

SECOND REGULAR SESSION

HOUSE BILL NO. 1722

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WEST.

4905H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 162.241, 162.261, 162.341, 162.351, 162.459, 162.471, 162.481, 162.492, 162.601, 162.825, 162.865, 162.867, and 162.910, RSMo, and to enact in lieu thereof fourteen new sections relating to school board elections.

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

Section A. Sections 162.241, 162.261, 162.341, 162.351, 162.459, 162.471, 162.481, 162.492, 162.601, 162.825, 162.865, 162.867, and 162.910, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 162.082, 162.241, 162.261, 162.341, 162.351, 162.459, 162.471, 162.481, 162.492, 162.601, 162.825, 162.865, 162.867, and 162.910, to read as follows:

- 162.082. 1. Elections for all school board members shall be held on the first Tuesday after the first Monday in November of even-numbered years, and the term of every school board member elected in 2028 and every year thereafter shall be two years.**
- 2. Any school board member whose term expires prior to the first Tuesday after the first Monday in November 2028 or in any other odd-numbered year thereafter shall continue to serve until his or her successor is duly elected and qualified at the next general election.**
- 3. In an even-numbered year, the number of school board seats to be elected shall be equal to those with terms that would have expired in the previous odd-numbered year and those with terms expiring in such even-numbered year. Except as specifically provided in other sections, the candidate in each school board election receiving the highest number of votes shall be elected for a term of two years.**

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.

13 **4. Beginning with the first Tuesday after the first Monday in November 2028, all**
14 **school board members shall serve terms of two years and no school board member shall**
15 **serve more than eight years total. Service on a school board prior to the general election**
16 **in 2028 shall be counted.**

17 **5. Beginning with the first Tuesday after the first Monday in November 2028,**
18 **school board elections shall be partisan and each candidate shall declare a party**
19 **affiliation or file as an independent candidate.**

162.241. If a proposal to form a district pursuant to the provisions of sections 162.171
2 to 162.191, 162.211 and 162.221, or section 162.223 receives the required majority of the
3 votes cast on the proposition, the state board of education or the county commission, in the
4 case of a district formed pursuant to the provisions of sections 162.171 to 162.191 or 162.211
5 and 162.221, shall order an election in the district to be held. This election shall be for the
6 purpose of electing seven members to serve on the school board of the district. Such election
7 shall be held on the next election day as provided under section 115.123. The election shall
8 be conducted in the manner provided by section 162.371. A letter from the commissioner of
9 education, delivered by certified mail to the presiding commissioner of the county
10 commission of the county to which the district formed by provisions of section 162.223 is
11 assigned shall be the authority for the county commission to proceed with election procedures
12 in the same manner as they would be performed by the district board of education were it in
13 existence; but the costs of the election shall be paid from the incidental fund of the new
14 district. Two directors shall be elected to serve until the next municipal election, two to serve
15 until the second municipal election, and two to serve until the third municipal election. The
16 seventh board member shall be elected to serve until the municipal election during which the
17 majority of school districts elect three board members. **Beginning November 7, 2028,**
18 **members shall be elected in accordance with section 162.082.**

162.261. 1. The government and control of a seven-director school district, other
2 than an urban district, is vested in a board of education of seven members, who hold their
3 office for ~~three~~ **two** years, except as provided in sections 162.241 and 162.563, and until
4 their successors are duly elected and qualified. Any vacancy occurring in the board shall be
5 filled by the remaining members of the board; except that if there are more than two vacancies
6 at any one time, the county commission upon receiving written notice of the vacancies shall
7 fill the vacancies by appointment. If there are more than two vacancies at any one time in a
8 county without a county commission, the county executive upon receiving written notice of
9 the vacancies shall fill the vacancies, with the advice and consent of the county council, by
10 appointment. The person appointed shall hold office until the next ~~municipal~~ election, when
11 a director shall be elected for the unexpired term.

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

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

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

 162.351. In any urban school district in a city having a population of more than three
2 hundred thousand or in any seven-director school district located wholly within a city having
3 a population of more than two hundred thousand and less than seven hundred thousand, or in
4 any seven-director school district in a county having a population of more than seven hundred
5 thousand the election authority in which the district is located shall conduct any or all school
6 elections held in the district **and such elections shall be partisan.**

 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
3 shall consist of seven members. At the first election for members of the school board in each
4 of such districts after January 1, 1993, and each three years thereafter, three members of the
5 school board shall be elected; except, no school district composed of seven members as of
6 January 1, 1993, shall be required to modify its schedule of electing board members.
7 **Beginning with the election on the first Tuesday after the first Monday in November**
8 **2028, members of the school board shall be elected for two-year terms and shall serve no**
9 **more than eight years total.**

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

 162.471. 1. The government and control of an urban school district is vested in a
2 board of seven directors.

3 2. Except as provided in section 162.563, each director shall be a voter of the district
4 who has resided within this state for one year next preceding the director's election or
5 appointment and who is at least twenty-four years of age. All directors **elected in 2028 or**
6 **thereafter**, except as otherwise provided in sections 162.481, 162.492, and 162.563, shall
7 hold their offices for ~~[six]~~ **two** years and until their successors are duly elected and qualified.
8 **The term of any board member serving a six-year term as of January 1, 2028, shall be**

9 **modified in accordance with the provisions of section 162.082.** All vacancies occurring in
10 the board shall be filled by appointment by the board as soon as practicable, and the person
11 appointed shall hold office until the next school board election, when a successor shall be
12 elected for the remainder of the unexpired term. The power of the board to perform any
13 official duty during the existence of a vacancy continues unimpaired thereby.

162.481. 1. Except as otherwise provided in ~~[this section and]~~ sections 162.492 and
2 162.563, all elections of school directors in urban school districts shall be **partisan and shall**
3 **be held biennially [at the same times and places as municipal elections] on the first Tuesday**
4 **after the first Monday in November of even-numbered years.**

5 2. Except as otherwise provided in subsections 3, 4, and 5 of this section, hereafter
6 when a seven-director district becomes an urban school district, the directors of the prior
7 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
11 of or subsequent to the expiration of the terms of the directors of the prior district which are
12 first to expire, and directors shall be elected to succeed the directors of the prior district whose
13 terms have expired. If the terms of two directors only have expired, the directors elected at
14 the first biennial school election in the urban school district shall be elected for terms of six
15 years. If the terms of four directors have expired, two directors shall be elected for terms of
16 six years and two shall be elected for terms of four years. At the next succeeding biennial
17 election held in the urban school district, successors for the remaining directors of the prior
18 seven-director district shall be elected. If only two directors are to be elected they shall be
19 elected for terms of six years each. If four directors are to be elected, two shall be elected for
20 terms of six years and two shall be elected for terms of two years. After seven directors of the
21 urban school district have been elected under this subsection, their successors shall be elected
22 for terms of ~~[six]~~ **two** years.

23 3. In any school district in which a majority of the district is located in any home rule
24 city with more than one hundred fifty-five thousand but fewer than two hundred thousand
25 inhabitants, elections shall be held annually at the same times and places as general municipal
26 elections for all years where one or more terms expire , and the terms shall be for three years
27 and until their successors are duly elected and qualified for all directors elected on and after
28 August 28, 1998. **Beginning on August 28, 2028, elections for directors shall be held and**
29 **directors shall serve as provided in section 162.082.**

30 4. For any school district which becomes an urban school district by reason of the
31 ~~[2000]~~ **2020** federal decennial census, elections shall be held ~~[annually at the same times and~~
32 ~~places as general municipal elections for all years where one or more terms expire] on the~~

33 **first Tuesday after the first Monday in November of even-numbered years**, and the terms
34 shall be for ~~[three]~~ **two** years and until their successors are duly elected and qualified for all
35 directors elected on and after ~~[August 28, 2001]~~ **November 7, 2028**.

36 5. In any school district in any county with a charter form of government and with
37 more than three hundred thousand but fewer than four hundred fifty thousand inhabitants
38 which becomes an urban school district by reason of the 2010 federal decennial census,
39 elections shall be held ~~[annually at the same times and places as general municipal elections~~
40 ~~for all years where one or more terms expire]~~ **on the first Tuesday after the first Monday in**
41 **November of even-numbered years**, and the terms shall be for ~~[three]~~ **two** years and until
42 their successors are duly elected and qualified for all directors elected on and after ~~[April 2,~~
43 ~~2012]~~ **November 7, 2028**.

44 6. In any urban school district in a county of the first classification with more than
45 eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule
46 city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as
47 the county seat, elections shall be held ~~[annually at the same times and places as general~~
48 ~~municipal elections for all years where one or more terms expire]~~ **on the first Tuesday after**
49 **the first Monday in November of even-numbered years**, and upon expiration of any term
50 after ~~[August 28, 2015]~~ **November 7, 2028**, the term of office shall be for ~~[three]~~ **two** years
51 and until their successors are duly 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
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 **board** elections for the election of directors shall be held on municipal
12 election days in 2014 and 2016. At the election in 2014, directors shall be elected to hold
13 office until 2019 and until their successors are elected and qualified. At the election in 2016,
14 directors shall be elected until 2019 and until their successors are elected and qualified.
15 Beginning in 2019, school **board member** elections for the election of directors shall be held
16 on the local election date as specified in the charter of a home rule city with more than four
17 hundred thousand inhabitants and located in more than one county. Beginning at the election
18 for school directors in 2019, the number of directors on the board shall be reduced from nine

19 to seven. Two directors shall be at-large directors and five directors shall represent the
20 subdistricts, with one director from each of the subdistricts. At the 2019 election, one of the
21 at-large directors and the directors from subdistricts one, three, and five shall be elected for a
22 two-year term, and the other at-large director and the directors from subdistricts two and four
23 shall be elected for a four-year term. Thereafter, all seven directors shall serve a four-year
24 term. Directors shall serve until the next election and until their successors, then elected, are
25 duly qualified as provided in this section. In addition to other qualifications prescribed by
26 law, each member elected from a subdistrict shall be a resident of the subdistrict from which
27 he or she is elected. The subdistricts shall be numbered from one to five. **Beginning in 2028,**
28 **as provided in section 162.082, election of directors shall take place on the first Tuesday**
29 **after the first Monday in November, all seven directors shall serve a two-year term, and**
30 **no director shall serve more than eight years total.**

31 3. The five candidates, one from each of the subdistricts, who receive a plurality of
32 the votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality
33 of the at-large votes shall be elected. The name of no candidate for nomination shall be
34 printed on the ballot unless the candidate has at least sixty days prior to the election filed a
35 declaration of candidacy with the secretary of the board of directors containing the signatures
36 of at least two hundred fifty registered voters who are residents of the subdistrict within which
37 the candidate for nomination to a subdistrict office resides, and in case of at-large candidates
38 the signatures of at least five hundred registered voters. The election authority shall
39 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 shall be filled in the manner provided
55 in section 162.471.

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

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

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

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

5. Beginning with the fourth municipal election in an odd-numbered year next following August 28, 1998, and at each succeeding municipal election in a year during which board member terms expire, there shall be elected members of the board of education, who shall assume the duties of their office at the first regular meeting of the board of education after their election, and who shall hold office for four years, and until their successors are elected and qualified.

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

7. Beginning in 2028, directors shall have their terms modified in accordance with section 162.082. Successors shall be elected in a partisan election for terms of two years, in accordance with section 162.082.

~~[7-]~~ **8.** Members of the board of directors shall be elected to represent seven subdistricts. The subdistricts shall be established by the state board of education to be compact, contiguous and as nearly equal in population as practicable. The subdistricts shall be revised by the state board of education after each decennial census and at any other time the state board determines that the district's demographics have changed sufficiently to warrant redistricting.

~~[8-]~~ **9.** A member shall reside in and be elected in the subdistrict which the member is elected to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27. Subdistrict 2 shall be comprised of wards 3, 4, 5 and 21. Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26. Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28. Subdistrict 5 shall be comprised of wards 9, 10, 11 and 12. Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25. Subdistrict 7 shall be comprised of wards 8, 15, 23 and 24.

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

162.865. The board members of a special school district with a population of not
2 more than one hundred thousand persons shall be elected at large. The seven receiving the
3 largest number of votes shall be elected and the three receiving the highest number of votes
4 cast shall be elected for terms of ~~[three]~~ **six** years each; the two receiving the next highest
5 number of votes cast shall be elected for terms of ~~[two]~~ **four** years each; and the two
6 receiving the next highest number of votes cast shall be elected for terms of ~~[one year]~~ **two**
7 **years** each. ~~[That part of the year between the date of the election of board members and the~~
8 ~~municipal election day of the following year is considered a full year in the terms of the~~
9 ~~members elected.]~~ All board members shall serve until their successors are elected and
10 qualified and the state board of education shall issue certificates of election to the board
11 members elected.

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

5 2. On and after August 28, 1999, each new member of a board of education of a
6 special school district with a population of more than one hundred thousand persons shall be
7 elected pursuant to this section by the governing council established pursuant to section
8 162.856.

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

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

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

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

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

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

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

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

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

35 5. ~~[Beginning in April, 1997, and every third year thereafter, two members shall be~~
36 ~~elected. Beginning in April, 1998, and every third year thereafter, two members shall be~~
37 ~~elected. Beginning in April, 1999, and every third year thereafter, three members shall be~~
38 ~~elected]~~ **For all board members serving terms as of January 1, 2028, their terms shall be**
39 **modified in accordance with the provisions of section 162.082. The term of every board**
40 **member elected in 2028 or thereafter shall be four years.** A member shall be elected to fill
41 each open seat on the board of education.

42 6. Board members **elected in 2028 or thereafter** shall serve ~~[three-year]~~ **four-year**
43 terms and shall serve until their successors are duly elected and qualified.

44 7. The board of education shall, upon formation and each decade within ninety days
45 following the publication of the final decennial census figures thereafter, adopt a resolution

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

66 8. The structure of the board of education and the selection of members of the board
67 of education of a special school district with a population of more than one hundred thousand
68 persons shall be as established pursuant to this section, except as may be otherwise approved
69 by 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
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~~ **four** years and until their successors
5 have 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. A majority of the then qualified members of the
9 board of education of the special school district shall certify the candidates receiving the
10 greatest number of votes for terms of ~~three~~ **four** years each and until their successors shall

11 have been elected and qualified, and shall declare and certify the results of the vote cast on
12 any question presented at the election.

✓