

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 539,
2 Page 8, Section 105.030, Line 18, by inserting immediately after all of said line the following:

3
4 "160.671. 1. A school board member of any urban school district located in a county of the
5 first classification with more than eighty-three thousand but fewer than ninety-two thousand
6 inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one
7 thousand inhabitants as the county seat may be removed by the voters in a recall election.
8 Proceedings may be commenced for the recall of any such member by the filing of a notice of
9 intention to circulate a recall petition under this section.

10 2. The notice of intention to circulate a recall petition shall be served personally, or by
11 certified mail, on the board member sought to be recalled. A copy thereof shall be filed, along with
12 an affidavit of the time and manner of service, with the election authority, as defined in chapter 115
13 and with the secretary of the school board. A separate notice shall be filed for each board member
14 sought to be recalled and shall contain all of the following:

15 (1) The name of the board member sought to be recalled;

16 (2) A statement, not exceeding two hundred words in length, of the reasons for the proposed
17 recall; and

18 (3) The names and business or residential addresses of at least one but not more than five
19 proponents of the recall who are registered voters in the district.

20 3. Within seven days after the filing of the notice of intention, the board member may file
21 with the election authority and the secretary of the school board a statement, not exceeding two
22 hundred words in length, which may include an answer to the statement of the proponents. If a
23 statement is filed, the board member shall also serve a copy of it, personally or by certified mail, on
24 one of the proponents named in the notice of intention. The statement is intended solely to be used
25 for the information of the voters. No insufficiency in form or substance of such statements shall
26 affect the validity of the election proceedings.

27 4. Before any signature may be affixed to a recall petition, the petition is required to bear all
28 of the following:

29 (1) A request that an election be called to elect a successor to the board member at the next
30 school board election;

31 (2) A copy of the notice of intention, including a general statement of the grounds for which
32 removal is sought;

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

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

Action Taken _____ Date _____

Action Taken _____ Date _____

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

- 4 (1) The printed name of the affiant;
 5 (2) The residential address of the affiant;
 6 (3) That the affiant circulated that section of the petition and saw the appended signatures be
 7 written;
 8 (4) That according to the best information and belief of the affiant, each signature is the
 9 genuine signature of the person whose name it purports to be;
 10 (5) That the affiant is a registered voter in the school district; and
 11 (6) The dates between which all of the signatures to the petition were obtained.

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

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

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

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

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

- 29 (1) The name of the member whose recall is sought;
 30 (2) A copy of the petition with at least seven hundred fifty signatures;
 31 (3) The total number of signatures on the petition; and
 32 (4) The number of valid signatures on the petition.

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

36 12. At any time prior to fifty days before the election, the member sought to be recalled may
 37 offer his or her resignation. If his or her resignation is offered, the recall question shall be removed
 38 from the ballot and the office declared vacant. At such time, the vacancy shall be filled as provided
 39 in section 162.471, except that the member who resigned shall not fill the vacancy.

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

46 14. The provisions of this section shall expire on December 31, 2021.

47 162.471. 1. The government and control of an urban school district is vested in a board of
 48 seven directors. Each director shall be a voter of the district who has resided within this state for one

1 year next preceding his election or appointment and who is at least twenty-four years of age. All
2 directors, except as otherwise provided in section 162.481 and section 162.492, hold their offices for
3 six years and until their successors are duly elected and qualified. All vacancies occurring in the
4 board, except as provided in section 162.492 and in subsection 2 of this section, shall be filled by
5 appointment by the board as soon as practicable, and the person appointed shall hold his office until
6 the next school board election, when his successor shall be elected for the remainder of the unexpired
7 term. The power of the board to perform any official duty during the existence of a vacancy
8 continues unimpaired thereby.

9 2. All vacancies occurring in the school board of any urban school district located in a
10 county of the first classification with more than eighty-three thousand but fewer than ninety-two
11 thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than
12 ninety-one thousand inhabitants as the county seat shall be filled by appointment of the county
13 commission of a county of the first classification with more than eighty-three thousand but fewer
14 than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand
15 but fewer than ninety-one thousand inhabitants as the county seat. If the vacancy occurred because
16 of a recall under section 160.671, the member who was recalled shall not fill the vacancy. The
17 person appointed by the county commission shall hold office until the next school board election,
18 when his or her successor shall be elected for the remainder of the unexpired term."; and
19

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