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EXPLANATION: SCHOOL BOARD ELECTIONS (Ballot Placement by Random Drawing—Seven-Director Districts)

House Bill 1125 (2014) amended the state election laws to clarify that persons who are unable to appear in person because of a physical disability or who are active duty members of the U.S. Armed Forces do not need to file for School Board in person and may do so by certified mail. In addition, the new law allows a candidate who has a physical disability or who is an active duty military member to designate a personal representative to draw a number on the first day of filing on behalf of the candidate to determine ballot order.

The statutory details regarding candidate filing by certified mail are limited. The statute requires the candidate to provide a notarized statement from a physician or commanding officer and proof of identity, but otherwise does not provide much guidance. This policy is based on some internal policies used by the Secretary of State's office when filing candidates by certified mail.

This policy was also amended to reflect changes made to the law in Senate Bill 593 (2014). Under the new law, if the district does not have an election because the number of candidates filing equals the number of seats open, the district must publish a notice of the names of the candidates who will be sworn in as Board members. The notice must be published in a newspaper of general circulation in the district no later than April 1. MSBA has provided sample language for this notice in BBB-AF6.

Additional changes were made for clarity.

<i>MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.</i>					
X	Board Secretary		Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
	Human Resources		Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

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SCHOOL BOARD ELECTIONS (*Ballot Placement by Random Drawing—~~—~~Seven-Director Districts*)

The qualified voters of the Camdenton R-III 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 sixteenth 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 sixteenth 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, 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 date.

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 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.

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

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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 to be filled by the election. However, if the number of candidates filing exceeds the number of positions, the election will be held even if a sufficient number of candidates withdraw so that the remaining number of candidates are remaining after the filing deadline is equal to the number of positions to be filled.

The district will publish a notice that contains the names of candidates who will take office. The notice will be published no later than April 1 in a qualifying newspaper of general circulation.

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Note: *The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.*

Adopted: 08/08/1994

Revised: 11/10/2003; 05/24/2011;

Cross Refs: AA, School District Legal Status

Legal Refs: §§ 105.470, .483 - .487, .973, 115.121 - .127, .355, .453, 162.261, .291, .341, .371, .381, .459, 493.050, RSMo.

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Ch. 130, RSMo.
Jackson Election Committee v. Paluka, 13 S.W.3d 684 (Mo.App.W.D. 2000)

Camdenton R-III School District, Camdenton, Missouri

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