

FIRST REGULAR SESSION

SENATE BILL NO. 258

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LeVOTA.

Read 1st time February 4, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1317S.011

AN ACT

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

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Section A. Sections 162.459, 162.471, and 162.492, RSMo, are repealed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 four new sections enacted in lieu thereof, to be known as sections 162.459,
3 162.471, 162.492, and 162.495, 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, and each three years thereafter,
7 three members of the school board shall be elected; except, no school district
8 composed of seven members as of January 1, 1993, shall be required to modify its
9 schedule of electing board members.

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

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

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] **2013** 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.

19 3. School elections for the election of directors shall be held on municipal
20 election days in each even-numbered year. [At the election in 1970, one member
21 of the board of directors shall be elected by the voters of each subdistrict. The
22 seven candidates, one from each of the subdistricts, who receive a plurality of the
23 votes cast by the voters of that subdistrict shall be elected and the at-large
24 candidate receiving a plurality of the at-large votes shall be elected.] In addition
25 to other qualifications prescribed by law, each member elected from a subdistrict
26 must be a resident of the subdistrict from which he is elected. The subdistricts
27 shall be numbered from one to six [and the directors elected from subdistricts

28 one, three and five shall hold office for terms of two years and until their
29 successors are elected and qualified, and the directors elected from subdistricts
30 two, four and six shall hold office for terms of four years and until their
31 successors are elected and qualified. Every two years thereafter a member of the
32 board of directors shall be elected for a term of four years and until his successor
33 is elected and qualified from each of the three subdistricts having a member on
34 the board of directors whose term expires in that year. Those members of the
35 board of directors who were in office in 1967 shall, when their terms of office
36 expire, be succeeded by the members of the board of directors elected from
37 subdistricts]. In addition to the directors elected by the voters of each
38 subdistrict, **an additional [directors] director** shall be elected at large by the
39 voters of the entire school district [as follows: in 1970 one director at large shall
40 be elected for a two-year term. In 1972 one director at large shall be elected for
41 a four-year term. In 1974 two at-large directors shall be elected for a four-year
42 term and thereafter in alternative elections one director shall be elected for a
43 four-year term and then two directors shall be elected for a four-year term, so
44 that from and after the 1970 election the board of directors not including those
45 members who were in office in 1967 shall consist of seven members until the 1974
46 election and thereafter the board shall consist of nine members]. In those years
47 in which [one] **an** at-large director is to be elected each voter may vote for one
48 candidate and the candidate receiving a plurality of votes cast shall be elected. [In
49 those years in which two at-large directors are to be elected each voter may vote
50 for two candidates and the two receiving the largest number of votes cast shall
51 be elected.] **Directors shall hold office for terms of four years and until
52 their successors are elected and qualified. Beginning at the municipal
53 election in 2014, the board of directors shall consist of seven
54 directors. The board of directors shall consist of one at-large director
55 and six directors who shall represent the subdistricts, with one director
56 from each of the subdistricts. At the municipal election in 2014, no at-
57 large director shall be elected unless a special election is required to
58 fill a vacancy as provided in subsection 8 of this section. At the
59 municipal election in 2016, voters shall elect one at-large director.**

60 4. The six candidates, one from each of the subdistricts, who receive a
61 plurality of the votes cast by the voters of that subdistrict and the at-large
62 [candidates] **candidate** receiving a plurality of the at-large votes shall be
63 elected. The name of no candidate for nomination shall be printed on the ballot

64 unless the candidate has at least sixty days prior to the election filed a
65 declaration of candidacy with the secretary of the board of directors containing
66 the signatures of at least two hundred fifty registered voters who are residents
67 of the subdistrict within which the candidate for nomination to a subdistrict office
68 resides, and in case of at-large candidates the signatures of at least five hundred
69 registered voters. The election authority shall determine the validity of all
70 signatures on declarations of candidacy.

71 5. In any election either for **an** at-large [candidates] **candidate** or
72 candidates elected by the voters of subdistricts, if there are more than two
73 candidates, a majority of the votes are not required to elect but the candidate
74 having a plurality of the votes if there is only one office to be filled and the
75 candidates having the highest number of votes, if more than one office is to be
76 filled, shall be elected.

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

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

89 8. Vacancies which occur on the school board between the dates of election
90 shall be filled by special election if such vacancy happens more than six months
91 prior to the time of holding a general municipal election, as provided in section
92 115.121. The state board of education shall order a special election to fill such
93 a vacancy. A letter from the commissioner of education, delivered by certified
94 mail to the election authority or authorities that would normally conduct an
95 election for school board members shall be the authority for the election authority
96 or authorities to proceed with election procedures. If a vacancy occurs less than
97 six months prior to the time of holding a general municipal election, no special
98 election shall occur and the vacancy shall be filled at the next general municipal
99 election.

162.495. 1. A school board member of any urban school district
2 containing most or all of a home rule city with more than four hundred
3 thousand inhabitants and located in more than one county may be
4 removed by the voters in a recall election when such district is
5 classified as unaccredited by the state board of education. Such
6 election shall be held upon the submission of a petition signed by
7 voters of the district equal in number to at least twenty-five percent of
8 the number of persons voting at the last preceding election to elect a
9 district board member. The petition shall be filed with the election
10 authority and the secretary of the district board of education, and the
11 petition shall contain a general statement of the grounds for which the
12 removal is sought. The signatures to the petition need not all be
13 appended to one paper, but each signer shall provide the street and
14 number of his or her residence. The person who files the petition with
15 the election authority shall sign an affidavit that the signatures
16 attached are true and correct to the best of his or her knowledge.

17 2. Within thirty days from the date of filing the petition, the
18 election authority shall examine and ascertain whether the petition is
19 signed by the requisite number of voters. The election authority shall
20 attach to the petition his or her certificate, showing the result of the
21 examination. If the election authority finds the petition to be
22 insufficient, the petition shall be returned to the person filing the
23 petition, without prejudice to the filing of a new petition to the same
24 effect. If the petition shall be deemed to be sufficient, the election
25 authority shall submit the petition to the district board without delay.
26 If the petition shall be found to be sufficient, the district board shall
27 order the question to be submitted to the voters of the district at the
28 next election, as determined in section 115.123.

29 3. If a majority of the voters vote in favor of retaining the
30 member, the member shall remain in office and shall not be subject to
31 another recall election during his or her term of office. If a majority
32 of voters vote to remove the member, his or her successor shall be
33 chosen as provided in subsection 8 of section 162.492.

✓