

HCB 6 -- ELECTIONS

SPONSOR: Roeber

COMMITTEE ACTION: Voted "To Introduce" by the Standing Committee on Elementary and Secondary Education by a vote of 7 to 4 with 1 present.

Currently, anyone filing for one office may not file for another office, without withdrawing, to be filled at the same election. This bill excludes a candidate for school board and allows him or her to file for and hold any other office for which he or she is qualified (Section 115.351, RSMo).

The bill prohibits the contribution or expenditure of public funds, including public resources or specified property, by any officer, director, administrator, employee, or agent of any political subdivision to advocate, support, or oppose any ballot measure or candidate for public office. Individuals are also restricted from specified advocacy before the General Assembly when acting in an official capacity or during work hours.

This bill does not prohibit these individuals from making public appearances or from issuing press releases concerning any such ballot measure. The bill does allow the use of legislative liaisons by political subdivisions and special districts to communicate information to the General Assembly about their policies and procedures.

If a contribution or expenditure of public funds to any person results in the use of any part of such funds to advocate, support, or oppose any ballot measure or candidate for public office, the contribution or expenditure is in violation of the bill.

Any resident of a political subdivision who wishes to challenge a contribution or expenditure of public funds may bring an action in any circuit court of the political subdivision in which any alleged violation occurred. The political subdivision and the officer, director, administrator, employee, or agent who allegedly violated this section shall be named as party defendants. The petition shall set forth the contribution, expenditure, or contribution and expenditure at issue and the facts that gave rise to a violation and shall request to produce such proof. The court shall consider the petition and evidence, hear arguments, and in its decision determine whether a violation of this section occurred. If the court decides the contribution or expenditure of public funds was a violation, then the court may award attorney fees and the political subdivision shall be subject to a civil penalty in an amount 10 times the amount of the contribution or expenditure or \$1,000

whichever is greater or, if the violation involved only use of public resources, then a civil fine not to exceed \$1,000 for those offenses that are committed by specified administrators or board members. A first violation of these provisions by specified non-administrative level employees will not be subject to any fine, but a subsequent offense will be punished using the previous categories (Section 115.646).

Currently, school board elections are held at specified election dates as determined by the designation and location of school districts. Beginning in 2022, this bill requires school board elections for seven-director school districts, urban school districts, and school districts with sub-districts to be held during the November general election. For all existing school boards not holding an initial election the terms will be staggered and four years in length, as specified in the bill. Any member whose term ends in 2021 or any other odd-numbered year will serve until the election in the following even-numbered year. Portions of this bill have a delayed effective date of January 1, 2021 (Sections 162.082 - 162.910).

This bill has a delayed effective date of January 1, 2021, as specified in the bill.

PROPONENTS: Supporters say that lobbying that occurs during the school day should not happen and this bill would help address these concerns. The move of the school board election to the November general election will generate more voter turnout and better reflect the community at large for the local school board.

Testifying for the bill were Representative Roeber; Missouri Education Reform Council; and Nicholas Elms.

OPPONENTS: Those who oppose the bill say that moving the election date would create too much "noise" and drive costs up for those that are typically involved in smaller elections. Additional concerns were raised with the delayed date for the newly elected board members to start as the six month plus delay would create negative lame duck repercussions. Opponents also had issue with the limitations placed on testimony to the General Assembly for informational purposes only as this is an infringement on free speech.

Testifying against the bill were Missouri School Board Association; School Administrators Coalition; Missouri State Teachers Association; and Missouri National Education Association.