



## Is Your District Required To Have an Election for School Board?

Many Board members and administrators are aware of the law that states that the district will not have 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. However, the law has recently changed, so before you assume your district does not have to have a school board election, discuss the issue with your district's attorney. Here is some advice from MSBA:

**1. *Did more candidates file than you have positions? Example: 4 candidates and 2 positions.***

That is an easy one! Then you must have an election.

**2. *Did fewer candidates file than you have positions? Example: 1 candidate for 2 positions***

You must have an election and all write-in votes will be counted.

**3. *Did the number of candidates that filed exceed the number of positions available, even if one or more candidates withdrew before the filing deadline? Example: 3 candidates filed, but one withdrew so that as of the filing deadline the district only had 2 candidates for 2 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." §115.124.1, RSMo. This is intended to prevent districts from pressuring candidates to drop out of an election to save money.

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

Under the revised statute, if the district has a bond or levy issue, a boundary change, or some other issue on the ballot, it is MSBA's position that the district must have a Board candidate election, even if the number of candidates that have filed equals the number of positions available.

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

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

For more information, contact MSBA's Legal Department at (800) 221-6722 or your district's private attorney.