

SECOND REGULAR SESSION

HOUSE BILL NO. 2161

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

3948H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 162.471, 162.492, and 162.611, RSMo, and to enact in lieu thereof three new sections relating to school board vacancies.

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

Section A. Sections 162.471, 162.492, and 162.611, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 162.471, 162.492, and 162.611,
3 to read as follows:

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, except as otherwise
6 provided in sections 162.481, 162.492, and 162.563, shall hold their offices for six years and
7 until their successors are duly elected and qualified. All vacancies occurring in the board
8 ~~except as provided in section 162.492,~~ shall be filled by appointment by the board as soon as
9 practicable, and the person appointed shall hold office until the next school board election,
10 when a successor shall be elected for the remainder of the unexpired term. The power of the
11 board to perform any official duty during the existence of a vacancy continues unimpaired
12 thereby.

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

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.

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 containing the signatures
33 of at least two hundred fifty registered voters who are residents of the subdistrict within which
34 the candidate for nomination to a subdistrict office resides, and in case of at-large candidates
35 the signatures of at least five hundred registered voters. The election authority shall
36 determine the validity of all signatures on declarations of candidacy.

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

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

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

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

51 7. Vacancies ~~[which]~~ **that** occur on the school board ~~[between the dates of election~~
52 ~~shall be filled by special election if such vacancy happens more than six months prior to the~~
53 ~~time of holding an election as provided in subsection 2 of this section. The state board of~~
54 ~~education shall order a special election to fill such a vacancy. A letter from the commissioner~~
55 ~~of education, delivered by certified mail to the election authority or authorities that would~~
56 ~~normally conduct an election for school board members shall be the authority for the election~~
57 ~~authority or authorities to proceed with election procedures. If a vacancy occurs less than six~~
58 ~~months prior to the time of holding an election as provided in subsection 2 of this section, no~~
59 ~~special election shall occur and the vacancy shall be filled at the next election day on which~~
60 ~~local elections are held as specified in the charter of any home rule city with more than four~~
61 ~~hundred thousand inhabitants and located in more than one county]~~ **shall be filled in the**
62 **manner provided in section 162.471.**

162.611. Any member failing to attend the meetings of the board for three
2 consecutive regular meetings, unless excused by the board for reasons satisfactory to the
3 board, shall be deemed to have vacated ~~[his]~~ **the** seat; and the secretary of the board shall
4 certify that fact to the ~~[mayor]~~ **board**. The secretary shall likewise certify to the ~~[mayor]~~
5 **board** any other vacancy occurring in the board. Any vacancy shall be filled by the ~~[mayor]~~
6 **board** by appointment for the remainder of the term.

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