

FIRST REGULAR SESSION

[CORRECTED]

SENATE BILL NO. 228

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time February 8, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1324S.011

AN ACT

To repeal sections 162.459, 162.471, and 162.492, RSMo, and to enact in lieu thereof three new sections relating to school district board of directors.

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

Section A. Sections 162.459, 162.471, and 162.492, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 162.459,
3 162.471, and 162.492, to read as follows:

162.459. 1. Notwithstanding other provisions of law to the contrary, the
2 school board of each school district designated in the statutes as a seven-director,
3 seven-director or urban school district[, except an urban district containing the
4 greater part of a city of more than three hundred thousand inhabitants.] shall
5 consist of seven members. At the first election for members of the school board
6 in each of such districts after January 1, 1993, **except an urban district**
7 **containing the greater part of a city of more than three hundred**
8 **thousand inhabitants**, and each three years thereafter, three members of the
9 school board shall be elected; except, no school district composed of seven
10 members as of January 1, 1993, shall be required to modify its schedule of
11 electing board members.

12 2. Provisions of law applicable to seven-director, seven-director and urban
13 school districts, except those which conflict with the provisions of this section,
14 shall apply to and govern the school districts designated in subsection 1 of this
15 section.

162.471. The government and control of an urban school district is vested
2 in a board of seven directors[, except that in urban districts containing the

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

3 greater part of a city of more than three hundred thousand inhabitants the board
4 shall be composed of nine directors]. Each director shall be a voter of the district,
5 who has resided within this state for one year next preceding his election or
6 appointment and who is at least twenty-four years of age. All directors, except
7 as otherwise provided in section 162.481, hold their offices for six years and until
8 their successors are duly elected and qualified. All vacancies occurring in the
9 board, **except as provided in section 162.492**, shall be filled by appointment
10 by the board as soon as practicable, and the person appointed shall hold his office
11 until the next school board election, when his 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.

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] **2011** shall
4 continue until the end of the respective terms to which each of them has been
5 elected to office and in each case thereafter until the next school election be held
6 and until their successors, then elected, are duly qualified as provided in this
7 section.

8 2. In each urban district designated in subsection 1 **of this section**, the
9 election authority of the city in which the greater portion of the school district
10 lies, and of the county if the district includes territory not within the city limits,
11 shall serve ex officio as a redistricting commission. The commission shall on or
12 before November 1, 1969, divide the school district into six subdistricts, all
13 subdistricts being of compact and contiguous territory and as nearly equal in the
14 number of inhabitants as practicable and thereafter the board shall redistrict the
15 district into subdivisions as soon as practicable after each United States
16 decennial census. In establishing the subdistricts each member shall have one
17 vote and a majority vote of the total membership of the commission is required
18 to make effective any action of the commission. **The subdistricts shall be**
19 **numbered from one to six.**

20 3. School elections for the election of directors shall be held on municipal
21 election days in each even-numbered year. [At the election in 1970, one member
22 of the board of directors shall be elected by the voters of each subdistrict. The
23 seven candidates, one from each of the subdistricts, who receive a plurality of the
24 votes cast by the voters of that subdistrict shall be elected and the at-large
25 candidate receiving a plurality of the at-large votes shall be elected. In addition

26 to other qualifications prescribed by law, each member elected from a subdistrict
27 must be a resident of the subdistrict from which he is elected. The subdistricts
28 shall be numbered from one to six and the directors elected from subdistricts one,
29 three and five shall hold office for terms of two years and until their successors
30 are elected and qualified, and the directors elected from subdistricts two, four and
31 six shall hold office for terms of four years and until their successors are elected
32 and qualified. Every two years thereafter a member of the board of directors
33 shall be elected for a term of four years and until his successor is elected and
34 qualified from each of the three subdistricts having a member on the board of
35 directors whose term expires in that year. Those members of the board of
36 directors who were in office in 1967 shall, when their terms of office expire, be
37 succeeded by the members of the board of directors elected from subdistricts. In
38 addition to the directors elected by the voters of each subdistrict, additional
39 directors shall be elected at large by the voters of the entire school district as
40 follows: in 1970 one director at large shall be elected for a two-year term. In
41 1972 one director at large shall be elected for a four-year term. In 1974 two
42 at-large directors shall be elected for a four-year term and thereafter in
43 alternative elections one director shall be elected for a four-year term and then
44 two directors shall be elected for a four-year term, so that from and after the 1970
45 election the board of directors not including those members who were in office in
46 1967 shall consist of seven members until the 1974 election and thereafter the
47 board shall consist of nine members.] **Beginning at the election in 2014, the**
48 **board of directors shall consist of seven directors. One director shall**
49 **be an at-large director. Six directors shall represent the subdistricts**
50 **with one director from each of the subdistricts. A candidate for**
51 **director to represent a subdistrict shall declare his or her candidacy**
52 **for that particular subdistrict. In addition to other qualifications**
53 **prescribed by law, each director elected from a subdistrict shall be a**
54 **resident of the subdistrict from which the director is**
55 **elected. Beginning at the 2012 election, the candidates for each**
56 **subdistrict shall be voted on by the voters of the entire school district.**
57 **At the election in 2012, voters shall elect one at-large director. Voters**
58 **shall also elect one director each from subdistrict 1, subdistrict 3, and**
59 **subdistrict 5. At the election in 2014, voters shall elect one director**
60 **each from subdistrict 2, subdistrict 4, and subdistrict 6. In those years**
61 in which one at-large director is to be elected each voter may vote for one

62 candidate and the candidate receiving a plurality of votes cast shall be elected.
63 [In those years in which two at-large directors are to be elected each voter may
64 vote for two candidates and the two receiving the largest number of votes cast
65 shall be elected.]

66 4. The six candidates, one from each of the subdistricts, who receive a
67 plurality of the **at-large** votes [cast by the voters of that subdistrict] and the
68 at-large [candidates] **candidate** receiving a plurality of the at-large votes shall
69 be elected. The name of no candidate for nomination shall be printed on the ballot
70 unless the candidate has at least sixty days prior to the election filed a
71 declaration of candidacy with the secretary of the board of directors containing
72 the signatures of at least two hundred fifty registered voters who are residents
73 of the subdistrict within which the candidate for nomination to a subdistrict office
74 resides, and in case of at-large candidates the signatures of at least five hundred
75 registered voters. The election authority shall determine the validity of all
76 signatures on declarations of candidacy.

77 5. In any election either for at-large candidates or candidates elected [by
78 the voters of] **from the** subdistricts, if there are more than two candidates, a
79 majority of the votes are not required to elect but the candidate having a plurality
80 of the votes if there is only one office to be filled and the candidates having the
81 highest number of votes, if more than one office is to be filled, shall be elected.

82 6. The names of all candidates shall appear upon the ballot without party
83 designation and in the order of the priority of the times of filing their petitions
84 of nomination. No candidate may file both at large and from a subdistrict and the
85 names of all candidates shall appear only once on the ballot, nor may any
86 candidate file more than one declaration of candidacy. All declarations shall
87 designate the candidate's residence and whether the candidate is filing at large
88 or from a subdistrict and the numerical designation of the subdistrict or at-large
89 area.

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

94 8. Vacancies which occur on the school board between the dates of election
95 shall be filled by special election if such vacancy happens more than six months
96 prior to the time of holding a general municipal election, as provided in section
97 115.121. The state board of education shall order a special election to fill such

98 a vacancy. A letter from the commissioner of education, delivered by certified
99 mail to the election authority or authorities that would normally conduct an
100 election for school board members shall be the authority for the election authority
101 or authorities to proceed with election procedures. If a vacancy occurs less than
102 six months prior to the time of holding a general municipal election, no special
103 election shall occur and the vacancy shall be filled at the next general municipal
104 election.

✓

Unofficial

Bill

Copy