

FIRST REGULAR SESSION

HOUSE COMMITTEE BILL NO. 6

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROEBER.

2491H.02I

DANA RADEMAN MILLER, Chief Clerk

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162.431, 162.459, 162.471, 162.481, 162.492, 162.601, 162.821, 162.825, 162.865, 162.867, and 162.910, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 115.351, 115.646, 162.082, 162.083, 162.221, 162.223, 162.241, 162.261, 162.291,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 for another office to be filled at the same election; **except that, a candidate for school board may file for and hold any other office for which he or she is qualified.** A person who files a request to be included on the presidential primary ballot is not prohibited by this section from filing or appearing on any ballot as a party candidate for nomination to another office. Receipt by the secretary of state of proper certification of

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.

11 nomination pursuant to subsection 1 of section 115.399 constitutes withdrawal by operation of
12 law pursuant to subsection 1 of section 115.359 of any presidential or vice presidential nominee
13 from any other office for which such nominee is a candidate at the same election. Any person
14 violating any provision of this section shall be disqualified from running for nomination or
15 election to any office at the primary and general election next succeeding the violation.

115.646. **1.** No contribution or expenditure of public funds shall be made directly by any
2 officer, **director, administrator,** employee, or agent of any political subdivision **or special**
3 **district** to advocate, support, or oppose any ballot measure ~~[or]~~ , **any** candidate for public office,
4 **or any issue before the general assembly. No officer, director, administrator, employee, or**
5 **agent of any political subdivision or special district shall directly use public resources or**
6 **property paid for with public funds to advocate, support, or oppose any ballot measure,**
7 **any candidate for public office, or any issue before the general assembly.** This section shall
8 not be construed to prohibit any ~~[public official]~~ **officer, director, administrator, employee,**
9 **or agent** of a political subdivision **or special district** from making public appearances ~~[or from]~~
10 , issuing press releases ~~[concerning any such ballot measure]~~ , **or testifying before the general**
11 **assembly.**

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

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

26 **4.** If the court decides a violation of this section occurred, the court shall order
27 **payment by the political subdivision or special district of all the plaintiff's costs and**
28 **attorney's fees. If the court determines that the action was not filed in good faith or is**
29 **frivolous, the court shall order payment by the plaintiff of the defendant's costs and**
30 **attorney's fees.**

31 **5. (1) If the court decides a contribution or expenditure of public funds was made**
32 **by an officer, director, or administrator of the political subdivision or special district in**
33 **violation of this section, the political subdivision or special district shall be subject to a civil**
34 **penalty in an amount equal to ten times the amount of the contribution or expenditure or**
35 **one thousand dollars, whichever is greater.**

36 **(2) If the court decides public resources or property paid for with public funds**
37 **were used by an officer, director, or administrator of the political subdivision or special**
38 **district in violation of this section, the political subdivision or special district shall be**
39 **subject to a civil penalty in the amount of one thousand dollars.**

40 **(3) If an officer, director, or administrator of the political subdivision or special**
41 **district knew or should have known of a violation under subsection 6 of this section, the**
42 **political subdivision or special district shall be subject to a civil penalty in an amount**
43 **described in subdivision (1) or (2) of this subsection, corresponding to the type of violation**
44 **that occurred.**

45 **6. If the court decides a contribution or expenditure of public funds was made or**
46 **public resources or property paid for with public funds were used by an employee or agent**
47 **of the political subdivision or special district who is not an officer, director, or**
48 **administrator of the political subdivision or special district in violation of this section and**
49 **it was the first such violation by such employee or agent, the court shall not impose a civil**
50 **penalty. A second or subsequent violation of this section by such employee or agent shall**
51 **subject the political subdivision or special district to the penalties under subsection 5 of this**
52 **section.**

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

5 **2. No school board election shall be held in 2021 or any other odd-numbered year.**
6 **Any school board member whose term expires in 2021 or any other odd-numbered year**
7 **shall continue to serve until the election in the following even-numbered year. The term**
8 **of any board member serving a term as of January 1, 2021, may be lengthened in**
9 **accordance with this section but shall not be shortened.**

10 **3. In an even-numbered year, the number of school board seats to be elected shall**
11 **be equal to those with terms that would have expired in the previous odd-numbered year**
12 **and those with terms expiring in such even-numbered year. Except as specifically provided**
13 **in other sections, the candidates in each school board election receiving the highest number**
14 **of votes shall be elected for terms of four years.**

15 **4. As used in this chapter, "school board member election" or "school board**
16 **election" means the election held on the first Tuesday after the first Monday of November**
17 **in even-numbered years beginning in 2022.**

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

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

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

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

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

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

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

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

11 2. Within sixty days after the receipt of the petition, the commissioner of education shall
12 submit the question to the voters of the proposed district. The notice shall include a statement
13 of the purpose together with a plat of the proposed district. The state commissioner shall file a
14 copy of the petition and of the plat with the county clerk. The election shall be conducted in the
15 manner provided in section 162.191.

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

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

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

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

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

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

6. If the commissioner of education declares, before the closing date for filing for the election of board members ~~[on the municipal election date]~~, that the new district is to be formed as of July first, no candidates shall be certified by the districts involved in the consolidation and the board members whose terms would otherwise have expired on that date shall remain as board members until July first. In consolidation cases where there is insufficient time from the date the commissioner of education declares that the new district shall be formed as of July first and July first to hold an election of board members, seven board members from the boards of the consolidating districts shall be drawn by lot to serve until the next election at which the new board of education can be elected. The number of board members selected from one district shall not exceed the quotient resulting from seven divided by the number of districts consolidating rounded down to the nearest whole number plus one. The commissioner of education or a designee shall supervise the drawing, by lot, of the board members which shall be approved by the state board of education.

162.241. If a proposal to form a district pursuant to the provisions of sections 162.171 to 162.191, 162.211 and 162.221, or section 162.223 receives the required majority of the votes cast on the proposition, the state board of education or the county commission, in the case of a district formed pursuant to the provisions of sections 162.171 to 162.191 or 162.211 and 162.221, shall order an election in the district to be held. This election shall be for the purpose of electing seven members to serve on the school board of the district. Such election shall be held on the ~~[next election day as provided under section 115.123]~~ **first Tuesday after the first Monday in November of an even-numbered year.** The election shall be conducted in the manner provided by section 162.371. A letter from the commissioner of education, delivered by certified mail to the presiding commissioner of the county commission of the county to which the district formed by provisions of section 162.223 is assigned shall be the authority for the county commission to proceed with election procedures in the same manner as they would be performed by the district board of education were it in existence; but the costs of the election shall be paid from the incidental fund of the new district. ~~[Two]~~ **Three** directors shall be elected to serve ~~[until the next municipal election]~~ **two-year terms**, two to serve ~~[until the second municipal election]~~ **four-year terms**, and two to serve ~~[until the third municipal election. The seventh board member shall be elected to serve until the municipal election during which the majority of school districts elect three board members]~~ **six-year terms.** **Any director elected after this initial election shall serve a four-year term.**

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

2. No seven-director, urban, or metropolitan school district board of education shall hire a spouse of any member of such board for a vacant or newly created position unless the position has been advertised pursuant to board policy and the superintendent of schools submits a written recommendation for the employment of the spouse to the board of education. The names of all applicants as well as the name of the applicant hired for the position are to be included in the board minutes.

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

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

162.301. 1. Within fourteen days after the election of the first school board in each
2 seven-director district, other than an urban district, and within fourteen days after each ~~[annual]~~
3 **school board member** election, the board shall meet. The newly elected members shall qualify
4 by taking the oath of office prescribed by Article VII, Section 11, of the Constitution of Missouri.

5 2. The board shall organize by the election of a president and vice president, and the
6 board shall, on or before the fifteenth day of July of each year, elect a secretary and a treasurer,
7 who shall enter upon their respective duties on the fifteenth day of July. The secretary and
8 treasurer may be or may not be members of the board. No compensation shall be granted to
9 either the secretary or the treasurer until his **or her** report and settlement are made and filed or
10 published as the law directs.

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

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

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

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

10 3. If one of the districts votes against the change and the other votes for the change, the
11 matter may be appealed to the state board of education, in writing, within fifteen days of the
12 submission of the question by either one of the districts affected, or in the above event by a

13 majority of the signers of the petition requesting a vote on the proposal. At the first meeting of
14 the state board following the appeal, a board of arbitration composed of three members, none of
15 whom shall be a resident of any district affected, shall be appointed. In determining whether it
16 is necessary to change the boundary line between seven-director districts, the board of arbitration
17 shall base its decision upon the following:

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

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

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

24

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

29 4. Within twenty days after notification of appointment, the board of arbitration shall
30 meet and consider the necessity for the proposed changes and shall decide whether the
31 boundaries shall be changed as requested in the petition or be left unchanged, which decision
32 shall be final. The decision by the board of arbitration shall be rendered not more than thirty
33 days after the matter is referred to the board. The ~~[chairman]~~ **chair** of the board of arbitration
34 shall transmit the decision to the secretary of each district affected who shall enter the same upon
35 the records of his **or her** district and the boundaries shall thereafter be in accordance with the
36 decision of the board of arbitration. The members of the board of arbitration shall be allowed
37 a fee of fifty dollars each, to be paid at the time the appeal is made by the district taking the
38 appeal or by the petitioners should they institute the appeal.

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

162.459. 1. Notwithstanding other provisions of law to the contrary, the school board
2 of each school district designated in the statutes as a seven-director or urban school district shall
3 consist of seven members. ~~[At the first election for members of the school board in each of such~~
4 ~~districts after January 1, 1993, and each three years thereafter, three members of the school board~~
5 ~~shall be elected; except, no school district composed of seven members as of January 1, 1993,~~
6 ~~shall be required to modify its schedule of electing board members]~~ **For all board members**

7 **serving terms as of January 1, 2021, their terms shall be modified in accordance with the**
8 **provisions of section 162.082. The term of every board member elected in 2022 or**
9 **thereafter shall be four years.**

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

162.471. The government and control of an urban school district is vested in a board of
2 seven directors. Each director shall be a voter of the district who has resided within this state
3 for one year next preceding his **or her** election or appointment and who is at least twenty-four
4 years of age. All directors **elected in 2022 or thereafter**, except as otherwise provided in
5 section 162.481 and section 162.492, hold their offices for ~~[six]~~ **four** years and until their
6 successors are duly elected and qualified. **The term of any board member serving a six-year**
7 **term on January 1, 2021, shall be modified in accordance with the provisions of section**
8 **162.082.** All vacancies occurring in the board, except as provided in section 162.492, shall be
9 filled by appointment by the board as soon as practicable, and the person appointed shall hold
10 his **or her** office until the next school board election, when his **or her** successor shall be elected
11 for the remainder of the unexpired term. The power of the board to perform any official duty
12 during the existence of a vacancy continues unimpaired thereby.

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

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

19 each. If four directors are to be elected, two shall be elected for terms of six years and two shall
20 be elected for terms of two years. After seven directors of the urban school district have been
21 elected under this subsection, their successors shall be elected for terms of ~~[six]~~ **four** years.

22 3. ~~[In any school district in which a majority of the district is located in any home rule~~
23 ~~city with more than one hundred fifty-five thousand but fewer than two hundred thousand~~
24 ~~inhabitants, elections shall be held annually at the same times and places as general municipal~~
25 ~~elections for all years where one or more terms expire, and the terms shall be for three years and~~
26 ~~until their successors are duly elected and qualified for all directors elected on and after August~~
27 ~~28, 1998.~~_____

28 _____4.] For any school district which becomes an urban school district by reason of the
29 ~~[2000]~~ **2020** federal decennial census, elections shall be held ~~[annually at the same times and~~
30 ~~places as general municipal elections for all years where one or more terms expire]~~ **on the first**
31 **Tuesday after the first Monday in November of even-numbered years**, and the terms shall
32 be for ~~[three]~~ **four** years and until their successors are duly elected and qualified for all directors
33 elected on and after ~~[August 28, 2001]~~ **November 8, 2022.**

34 ~~[5. In any school district in any county with a charter form of government and with more~~
35 ~~than three hundred thousand but fewer than four hundred fifty thousand inhabitants which~~
36 ~~becomes an urban school district by reason of the 2010 federal decennial census, elections shall~~
37 ~~be held annually at the same times and places as general municipal elections for all years where~~
38 ~~one or more terms expire, and the terms shall be for three years and until their successors are~~
39 ~~duly elected and qualified for all directors elected on and after April 2, 2012.~~_____

40 _____6. ~~In any urban school district in a county of the first classification with more than~~
41 ~~eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city~~
42 ~~with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the~~
43 ~~county seat, elections shall be held annually at the same times and places as general municipal~~
44 ~~elections for all years where one or more terms expire, and upon expiration of any term after~~
45 ~~August 28, 2015, the term of office shall be for three years and until their successors are duly~~
46 ~~elected and qualified.]~~

162.492. 1. In all urban districts containing the greater part of the population of a city
2 which has more than three hundred thousand inhabitants, the election authority of the city in
3 which the greater portion of the school district lies, and of the county if the district includes
4 territory not within the city limits, shall serve ex officio as a redistricting commission. The
5 commission shall on or before November 1, 2018, divide the school district into five subdistricts,
6 all subdistricts being of compact and contiguous territory and as nearly equal in the number of
7 inhabitants as practicable and thereafter the board shall redistrict the district into subdivisions
8 as soon as practicable after each United States decennial census. In establishing the subdistricts

9 each member shall have one vote and a majority vote of the total membership of the commission
10 is required to make effective any action of the commission.

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

30 3. The five candidates, one from each of the subdistricts, who receive a plurality of the
31 votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality of the
32 at-large votes shall be elected. The name of no candidate for nomination shall be printed on the
33 ballot unless the candidate has at least sixty days prior to the election filed a declaration of
34 candidacy with the secretary of the board of directors containing the signatures of at least two
35 hundred fifty registered voters who are residents of the subdistrict within which the candidate
36 for nomination to a subdistrict office resides, and in case of at-large candidates the signatures of
37 at least five hundred registered voters. The election authority shall determine the validity of all
38 signatures on declarations of candidacy.

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

42 5. The names of all candidates shall appear upon the ballot without party designation and
43 in the order of the priority of the times of filing their petitions of nomination. No candidate may
44 file both at large and from a subdistrict and the names of all candidates shall appear only once

45 on the ballot, nor may any candidate file more than one declaration of candidacy. All
46 declarations shall designate the candidate's residence and whether the candidate is filing at large
47 or from a subdistrict and the numerical designation of the subdistrict or at-large area.

48 6. The provisions of all sections relating to seven-director school districts shall also
49 apply to and govern urban districts in cities of more than three hundred thousand inhabitants, to
50 the extent applicable and not in conflict with the provisions of those sections specifically relating
51 to such urban districts.

52 7. Vacancies which occur on the school board between the dates of election shall be
53 filled by special election if such vacancy happens more than six months prior to the time of
54 holding an election as provided in subsection 2 of this section. The state board of education shall
55 order a special election to fill such a vacancy. A letter from the commissioner of education,
56 delivered by certified mail to the election authority or authorities that would normally conduct
57 an election for school board members shall be the authority for the election authority or
58 authorities to proceed with election procedures. If a vacancy occurs less than six months prior
59 to the time of holding an election as provided in subsection 2 of this section, no special election
60 shall occur and the vacancy shall be filled at the next **school board member** election day ~~[on~~
61 ~~which local elections are held as specified in the charter of any home rule city with more than~~
62 ~~four hundred thousand inhabitants and located in more than one county].~~

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

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

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

9 ~~——— 4. Four board members shall be elected at the third municipal election in an~~
10 ~~odd-numbered year next following August 28, 1998, and two of such members shall be elected~~
11 ~~to four-year terms and two of such members shall be elected to three-year terms. For the two~~
12 ~~members elected at the municipal election in 2006, the terms of such members shall expire after~~
13 ~~their successors are elected and qualified pursuant to subsection 6 of this section.~~

14 ~~——— 5. Beginning with the fourth municipal election in an odd-numbered year next following~~
15 ~~August 28, 1998, and at each succeeding municipal election in a year during which board~~
16 ~~member terms expire, there shall be elected members of the board of education, who shall~~
17 ~~assume the duties of their office at the first regular meeting of the board of education after their~~

18 ~~election, and who shall hold office for four years, and until their successors are elected and~~
19 ~~qualified.~~

20 ~~——— 6. For the two board members who are elected at the municipal election in 2006, their~~
21 ~~successors thereafter shall be elected at the general election in the year in which their terms~~
22 ~~expire.~~

23 ~~——— 7. Members of the board of directors shall be elected to represent seven subdistricts. The~~
24 ~~subdistricts shall be established by the state board of education to be compact, contiguous and~~
25 ~~as nearly equal in population as practicable. The subdistricts shall be revised by the state board~~
26 ~~of education after each decennial census and at any other time the state board determines that the~~
27 ~~district's demographics have changed sufficiently to warrant redistricting.~~

28 ~~——— 8. A member shall reside in and be elected in the subdistrict which the member is elected~~
29 ~~to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27. Subdistrict 2 shall be~~
30 ~~comprised of wards 3, 4, 5 and 21. Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26.~~
31 ~~Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28. Subdistrict 5 shall be comprised of~~
32 ~~wards 9, 10, 11 and 12. Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25. Subdistrict~~
33 ~~7 shall be comprised of wards 8, 15, 23 and 24]~~ **All board members shall be elected at**
34 **elections held on the first Tuesday after the first Monday in November of even-numbered**
35 **years. For all board members serving terms as of January 1, 2021, their terms shall be**
36 **modified in accordance with the provisions of section 162.082. The term of every board**
37 **member elected in 2022 or thereafter shall be four years.**

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

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

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

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

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

- 17 (5) Estimated value of school property owned and managed by the district;
18 (6) Assessed valuation of the district;
19 (7) Rate of school tax on the assessed valuation of the district;
20 (8) Cash on hand at the beginning of the year;
21 (9) Tuition fees received and credited to the teachers' fund of the district;
22 (10) Public funds received by county treasurer;
23 (11) District tax received by county (or township) treasurer;
24 (12) Amount paid on teachers' wages;
25 (13) Amount paid for incidental expenses;
26 (14) Amount expended for purchasing site, erecting schoolhouses, rent and repairs;
27 (15) Amount expended in cancelling bonded indebtedness and paying interest on same;
28 (16) Amount expended for library;
29 (17) Cash on hand at the end of the year; **and**
30 (18) Such other information as may be required by the state board of education.

162.825. Whenever there is presented to the state board of education a petition signed
2 by voters in each district in the proposed special district equal in number in each district to five
3 percent of the number of votes cast for school board members in the last ~~[annual]~~ school election
4 praying (a) that a special school district embracing the entire area described in the petition be
5 organized for the education and training of handicapped and severely handicapped children and
6 for vocational education purposes; and (b) that a proposal be submitted to the voters of the
7 proposed district for the organization of the special school district, the state board of education,
8 unless section 162.835 applies, shall, within thirty days of the receipt of said petition, direct the
9 board of education of each school district comprising the proposed special district to cause the
10 proposal to be submitted to the voters in each such district at the next ~~[municipal]~~ **school board**
11 **member** election or, if the next ~~[annual]~~ school **board member** election is more than sixty days
12 away, cause the proposal to be submitted to the voters in each such district at a special election
13 called in accordance with law on a date set by the state board of education. The election shall
14 be conducted in each school district comprising the proposed special district in the manner
15 provided by law for the conducting of school district elections generally in sections 162.351 and
16 162.601, unless a different procedure is specifically provided in sections 162.670 to ~~[162.995]~~
17 **162.974.**

162.865. The board members of a special school district with a population of not more
2 than one hundred thousand persons shall be elected at large. The seven receiving the largest
3 number of votes shall be elected and the three receiving the highest number of votes cast shall
4 be elected for terms of ~~[three]~~ **six** years each; the two receiving the next highest number of votes
5 cast shall be elected for terms of ~~[two]~~ **four** years each; and the two receiving the next highest

6 number of votes cast shall be elected for terms of ~~[one year]~~ **two years** each. ~~[That part of the~~
7 ~~year between the date of the election of board members and the municipal election day of the~~
8 ~~following year is considered a full year in the terms of the members elected.]~~ All board members
9 shall serve until their successors are elected and qualified and the state board of education shall
10 issue certificates of election to the board members elected.

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

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

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

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

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

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

15 (1) Vote on, solicit, transact, offer, or accept any contract between the special school
16 district and any corporation, partnership, association, or other organization in which that member
17 of the board of education has a financial interest, unless otherwise provided herein, excluding
18 interests owned prior to such member's election;

19 (2) Hold any office or employment of profit from the board of education of the special
20 school district while serving. However, nothing in this section shall be construed to preclude a
21 person from being elected to or serving on the board of education of the special school district
22 on the basis that the person is related to a pupil of the special school district or to a pupil of any
23 school district all or a portion of which is contained within the special school district; or

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

26 (a) The material facts as to such member's relationship or interest and as to the contract
27 or transaction are disclosed in writing and are known to the board and governing council, and
28 such governing council and board, in good faith, authorize the contract or transaction by the
29 affirmative vote of the majority of the disinterested members; and

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

32 5. ~~[Beginning in April, 1997, and every third year thereafter, two members shall be~~
33 ~~elected. Beginning in April, 1998, and every third year thereafter, two members shall be elected.~~
34 ~~Beginning in April, 1999, and every third year thereafter, three members shall be elected]~~ **For**
35 **all board members serving terms as of January 1, 2021, their terms shall be modified in**
36 **accordance with the provisions of section 162.082. The term of every board member**
37 **elected in 2022 or thereafter shall be four years.** A member shall be elected to fill each open
38 seat on the board of education.

39 6. Board members **elected in 2022 or thereafter** shall serve ~~[three-year]~~ **four-year**
40 terms and shall serve until their successors are duly elected and qualified.

41 7. The board of education shall, upon formation and each decade within ninety days
42 following the publication of the final decennial census figures thereafter, adopt a resolution
43 calling for the formation of a redistricting committee. Upon adoption of such resolution, the
44 secretary of the board of education shall forward a certified copy thereof to the state board of
45 education. The redistricting committee shall consist of three residents within the district,
46 appointed by the board of education of the special school district, plus three additional persons
47 resident within the special school district, appointed by the state board of education. Thereafter,
48 the redistricting committee shall meet, organize itself with a ~~[chairman]~~ **chair** and secretary, and
49 proceed with the adoption of a redistricting plan. Any plan proposed to be adopted must receive
50 approval of a majority of the whole redistricting committee. Upon adoption, the redistricting
51 committee shall forward a copy of the plan certified by the secretary of the redistricting
52 committee to the state board of education for its approval or disapproval. The state board of
53 education shall approve any redistricting plan which divides the special district into seven
54 subdistricts of equal population, taking into account insofar as possible existing school district
55 boundary lines. Upon approval by the state board of education, the redistricting plan shall
56 become effective and all board members selected thereafter shall be selected from subdistricts
57 in which they are resident. If the plan is not approved, then it shall be returned to the
58 redistricting committee for revision and resubmission. If a redistricting plan has not been
59 adopted within one year after the publication of the decennial census figures, the state board of
60 education shall provide the redistricting plan. No member of the redistricting committee shall
61 serve on the board of education for a period of six years following such service on the
62 redistricting committee.

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

162.910. At the elections conducted pursuant to section 162.865, the voters of a special
2 district with a population of not more than one hundred thousand persons shall elect, by ballot,
3 two board members to succeed those whose terms have expired and the board members so
4 elected shall hold office for terms of ~~three~~ **four** years and until their successors have been
5 elected and qualified and shall assume the duties of their offices at the first regular meeting of
6 the board of education held after their election. Candidates shall file their declarations of
7 candidacy for office of board member with the secretary of the board of education of the special
8 school district. A majority of the then qualified members of the board of education of the special
9 school district shall certify the candidates receiving the greatest number of votes for terms of
10 ~~three~~ **four** years each and until their successors shall have been elected and qualified, and shall
11 declare and certify the results of the vote cast on any question presented at the election.

Section B. The enactment of section 162.082 and the repeal and reenactment of sections
2 115.351, 162.083, 162.221, 162.223, 162.241, 162.261, 162.291, 162.301, 162.341, 162.431,
3 162.459, 162.471, 162.481, 162.492, 162.601, 162.821, 162.825, 162.865, 162.867, and 162.910
4 of this act shall become effective on January 1, 2021.

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