

HOUSE COMMITTEE BILL NO. 6

AN ACT

To repeal sections 115.351, 115.646, 162.083, 162.221, 162.223, 162.241, 162.261, 162.291, 162.301, 162.341, 162.431, 162.459, 162.471, 162.481, 162.492, 162.601, 162.821, 162.825, 162.865, 162.867, and 162.910, RSMo, and to enact in lieu thereof twenty-two new sections relating to elections, with penalty provisions and a delayed effective date for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 115.351, 115.646, 162.083, 162.221, 162.223, 162.241, 162.261, 162.291, 162.301, 162.341, 162.431, 162.459, 162.471, 162.481, 162.492, 162.601, 162.821, 162.825, 162.865, 162.867, and 162.910, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 115.351, 115.646, 162.082, 162.083, 162.221, 162.223, 162.241, 162.261, 162.291, 162.301, 162.341, 162.431, 162.459, 162.471, 162.481, 162.492, 162.601, 162.821, 162.825, 162.865, 162.867, and 162.910, to read as follows:

115.351. No person who files as a party candidate for nomination or election to an office shall, without withdrawing, file as another party's candidate or an independent candidate for nomination or election to the office for the same term. No person who files as an independent candidate for election to an office shall, without withdrawing, file as a party candidate for nomination or election to the office for the same term. No person shall file for one office and, without withdrawing, file

1 for another office to be filled at the same election; except
2 that, a candidate for school board may file for and hold any
3 other office for which he or she is qualified. A person who
4 files a request to be included on the presidential primary ballot
5 is not prohibited by this section from filing or appearing on any
6 ballot as a party candidate for nomination to another office.
7 Receipt by the secretary of state of proper certification of
8 nomination pursuant to subsection 1 of section 115.399
9 constitutes withdrawal by operation of law pursuant to subsection
10 1 of section 115.359 of any presidential or vice presidential
11 nominee from any other office for which such nominee is a
12 candidate at the same election. Any person violating any
13 provision of this section shall be disqualified from running for
14 nomination or election to any office at the primary and general
15 election next succeeding the violation.

16 115.646. 1. No contribution or expenditure of public funds
17 shall be made directly by any officer, board member, director,
18 administrator, employee, or agent of any political subdivision or
19 special district to advocate, support, or oppose any ballot
20 measure ~~[or]~~ , any candidate for public office, or any issue
21 before the general assembly. No officer, board member, director,
22 administrator, employee, or agent of any political subdivision or
23 special district shall directly use public resources or property
24 paid for with public funds to advocate, support, or oppose any
25 ballot measure, any candidate for public office, or any issue
26 before the general assembly. This section shall not be construed
27 to prohibit any ~~[public official]~~ officer, board member,

1 director, administrator, employee, or agent of a political
2 subdivision or special district from making public appearances
3 ~~[or from]~~ , issuing press releases ~~[concerning any such ballot~~
4 ~~measure]~~ , or testifying before the general assembly as long as
5 such officer, board member, director, administrator, employee, or
6 agent does so for informational purposes only and does not do so
7 in his or her official capacity while receiving compensation by
8 the political subdivision or special district for time worked
9 unless such actions are part of his or her job description.

10 2. This section shall not be construed to prohibit a
11 political subdivision or special district from employing a
12 legislative liaison to communicate with members of the general
13 assembly regarding policies or procedures, including ballot
14 measures, of the political subdivision or special district.

15 3. Anyone who wishes to challenge any contribution or
16 expenditure of public funds or any use of public resources or
17 property paid for with public funds may bring an action in any
18 circuit court of the political subdivision or special district in
19 which the alleged violation occurred. The political subdivision
20 or special district and the officer, board member, director,
21 administrator, employee, or agent who allegedly violated this
22 section shall be named as party defendants. The petition shall
23 set forth a description of any use of public resources or
24 property paid for with public funds at issue, any contribution at
25 issue, and any expenditure at issue and the facts that gave rise
26 to a violation and shall pray leave to produce such proof. The
27 court shall consider the petition and evidence, hear arguments,

1 and in its decision determine whether a violation of this section
2 occurred.

3 4. If the court decides a violation of this section
4 occurred, the court shall order payment by the political
5 subdivision or special district of all the plaintiff's costs and
6 attorney's fees. If the court determines that the action was not
7 filed in good faith or is frivolous, the court shall order
8 payment by the plaintiff of the defendant's costs and attorney's
9 fees.

10 5. (1) If the court decides a contribution or expenditure
11 of public funds was made by an officer, board member, director,
12 or administrator of the political subdivision or special district
13 in violation of this section, the political subdivision or
14 special district shall be subject to a civil penalty in an amount
15 equal to ten times the amount of the contribution or expenditure
16 or one thousand dollars, whichever is greater.

17 (2) If the court decides public resources or property paid
18 for with public funds were used by an officer, board member,
19 director, or administrator of the political subdivision or
20 special district in violation of this section, the political
21 subdivision or special district shall be subject to a civil
22 penalty in the amount of one thousand dollars.

23 (3) If an officer, board member, director, or administrator
24 of the political subdivision or special district knew or should
25 have known of a violation under subsection 6 of this section, the
26 political subdivision or special district shall be subject to a
27 civil penalty in an amount described in subdivision (1) or (2) of

1 this subsection, corresponding to the type of violation that
2 occurred.

3 6. If the court decides a contribution or expenditure of
4 public funds was made or public resources or property paid for
5 with public funds were used by an employee or agent of the
6 political subdivision or special district who is not an officer,
7 board member, director, or administrator of the political
8 subdivision or special district in violation of this section and
9 it was the first such violation by such employee or agent, the
10 court shall not impose a civil penalty. A second or subsequent
11 violation of this section by such employee or agent shall subject
12 the political subdivision or special district to the penalties
13 under subsection 5 of this section.

14 162.082. 1. Every school board member election shall be
15 the first Tuesday after the first Monday in November of even-
16 numbered years, and the term of every school board member elected
17 in 2022 or thereafter shall be four years, except as specifically
18 provided in other sections.

19 2. No school board election shall be held in 2021 or any
20 other odd-numbered year. Any school board member whose term
21 expires in 2021 or any other odd-numbered year shall continue to
22 serve until the election in the following even-numbered year.
23 The term of any board member serving a term as of January 1,
24 2021, may be lengthened in accordance with this section but shall
25 not be shortened.

26 3. In an even-numbered year, the number of school board
27 seats to be elected shall be equal to those with terms that would

1 have expired in the previous odd-numbered year and those with
2 terms expiring in such even-numbered year. Except as
3 specifically provided in other sections, the candidates in each
4 school board election receiving the highest number of votes shall
5 be elected for terms of four years.

6 4. As used in this chapter, "school board member election"
7 or "school board election" means the election held on the first
8 Tuesday after the first Monday of November in even-numbered years
9 beginning in 2022.

10 5. Notwithstanding any provision of law to the contrary,
11 beginning January 1, 2020, the new term of any school board
12 member shall begin on the first Monday in June following the date
13 on which such member was elected.

14 162.083. 1. The state board of education may appoint
15 additional members to any special administrative board appointed
16 under section 162.081.

17 2. The state board of education may set a final term of
18 office for any member of a special administrative board, after
19 which a successor member shall be elected by the voters of the
20 district.

21 (1) All final terms of office for members of the special
22 administrative board established under this section shall expire
23 on June thirtieth.

24 (2) The election of a successor member shall occur on the
25 ~~[general municipal election day]~~ first Tuesday after the first
26 Monday in November of the even-numbered year immediately prior to
27 the expiration of the final term of office.

1 (3) The election shall be conducted in a manner consistent
2 with the election laws applicable to the school district.

3 3. Nothing in this section shall be construed as barring an
4 otherwise qualified member of the special administrative board
5 from standing for an elected term on the board.

6 4. On a date set by the state board of education, any
7 district operating under the governance of a special
8 administrative board shall return to local governance, and
9 continue operation as a school district as otherwise authorized
10 by law.

11 162.221. 1. When the voters of any one or more districts
12 as authorized in section 162.211, except those districts
13 designated in subdivision (2) thereof, desire to form a
14 seven-director district, a petition signed by at least ten
15 percent in number of those voting for school board members in the
16 last ~~[annual]~~ school election in each district or one hundred
17 voters, whichever is the higher number, shall be filed with the
18 state board of education. On receipt of the petition, a
19 representative of the state department of education, designated
20 by the commissioner of education, shall visit the districts and
21 determine the exact boundaries of the proposed seven-director
22 district. In determining these boundaries, he or she shall so
23 locate the boundary lines as will in his or her judgment form the
24 best possible seven-director district, having due regard also to
25 the welfare of adjoining districts.

26 2. Within sixty days after the receipt of the petition, the
27 commissioner of education shall submit the question to the voters

1 of the proposed district. The notice shall include a statement
2 of the purpose together with a plat of the proposed district.
3 The state commissioner shall file a copy of the petition and of
4 the plat with the county clerk. The election shall be conducted
5 in the manner provided in section 162.191.

6 162.223. 1. When the voters in any two or more adjacent
7 districts without limitation as to size or enrollment desire to
8 consolidate and form a new district, a petition asking for an
9 election upon the question of consolidation shall be filed with
10 the boards of education of the affected districts; provided,
11 however, that such petition shall be signed by ten percent of
12 those in each district who voted for school directors at the last
13 election in which such directors were elected, or one hundred
14 voters, whichever is the higher number.

15 2. As an alternative to the procedure in subsection 1 of
16 this section, two or more adjacent districts may, by a majority
17 vote of each board of education, call for an election upon the
18 question of consolidation.

19 3. The question shall be submitted in substantially the
20 following form:

21 Shall the _____ school district and the _____ school
22 district (and the _____ school district) form a new district
23 with a tax rate ceiling of _____ per one hundred dollars of
24 assessed valuation? If this proposition is approved, the
25 adjusted operating levy of the new school district is estimated
26 to be _____ (amount) per one hundred dollars of assessed
27 valuation.

1 4. The board of directors of each affected district shall
2 cause the question to be included on the ballot to be submitted
3 to the voters in each such district at the next election day. A
4 plat of the proposed new district shall be published and posted
5 with the notices of election.

6 5. The results of the voting on the proposal in each
7 district affected shall be certified to the state commissioner of
8 education by the secretary of each board of education of each
9 district or by such other person or body charged with conducting
10 such elections and, should the majority of the votes cast in each
11 affected district be in favor of the proposal, the state
12 commissioner shall declare the new district formed as of July
13 first following the submission of the question.

14 6. If the commissioner of education declares, before the
15 closing date for filing for the election of board members ~~[on the~~
16 ~~municipal election date]~~, that the new district is to be formed
17 as of July first, no candidates shall be certified by the
18 districts involved in the consolidation and the board members
19 whose terms would otherwise have expired on that date shall
20 remain as board members until July first. In consolidation cases
21 where there is insufficient time from the date the commissioner
22 of education declares that the new district shall be formed as of
23 July first and July first to hold an election of board members,
24 seven board members from the boards of the consolidating
25 districts shall be drawn by lot to serve until the next election
26 at which the new board of education can be elected. The number
27 of board members selected from one district shall not exceed the

1 quotient resulting from seven divided by the number of districts
2 consolidating rounded down to the nearest whole number plus one.
3 The commissioner of education or a designee shall supervise the
4 drawing, by lot, of the board members which shall be approved by
5 the state board of education.

6 162.241. If a proposal to form a district pursuant to the
7 provisions of sections 162.171 to 162.191, 162.211 and 162.221,
8 or section 162.223 receives the required majority of the votes
9 cast on the proposition, the state board of education or the
10 county commission, in the case of a district formed pursuant to
11 the provisions of sections 162.171 to 162.191 or 162.211 and
12 162.221, shall order an election in the district to be held.
13 This election shall be for the purpose of electing seven members
14 to serve on the school board of the district. Such election
15 shall be held on the ~~next election day as provided under section~~
16 ~~115.123~~ first Tuesday after the first Monday in November of an
17 even-numbered year. The election shall be conducted in the
18 manner provided by section 162.371. A letter from the
19 commissioner of education, delivered by certified mail to the
20 presiding commissioner of the county commission of the county to
21 which the district formed by provisions of section 162.223 is
22 assigned shall be the authority for the county commission to
23 proceed with election procedures in the same manner as they would
24 be performed by the district board of education were it in
25 existence; but the costs of the election shall be paid from the
26 incidental fund of the new district. ~~Two~~ Three directors shall
27 be elected to serve ~~until the next municipal election~~ two-year

1 terms, two to serve [until the second municipal election] four-
2 year terms, and two to serve [until the third municipal election.
3 ~~The seventh board member shall be elected to serve until the~~
4 ~~municipal election during which the majority of school districts~~
5 ~~elect three board members] six-year terms. Any director elected
6 after this initial election shall serve a four-year term.~~

7 162.261. 1. The government and control of a seven-director
8 school district, other than an urban district, is vested in a
9 board of education of seven members, who hold their office for
10 ~~[three]~~ four years, except as provided in section 162.241, and
11 until their successors are duly elected and qualified. Any
12 vacancy occurring in the board shall be filled by the remaining
13 members of the board; except that if there are more than two
14 vacancies at any one time, the county commission upon receiving
15 written notice of the vacancies shall fill the vacancies by
16 appointment. If there are more than two vacancies at any one
17 time in a county without a county commission, the county
18 executive upon receiving written notice of the vacancies shall
19 fill the vacancies, with the advice and consent of the county
20 council, by appointment. The person appointed shall hold office
21 until the next ~~[municipal]~~ election, when a director shall be
22 elected for the unexpired term.

23 2. No seven-director, urban, or metropolitan school
24 district board of education shall hire a spouse of any member of
25 such board for a vacant or newly created position unless the
26 position has been advertised pursuant to board policy and the
27 superintendent of schools submits a written recommendation for

1 the employment of the spouse to the board of education. The
2 names of all applicants as well as the name of the applicant
3 hired for the position are to be included in the board minutes.

4 3. The provisions of Article VII, Section 6 of the Missouri
5 Constitution apply to school districts.

6 162.291. The voters of each seven-director district other
7 than urban districts shall, ~~[at municipal elections]~~ on the first
8 Tuesday after the first Monday in November of even-numbered
9 years, elect ~~[two]~~ directors, who are citizens of the United
10 States and resident taxpayers of the district, ~~[who]~~ in
11 accordance with the provisions of section 162.082. Such
12 directors shall have resided in this state for one year next
13 preceding their election or appointment, and ~~[who are]~~ be at
14 least twenty-four years of age.

15 162.301. 1. Within fourteen days after the ~~[election of~~
16 ~~the first school board in each]~~ first Monday in June following a
17 November in which new school board members were elected for a
18 seven-director district, other than an urban district, ~~[and~~
19 ~~within fourteen days after each annual election,]~~ the board shall
20 meet. The newly elected members shall qualify by taking the oath
21 of office prescribed by Article VII, Section 11, of the
22 Constitution of Missouri.

23 2. The board shall organize by the election of a president
24 and vice president, and the board shall, on or before the
25 fifteenth day of ~~[July of each year]~~ June in odd-numbered years,
26 elect a secretary and a treasurer, who shall enter upon their
27 respective duties on the fifteenth day of ~~[July]~~ June. The

1 secretary and treasurer may be or may not be members of the
2 board. No compensation shall be granted to either the secretary
3 or the treasurer until his or her report and settlement are made
4 and filed or published as the law directs.

5 3. A majority of the board constitutes a quorum for the
6 transaction of business, but no contract shall be let, person
7 employed, bill approved or warrant ordered unless a majority of
8 the whole board votes therefor.

9 162.341. The ~~[annual]~~ school board member election in
10 seven-director districts~~[, except urban districts,]~~ shall be held
11 on ~~[municipal election days]~~ the first Tuesday after the first
12 Monday in November of even-numbered years.

13 162.431. 1. When it is necessary to change the boundary
14 lines between seven-director school districts, in each district
15 affected, ten percent of the voters by number of those voting for
16 school board members in the last ~~[annual]~~ school election in each
17 district may petition the district boards of education in the
18 districts affected, regardless of county lines, for a change in
19 boundaries. The question shall be submitted at the next
20 election, as the term election is referenced and defined in
21 section 115.123.

22 2. The voters shall decide the question by a majority vote
23 of those who vote upon the question. If assent to the change is
24 given by each of the various districts voting, each voting
25 separately, the boundaries are changed from that date.

26 3. If one of the districts votes against the change and the
27 other votes for the change, the matter may be appealed to the

1 state board of education, in writing, within fifteen days of the
2 submission of the question by either one of the districts
3 affected, or in the above event by a majority of the signers of
4 the petition requesting a vote on the proposal. At the first
5 meeting of the state board following the appeal, a board of
6 arbitration composed of three members, none of whom shall be a
7 resident of any district affected, shall be appointed. In
8 determining whether it is necessary to change the boundary line
9 between seven-director districts, the board of arbitration shall
10 base its decision upon the following:

11 (1) The presence of school-aged children in the affected
12 area;

13 (2) The presence of actual educational harm to school-aged
14 children, either due to a significant difference in the time
15 involved in transporting students or educational deficiencies in
16 the district which would have its boundary adversely affected;
17 and

18 (3) The presence of an educational necessity, not of a
19 commercial benefit to landowners or to the district benefitting
20 for the proposed boundary adjustment.

21
22 For purposes of subdivision (2) of this subsection, "significant
23 difference in the time involved in transporting students" shall
24 mean a difference of forty-five minutes or more per trip in
25 travel time. "Travel time" is the period of time required to
26 transport a pupil from the pupil's place of residence or other
27 designated pick-up point to the site of the pupil's educational

1 placement.

2 4. Within twenty days after notification of appointment,
3 the board of arbitration shall meet and consider the necessity
4 for the proposed changes and shall decide whether the boundaries
5 shall be changed as requested in the petition or be left
6 unchanged, which decision shall be final. The decision by the
7 board of arbitration shall be rendered not more than thirty days
8 after the matter is referred to the board. The ~~chairman~~ chair
9 of the board of arbitration shall transmit the decision to the
10 secretary of each district affected who shall enter the same upon
11 the records of his or her district and the boundaries shall
12 thereafter be in accordance with the decision of the board of
13 arbitration. The members of the board of arbitration shall be
14 allowed a fee of fifty dollars each, to be paid at the time the
15 appeal is made by the district taking the appeal or by the
16 petitioners should they institute the appeal.

17 5. If the board of arbitration decides that the boundaries
18 shall be left unchanged, no new petition for the same, or
19 substantially the same, boundary change between the same
20 districts shall be filed until after the expiration of two years
21 from the date of the municipal election at which the question was
22 submitted to the voters of the districts.

23 162.459. 1. Notwithstanding other provisions of law to the
24 contrary, the school board of each school district designated in
25 the statutes as a seven-director or urban school district shall
26 consist of seven members. ~~At the first election for members of~~
27 ~~the school board in each of such districts after January 1, 1993,~~

1 ~~and each three years thereafter, three members of the school~~
2 ~~board shall be elected; except, no school district composed of~~
3 ~~seven members as of January 1, 1993, shall be required to modify~~
4 ~~its schedule of electing board members.]~~ For all board members
5 serving terms as of January 1, 2021, their terms shall be
6 modified in accordance with the provisions of section 162.082.
7 The term of every board member elected in 2022 or thereafter
8 shall be four years.

9 2. Provisions of law applicable to seven-director and urban
10 school districts, except those which conflict with the provisions
11 of this section, shall apply to and govern the school districts
12 designated in subsection 1 of this section.

13 162.471. The government and control of an urban school
14 district is vested in a board of seven directors. Each director
15 shall be a voter of the district who has resided within this
16 state for one year next preceding his or her election or
17 appointment and who is at least twenty-four years of age. All
18 directors elected in 2022 or thereafter, except as otherwise
19 provided in section 162.481 and section 162.492, hold their
20 offices for ~~[six]~~ four years and until their successors are duly
21 elected and qualified. The term of any board member serving a
22 six-year term on January 1, 2021, shall be modified in accordance
23 with the provisions of section 162.082. All vacancies occurring
24 in the board, except as provided in section 162.492, shall be
25 filled by appointment by the board as soon as practicable, and
26 the person appointed shall hold his or her office until the next
27 school board election, when his or her successor shall be elected

1 for the remainder of the unexpired term. The power of the board
2 to perform any official duty during the existence of a vacancy
3 continues unimpaired thereby.

4 162.481. 1. Except as otherwise provided in ~~[this section~~
5 ~~and in]~~ section 162.492, all elections of school directors in
6 urban school districts shall be held biennially ~~[at the same~~
7 ~~times and places as municipal elections]~~ on the first Tuesday
8 after the first Monday in November of even-numbered years.

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

1 for the remaining directors of the prior seven-director district
2 shall be elected. If only two directors are to be elected they
3 shall be elected for terms of six years each. If four directors
4 are to be elected, two shall be elected for terms of six years
5 and two shall be elected for terms of two years. After seven
6 directors of the urban school district have been elected under
7 this subsection, their successors shall be elected for terms of
8 ~~[six]~~ four years.

9 3. ~~[In any school district in which a majority of the~~
10 ~~district is located in any home rule city with more than one~~
11 ~~hundred fifty-five thousand but fewer than two hundred thousand~~
12 ~~inhabitants, elections shall be held annually at the same times~~
13 ~~and places as general municipal elections for all years where one~~
14 ~~or more terms expire, and the terms shall be for three years and~~
15 ~~until their successors are duly elected and qualified for all~~
16 ~~directors elected on and after August 28, 1998.~~

17 ~~4.]~~ For any school district which becomes an urban school
18 district by reason of the ~~[2000]~~ 2020 federal decennial census,
19 elections shall be held ~~[annually at the same times and places as~~
20 ~~general municipal elections for all years where one or more terms~~
21 ~~expire]~~ on the first Tuesday after the first Monday in November
22 of even-numbered years, and the terms shall be for ~~[three]~~ four
23 years and until their successors are duly elected and qualified
24 for all directors elected on and after ~~[August 28, 2001]~~ November
25 8, 2022.

26 ~~[5. In any school district in any county with a charter~~
27 ~~form of government and with more than three hundred thousand but~~

1 ~~fewer than four hundred fifty thousand inhabitants which becomes~~
2 ~~an urban school district by reason of the 2010 federal decennial~~
3 ~~census, elections shall be held annually at the same times and~~
4 ~~places as general municipal elections for all years where one or~~
5 ~~more terms expire, and the terms shall be for three years and~~
6 ~~until their successors are duly elected and qualified for all~~
7 ~~directors elected on and after April 2, 2012.~~

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

18 162.492. 1. In all urban districts containing the greater
19 part of the population of a city which has more than three
20 hundred thousand inhabitants, the election authority of the city
21 in which the greater portion of the school district lies, and of
22 the county if the district includes territory not within the city
23 limits, shall serve ex officio as a redistricting commission.
24 The commission shall on or before November 1, 2018, divide the
25 school district into five subdistricts, all subdistricts being of
26 compact and contiguous territory and as nearly equal in the
27 number of inhabitants as practicable and thereafter the board

1 shall redistrict the district into subdivisions as soon as
2 practicable after each United States decennial census. In
3 establishing the subdistricts each member shall have one vote and
4 a majority vote of the total membership of the commission is
5 required to make effective any action of the commission.

6 2. School elections for the election of directors shall be
7 held on municipal election days in 2014 and 2016. At the
8 election in 2014, directors shall be elected to hold office until
9 2019 and until their successors are elected and qualified. At
10 the election in 2016, directors shall be elected until 2019 and
11 until their successors are elected and qualified. Beginning in
12 ~~[2019]~~ 2022, school board member elections for the election of
13 directors shall be held on the ~~[local election date as specified~~
14 ~~in the charter of a home rule city with more than four hundred~~
15 ~~thousand inhabitants and located in more than one county]~~ first
16 Tuesday after the first Monday in November of even-numbered
17 years. The terms of board members described in this subsection
18 shall be modified in accordance with the provisions of section
19 162.082. Beginning at the election for school directors in 2019,
20 the number of directors on the board shall be reduced from nine
21 to seven. Two directors shall be at-large directors and five
22 directors shall represent the subdistricts, with one director
23 from each of the subdistricts. At the 2019 election, one of the
24 at-large directors and the directors from subdistricts one,
25 three, and five shall be elected for a two-year term, and the
26 other at-large director and the directors from subdistricts two
27 and four shall be elected for a four-year term. Thereafter, all

1 seven directors shall serve a four-year term. Directors shall
2 serve until the next election and until their successors, then
3 elected, are duly qualified as provided in this section. In
4 addition to other qualifications prescribed by law, each member
5 elected from a subdistrict shall be a resident of the subdistrict
6 from which he or she is elected. The subdistricts shall be
7 numbered from one to five.

8 3. The five candidates, one from each of the subdistricts,
9 who receive a plurality of the votes cast by the voters of that
10 subdistrict and the at-large candidates receiving a plurality of
11 the at-large votes shall be elected. The name of no candidate
12 for nomination shall be printed on the ballot unless the
13 candidate has at least sixty days prior to the election filed a
14 declaration of candidacy with the secretary of the board of
15 directors containing the signatures of at least two hundred fifty
16 registered voters who are residents of the subdistrict within
17 which the candidate for nomination to a subdistrict office
18 resides, and in case of at-large candidates the signatures of at
19 least five hundred registered voters. The election authority
20 shall determine the validity of all signatures on declarations of
21 candidacy.

22 4. In any election either for at-large candidates or
23 candidates elected by the voters of subdistricts, if there are
24 more than two candidates, a majority of the votes are not
25 required to elect but the candidate having a plurality of the
26 votes shall be elected.

27 5. The names of all candidates shall appear upon the ballot

1 without party designation and in the order of the priority of the
2 times of filing their petitions of nomination. No candidate may
3 file both at large and from a subdistrict and the names of all
4 candidates shall appear only once on the ballot, nor may any
5 candidate file more than one declaration of candidacy. All
6 declarations shall designate the candidate's residence and
7 whether the candidate is filing at large or from a subdistrict
8 and the numerical designation of the subdistrict or at-large
9 area.

10 6. The provisions of all sections relating to
11 seven-director school districts shall also apply to and govern
12 urban districts in cities of more than three hundred thousand
13 inhabitants, to the extent applicable and not in conflict with
14 the provisions of those sections specifically relating to such
15 urban districts.

16 7. Vacancies which occur on the school board between the
17 dates of election shall be filled by special election if such
18 vacancy happens more than six months prior to the time of holding
19 an election as provided in subsection 2 of this section. The
20 state board of education shall order a special election to fill
21 such a vacancy. A letter from the commissioner of education,
22 delivered by certified mail to the election authority or
23 authorities that would normally conduct an election for school
24 board members shall be the authority for the election authority
25 or authorities to proceed with election procedures. If a vacancy
26 occurs less than six months prior to the time of holding an
27 election as provided in subsection 2 of this section, no special

1 election shall occur and the vacancy shall be filled at the next
2 school board member election day ~~[on which local elections are~~
3 ~~held as specified in the charter of any home rule city with more~~
4 ~~than four hundred thousand inhabitants and located in more than~~
5 ~~one county]~~.

6 162.601. 1. ~~[Elected members of the board in office on~~
7 ~~August 28, 1998, shall hold office for the length of term for~~
8 ~~which they were elected, and any members appointed pursuant to~~
9 ~~section 162.611 to fill vacancies left by elected members in~~
10 ~~office on August 28, 1998, shall serve for the remainder of the~~
11 ~~term to which the replaced member was elected.]~~

12 ~~2. No board members shall be elected at the first municipal~~
13 ~~election in an odd-numbered year next following August 28, 1998.]~~

14 ~~3. Three board members shall be elected at the second~~
15 ~~municipal election in an odd-numbered year next following August~~
16 ~~28, 1998, to serve four-year terms.]~~

17 ~~4. Four board members shall be elected at the third~~
18 ~~municipal election in an odd-numbered year next following August~~
19 ~~28, 1998, and two of such members shall be elected to four-year~~
20 ~~terms and two of such members shall be elected to three-year~~
21 ~~terms. For the two members elected at the municipal election in~~
22 ~~2006, the terms of such members shall expire after their~~
23 ~~successors are elected and qualified pursuant to subsection 6 of~~
24 ~~this section.]~~

25 ~~5. Beginning with the fourth municipal election in an~~
26 ~~odd-numbered year next following August 28, 1998, and at each~~
27 ~~succeeding municipal election in a year during which board member~~

1 ~~terms expire, there shall be elected members of the board of~~
2 ~~education, who shall assume the duties of their office at the~~
3 ~~first regular meeting of the board of education after their~~
4 ~~election, and who shall hold office for four years, and until~~
5 ~~their successors are elected and qualified.~~

6 ~~6. For the two board members who are elected at the~~
7 ~~municipal election in 2006, their successors thereafter shall be~~
8 ~~elected at the general election in the year in which their terms~~
9 ~~expire]~~ All board members shall be elected at elections held on
10 the first Tuesday after the first Monday in November of even-
11 numbered years. For all board members serving terms as of
12 January 1, 2021, their terms shall be modified in accordance with
13 the provisions of section 162.082. The term of every board
14 member elected in 2022 or thereafter shall be four years.

15 ~~[7.]~~ 2. Members of the board of directors shall be elected
16 to represent seven subdistricts. The subdistricts shall be
17 established by the state board of education to be compact,
18 contiguous and as nearly equal in population as practicable. The
19 subdistricts shall be revised by the state board of education
20 after each decennial census and at any other time the state board
21 determines that the district's demographics have changed
22 sufficiently to warrant redistricting.

23 ~~[8.]~~ 3. A member shall reside in and be elected in the
24 subdistrict which the member is elected to represent.
25 Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27.
26 Subdistrict 2 shall be comprised of wards 3, 4, 5 and 21.
27 Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26.

1 Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28.

2 Subdistrict 5 shall be comprised of wards 9, 10, 11 and 12.

3 Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25.

4 Subdistrict 7 shall be comprised of wards 8, 15, 23 and 24.

5 162.821. The district secretary shall keep a record of the
6 proceedings of all ~~[annual and special]~~ elections of the voters
7 of the district and of the proceedings of the board of education.
8 He or she shall make copies of the election notices, contracts
9 with teachers, certificates and all other papers relating to the
10 business of the district, and securely keep the same. He or she
11 shall maintain a correct plat of the district and shall promptly
12 notify the department of elementary and secondary education and
13 the county clerk of each county affected of all changes in the
14 boundaries of the district. He or she shall transmit to the
15 county commission and to the state department of elementary and
16 secondary education, on or before the fifteenth day of August in
17 each year, a report embracing the following items:

18 (1) The number of children, male and female, attending the
19 public schools during the year;

20 (2) Total number of days' attendance by all such children;

21 (3) The number of days the public schools of the district
22 have been maintained during the school year;

23 (4) The number of teachers employed, male and female, and
24 the wages per month of each;

25 (5) Estimated value of school property owned and managed by
26 the district;

27 (6) Assessed valuation of the district;

1 (7) Rate of school tax on the assessed valuation of the
2 district;
3 (8) Cash on hand at the beginning of the year;
4 (9) Tuition fees received and credited to the teachers'
5 fund of the district;
6 (10) Public funds received by county treasurer;
7 (11) District tax received by county (or township)
8 treasurer;
9 (12) Amount paid on teachers' wages;
10 (13) Amount paid for incidental expenses;
11 (14) Amount expended for purchasing site, erecting
12 schoolhouses, rent and repairs;
13 (15) Amount expended in cancelling bonded indebtedness and
14 paying interest on same;
15 (16) Amount expended for library;
16 (17) Cash on hand at the end of the year; and
17 (18) Such other information as may be required by the state
18 board of education.

19 162.825. Whenever there is presented to the state board of
20 education a petition signed by voters in each district in the
21 proposed special district equal in number in each district to
22 five percent of the number of votes cast for school board members
23 in the last ~~[annual]~~ school election praying (a) that a special
24 school district embracing the entire area described in the
25 petition be organized for the education and training of
26 handicapped and severely handicapped children and for vocational
27 education purposes; and (b) that a proposal be submitted to the

1 voters of the proposed district for the organization of the
2 special school district, the state board of education, unless
3 section 162.835 applies, shall, within thirty days of the receipt
4 of said petition, direct the board of education of each school
5 district comprising the proposed special district to cause the
6 proposal to be submitted to the voters in each such district at
7 the next ~~[municipal]~~ school board member election or, if the next
8 ~~[annual]~~ school board member election is more than sixty days
9 away, cause the proposal to be submitted to the voters in each
10 such district at a special election called in accordance with law
11 on a date set by the state board of education. The election
12 shall be conducted in each school district comprising the
13 proposed special district in the manner provided by law for the
14 conducting of school district elections generally in sections
15 162.351 and 162.601, unless a different procedure is specifically
16 provided in sections 162.670 to ~~[162.995]~~ 162.974.

17 162.865. The board members of a special school district
18 with a population of not more than one hundred thousand persons
19 shall be elected at large. The seven receiving the largest
20 number of votes shall be elected and the three receiving the
21 highest number of votes cast shall be elected for terms of
22 ~~[three]~~ six years each; the two receiving the next highest number
23 of votes cast shall be elected for terms of ~~[two]~~ four years
24 each; and the two receiving the next highest number of votes cast
25 shall be elected for terms of ~~[one year]~~ two years each. ~~[That~~
26 ~~part of the year between the date of the election of board~~
27 ~~members and the municipal election day of the following year is~~

1 ~~considered a full year in the terms of the members elected.]~~ All
2 board members shall serve until their successors are elected and
3 qualified and the state board of education shall issue
4 certificates of election to the board members elected.

5 162.867. 1. Board of education members of a special school
6 district with a population of more than one hundred thousand
7 persons in office on August 28, 1999, shall serve the remainder
8 of their terms and shall serve until their successors are duly
9 elected and qualified pursuant to this section.

10 2. On and after August 28, 1999, each new member of a board
11 of education of a special school district with a population of
12 more than one hundred thousand persons shall be elected pursuant
13 to this section by the governing council established pursuant to
14 section 162.856.

15 3. Pursuant to this section, each qualified candidate for
16 the board of education of a special school district with a
17 population of more than one hundred thousand persons shall:

18 (1) Be a voter of the district who has resided within the
19 state for one year next preceding selection to the board and is
20 resident in the subdistrict in which the candidate files; and

21 (2) Be at least twenty-four years of age.

22 4. No member of the board of education of a special school
23 district with a population of more than one hundred thousand
24 persons shall:

25 (1) Vote on, solicit, transact, offer, or accept any
26 contract between the special school district and any corporation,
27 partnership, association, or other organization in which that

1 member of the board of education has a financial interest, unless
2 otherwise provided herein, excluding interests owned prior to
3 such member's election;

4 (2) Hold any office or employment of profit from the board
5 of education of the special school district while serving.

6 However, nothing in this section shall be construed to preclude a
7 person from being elected to or serving on the board of education
8 of the special school district on the basis that the person is
9 related to a pupil of the special school district or to a pupil
10 of any school district all or a portion of which is contained
11 within the special school district; or

12 (3) Vote on, solicit, transact, offer, or accept any
13 contract or procurement in which that board member shall have a
14 direct or indirect beneficial interest, unless:

15 (a) The material facts as to such member's relationship or
16 interest and as to the contract or transaction are disclosed in
17 writing and are known to the board and governing council, and
18 such governing council and board, in good faith, authorize the
19 contract or transaction by the affirmative vote of the majority
20 of the disinterested members; and

21 (b) Such member's relationship or interest in such contract
22 or transaction shall not be voted upon by such interested member.

23 5. ~~Beginning in April, 1997, and every third year~~
24 ~~thereafter, two members shall be elected. Beginning in April,~~
25 ~~1998, and every third year thereafter, two members shall be~~
26 ~~elected. Beginning in April, 1999, and every third year~~
27 ~~thereafter, three members shall be elected.] For all board members~~

1 serving terms as of January 1, 2021, their terms shall be
2 modified in accordance with the provisions of section 162.082.
3 The term of every board member elected in 2022 or thereafter
4 shall be four years. A member shall be elected to fill each open
5 seat on the board of education.

6 6. Board members elected in 2022 or thereafter shall serve
7 ~~three-year~~ four-year terms and shall serve until their
8 successors are duly elected and qualified.

9 7. The board of education shall, upon formation and each
10 decade within ninety days following the publication of the final
11 decennial census figures thereafter, adopt a resolution calling
12 for the formation of a redistricting committee. Upon adoption of
13 such resolution, the secretary of the board of education shall
14 forward a certified copy thereof to the state board of education.
15 The redistricting committee shall consist of three residents
16 within the district, appointed by the board of education of the
17 special school district, plus three additional persons resident
18 within the special school district, appointed by the state board
19 of education. Thereafter, the redistricting committee shall
20 meet, organize itself with a ~~chairman~~ chair and secretary, and
21 proceed with the adoption of a redistricting plan. Any plan
22 proposed to be adopted must receive approval of a majority of the
23 whole redistricting committee. Upon adoption, the redistricting
24 committee shall forward a copy of the plan certified by the
25 secretary of the redistricting committee to the state board of
26 education for its approval or disapproval. The state board of
27 education shall approve any redistricting plan which divides the

1 special district into seven subdistricts of equal population,
2 taking into account insofar as possible existing school district
3 boundary lines. Upon approval by the state board of education,
4 the redistricting plan shall become effective and all board
5 members selected thereafter shall be selected from subdistricts
6 in which they are resident. If the plan is not approved, then it
7 shall be returned to the redistricting committee for revision and
8 resubmission. If a redistricting plan has not been adopted
9 within one year after the publication of the decennial census
10 figures, the state board of education shall provide the
11 redistricting plan. No member of the redistricting committee
12 shall serve on the board of education for a period of six years
13 following such service on the redistricting committee.

14 8. The structure of the board of education and the
15 selection of members of the board of education of a special
16 school district with a population of more than one hundred
17 thousand persons shall be as established pursuant to this
18 section, except as may be otherwise approved by the voters of the
19 special school district under section 162.858.

20 162.910. At the elections conducted pursuant to section
21 162.865, the voters of a special district with a population of
22 not more than one hundred thousand persons shall elect, by
23 ballot, two board members to succeed those whose terms have
24 expired and the board members so elected shall hold office for
25 terms of ~~three~~ four years and until their successors have been
26 elected and qualified and shall assume the duties of their
27 offices at the first regular meeting of the board of education

1 held after their election. Candidates shall file their
2 declarations of candidacy for office of board member with the
3 secretary of the board of education of the special school
4 district. A majority of the then qualified members of the board
5 of education of the special school district shall certify the
6 candidates receiving the greatest number of votes for terms of
7 ~~three~~ four years each and until their successors shall have
8 been elected and qualified, and shall declare and certify the
9 results of the vote cast on any question presented at the
10 election.

11 Section B. The enactment of section 162.082 and the repeal
12 and reenactment of sections 115.351, 162.083, 162.221, 162.223,
13 162.241, 162.261, 162.291, 162.301, 162.341, 162.431, 162.459,
14 162.471, 162.481, 162.492, 162.601, 162.821, 162.825, 162.865,
15 162.867, and 162.910 of this act shall become effective on
16 January 1, 2021.