

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 253
95TH GENERAL ASSEMBLY

Reported from the Committee on Jobs, Economic Development and Local Government, March 11, 2009, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Senate Committee Substitute adopted March 30, 2009.

Taken up March 30, 2009. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

1242S.03P

AN ACT

To repeal section 162.492, RSMo, and to enact in lieu thereof one new section relating to elections of school board members.

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

Section A. Section 162.492, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 162.492, to read as follows:

162.492. 1. In all urban districts containing the greater part of the
2 population of a city which has more than three hundred thousand inhabitants the
3 terms of the members of the board of directors in office in 1967 shall continue
4 until the end of the respective terms to which each of them has been elected to
5 office and in each case thereafter until the next school election be held and until
6 their successors, then elected, are duly qualified as provided in this section.

7 2. In each urban district designated in subsection 1, the election authority
8 of the city in which the greater portion of the school district lies, and of the
9 county if the district includes territory not within the city limits, shall serve ex
10 officio as a redistricting commission. The commission shall on or before
11 November 1, 1969, divide the school district into six subdistricts, all subdistricts
12 being of compact and contiguous territory and as nearly equal in the number of
13 inhabitants as practicable and thereafter the board shall redistrict the district
14 into subdivisions as soon as practicable after each United States decennial
15 census. In establishing the subdistricts each member shall have one vote and a

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

16 majority vote of the total membership of the commission is required to make
17 effective any action of the commission.

18 3. School elections for the election of directors shall be held on municipal
19 election days in each even-numbered year. At the election in 1970, one member
20 of the board of directors shall be elected by the voters of each subdistrict. The
21 seven candidates, one from each of the subdistricts, who receive a plurality of the
22 votes cast by the voters of that subdistrict shall be elected and the at-large
23 candidate receiving a plurality of the at-large votes shall be elected. In addition
24 to other qualifications prescribed by law, each member elected from a subdistrict
25 must be a resident of the subdistrict from which he is elected. The subdistricts
26 shall be numbered from one to six and the directors elected from subdistricts one,
27 three and five shall hold office for terms of two years and until their successors
28 are elected and qualified, and the directors elected from subdistricts two, four and
29 six shall hold office for terms of four years and until their successors are elected
30 and qualified. Every two years thereafter a member of the board of directors
31 shall be elected for a term of four years and until his successor is elected and
32 qualified from each of the three subdistricts having a member on the board of
33 directors whose term expires in that year. Those members of the board of
34 directors who were in office in 1967 shall, when their terms of office expire, be
35 succeeded by the members of the board of directors elected from subdistricts. In
36 addition to the directors elected by the voters of each subdistrict, additional
37 directors shall be elected at large by the voters of the entire school district as
38 follows: In 1970 one director at large shall be elected for a two-year term. In
39 1972 one director at large shall be elected for a four-year term. In 1974 two
40 at-large directors shall be elected for a four-year term and thereafter in
41 alternative elections one director shall be elected for a four-year term and then
42 two directors shall be elected for a four-year term, so that from and after the 1970
43 election the board of directors not including those members who were in office in
44 1967 shall consist of seven members until the 1974 election and thereafter the
45 board shall consist of nine members. In those years in which one at-large director
46 is to be elected each voter may vote for one candidate and the candidate receiving
47 a plurality of votes cast shall be elected. In those years in which two at-large
48 directors are to be elected each voter may vote for two candidates and the two
49 receiving the largest number of votes cast shall be elected.

50 4. The six candidates, one from each of the subdistricts, who receive a
51 plurality of the votes cast by the voters of that subdistrict and the at-large

52 candidates receiving a plurality of the at-large votes shall be elected. The name
53 of no candidate for nomination shall be printed on the ballot unless the candidate
54 has at least sixty days prior to the election filed a declaration of candidacy with
55 the secretary of the board of directors containing the signatures of at least two
56 hundred fifty registered voters who are residents of the subdistrict within which
57 the candidate for nomination to a subdistrict office resides, and in case of at-large
58 candidates the signatures of at least five hundred registered voters. The election
59 authority shall determine the validity of all signatures on declarations of
60 candidacy.

61 5. In any election either for at-large candidates or candidates elected by
62 the voters of subdistricts, if there are more than two candidates, a majority of the
63 votes are not required to elect but the candidate having a plurality of the votes
64 if there is only one office to be filled and the candidates having the highest
65 number of votes, if more than one office is to be filled, shall be elected.

66 6. The names of all candidates shall appear upon the ballot without party
67 designation and in the order of the priority of the times of filing their petitions
68 of nomination. No candidate may file both at large and from a subdistrict and
69 the names of all candidates shall appear only once on the ballot, nor may any
70 candidate file more than one declaration of candidacy. All declarations shall
71 designate the candidate's residence and whether the candidate is filing at large
72 or from a subdistrict and the numerical designation of the subdistrict or at-large
73 area.

74 7. The provisions of all sections relating to seven-director school districts
75 shall also apply to and govern urban districts in cities of more than three
76 hundred thousand inhabitants, to the extent applicable and not in conflict with
77 the provisions of those sections specifically relating to such urban districts.

78 8. Vacancies which occur on the school board between the dates of election
79 shall be filled by [majority vote of the remaining members of the school board to
80 serve until the time of the next regular school board election. Subdistrict director
81 vacancies shall be filled by appointment of a resident of the subdistrict in which
82 the vacancy occurs] **special election if such vacancy happens more than**
83 **six months prior to the time of holding a general municipal election, as**
84 **provided in section 115.121, RSMo. The state board of education shall**
85 **order a special election to fill such a vacancy. A letter from the**
86 **commissioner of education, delivered by certified mail to the election**
87 **authority or authorities that would normally conduct an election for**

88 school board members shall be the authority for the election authority
89 or authorities to proceed with election procedures. If a vacancy occurs
90 less than six months prior to the time of holding a general municipal
91 election, no special election shall occur and the vacancy shall be filled
92 at the next general municipal election.

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Unofficial

Bill

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