

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SCS/Senate Bill No. 1, et al., Page 34, Section 160.425, Line 78,

by inserting after all of said line the following:

"160.671. 1. A school board member of any urban school district located in a home rule city with more than seventy-one thousand but fewer than seventy-nine thousand inhabitants may be removed by the voters in a recall election. Proceedings may be commenced for the recall of any such member by the filing of a notice of intention to circulate a recall petition under this section.

2. The notice of intention to circulate a recall petition shall be served personally, or by certified mail, on the board member sought to be recalled. A copy thereof shall be filed, along with an affidavit of the time and manner of service, with the election authority, as defined in chapter 115. A separate notice shall be filed for each board member sought to be recalled and shall contain all of the following:

(1) The name of the board member sought to be recalled;

(2) A statement, not exceeding two hundred words in length, of the reasons for the proposed recall; and

(3) The names and business or residential addresses of at least one but not more than five proponents of the recall.

1           3. Within seven days after the filing of the notice of  
2 intention, the board member may file with the election authority  
3 a statement, not exceeding two hundred words in length, including  
4 an answer to the statement of the proponents. If an answer is  
5 filed, the board member shall also serve a copy of it, personally  
6 or by certified mail, on one of the proponents named in the  
7 notice of intention. The statement and answer are intended  
8 solely to be used for the information of the voters. No  
9 insufficiency in form or substance of such statements shall  
10 affect the validity of the election proceedings.

11           4. Before any signature may be affixed to a recall  
12 petition, the petition is required to bear all of the following:

13           (1) A request that an election be called to elect a  
14 successor to the board member;

15           (2) A copy of the notice of intention, including a general  
16 statement of the grounds for which removal is sought;

17           (3) The answer of the board member sought to be recalled,  
18 if any exists. If the board member has not answered, the  
19 petition shall so state; and

20           (4) A place for each signer to affix his or her signature,  
21 printed name, and residential address, including any address in a  
22 city, town, village, or unincorporated community.

23           5. Each section of the petition, when submitted to the  
24 election authority, shall have attached to it an affidavit signed  
25 by the person circulating such section of the petition, setting  
26 forth all of the following:

27           (1) The printed name of the affiant;

28           (2) The residential address of the affiant;

29           (3) That the affiant circulated that section of the

1 petition and saw the appended signatures be written;

2 (4) That according to the best information and belief of  
3 the affiant, each signature is the genuine signature of the  
4 person whose name it purports to be;

5 (5) That the affiant is a registered voter in the school  
6 district; and

7 (6) The dates between which all of the signatures to the  
8 petition were obtained.

9 6. A recall petition shall be filed with the election  
10 authority and secretary of the school board not more than one  
11 hundred eighty days after the filing of the notice of intention.

12 7. The qualified signatures of three hundred registered  
13 voters shall be required for the submission of a petition.

14 8. Within thirty days after the date of filing the  
15 petition, the election authority shall examine and ascertain  
16 whether the petition is signed by the requisite number of voters.  
17 The election authority shall file with the petition a certificate  
18 showing the results of the examination. The election authority  
19 shall give the proponents a copy of the certificate upon their  
20 request.

21 9. If the election authority certifies the petition to be  
22 insufficient, it may be supplemented within ten days of the date  
23 of certification by filing additional petition sections  
24 containing all of the information required by this section.  
25 Within ten days after the supplemental copies are filed, the  
26 election authority shall file with them a certificate stating  
27 whether or not the petition as supplemented is sufficient.

28 10. If the election authority finds the signatures on the  
29 petition, together with the supplementary petition sections, if

1 any, to be sufficient, it shall submit its certificate as to the  
2 sufficiency of the petition to the school board prior to its next  
3 meeting. The certificate shall contain the following:

4 (1) The name of the member whose recall is sought;

5 (2) The number of signatures required by law;

6 (3) The total number of signatures on the petition; and

7 (4) The number of valid signatures on the petition.

8 11. Following the school board's receipt of the  
9 certificate, the election authority shall order an election to be  
10 held on the next election day as specified in section 115.123.  
11 The election shall be held not less than forty-five days but not  
12 more than one hundred twenty days from the date the school board  
13 receives the petition.

14 12. At any time prior to forty-two days before the  
15 election, the member sought to be recalled may offer his or her  
16 resignation. If his or her resignation is offered, the recall  
17 question shall be removed from the ballot and the office declared  
18 vacant. At such time, the vacancy shall be filled as provided in  
19 section 162.471, except that the member who resigned shall not  
20 fill the vacancy.

21 13. If a majority of the voters vote in favor of retaining  
22 the member, the member shall remain in office and shall not be  
23 subject to another recall election during his or her term of  
24 office. If a majority of voters vote to remove the member, his  
25 or her successor shall be chosen as provided in section  
26 162.471."; and

27 Further amend said bill, Page 42, Section 162.081, Line 148,  
28 by inserting after all of said line the following:

29 "162.471. The government and control of an urban school

1 district is vested in a board of seven directors. Each director  
2 shall be a voter of the district who has resided within this  
3 state for one year next preceding his election or appointment and  
4 who is at least twenty-four years of age. All directors, except  
5 as otherwise provided in section 162.481 and section 162.492,  
6 hold their offices for six years and until their successors are  
7 duly elected and qualified. All vacancies occurring in the  
8 board, except as provided in section 162.492 and in subsection 2  
9 of this section, shall be filled by appointment by the board as  
10 soon as practicable, and the person appointed shall hold his  
11 office until the next school board election, when his successor  
12 shall be elected for the remainder of the unexpired term. The  
13 power of the board to perform any official duty during the  
14 existence of a vacancy continues unimpaired thereby.

15 2. All vacancies occurring in the school board of any urban  
16 school district located in a home rule city with more than  
17 seventy-one thousand but fewer than seventy-nine thousand  
18 inhabitants shall be filled by appointment of the county  
19 commission of a county of the first classification with more than  
20 eighty-three thousand but fewer than ninety-two thousand  
21 inhabitants and with a home rule city with more than seventy-six  
22 thousand but fewer than ninety-one thousand inhabitants as the  
23 county seat. If the vacancy occurred because of a recall under  
24 section 160.671, the member who was recalled shall not fill the  
25 vacancy. The person appointed by the county commission shall  
26 hold office until the next school board election, when his or her  
27 successor shall be elected for the remainder of the unexpired  
28 term.

29 162.481. 1. Except as otherwise provided in this section,

1 all elections of school directors in urban districts shall be  
2 held biennially at the same times and places as municipal  
3 elections.

4 2. In any urban district which includes all or the major  
5 part of a city which first obtained a population of more than  
6 seventy-five thousand inhabitants by reason of the 1960 federal  
7 decennial census, elections of directors shall be held on  
8 municipal election days of even-numbered years. The directors of  
9 the prior district shall continue as directors of the urban  
10 district until their successors are elected as herein provided.  
11 On the first Tuesday in April, 1964, four directors shall be  
12 elected, two for terms of two years to succeed the two directors  
13 of the prior district who were elected in 1960 and two for terms  
14 of six years to succeed the two directors of the prior district  
15 who were elected in 1961. The successors of these directors  
16 shall be elected for terms of six years. On the first Tuesday in  
17 April, 1968, two directors shall be elected for terms to commence  
18 on November 5, 1968, and to terminate on the first Tuesday in  
19 April, 1974, when their successors shall be elected for terms of  
20 six years. No director shall serve more than two consecutive  
21 six-year terms after October 13, 1963.

22 3. Except as otherwise provided in subsections 4 and 5 of  
23 this section, hereafter when a seven-director district becomes an  
24 urban district, the directors of the prior seven-director  
25 district shall continue as directors of the urban district until  
26 the expiration of the terms for which they were elected and until  
27 their successors are elected as provided in this subsection. The  
28 first biennial school election for directors shall be held in the  
29 urban district at the time provided in subsection 1 which is on

1 the date of or subsequent to the expiration of the terms of the  
2 directors of the prior district which are first to expire, and  
3 directors shall be elected to succeed the directors of the prior  
4 district whose terms have expired. If the terms of two directors  
5 only have expired, the directors elected at the first biennial  
6 school election in the urban district shall be elected for terms  
7 of six years. If the terms of four directors have expired, two  
8 directors shall be elected for terms of six years and two shall  
9 be elected for terms of four years. At the next succeeding  
10 biennial election held in the urban district, successors for the  
11 remaining directors of the prior seven-director district shall be  
12 elected. If only two directors are to be elected they shall be  
13 elected for terms of six years each. If four directors are to be  
14 elected, two shall be elected for terms of six years and two  
15 shall be elected for terms of two years. After seven directors  
16 of the urban district have been elected under this subsection,  
17 their successors shall be elected for terms of six years.

18 4. In any school district in any city with a population of  
19 one hundred thousand or more inhabitants which is located within  
20 a county of the first classification that adjoins no other county  
21 of the first classification, or any school district which becomes  
22 an urban school district by reason of the 2000 federal decennial  
23 census, elections shall be held annually at the same times and  
24 places as general municipal elections for all years where one or  
25 more terms expire, and the terms shall be for three years and  
26 until their successors are duly elected and qualified for all  
27 directors elected on and after August 28, 1998.

28 5. In any school district in any county with a charter form  
29 of government and with more than three hundred thousand but fewer

1 than four hundred fifty thousand inhabitants which becomes an  
2 urban school district by reason of the 2010 federal decennial  
3 census, elections shall be held annually at the same times and  
4 places as general municipal elections for all years where one or  
5 more terms expire, and the terms shall be for three years and  
6 until their successors are duly elected and qualified for all  
7 directors elected on and after April 2, 2012.

8 6. In any urban school district in a county of the first  
9 classification with more than eighty-three thousand but fewer  
10 than ninety-two thousand inhabitants and with a home rule city  
11 with more than seventy-six thousand but fewer than ninety-one  
12 thousand inhabitants as the county seat, elections shall be held  
13 annually at the same times and places as general municipal  
14 elections for all years where one or more terms expire, and upon  
15 expiration of any term after August 28, 2015, the term of office  
16 shall be for three years and until their successors are duly  
17 elected and qualified.

18 162.491. 1. Directors for urban school districts, other  
19 than those districts containing the greater part of a city of  
20 over one hundred thirty thousand inhabitants, may be nominated by  
21 petition to be filed with the secretary of the board and signed  
22 by a number of voters in the district equal to ten percent of the  
23 total number of votes cast for the director receiving the highest  
24 number of votes cast at the next preceding biennial election,  
25 except as provided in subsection 4 of this section.

26 2. This section shall not be construed as providing the  
27 sole method of nominating candidates for the office of school  
28 director in urban districts which do not contain the greater part  
29 of a city of over three hundred thousand inhabitants.



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

7           4. In any urban school district located in a home rule city  
8 with more than seventy-one thousand but fewer than seventy-nine  
9 thousand inhabitants, a candidate for director shall file a  
10 declaration of candidacy with the secretary of the board and  
11 shall not be required to submit a petition."; and

12           Further amend the title and enacting clause accordingly.  
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