

FIRST REGULAR SESSION

HOUSE BILL NO. 159

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ZWEIFEL.

Read 1st time January 13, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0958L.011

AN ACT

To amend chapter 162, RSMo, by adding thereto one new section relating to recall elections for 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
2 known as section 162.868, to read as follows:

**162.868. 1. In addition to the recall procedures provided in section 160.538, RSMo,
2 a school board member in any school district may be removed by the voters in a recall
3 election, provided that the member has served on the board for more than ninety days.
4 Such election shall be held upon the submission of a petition signed by voters of the district
5 equal in number to at least twenty-five percent of the number of persons voting at the last
6 preceding election to elect a district board member. The petition shall be filed with the
7 election authority and the secretary of the district board of education, and the petition shall
8 contain a general statement of the grounds for which the removal is sought, which are
9 limited to the following:**

- 10 **(1) Gross misconduct in office;**
11 **(2) Attempting to exert undue influence; or**
12 **(3) Failure to perform prescribed duties.**
13

14 **The signatures to the petition need not all be appended to one paper, but each signer shall**
15 **add to his or her signature his or her place of residence, giving the street and number. One**
16 **of the signers of each paper shall make oath before an officer competent to administer**
17 **oaths that the statements made on the paper are true as he or she believes and that each**
18 **signature to the paper appended is the genuine signature of the person whose name it**

19 purports to be.

20 **2. Within ten days from the date of the filing of the petition, the election authority**
21 **shall examine and ascertain whether the petition is signed by the requisite number of**
22 **voters. The election authority shall attach to the petition his or her certificate, showing the**
23 **result of the examination. If the petition is shown to be insufficient, it may be amended**
24 **within ten days from the date of the certificate. The election authority shall, within ten**
25 **days after such amendment, make like examination of the amended petition and, if his or**
26 **her certificate shall show the amended petition to be insufficient, it shall be returned to the**
27 **person filing the amended petition, without prejudice to the filing of a new petition to the**
28 **same effect. If the petition shall be deemed to be sufficient, the election authority shall**
29 **submit the petition to the district board without delay. If the petition shall be found to be**
30 **sufficient, the district board shall order the question to be submitted to the voters of the**
31 **petitioning district at the next available date for school elections.**

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

35 **4. If a majority of voters vote to remove the member, the temporary vacancy**
36 **created by the recall shall be filled by the remaining members of the board. The person**
37 **appointed shall hold office until the next municipal election, when a member shall be**
38 **elected for the unexpired term.**

39 **5. If a school board member resigns from the school board after a recall petition**
40 **naming the member is filed, the vacancy shall be filled as set forth in subsection 4 of this**
41 **section.**