authority shall hold
35 the election as scheduled, even if a sufficient number of
36 candidates withdraw from such contest for that office so
37 that the number of candidates remaining after the filing
38 deadline is equal to the number of positions to be filled.

39 2. **(1) Except as provided in subdivision (2) of this**
40 **subsection,** the election authority or political subdivision
41 responsible for the oversight of the filing of candidates in
42 any nonpartisan election in any political subdivision or
43 special district shall clearly designate where candidates
44 shall form a line to effectuate such filings and determine
45 the order of such filings; except that, in the case of
46 candidates who file a declaration of candidacy with the
47 election authority or political subdivision prior to 5:00
48 p.m. on the first day for filing, the election authority or
49 political subdivision may determine by random drawing the

50 order in which such candidates' names shall appear on the
51 ballot. If a drawing is conducted pursuant to this
52 subsection, it shall be conducted so that each candidate, or
53 candidate's representative if the candidate filed under
54 subsection 2 of section 115.355, may draw a number at random
55 at the time of filing. If such drawing is conducted, the
56 election authority or political subdivision shall record the
57 number drawn with the candidate's declaration of candidacy.
58 If such drawing is conducted, the names of candidates filing
59 on the first day of filing for each office on each ballot
60 shall be listed in ascending order of the numbers so drawn.

61 **(2) For school board elections, the election authority**
62 **of the county in which a school district is located and in**
63 **which a school board candidate resides shall be the election**
64 **authority that designates the candidate filing location,**
65 **order, and process for any drawing of candidate names as**
66 **provided in subdivision (1) of this subsection for such**
67 **candidate. Such election authority shall designate the**
68 **county clerk's office as the only filing location for such**
69 **candidates.**

70 3. The governing body of any city, town, or village
71 with two thousand or fewer inhabitants may submit to the
72 voters at any available election, a question to adopt the
73 provisions of subsection 1 of this section for municipal
74 elections. If a majority of the votes cast by the qualified
75 voters voting thereon are in favor of the question, then the
76 city, town, or village shall conduct nonpartisan municipal
77 elections as provided in subsection 1 of this section for
78 all nonpartisan elections remaining in the year in which the
79 proposal was adopted and for the six calendar years
80 immediately following such approval. At the end of such six-
81 year period, each such city, town, or village shall be

82 prohibited from conducting such elections in such a manner
83 unless such a question is again adopted by the majority of
84 qualified voters as provided in this subsection.

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

12 2. This section shall not be construed as providing
13 the sole method of nominating candidates for the office of
14 school director in urban school districts that do not
15 contain the greater part of a city of over three hundred
16 thousand inhabitants.

17 3. A director for any urban school district containing
18 a city of greater than one hundred thirty thousand
19 inhabitants and less than three hundred thousand inhabitants
20 may be nominated as an independent candidate by filing with
21 the [secretary of the board] **election authority of the
22 county in which such urban school district is located and in
23 which the candidate resides** a petition signed by five
24 hundred registered voters of such school district.

25 4. In any urban school district located in a county of
26 the first classification with more than eighty-three
27 thousand but fewer than ninety-two thousand inhabitants and
28 with a home rule city with more than seventy-six thousand
29 but fewer than ninety-one thousand inhabitants as the county

30 seat, a candidate for director shall file a declaration of
31 candidacy with the [secretary of the board] **election**
32 **authority of the county in which such urban school district**
33 **is located and in which the candidate resides** and shall not
34 be required to submit a petition.

35 5. No candidate for election as a school board
36 director representing a subdistrict as provided in section
37 162.563 shall be required to file a declaration of candidacy
38 as provided in this section as the sole method of filing for
39 candidacy.

162.492. 1. In all urban districts containing the
2 greater part of the population of a city which has more than
3 three hundred thousand inhabitants, the election authority
4 of the city in which the greater portion of the school
5 district lies, and of the county if the district includes
6 territory not within the city limits, shall serve ex officio
7 as a redistricting commission. The commission shall on or
8 before November 1, 2018, divide the school district into
9 five subdistricts, all subdistricts being of compact and
10 contiguous territory and as nearly equal in the number of
11 inhabitants as practicable and thereafter the board shall
12 redistrict the district into subdivisions as soon as
13 practicable after each United States decennial census. In
14 establishing the subdistricts each member shall have one
15 vote and a majority vote of the total membership of the
16 commission is required to make effective any action of the
17 commission.

18 2. School elections for the election of directors
19 shall be held on municipal election days in 2014 and 2016.
20 At the election in 2014, directors shall be elected to hold
21 office until 2019 and until their successors are elected and
22 qualified. At the election in 2016, directors shall be

23 elected until 2019 and until their successors are elected
24 and qualified. Beginning in 2019, school elections for the
25 election of directors shall be held on the local election
26 date as specified in the charter of a home rule city with
27 more than four hundred thousand inhabitants and located in
28 more than one county. Beginning at the election for school
29 directors in 2019, the number of directors on the board
30 shall be reduced from nine to seven. Two directors shall be
31 at-large directors and five directors shall represent the
32 subdistricts, with one director from each of the
33 subdistricts. At the 2019 election, one of the at-large
34 directors and the directors from subdistricts one, three,
35 and five shall be elected for a two-year term, and the other
36 at-large director and the directors from subdistricts two
37 and four shall be elected for a four-year term. Thereafter,
38 all seven directors shall serve a four-year term. Directors
39 shall serve until the next election and until their
40 successors, then elected, are duly qualified as provided in
41 this section. In addition to other qualifications
42 prescribed by law, each member elected from a subdistrict
43 shall be a resident of the subdistrict from which he or she
44 is elected. The subdistricts shall be numbered from one to
45 five.

46 3. The five candidates, one from each of the
47 subdistricts, who receive a plurality of the votes cast by
48 the voters of that subdistrict and the at-large candidates
49 receiving a plurality of the at-large votes shall be
50 elected. The name of no candidate for nomination shall be
51 printed on the ballot unless the candidate has at least
52 sixty days prior to the election filed a declaration of
53 candidacy with the [secretary of the board of directors]
54 **election authority of the county in which such school**

55 **district is located and in which the candidate resides**
56 containing the signatures of at least two hundred fifty
57 registered voters who are residents of the subdistrict
58 within which the candidate for nomination to a subdistrict
59 office resides, and in case of at-large candidates the
60 signatures of at least five hundred registered voters. The
61 election authority **of the county in which such school**
62 **district is located and in which the candidate resides** shall
63 determine the validity of all signatures on declarations of
64 candidacy.

65 4. In any election either for at-large candidates or
66 candidates elected by the voters of subdistricts, if there
67 are more than two candidates, a majority of the votes are
68 not required to elect but the candidate having a plurality
69 of the votes shall be elected.

70 5. The names of all candidates shall appear upon the
71 ballot without party designation and in the order of the
72 priority of the times of filing their petitions of
73 nomination. No candidate may file both at large and from a
74 subdistrict and the names of all candidates shall appear
75 only once on the ballot, nor may any candidate file more
76 than one declaration of candidacy. All declarations shall
77 designate the candidate's residence and whether the
78 candidate is filing at large or from a subdistrict and the
79 numerical designation of the subdistrict or at-large area.

80 6. The provisions of all sections relating to seven-
81 director school districts shall also apply to and govern
82 urban districts in cities of more than three hundred
83 thousand inhabitants, to the extent applicable and not in
84 conflict with the provisions of those sections specifically
85 relating to such urban districts.

86 7. Vacancies which occur on the school board between
87 the dates of election shall be filled by special election if
88 such vacancy happens more than six months prior to the time
89 of holding an election as provided in subsection 2 of this
90 section. The state board of education shall order a special
91 election to fill such a vacancy. A letter from the
92 commissioner of education, delivered by certified mail to
93 the election authority or authorities that would normally
94 conduct an election for school board members shall be the
95 authority for the election authority or authorities to
96 proceed with election procedures. If a vacancy occurs less
97 than six months prior to the time of holding an election as
98 provided in subsection 2 of this section, no special
99 election shall occur and the vacancy shall be filled at the
100 next election day on which local elections are held as
101 specified in the charter of any home rule city with more
102 than four hundred thousand inhabitants and located in more
103 than one county.

162.860. Candidates for membership on the board of
2 education of a special school district with a population of
3 not more than one hundred thousand persons shall be citizens
4 of the United States and voters of the proposed district who
5 have resided within the state for one year next preceding
6 the election and who are at least twenty-four years of age.
7 All candidates shall file their declarations of candidacy
8 with the [secretary of the state board of education]
9 **election authority of the county in which such school**
10 **district is located and in which the candidate resides.**

162.910. At the elections conducted pursuant to
2 section 162.865, the voters of a special district with a
3 population of not more than one hundred thousand persons
4 shall elect, by ballot, two board members to succeed those

5 whose terms have expired and the board members so elected
6 shall hold office for terms of three years and until their
7 successors have been elected and qualified and shall assume
8 the duties of their offices at the first regular meeting of
9 the board of education held after their election.

10 Candidates shall file their declarations of candidacy for
11 office of board member with the [secretary of the board of
12 education of the special school district. A majority of the
13 then qualified members of the board of education of the
14 special school district] **election authority of the county in
15 which such school district is located and in which the
16 candidate resides, which** shall certify the candidates
17 receiving the greatest number of votes for terms of three
18 years each and until their successors shall have been
19 elected and qualified, and shall declare and certify the
20 results of the vote cast on any question presented at the
21 election.

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