

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 172,  
2 Page 4, Section 160.514, Line 111, by inserting immediately after said line the following:  
3 "160.671. 1. A school board member of any urban school district located in a county of the  
4 first classification with more than eighty-three thousand but fewer than ninety-two thousand  
5 inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one  
6 thousand inhabitants as the county seat may be removed by the voters in a recall election.  
7 Proceedings may be commenced for the recall of any such member by the filing of a notice of  
8 intention to circulate a recall petition under this section.  
9 2. The notice of intention to circulate a recall petition shall be served personally, or by  
10 certified mail, on the board member sought to be recalled. A copy thereof shall be filed, along with  
11 an affidavit of the time and manner of service, with the election authority, as defined in chapter 115  
12 and with the secretary of the school board. A separate notice shall be filed for each board member  
13 sought to be recalled and shall contain all of the following:  
14 (1) The name of the board member sought to be recalled;  
15 (2) A statement, not exceeding two hundred words in length, of the reasons for the proposed  
16 recall; and  
17 (3) The names and business or residential addresses of at least one but not more than five  
18 proponents of the recall who are registered voters in the district.  
19 3. Within seven days after the filing of the notice of intention, the board member may file  
20 with the election authority and the secretary of the school board a statement, not exceeding two  
21 hundred words in length, which may include an answer to the statement of the proponents. If a  
22 statement is filed, the board member shall also serve a copy of it, personally or by certified mail, on  
23 one of the proponents named in the notice of intention. The statement is intended solely to be used  
24 for the information of the voters. No insufficiency in form or substance of such statements shall  
25 affect the validity of the election proceedings.  
26 4. Before any signature may be affixed to a recall petition, the petition is required to bear all  
27 of the following:  
28 (1) A request that an election be called to elect a successor to the board member at the next  
29 school board election;  
30 (2) A copy of the notice of intention, including a general statement of the grounds for which

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1 removal is sought;

2 (3) The statement of the board member sought to be recalled, if any exists. If the board  
 3 member has not filed a statement, the petition shall so state; and

4 (4) A place for each signer to affix his or her signature, printed name, and residential  
 5 address, including any address in a city, town, village, or unincorporated community.

6 5. Each section of the petition, when submitted to the election authority, shall have attached  
 7 to it an affidavit signed by the person circulating such section of the petition, setting forth all of the  
 8 following:

9 (1) The printed name of the affiant;

10 (2) The residential address of the affiant;

11 (3) That the affiant circulated that section of the petition and saw the appended signatures be  
 12 written;

13 (4) That according to the best information and belief of the affiant, each signature is the  
 14 genuine signature of the person whose name it purports to be;

15 (5) That the affiant is a registered voter in the school district; and

16 (6) The dates between which all of the signatures to the petition were obtained.

17 6. A recall petition shall be filed with the election authority and secretary of the school board  
 18 not more than one hundred eighty days after the filing of the notice of intention.

19 7. The qualified signatures of at least seven hundred registered voters shall be required for  
 20 the submission of a petition.

21 8. Within thirty days after the date of filing the petition, the election authority shall examine  
 22 and ascertain whether the petition is signed by the requisite number of voters. The election authority  
 23 shall file with the petition a certificate showing the results of the examination. The election authority  
 24 shall give the proponents a copy of the certificate upon their request.

25 9. If the election authority certifies the petition to be insufficient, it may be supplemented  
 26 within ten days of the date of certification by filing additional petition sections containing all of the  
 27 information required by this section. Within ten days after the supplemental copies are filed, the  
 28 election authority shall file with them a certificate stating whether or not the petition as  
 29 supplemented is sufficient.

30 10. If the election authority finds the signatures on the petition, together with the  
 31 supplementary petition sections, if any, to be sufficient, it shall submit its certificate as to the  
 32 sufficiency of the petition to the school board prior to its next meeting. The certificate shall contain  
 33 the following:

34 (1) The name of the member whose recall is sought;

35 (2) A copy of the petition with at least seven hundred signatures;

36 (3) The total number of signatures on the petition; and

37 (4) The number of valid signatures on the petition.

38 11. Following the school board's receipt of the certificate, the election authority shall order  
 39 an election to be held on the next election day as specified in section 115.123 but the election shall be  
 40 held not less than forty-five days from the date the school board receives the petition.

41 12. At any time prior to fifty days before the election, the member sought to be recalled may

offer his or her resignation. If his or her resignation is offered, the recall question shall be removed from the ballot and the office declared vacant. At such time, the vacancy shall be filled as provided in section 162.471, except that the member who resigned shall not fill the vacancy.

13. If a majority of the voters vote in favor of retaining the member, the member shall remain in office and shall not be subject to another recall election during his or her term of office. If a majority of voters vote to remove the member, his or her successor shall be chosen by the county commission of any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat as provided in section 162.471.

14. The provisions of this section shall expire on December 31, 2021."; and

Further amend said substitute, Page 9, Section 161.855, Line 66, by inserting immediately after said line the following:

"162.471. 1. The government and control of an urban school district is vested in a board of seven directors. Each director shall be a voter of the district who has resided within this state for one year next preceding his election or appointment and who is at least twenty-four years of age. All directors, except as otherwise provided in section 162.481 and section 162.492, hold their offices for six years and until their successors are duly elected and qualified. All vacancies occurring in the board, except as provided in section 162.492 and in subsection 2 of this section, shall be filled by appointment by the board as soon as practicable, and the person appointed shall hold his office until the next school board election, when his successor shall be elected for the remainder of the unexpired term. The power of the board to perform any official duty during the existence of a vacancy continues unimpaired thereby.

2. All vacancies occurring in the school board of any urban school district located in a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat shall be filled by appointment of the county commission of a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat. If the vacancy occurred because of a recall under section 160.671, the member who was recalled shall not fill the vacancy. The person appointed by the county commission shall hold office until the next school board election, when his or her successor shall be elected for the remainder of the unexpired term.

162.481. 1. Except as otherwise provided in this section and in section 162.492, all elections of school directors in urban school districts shall be held biennially at the same times and places as municipal elections.

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

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

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

[4.] 3. In any school district in [any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any school district which becomes an urban school district by reason of the 2000 federal decennial census] which a majority of the district is located in any home rule city with more than one hundred fifty-five thousand but fewer than two hundred thousand inhabitants, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 1998.

4. For any school district which becomes an urban school district by reason of the 2000 federal decennial census, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 2001.

5. In any school district in any county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants which becomes an urban school district by reason of the 2010 federal decennial census, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified

1 for all directors elected on and after April 2, 2012.

2 6. In any urban school district in a county of the first classification with more than  
 3 eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with  
 4 more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat,  
 5 elections shall be held annually at the same times and places as general municipal elections for all  
 6 years where one or more terms expire, and upon expiration of any term after August 28, 2015, the  
 7 term of office shall be for three years and until their successors are duly elected and qualified.

8 162.491. 1. Directors for urban school districts, other than those districts containing the  
 9 greater part of a city of over one hundred thirty thousand inhabitants, may be nominated by petition  
 10 to be filed with the secretary of the board and signed by a number of voters in the district equal to ten  
 11 percent of the total number of votes cast for the director receiving the highest number of votes cast at  
 12 the next preceding biennial election, except as provided in subsection 4 of this section.

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

16 3. A director for any urban school district containing a city of greater than one hundred thirty  
 17 thousand inhabitants and less than three hundred thousand inhabitants may be nominated as an  
 18 independent candidate by filing with the secretary of the board a petition signed by five hundred  
 19 registered voters of such school district.

20 4. In any urban school district located in a county of the first classification with more than  
 21 eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with  
 22 more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat, a  
 23 candidate for director shall file a declaration of candidacy with the secretary of the board and shall  
 24 not be required to submit a petition."; and  
 25

26 Further amend said substitute, Page 30, Section 178.550, Line 87, by inserting immediately after  
 27 said line the following:

28 "[162.481. 1. Except as otherwise provided in this section and in section 162.492, all  
 29 elections of school directors in urban school districts shall be held biennially at the  
 30 same times and places as municipal elections.

31 2. [In any urban district which includes all or the major part of a city which first  
 32 obtained a population of more than seventy-five thousand inhabitants by reason of the  
 33 1960 federal decennial census, elections of directors shall be held on municipal  
 34 election days of even-numbered years. The directors of the prior district shall  
 35 continue as directors of the urban district until their successors are elected as herein  
 36 provided. On the first Tuesday in April, 1964, four directors shall be elected, two for  
 37 terms of two years to succeed the two directors of the prior district who were elected  
 38 in 1960 and two for terms of six years to succeed the two directors of the prior district  
 39 who were elected in 1961. The successors of these directors shall be elected for terms  
 40 of six years. On the first Tuesday in April, 1968, two directors shall be elected for  
 41 terms to commence on November 5, 1968, and to terminate on the first Tuesday in

1 April, 1974, when their successors shall be elected for terms of six years. No director  
2 shall serve more than two consecutive six-year terms after October 13, 1963.

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

22 [4.] 3. In any school district in [any city with a population of one hundred thousand  
23 or more inhabitants which is located within a county of the first classification that  
24 adjoins no other county of the first classification, or any school district which  
25 becomes an urban school district by reason of the 2000 federal decennial census]  
26 which a majority of the district is located in any home rule city with more than one  
27 hundred fifty-five thousand but fewer than two hundred thousand inhabitants,  
28 elections shall be held annually at the same times and places as general municipal  
29 elections for all years where one or more terms expire, and the terms shall be for three  
30 years and until their successors are duly elected and qualified for all directors elected  
31 on and after August 28, 1998.

32 4. For any school district which becomes an urban school district by reason of the  
33 2000 federal decennial census, elections shall be held annually at the same times and  
34 places as general municipal elections for all years where one or more terms expire,  
35 and the terms shall be for three years and until their successors are duly elected and  
36 qualified for all directors elected on and after August 28, 2001.

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

terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after April 2, 2012.

6. In any urban school district in a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and upon expiration of any term after August 28, 2015, the term of office shall be for three years and until their successors are duly elected and qualified.]

[162.491. 1. Directors for urban school districts, other than those districts containing the greater part of a city of over one hundred thirty thousand inhabitants, may be nominated by petition to be filed with the secretary of the board and signed by a number of voters in the district equal to ten percent of the total number of votes cast for the director receiving the highest number of votes cast at the next preceding biennial election, except as provided in subsection 4 of this section.

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

3. A director for any urban school district containing a city of greater than one hundred thirty thousand inhabitants and less than three hundred thousand inhabitants may be nominated as an independent candidate by filing with the secretary of the board a petition signed by five hundred registered voters of such school district.

4. In any urban school district located in a home rule city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants, a candidate for director shall file a declaration of candidacy with the secretary of the board and shall not be required to submit a petition.]"; and

Further amend said substitute, said Page, Section B, Lines 1-5, by removing all of said lines and inserting in lieu thereof the following:

"Section B. Because of the importance of establishing procedures for recalling school board members and filling school board member vacancies and of providing additional retirement allowance option to Missouri teachers, the repeal and reenactment of sections 162.471, 162.481, 162.491, and 169.070 and the enactment of section 160.671 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 162.471, 162.481, 162.491, and 169.070 and the enactment of section 160.671 of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.