

SECOND REGULAR SESSION

# SENATE BILL NO. 997

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

Read 1st time February 11, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5227S.02I

## AN ACT

To repeal sections 162.261, 162.281, 162.291, 162.471, 162.481, and 162.491, RSMo, and to enact in lieu thereof six new sections relating to school district subdistricts.

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

Section A. Sections 162.261, 162.281, 162.291, 162.471, 162.481, and 162.491, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 162.261, 162.281, 162.291, 162.471, 162.481, and 162.491, to read as follows:

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 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

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 employment of the spouse to the board of education. The names of all applicants  
18 as well as the name of the applicant hired for the position are to be included in  
19 the board minutes.

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

22 4. **(1) Any seven-director school district may, upon approval by**  
23 **the voters of the district, divide into subdistricts and provide for the**  
24 **election of subdistrict board members as provided in this subsection.**

25 **(2) (a) Before December first of the calendar year immediately**  
26 **preceding the general municipal election day in the calendar year in**  
27 **which a vote to divide the school district into subdistricts will be held,**  
28 **the election authority of the county in which the school district is**  
29 **located shall divide the school district into seven subdistricts of**  
30 **contiguous and compact territory and as nearly equal in population as**  
31 **practicable. The election authority shall place such proposal before the**  
32 **voters of the district for approval. Within six months after each**  
33 **decennial census is reported to the President of the United States, the**  
34 **election authority shall reapportion the subdistricts to be as nearly**  
35 **equal in population as practicable. The subdistricts shall be numbered**  
36 **from one upward consecutively, and as much as practicable the**  
37 **numbers shall be retained upon reapportionment. After the election**  
38 **authority divides the school district or reapportions the subdistricts,**  
39 **the election authority shall notify the residents of the school district as**  
40 **provided by law.**

41 **(b) Any resident of the school district who believes the election**  
42 **authority has divided the school district or reapportioned the**  
43 **subdistricts in violation of paragraph (a) of this subdivision may**  
44 **petition the circuit court of the county in which the school district**  
45 **exists for an order directing the election authority to divide the school**  
46 **district or reapportion the subdistricts as provided in paragraph (a) of**  
47 **this subdivision. The petition shall be submitted to the circuit court**  
48 **within ten business days of the election authority's notice provided**  
49 **under paragraph (a) of this subdivision.**

50 **(3) On the first day available for candidate filing for the first**  
51 **general municipal election day occurring after the subdistricts are**  
52 **created under this subdivision, any qualified resident who has or will**  
53 **have resided in the subdistrict for the year immediately preceding the**

54 general municipal election day may file as a candidate for election to  
55 a subdistrict of the school board. The election authority shall  
56 determine the validity of all declarations of candidacy.

57 (4) When the election is held on the general municipal election  
58 day, the seven candidates, one from each of the subdistricts, who  
59 receive a plurality of the votes cast by the voters of that subdistrict  
60 shall be elected. The three members representing subdistricts 2, 4, and  
61 6 of the subdivided school district shall be elected to an initial term of  
62 two years, and the remaining four members representing subdistricts  
63 1, 3, 5, and 7 of the subdivided school district shall be elected to an  
64 initial term of three years. Each term thereafter shall be a three-year  
65 term.

66 (5) Each member shall serve until a successor is elected or the  
67 member vacates the office. Any vacancy that occurs before the end of  
68 the member's term shall be filled as provided in this section.

69 (6) Each member shall reside in the subdistrict the member  
70 represents during the member's term.

71 (7) All other provisions applicable to seven-director school  
72 districts that are not in conflict with this subsection shall apply to  
73 school districts divided into subdistricts under this subsection.

162.281. Except as provided in subsection 4 of section 162.261, in  
2 all seven-director districts, including urban districts, when directors are to be  
3 elected for terms of different lengths, each candidate shall declare for a term of  
4 a specific number of years and the different terms shall be voted upon as separate  
5 propositions.

162.291. Except as provided in subsection 4 of section 162.261, the  
2 voters of each seven-director district other than urban districts shall, at  
3 municipal elections, elect two directors who are citizens of the United States and  
4 resident taxpayers of the district, who have resided in this state for one year next  
5 preceding their election or appointment, and who are at least twenty-four years  
6 of age.

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

3 2. Except as provided in subsection 3 of this section, each director  
4 shall be a voter of the district who has resided within this state for one year next  
5 preceding [his] the director's election or appointment and who is at least

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

14 **3. (1) Except as provided in section 162.492, any urban school**  
15 **district may, upon approval by the voters of the district, divide into**  
16 **subdistricts and provide for the election of subdistrict board directors**  
17 **as provided in this subsection.**

18 **(2) (a) Before December first of the calendar year immediately**  
19 **preceding the general municipal election day in the calendar year in**  
20 **which a vote to divide the school district into subdistricts will be held,**  
21 **the election authority of the county in which the school district is**  
22 **located shall divide the school district into seven subdistricts of**  
23 **contiguous and compact territory and as nearly equal in population as**  
24 **practicable. The election authority shall place such proposal before the**  
25 **voters of the district for approval. Within six months after each**  
26 **decennial census is reported to the President of the United States, the**  
27 **election authority shall reapportion the subdistricts to be as nearly**  
28 **equal in population as practicable. The subdistricts shall be numbered**  
29 **from one upward consecutively, and as much as practicable the**  
30 **numbers shall be retained upon reapportionment. After the election**  
31 **authority divides the school district or reapportions the subdistricts,**  
32 **the election authority shall notify the residents of the school district as**  
33 **provided by law.**

34 **(b) Any resident of the school district who believes the election**  
35 **authority has divided the school district or reapportioned the**  
36 **subdistricts in violation of paragraph (a) of this subdivision may**  
37 **petition the circuit court of the county in which the school district**  
38 **exists for an order directing the election authority to divide the school**  
39 **district or reapportion the subdistricts as provided in paragraph (a) of**  
40 **this subdivision. The petition shall be submitted to the circuit court**  
41 **within ten business days of the election authority's notice provided**  
42 **under paragraph (a) of this subdivision.**

43           **(3) On the first day available for candidate filing for the first**  
44 **general municipal election day occurring after the subdistricts are**  
45 **created under this subdivision, any qualified resident who has or will**  
46 **have resided in the subdistrict for the year immediately preceding the**  
47 **general municipal election day may file as a candidate for election to**  
48 **a subdistrict of the school board. Candidates may be nominated as**  
49 **provided by section 162.491. The election authority shall determine the**  
50 **validity of all declarations of candidacy.**

51           **(4) When the election is held on the general municipal election**  
52 **day, the seven candidates, one from each of the subdistricts, who**  
53 **receive a plurality of the votes cast by the voters of that subdistrict**  
54 **shall be elected. The three directors representing subdistricts 2, 4, and**  
55 **6 of the subdivided school district shall be elected to an initial term of**  
56 **five years, and the remaining four directors representing subdistricts**  
57 **1, 3, 5, and 7 of the subdivided school district shall be elected to an**  
58 **initial term of six years. Each term thereafter shall be a six-year term.**

59           **(5) Each director shall serve until a successor is elected or the**  
60 **director vacates the office. Any vacancy that occurs before the end of**  
61 **the director's term shall be filled as provided in this section.**

62           **(6) Each director shall reside in the subdistrict the director**  
63 **represents during the director's term.**

64           **(7) All other provisions applicable to urban school districts that**  
65 **are not in conflict with this subsection shall apply to school districts**  
66 **divided into subdistricts under this subsection.**

162.481. 1. Except as otherwise provided in **section 162.471**, this  
2 section, and [in] section 162.492, all elections of school directors in urban school  
3 districts shall be held biennially at the same times and places as municipal  
4 elections.

5           2. Except as otherwise provided in subsections 3, 4, and 5 of this section,  
6 hereafter when a seven-director district becomes an urban school district, the  
7 directors of the prior seven-director district shall continue as directors of the  
8 urban school district until the expiration of the terms for which they were elected  
9 and until their successors are elected as provided in this subsection. The first  
10 biennial school election for directors shall be held in the urban school district at  
11 the time provided in subsection 1 which is on the date of or subsequent to the  
12 expiration of the terms of the directors of the prior district which are first to  
13 expire, and directors shall be elected to succeed the directors of the prior district

14 whose terms have expired. If the terms of two directors only have expired, the  
15 directors elected at the first biennial school election in the urban school district  
16 shall be elected for terms of six years. If the terms of four directors have expired,  
17 two directors shall be elected for terms of six years and two shall be elected for  
18 terms of four years. At the next succeeding biennial election held in the urban  
19 school district, successors for the remaining directors of the prior seven-director  
20 district shall be elected. If only two directors are to be elected they shall be  
21 elected for terms of six years each. If four directors are to be elected, two shall  
22 be elected for terms of six years and two shall be elected for terms of two  
23 years. After seven directors of the urban school district have been elected under  
24 this subsection, their successors shall be elected for terms of six years.

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

31           4. For any school district which becomes an urban school district by  
32 reason of the 2000 federal decennial census, elections shall be held annually at  
33 the same times and places as general municipal elections for all years where one  
34 or more terms expire, and the terms shall be for three years and until their  
35 successors are duly elected and qualified for all directors elected on and after  
36 August 28, 2001.

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

44           6. In any urban school district in a county of the first classification with  
45 more than eighty-three thousand but fewer than ninety-two thousand inhabitants  
46 and with a home rule city with more than seventy-six thousand but fewer than  
47 ninety-one thousand inhabitants as the county seat, elections shall be held  
48 annually at the same times and places as general municipal elections for all years  
49 where one or more terms expire, and upon expiration of any term after August

50 28, 2015, the term of office shall be for three years and until their successors are  
51 duly elected and qualified.

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

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

12 3. A director for any urban school district containing a city of greater than  
13 one hundred thirty thousand inhabitants and less than three hundred thousand  
14 inhabitants may be nominated as an independent candidate by filing with the  
15 secretary of the board a petition signed by five hundred registered voters of such  
16 school district.

17 4. In any urban school district located in a county of the first classification  
18 with more than eighty-three thousand but fewer than ninety-two thousand  
19 inhabitants and with a home rule city with more than seventy-six thousand but  
20 fewer than ninety-one thousand inhabitants as the county seat, a candidate for  
21 director shall file a declaration of candidacy with the secretary of the board and  
22 shall not be required to submit a petition.

23 **5. No candidate for election as a school board director**  
24 **representing a subdistrict under subsection 3 of section 162.471 shall**  
25 **be required to file a declaration of candidacy under this section as the**  
26 **sole method of filing for candidacy.**

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