

**Policy BBB-2: SCHOOL BOARD ELECTIONS**

Status: DRAFT

Original Adopted Date: 12/16/1999 | Last Revised Date: 11/18/2021 | Last Reviewed Date: 11/18/2021

**EXPLANATION**

In 2021, the Missouri Supreme Court found that the process used to pass Senate Bill 592 was unconstitutional and invalidated the bill. Based on that decision, in the 2021C update MSBA reverted the "No Election Held" section of policy BBB back to its original language—no election required. Although Senate Bill 592 was struck down, House Bill 1446 was not, and that bill included an identical amendment of the statute.

We apologize and offer this additional revision to reflect the current law.

***(Ballot Placement by Random Drawing)***

The qualified voters of the Platte County R13 School District shall annually elect two directors for terms of three years each on the municipal election day in April. An additional director shall be elected triennially. Unexpired vacant terms will be filled in accordance with law and district policy.

**Candidate Filing**

Before the seventeenth Tuesday preceding the election, the board shall publish in at least one newspaper of general circulation in the district the opening filing date, the offices to be filled, the place for filing, the closing date for filing and a statement that candidates filing on the first day of filing will be listed on the ballot in random order.

Qualified applicants for the board may file a declaration of candidacy during business hours in the superintendent's office commencing at 8:00 a.m. on the seventeenth Tuesday prior to the election and ending at 5:00 p.m. on the fourteenth Tuesday prior to the election. Candidates shall declare their intent to become a candidate in person and in writing to the secretary of the board of education or designee, unless otherwise specified in this policy. The district will clearly designate a location where candidates will form a line to file the necessary paperwork in an organized manner and determine the order of such filings for ballot placement.

The names of qualified candidates shall be placed on the ballot in order of filing, except that for candidates who file a declaration of candidacy prior to 5:00 p.m. on the first day of filing, the district shall determine by random drawing the order in which such candidates' names shall appear on the ballot. Each candidate filing on the first day shall draw a number at random at the time of filing. The district shall record the number drawn with the candidate's declaration of candidacy. The names of candidates filing on the first day of filing shall be listed in ascending order of the numbers so drawn and ahead of the names of candidates filing on a later day.

The notice of election and certification of candidates must be submitted to the election authority by the tenth Tuesday prior to the election in the manner provided by law. After the tenth Tuesday prior to the election, the candidate list may be modified only pursuant to court order in accordance with law.

The district will provide each candidate a copy of the Notice of Candidate's Obligation to File a Financial Interest Statement and a plain language summary of the applicable laws provided by the Missouri Ethics Commission as required by law. Candidates must comply with laws concerning eligibility, campaign financing and campaign disclosures.

**Withdrawing as a Candidate**

Candidates may withdraw from the election before the district's certification of candidates to the election authority by submitting written notice of their decision not to run. The notice must be submitted in person to the district's central office during regular business hours. Withdrawal requests that are not submitted in person will be accepted only if the district can verify the candidate actually submitted the request.

**Filing by Certified Mail**

In accordance with law, candidates may file by certified mail if they are unable to file the declaration of candidacy and other necessary paperwork in person due to a physical disability or because they are members of the U.S. Armed Forces on active duty. Upon request, the district will provide potential candidates the necessary paperwork prior to

the opening date of candidate filing and during the filing period.

The candidate must personally sign the declaration of candidacy and other documents necessary for filing that require a signature, and the signatures must be notarized. In addition, the declaration of candidacy of a person with a physical disability who is filing by certified mail must be accompanied by a notarized statement from a licensed physician verifying the disability. A candidate on active duty military service who is filing by certified mail must include a notarized statement from the candidate's commanding officer verifying the candidate's active duty status.

A candidate's completed declaration of candidacy and other necessary documents must be received by the district during the official candidate filing period in order for the candidate to appear on the ballot. If these documents are received by the district before 8:00 a.m. on the first day of filing or after 5:00 p.m. on the last day of filing, the district will not accept them and will return them to the candidate.

While the declaration of candidacy and other necessary documents must be sent to the district by certified mail in accordance with law, the candidate may designate a personal representative to draw a number on the first day of filing or stand in line on behalf of the candidate for ballot placement purposes by submitting a completed and notarized form provided by the district. As long as the candidate's declaration of candidacy and other necessary documents are received by the district after the beginning of filing and before the close of filing on the last day of filing, the candidate's ballot placement as determined by the personal representative's participation will stand.

If the candidate does not designate a personal representative for ballot placement purposes and the district receives the candidate's declaration of candidacy and other necessary documents the first day of filing, the candidate will be listed on the ballot after all other candidates who drew a random number on the first day of filing. If the district receives the necessary documents on any other day of filing, the district will list the candidate on the ballot in the order the declaration of candidacy and other necessary documents are physically received by the district. If two or more candidates file by certified mail on the same day and the filings are received at the same time, the district will list the candidate with the earlier postmark date first. If two or more postmark dates are identical, the candidates will be listed in the order the mail is processed.

If the required paperwork is received after candidate filing has closed for the day or on a day the district's offices are closed, the candidate will be considered to have filed first on the next day filings are received.

## Write-In Candidates

If candidates have filed for a position, a person interested in becoming a write-in candidate must file a declaration of intent to be a write-in candidate with the proper election authority prior to 5:00 p.m. on the second Friday immediately preceding the election day in order for the votes to be counted. If no candidates have filed for the position, filing a declaration of intent to be a write-in candidate is not necessary but is recommended.

## No Election Held

If no election will be held if, after the last date of candidate filing, the number of candidates who have filed for a particular office is equal to the number of positions for each office to be filled by the election, no election shall be held for such office and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. However, if the number of candidates filing for a particular office exceeds the number of positions to be filled in the election, the election will be held even if a sufficient number of candidates withdraw so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled. If, in addition to board candidates, the district has an issue on the ballot, such as a bond or levy issue, the ballot will include the issue and the names of all candidates even if the number of candidates who filed for each position is equal to the number of open positions.

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**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

## State References

§§ 105-483-.487, RSMo.

## Description

State Statute -

<https://simbli.eboardsolutions.com/SU/s/shVClYWU73Tdpv4JZYxrPDw==>

§§ 115.121-127, RSMo.

State Statute -  
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§105.973, RSMo.

State Statute -  
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§115.453, RSMo.

State Statute -  
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§137.073, RSMo.

State Statute -  
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§162.261, RSMo.

State Statute -  
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§162.291, RSMo.

State Statute -  
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§162.341, RSMo.

State Statute -  
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§162.371, RSMo.

State Statute -  
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§162.381, RSMo.

State Statute -  
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§162.459, RSMo.

State Statute -  
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§493.050, RSMo.

State Statute -  
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

Ch. 130, RSMo.

State Statute -  
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

### **Federal References**

#### **Description**

FEDERAL COURT

Jackson County Bd. of Election Commissioners v. Paluka, 13 S.W.3d 684 (Mo. Ct. App. 2000) -  
<https://simbli.eboardsolutions.com/SU/IQULumposmRT2fK5NSIfpg==>

### **Cross References**

#### **Description**

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SCHOOL DISTRICT LEGAL STATUS -  
<https://simbli.eboardsolutions.com/SU/mpvucMtHh5h5dcR8ZZE1Ow==>