

SECOND REGULAR SESSION

HOUSE BILL NO. 2101

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE YATES.

Read 1st time February 12, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4987L.01I

AN ACT

To repeal section 162.492, RSMo, and to enact in lieu thereof one new section relating to election of school board members in certain urban districts.

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

Section A. Section 162.492, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.492, to read as follows:

162.492. 1. In all urban districts containing the greater part of the population of a city which has more than three hundred thousand inhabitants the terms of the members of the board of directors in office in 1967 shall continue until the end of the respective terms to which each of them has been elected to office and in each case thereafter until the next school election be held and until their successors, then elected, are duly qualified as provided in this section.

2. In each urban district designated in subsection 1, the election authority of the city in which the greater portion of the school district lies, and of the county if the district includes territory not within the city limits, shall serve ex officio as a redistricting commission. The commission shall on or before November 1, 1969, divide the school district into six subdistricts, all subdistricts being of compact and contiguous territory and as nearly equal in the number of inhabitants as practicable and thereafter the board shall redistrict the district into subdivisions as soon as practicable after each United States decennial census. In establishing the subdistricts each member shall have one vote and a majority vote of the total membership of the commission is required to make effective any action of the commission.

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.

15 3. School elections for the election of directors shall be held on municipal election days
16 in each even-numbered year. [At the election in 1970, one member of the board of directors shall
17 be elected by the voters of each subdistrict.] **There shall be nine members of the board; six**
18 **shall reside in subdistricts but shall be elected by the voters of the entire district; three**
19 **shall reside anywhere in the district and be elected by the entire district.** The [seven
20 candidates, one] **candidate** from each of the subdistricts[,] who [receive] **receives** a plurality of
21 the votes cast by the voters of [that subdistrict] **the district at-large for that subdistrict**
22 **position** shall be elected [and the at-large candidate receiving a plurality of the at-large votes
23 shall be elected]. In addition to other qualifications prescribed by law, each member [elected
24 from a subdistrict] **who runs for a subdistrict position** must be a resident of the subdistrict
25 from which he **or she** is [elected] **a candidate**. The subdistricts shall be numbered from one to
26 six [and the directors elected from subdistricts one, three and five shall hold office for terms of
27 two years and until their successors are elected and qualified, and the directors elected from
28 subdistricts two, four and six shall hold office for terms of four years and until their successors
29 are elected and qualified. Every two years thereafter a member of the board of directors shall be
30 elected for a term of four years and until his successor is elected and qualified from each of the
31 three subdistricts having a member on the board of directors whose term expires in that year.
32 Those members of the board of directors who were in office in 1967 shall, when their terms of
33 office expire, be succeeded by the members of the board of directors elected from subdistricts.
34 In addition to the directors elected by the voters of each subdistrict, additional directors shall be
35 elected at large by the voters of the entire school district as follows: In 1970 one director at large
36 shall be elected for a two-year term. In 1972 one director at large shall be elected for a four-year
37 term. In 1974 two at-large directors shall be elected for a four-year term and thereafter in
38 alternative elections one director shall be elected for a four-year term and then two directors shall
39 be elected for a four-year term, so that from and after the 1970 election the board of directors not
40 including those members who were in office in 1967 shall consist of seven members until the
41 1974 election and thereafter the board shall consist of nine members]. In those years in which
42 one at-large director is to be elected each voter may vote for one candidate and the candidate
43 receiving a plurality of votes cast shall be elected. In those years in which two at-large directors
44 are to be elected each voter may vote for two candidates and the two receiving the largest number
45 of votes cast shall be elected.

46 4. **Beginning with school elections in 2009 and in every school election thereafter,**
47 the [six] candidates[, one] from each of the subdistricts[,] who receive a plurality of the votes
48 cast by the voters of [that subdistrict and the at-large candidates receiving a plurality of the
49 at-large votes] **the district at-large for that subdistrict position** shall be elected. **Current**
50 **members who were elected by voters of their subdistrict shall finish their term as**

51 **scheduled. At the end of their term, the subdistrict vacancy shall be filled by an election**
52 **by the district at-large. Elections at-large in these subdistricts shall allow all eligible voters**
53 **in the school district to vote on any positions to be filled. Each member shall be elected to**
54 **a four-year term.** The name of no candidate for nomination shall be printed on the ballot unless
55 the candidate has at least sixty days prior to the election filed a declaration of candidacy with the
56 secretary of the board of directors containing the signatures of at least [two hundred fifty
57 registered voters who are residents of the subdistrict within which the candidate for nomination
58 to a subdistrict office resides, and in case of at-large candidates the signatures of at least] five
59 hundred registered voters **of the school district.** The election authority shall determine the
60 validity of all signatures on declarations of candidacy.

61 5. In any election [either for at-large candidates or candidates elected by the voters of
62 subdistricts, if there are] **involving** more than two candidates, a majority of the votes are not
63 required to elect but the candidate having a plurality of the votes if there is only one office to be
64 filled and the candidates having the highest number of votes, if more than one office is to be
65 filled, shall be elected.

66 6. The names of all candidates shall appear upon the ballot without party designation and
67 in the order of the priority of the times of filing their petitions of nomination. No candidate may
68 file both at large and from a subdistrict and the names of all candidates shall appear only once
69 on the ballot, [nor] **and no candidate** may [any candidate] file more than one declaration of
70 candidacy. All declarations shall designate the candidate's residence and whether the candidate
71 is filing at large or from a subdistrict and the numerical designation of the subdistrict or at-large
72 area.

73 7. The provisions of all sections relating to seven-director school districts shall also
74 apply to and govern urban districts in cities of more than three hundred thousand inhabitants, to
75 the extent applicable and not in conflict with the provisions of those sections specifically relating
76 to such urban districts.

77 8. Vacancies which occur on the school board between the dates of election shall be
78 filled by majority vote of the remaining members of the school board to serve until the time of
79 the next regular school board election. [Subdistrict director] **Other vacancies, including any**
80 **vacancy created when no individual files for candidacy from a particular subdistrict,** shall
81 be filled by appointment **by the remaining members of the school board** of a resident of the
82 subdistrict in which the vacancy occurs.

83 **9. Notwithstanding any other law, no board member shall serve more than two full**
84 **terms.**

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