

SECOND REGULAR SESSION

**SENATE JOINT RESOLUTION NO. 55**

**97TH GENERAL ASSEMBLY**

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INTRODUCED BY SENATOR NIEVES.

Read 1st time February 25, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

6152S.011

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**JOINT RESOLUTION**

Submitting to the qualified voters of Missouri an amendment repealing section 2(a) of article IX of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the election of members to the state board of education.

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*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the state of Missouri, on  
2 Tuesday next following the first Monday in November, 2014, or at a special  
3 election to be called by the governor for that purpose, there is hereby submitted  
4 to the qualified voters of this state, for adoption or rejection, the following  
5 amendment to article IX of the Constitution of the state of Missouri:

Section A. Section 2(a), article IX, Constitution of Missouri, is repealed  
2 and one new section adopted in lieu thereof, to be known as section 2(a), to read  
3 as follows:

Section 2(a). **1.** The supervision of instruction in the public schools shall  
2 be vested in a state board of education[, consisting of eight lay members  
3 appointed by the governor, by and with the advice and consent of the senate;  
4 provided, that at no time shall more than four members be of the same political  
5 party. The term of office of each member shall be eight years, except the terms  
6 of the first appointees shall be from one to eight years, respectively. While  
7 attending to the duties of their office, members shall be entitled to receive only  
8 actual expenses incurred, and a per diem fixed by law.] **elected by the voters  
9 of Missouri beginning with the general election in 2016 and based on  
10 residence in congressional districts as follows: for persons elected from  
11 congressional district 1, 2, 5, or 6, an initial term of two years; and for  
12 persons elected from congressional district 3, 4, 7, or 8, an initial term**

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

13 of four years. No person shall be eligible for such office who has not  
14 resided in the state for at least five years and his or her congressional  
15 district for at least one year immediately preceding the election. All  
16 subsequent terms of office shall be for a period of four years and no  
17 person shall serve more than two full terms or a total of eight years. No  
18 member of the board shall be connected, either as an official or as an  
19 employee, with any public, private, or denominational school, college,  
20 or university, or be the holder of or a candidate for any other public  
21 office.

22       2. In the event that the number of congressional districts in the  
23 state decreases, the board member from the eliminated district or  
24 districts shall be elected on a statewide basis. In the event that the  
25 number of congressional districts in the state increases, the number of  
26 positions as members of the board shall increase in the same number.

27       3. The board shall elect one of its members president and one  
28 vice president and may appoint any other officers it deems  
29 necessary. The president shall vote only in the case of breaking a  
30 tie. The officers shall serve at the pleasure of the board. Duties of the  
31 board and compensation of its members shall be as provided by law.

32       4. A member of the board shall be subject to a recall vote if a  
33 petition signed by at least twenty-five percent of the total votes cast for  
34 governor at the last general election in the congressional district which  
35 he or she represents is submitted and verified by the secretary of state.  
36 If so verified, an election on recall shall be held no later than sixty days  
37 after verification. If a majority of the votes cast in such election is for  
38 recall, the position shall be deemed vacated and an election for that  
39 position shall be held no later than ninety days after the recall vote is  
40 certified. Any vacancy occurring in the term of office of any board  
41 member shall be filled by an election within ninety days.

Section B. Pursuant to section 116.155, RSMo, and other applicable  
2 constitutional provisions and laws of this state authorizing the general assembly  
3 to adopt ballot language for the submission of a joint resolution to the voters of  
4 this state, the official ballot title of the amendment proposed in section A shall  
5 be as follows:

6       "Shall the Constitution of Missouri be amended to require that, beginning  
7 with the 2016 general election, the members of the state board of education be  
8 elected by the people rather than appointed, that board members are subject to

9 recall by petition and majority vote, and that vacancies be filled by election  
10 within ninety days?".

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Unofficial

Bill

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