



New Information: April Elections Are Delayed

The governor has used his emergency authority to [delay the April 7th municipal election until June 2nd](#).

The order includes the following:

- The closing date to register to vote in this election remains March 11.
- The deadline for filing as a write-in candidate for office remains March 27 at 5 p.m.
- The deadline to apply for an absentee ballot (Section 115.279, RSMo.) shall be May 20.
- In-person absentee ballots may be cast until 5 p.m. on June 1.
- The deadline by which absentee ballots must be received by the election authority (Section 115.293.1, RSMo.) shall be 7 p.m. on June 2.
- Military and overseas voters must request a ballot from an election authority by 5 p.m. on May 29, and the deadline for local election authorities to make ballots available to such voters is April 18. Military and overseas ballots must be received by the election authority by June 5.

Can the Missouri Governor Move an Election?

Yes. When the governor or the legislature declares a state of emergency, the governor has the authority to waive or suspend any statute or regulation for conducting state business if compliance would “prevent, hinder or delay” action by the Department of Health and Senior Services to respond to the emergency. *§44.100, RSMo.* The governor declared a state of emergency on March 13th and the Executive Order states that the delay is necessary to combat the spread of the virus.

What Happens to the Board?

Under law, Board members serve until their replacements are sworn in. The current Board would remain as-is until after the election when the new Board members are sworn in.

What Happens if We Were Not Going to Have an Election for Board Members?

If a district has the same number of candidates file as positions to be filled and the district does not have another issue on the ballot like a bond or levy issue, the district does not have an election. In a normal year, those districts simply wait until after the April election to swear in the elected candidates to the Board. Can those districts still swear in those candidates in at the April meeting or do they have to wait until June?

You can swear them in in April. The governor’s order specifically states that in situations where there will not be an election the candidates may assume the responsibilities of the office as if the election had been held on April 7th.

Could There Be Additional Write-In Candidates When the Election is Held?

No. As stated above, the governor has stated that the deadline for filing as a write-in candidate remains March 27th. Please note that if the election is not contested and there are fewer candidates running

than there are positions, all write-in candidates are counted regardless of whether they registered as a write-in candidate. §115.453, RSMo.

When Would Our Board Reorganize?

Reorganization occurs “within fourteen days after each annual election” or “within ten days” for urban districts. §§162.301, .521 RSMo. These timelines stay the same regardless of when the election is held. So, for most districts, reorganization will need to occur by June 16. Urban districts will reorganize by June 12.

What Happens if The District Has a Levy Issue on the Ballot?

Your district will have to wait until June 2nd to have the election. Levy issues are passed with a simple majority no matter when the election is held. However, this might complicate adoption of a budget in districts hoping to pass a levy. Budgets must be passed no later than June 30th, but may be amended throughout the year. §67.030, RSMo. A district might need to pass a budget based on the current levy and, if the voters approve the levy, revise the budget.

What Happens If The District Has a Bond Issue on the Ballot?

As with the levy, your district would have to wait for approval (or not) in June.

The percentage of voters necessary to pass a bond issue varies depending on when the election is held. See [DESE Guidance](#). A bond issue passes by a four-seventh vote (4/7) if the election is held on the municipal election day, a primary election or a general election. If the vote is held in other elections, the bond issue would pass with a two-thirds (2/3) vote. *Mo.Const.Art.VI, §26(b)*. Because the Executive Order “postpones” the municipal election until June, districts will only need a 4/7 vote to pass the issue.

More Questions?

Please contact the MSBA School Laws Department at (800) 221-6722.

