

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 87, Page 7, Section 108.280, Line 18, by inserting immediately after all of said  
3 section and line the following:  
4

5 "160.671. 1. A school board member of any urban school district located in a county of the  
6 first classification with more than eighty-three thousand but fewer than ninety-two thousand  
7 inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one  
8 thousand inhabitants as the county seat may be removed by the voters in a recall election.  
9 Proceedings may be commenced for the recall of any such member by the filing of a notice of  
10 intention to circulate a recall petition under this section.

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

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

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

19 (3) The names and business or residential addresses of at least one but not more than five  
20 proponents of the recall who are registered voters in the district.

21 3. Within seven days after the filing of the notice of intention, the board member may file  
22 with the election authority and the secretary of the school board a statement, not exceeding two  
23 hundred words in length, which may include an answer to the statement of the proponents. If a  
24 statement is filed, the board member shall also serve a copy of it, personally or by certified mail, on  
25 one of the proponents named in the notice of intention. The statement is intended solely to be used  
26 for the information of the voters. No insufficiency in form or substance of such statements shall  
27 affect the validity of the election proceedings.

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

30 (1) A request that an election be called (1) elect a successor to the board member at the next  
31 school board election;

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

34 (3) The statement of the board member sought to be recalled, if any exists. If the board  
35 member has not filed a statement, the petition shall so state; and

36 (4) A place for each signer to affix his or her signature, printed name, and residential

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1 address, including any address in a city, town, village, or unincorporated community.

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

5 (1) The printed name of the affiant;

6 (2) The residential address of the affiant;

7 (3) That the affiant circulated that section of the petition and saw the appended signatures be  
8 written;

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

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

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

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

15 7. The qualified signatures of at least seven hundred fifty registered voters shall be required  
16 for the submission of a petition.

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

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

26 10. If the election authority finds the signatures on the petition, together with the  
27 supplementary petition sections, if any, to be sufficient, it shall submit its certificate as to the  
28 sufficiency of the petition to the school board prior to its next meeting. The certificate shall contain  
29 the following:

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

31 (2) A copy of the petition with at least seven hundred fifty signatures;

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

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

34 11. Following the school board's receipt of the certificate, the election authority shall order  
35 an election to be held on the next election day as specified in section 115.123 but the election shall be  
36 held not less than forty-five days from the date the school board receives the petition.

37 12. At any time prior to fifty days before the election, the member sought to be recalled may  
38 offer his or her resignation. If his or her resignation is offered, the recall question shall be removed  
39 from the ballot and the office declared vacant. At such time, the vacancy shall be filled as provided  
40 in section 162.471, except that the member who resigned shall not fill the vacancy.

41 13. If a majority of the voters vote in favor of retaining the member, the member shall  
42 remain in office and shall not be subject to another recall election during his or her term of office. If  
43 a majority of voters vote to remove the member, his or her successor shall be chosen by the county  
44 commission of any county of the first classification with more than eighty-three thousand but fewer  
45 than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand  
46 but fewer than ninety-one thousand inhabitants as the county seat as provided in section 162.471.

47 14. The provisions of this section shall expire on December 31, 2021.

48 162.471. 1. The government and control of an urban school district is vested in a board of

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

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

20  
21 Further amend said bill, Page 11, Section 3, Line 8, by inserting immediately after all of said section  
22 and line the following:

23  
24 "Section B. Because of the importance of establishing procedures for recalling school board  
25 members and filling board member vacancies, sections 160.671 and 162.471 of section A of this act  
26 are deemed necessary for immediate preservation of the public health, welfare, peace and safety, and  
27 are hereby declared to be an emergency act within the meaning of the constitution, and  
28 sections 160.671 and 162.471 of section A of this act shall be in full force and effect upon its passage  
29 and approval."; and

30  
31 Further amend said bill by amending the title, enacting clause, and intersectional references  
32 accordingly.