



Candidate Filing Is Over — Now What?

How do school districts certify the election?

The superintendent or board secretary needs to notify the county clerk or election official in writing of any potential ballot issue no later than 5:00 p.m. on Tuesday, January 25, 2022. The district may fax the certification if the original copy is mailed and received by the election authority within three business days.

The notice should include the name of the district, the number of positions that are open, the terms of office, the names of the candidates (double check spelling!) and the exact order the candidates must appear on the ballot. If your district is in more than one county, you will need to notify more than one clerk or election official. The Board does not need to vote or otherwise verify the candidates, although some districts have a tradition of doing so.

If the district is also proposing a bond, levy, waiver, boundary change or other ballot issue, you will also need to notify the clerk or election official of the ballot language at the same time. The board will need to vote to submit the ballot issue prior to certification.

Does MSBA have sample ballot language we can use?

MSBA does not have sample ballot language other than the examples contained in statute. See §§[164.031](#), [164.151](#), *RSMo*. Districts are encouraged to consult with the local election authority for sample ballot language regarding candidates.

MSBA strongly recommends that the district have an attorney review the bond and levy ballot language as opposed to simply copying what another district has used in the past. [MSBA's Council of School Attorneys \(COSA\)](#) includes many attorneys that would be willing to assist the district.

What if one of the candidates wants to withdraw as a candidate?

Candidates may withdraw prior to the district certifying to the clerk or election officials. Although the law does not detail how candidates may withdraw, MSBA recommends that the district require the candidate to submit the withdrawal in writing and in person. If the withdrawal is not made in person, it must be made in writing and notarized so that there is no confusion that the candidate did indeed wish to be removed from the ballot. See *Policy BBB*.

If the district has certified the election to the clerk prior to the deadline for certification, the clerk may allow the district to withdraw the certification and resubmit an amended ballot. However, after the certification deadline a candidate may be removed from the ballot only by court order and payment of any costs associated with reprinting the ballot. By law, courts will freely grant requests to be removed from the ballot through February 21st (the 6th Tuesday prior to the election).

Are we required to have an election?

Missouri law provides that in some circumstances the district will not have to hold a school board election in April if the district has the same number of candidates as positions available. That provision can save the district money. To determine whether an election is required, consider the following questions:

Did more candidates file than you have positions? Example: 4 candidates and 3 positions.

This is an easy one! You must have an election.

Did fewer candidates file than you have positions? Example: 1 candidate and 3 positions.

You must have an election and all write-in votes will be counted. This is the most concerning situation as someone could get elected with a single vote.

Did the number of candidates who filed exceed the number of positions available, even if one or more candidates withdrew before the filing deadline? Example: 4 candidates filed, but one withdrew so that as of the filing deadline the district had only 3 candidates for 3 positions.

If so, the district must hold an election. The statute clearly states that if the number of candidates exceeds the number of positions, an election must be held “even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.” § [115.124](#). RSMo. This is to prevent districts from pressuring candidates to drop out of the election to save money.

Does your district have another issue on the ballot in April?

If the district has a bond or levy issue, a boundary change or some other issue on the ballot, MSBA interprets the statute to require the district to place the board candidates on the ballot as well, even if the number of candidates that have filed equals the number of positions available.

Did the district (or election authority) publicize the opening date and process for filing in a newspaper of general circulation in the district?

If not, the district must hold an election even if the number of candidates equal the number of positions. The statute clearly requires newspaper notification to be public before an election is waived.

What if there are not enough candidates for the number of positions?

There will be an election even if the district does not have a single candidate registered for the election. The difference is that all write-in votes will be counted, even if the person the ballot is cast for did not register as a write-in candidate with the election authority. This could mean that a person could be elected to school board with as little as one single vote, which is not very representative of the community.

For this reason, MSBA strongly recommends that districts, specifically school board members, take action:

- **Recruit.** Board members need to recruit candidates from the community. No one knows better than an existing school board member what it takes to be a good board member. Do not assume that this is the superintendent’s job. It is awkward for a superintendent or other administrator to recruit for these positions because board members will ultimately supervise the administrative staff.

- **Advertise.** Some districts spend more dollars and time soliciting milk bids than board candidates. Make sure that the local newspaper, radio and TV stations know that there are positions open. Make sure that district stakeholders such as employees, parents, the PTO, booster clubs, and community civic groups know that the district is recruiting board members as well. Include the candidate filing deadline in district newsletters, texts, and on the district website.

Even after the filing deadline, the district can still recruit a write-in candidate. That person will just need to work diligently to get his or her name out into the community as it will not appear on the ballot. Encourage the write-in candidate to register with the election authorities and advertise.

What if someone wants to be a write-in candidate?

If there are not enough candidates for the number of positions, a write-in candidate does not need to register with the county clerk or election official. All write-in votes will be counted.

If there are enough candidates for the positions, but someone would like to run as a write-in candidate, the candidate must register with the clerk or the election authority as a write-in candidate no later than 5 p.m. of the second Friday immediately preceding the election. If the write-in candidate does not register, votes for that person will not be counted.

One of our candidates works as a substitute teacher. Can the person continue to be a substitute teacher?

The candidate can continue to substitute for the district until they are elected and sworn in. However, once sworn in the person cannot be employed by the district, and a substitute is considered an employee. The person can volunteer but cannot be paid for their services. The requirement is the same regardless of the position. Therefore, a substitute bus driver, cook, custodian, or other employee is prohibited from serving on the board while being employed.

When do new board members get sworn in?

Missouri law requires districts to meet within 14 days of the annual election which means the deadline for 2022 is April 19. However, if your district is classified as “urban,” your district must meet within 10 days which puts the deadline at April 15. Newly elected members must qualify by taking the oath of office. Members must also sign a copy of this oath. **See MSBA Form BCA-AF.**

Even if the district is not required to hold an election it still must notify the election authority and the candidates will be sworn in at the April reorganization meeting as if they had been elected, however, because there was no election, there will be no results to certify. MSBA recommends the board state the following for the minutes: “Pursuant to 115.124, there was no election for school board directors. The following candidates were sworn in:
...”

For more information about the reorganization process, please see the MSBA Publication “[Board Reorganization FAQs](#).”