

ACTION: Below are recommended revisions to Policy BBB from MSBA. These revisions are based on a new Missouri law, as well as suggestions from MSBA to improve the policy language and process regarding withdrawing from elections.

Recommendation: Amend Policy BBB as recommended by MSBA.

Section: School Board Governance and Operations
Title: School Board Elections
Number: BBB – Critical
Legal: Sections 105.470, .483 - .487, .973, 115.121 - .127,
.355, 453, 162.261, .291, .341, .371, .381, .459, 493.050, RSMo.
Ch. 130, RSMo.
Jackson Election Committee v. Paluka, 13 S.W.3d 684
(Mo.App.W.D. 2000)
Adopted: February 18, 1981
Last Revised: ~~November 12, 2015~~ _____

The qualified voters of the Park Hill 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 fifteenth 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 and the closing date for filing.

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 fifteenth Tuesday prior to the election and ending at 5:00 p.m. on the eleventh Tuesday prior to the election. The candidate shall declare his or her 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.

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 only be modified pursuant to court order, in accordance with law.

~~Prior to the district's certification of candidates to the election authority, a candidate may withdraw from the election by presenting to the district a notarized written~~

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~~statement of his or her intention to withdraw. After the deadline for certification of candidates to the election authority, a candidate may only withdraw 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

A candidate may withdraw from the election before the district's certification of candidates to the election authority by submitting written notice of his or her decision not to run. The notice must be submitted in person to the district's central office during regular business hours. A request for withdrawal that is 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 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,

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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, 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

No election will be held if, after the last date of candidate filing, the number of candidates who have filed is equal to the number of positions for each office to be filled by the election. 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 ballot 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.

Park Hill School District, Platte County, MO