

SECOND REGULAR SESSION

HOUSE BILL NO. 1744

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE REUTER.

3880H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.124, 162.491, 162.492, 162.860, and 162.910, RSMo, and to enact in lieu thereof five new sections relating to school board candidate filing.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 115.124, 162.491, 162.492, 162.860, and 162.910, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections 115.124,
3 162.491, 162.492, 162.860, and 162.910, to read as follows:

115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election
2 in any political subdivision or special district including municipal elections in any city, town,
3 or village with two thousand or fewer inhabitants that have adopted a proposal pursuant to
4 subsection 3 of this section but excluding municipal elections in any city, town, or village
5 with more than two thousand inhabitants, if the notice provided for in subsection 5 of section
6 115.127 has been published in at least one newspaper of general circulation as defined in
7 section 493.050 in the district, and if the number of candidates for each office in a particular
8 political subdivision, special district, or municipality is equal to the number of positions for
9 each office within the political subdivision, special district, or municipality to be filled by the
10 election and no ballot measure is placed on the ballot such that a particular political
11 subdivision will owe no proportional elections costs if an election is not held, no election
12 shall be held, and the candidates shall assume the responsibilities of their offices at the same
13 time and in the same manner as if they had been elected. If no election is held for a particular
14 political subdivision, special district, or municipality as provided in this section, the election
15 authority shall publish a notice containing the names of the candidates that shall assume the
16 responsibilities of office under this section. Such notice shall be published in at least one

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.

17 newspaper of general circulation as defined in section 493.050 in such political subdivision or
18 district by the first of the month in which the election would have occurred, had it been
19 contested. Notwithstanding any other provision of law to the contrary, if at any election the
20 number of candidates filing for a particular office exceeds the number of positions to be filled
21 at such election, the election authority shall hold the election as scheduled, even if a sufficient
22 number of candidates withdraw from such contest for that office so that the number of
23 candidates remaining after the filing deadline is equal to the number of positions to be filled.

24 **2. (1) Except as provided in subdivision (2) of this subsection,** the election
25 authority or political subdivision responsible for the oversight of the filing of candidates in
26 any nonpartisan election in any political subdivision or special district shall clearly designate
27 where candidates shall form a line to effectuate such filings and determine the order of such
28 filings; except that, in the case of candidates who file a declaration of candidacy with the
29 election authority or political subdivision prior to 5:00 p.m. on the first day for filing, the
30 election authority or political subdivision may determine by random drawing the order in
31 which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant
32 to this subsection, it shall be conducted so that each candidate, or candidate's representative if
33 the candidate filed under subsection 2 of section 115.355, may draw a number at random at
34 the time of filing. If such drawing is conducted, the election authority or political subdivision
35 shall record the number drawn with the candidate's declaration of candidacy. If such drawing
36 is conducted, the names of candidates filing on the first day of filing for each office on each
37 ballot shall be listed in ascending order of the numbers so drawn.

38 **(2) For elections in a school district wholly located within one county, the**
39 **election authority of the county in which the school district is located and in which a**
40 **school district candidate resides shall be the election authority that designates the**
41 **candidate filing location, order, and process for any drawing of candidate names as**
42 **provided in subdivision (1) of this subsection for such candidate. Such election**
43 **authority shall designate the county clerk's office as the only filing location for such**
44 **candidates.**

45 **3.** The governing body of any city, town, or village with two thousand or fewer
46 inhabitants may submit to the voters at any available election, a question to adopt the
47 provisions of subsection 1 of this section for municipal elections. If a majority of the votes
48 cast by the qualified voters voting thereon are in favor of the question, then the city, town, or
49 village shall conduct nonpartisan municipal elections as provided in subsection 1 of this
50 section for all nonpartisan elections remaining in the year in which the proposal was adopted
51 and for the six calendar years immediately following such approval. At the end of such six-
52 year period, each such city, town, or village shall be prohibited from conducting such

53 elections in such a manner unless such a question is again adopted by the majority of
54 qualified voters as provided in this subsection.

162.491. 1. Directors for urban school districts, other than those districts containing
2 the greater part of a city of over one hundred thirty thousand inhabitants, may be nominated
3 by petition to be filed with the secretary of the board **or, if the school district is wholly**
4 **located within one county, filed with the election authority of the county in which such**
5 **urban school district is located and in which the candidate resides**, and signed by a
6 number of voters in the district equal to ten percent of the total number of votes cast for the
7 director receiving the highest number of votes cast at the next preceding biennial election,
8 except as provided in subsection 4 of this section.

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

12 3. A director for any urban school district containing a city of greater than one
13 hundred thirty thousand inhabitants and less than three hundred thousand inhabitants may be
14 nominated as an independent candidate by filing with the secretary of the board **or, if the**
15 **school district is wholly located within one county, by filing with the election authority of**
16 **the county in which such urban school district is located and in which the candidate**
17 **resides**, a petition signed by five hundred registered voters of such school district.

18 4. In any urban school district located in a county of the first classification with more
19 than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home
20 rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants
21 as the county seat, a candidate for director shall file a declaration of candidacy with the
22 secretary of the board **or, if the school district is wholly located within one county, shall**
23 **file such declaration with the election authority of the county in which such urban**
24 **school district is located and in which the candidate resides** and shall not be required to
25 submit a petition.

26 5. No candidate for election as a school board director representing a subdistrict as
27 provided in section 162.563 shall be required to file a declaration of candidacy as provided in
28 this section as the sole method of filing for candidacy.

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
6 subdistricts, all subdistricts being of compact and contiguous territory and as nearly equal in
7 the number of inhabitants as practicable and thereafter the board shall redistrict the district

8 into subdivisions as soon as practicable after each United States decennial census. In
9 establishing the subdistricts each member shall have one vote and a majority vote of the total
10 membership of the commission 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
12 days in 2014 and 2016. At the election in 2014, directors shall be elected to hold office until
13 2019 and until their successors are elected and qualified. At the election in 2016, directors
14 shall be elected until 2019 and until their successors are elected and qualified. Beginning in
15 2019, school 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
17 and located in more than one county. Beginning at the election for school directors in 2019,
18 the number of directors on the board shall be reduced from nine to seven. Two directors shall
19 be at-large directors and five directors shall represent the subdistricts, with one director from
20 each of the subdistricts. At the 2019 election, one of the at-large directors and the directors
21 from subdistricts one, three, and five shall be elected for a two-year term, and the other at-
22 large director and the directors from subdistricts two and four shall be elected for a four-year
23 term. Thereafter, all seven directors shall serve a four-year term. Directors shall serve until
24 the next election and until their successors, then elected, are duly qualified as provided in this
25 section. In addition to other qualifications prescribed by law, each member elected from a
26 subdistrict shall be a resident of the subdistrict from which he or she is elected. The
27 subdistricts shall be numbered from one to five.

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

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

43 5. The names of all candidates shall appear upon the ballot without party designation
44 and in the order of the priority of the times of filing their petitions of nomination. No

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

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

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

162.860. Candidates for membership on the board of education of a special school
2 district with a population of not more than one hundred thousand persons shall be citizens of
3 the United States and voters of the proposed district who have resided within the state for one
4 year next preceding the election and who are at least twenty-four years of age. All candidates
5 shall file their declarations of candidacy with the secretary of the state board of education **or,**
6 **if the school district is wholly located within one county, with the election authority of**
7 **the county in which such school district is located and in which the candidate resides.**

162.910. At the elections conducted pursuant to section 162.865, the voters of a
2 special district with a population of not more than one hundred thousand persons shall elect,
3 by ballot, two board members to succeed those whose terms have expired and the board
4 members so elected shall hold office for terms of three years and until their successors have
5 been elected and qualified and shall assume the duties of their offices at the first regular
6 meeting of the board of education held after their election. Candidates shall file their
7 declarations of candidacy for office of board member with the secretary of the board of
8 education of the special school district **or, if the special school district is wholly located**
9 **within one county, with the election authority of the county in which such school district**
10 **is located and in which the candidate resides.** A majority of the then qualified members of

11 the board of education of the special school district **or the election authority of the county,**
12 **as applicable,** shall certify the candidates receiving the greatest number of votes for terms of
13 three years each and until their successors shall have been elected and qualified, and shall
14 declare and certify the results of the vote cast on any question presented at the election.

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