



Candidate Filing and COVID-19

Candidate filing is governed by specific election laws that do not factor in a pandemic! Candidate filing must go on, but additional planning is necessary to ensure the safety of your office and the candidates that file. Here are some questions you should ask:

When is Candidate Filing?

For the April 6, 2021 election, candidate filing begins for most districts on **December 15, 2020**. Districts located fully or partially in the city of Kansas City begin candidate filing December 22nd. Candidate filing ends for all districts on **January 19, 2021**.

When Will the Office Be Open for Candidate Filing?

State statute requires school districts to notify the general public the length and number of Board positions to be filled, the location for filing to be a candidate, and the timeframe for candidates to file. The law requires that candidate filing begins precisely at **8 a.m. on the first day and ends at 5 p.m. on the last day**, but is silent regarding the times in-between.

Usually school districts allow candidates to file during regular office hours. However, due to COVID-19 some offices are closed or have limited hours where they are open to the public. In addition, some school offices are closed over the Christmas break and office hours might change if there is severe weather.

Because the law is silent (other than the beginning and end), the district has flexibility in setting how it will conduct candidate filing in-between the first and the last day. For example, school districts could:

- Advertise that candidate filing will occur in accordance with office hours, which may vary due to the pandemic, that are listed on the district's website or available by phone.
- Take candidate filing during limited office hours each business day.
- Require candidates to schedule an appointment to file.

It is up to the district to decide and advertise when candidate filing will take place. But be careful! You will be required to follow the guidance you advertise. You also do not want to discourage candidate filing. Some districts struggle to attract quality candidates.

What Happens if We Do Not Have Enough Candidates?

Most districts will have two three-year terms on the ballot this year. What happens if only one candidate signs up? Or no one signs up? In both scenarios the district will hold an election and every write-in vote will be counted. That means that a person could be elected to the school board with just one write-in vote! This is concerning because school board members are supposed to represent the public as a whole.

For this reason, districts should be very careful to balance accessibility for candidates with safety during the pandemic. Board candidates are volunteers. If districts want a full ballot, the district needs to make sure that candidate filing is accessible and not so limited that candidates have difficulty registering.

Can the District Provide the Paperwork to Candidates Ahead of Time?

Yes! While the district is prohibited from *accepting* the candidate's completed paperwork until the official start at 8 a.m. on the first day, the district is free to distribute the paperwork ahead of time so that candidates can read it, ask questions and have the documentation filled out by the time the candidate files. Please note that the candidate must still file in person unless the candidate has a disability or is away due to military service. In those situations, the candidate can file by mail or have a personal representative deliver the paperwork.

Are Candidates Required to Wear Masks?

If local ordinances or district rules require members of the public to wear a mask when on district property, candidates must wear a mask. The district can prohibit entry to anyone that does not comply. MSBA recommends that the district stock extra masks and offer them to any person seeking entry.

Random Drawing or First-Come, First on the Ballot?

Candidates are traditionally listed on the ballot in the order that they file. However, Missouri statute allows for the district to adopt a policy where candidates who file on the first day are placed on the ballot by random drawing. Candidates that file that first day draw a number, which is recorded on their filing documents. The candidates are listed on the ballot in ascending order of the numbers drawn. Filings accepted after the first date are then added in the order received.

This process allows candidates who file at the end of the first day of filing a chance to be listed first on the ballot if he or she drew the lowest number. It also discourages candidates from standing in line in the cold waiting for the doors to open or crowding into an office to ensure that they are next in line. In a pandemic, this policy could be useful! If your district is interested in this policy, see MSBA's sample policy BBB at <https://www.mosba.org/sample-policies/>.

How Should Candidate Filing be Set Up?

On the first day of filing MSBA recommends that districts set out and number chairs so that it is clear who arrived first. Those chairs need to be placed 6 feet apart, spread out as much as possible, or perhaps move a vertical barrier in-between the chairs. If the district prefers to have candidates stand in a line, provide floor markers every six feet to promote social distancing. If the office is small, the district might consider operating a fan or air filter in the area to improve ventilation. The district might want to consider adding plexiglass sneeze guards or other barriers between the Board secretary and the candidate. Even something as simple as placing a folding table in front of the secretary's desk helps enforce distance, which will protect both the staff member and the candidate.

If distancing is not practical, the Board secretary might consider moving the filing to a different area of the building that allows for more space. Just make sure that the district has signs directing candidates to the new location.

The district should have hand sanitizer ready and consider providing a new pen to each candidate. Chairs, counters and other touchable surfaces should be regularly sanitized.

Should we Consider Drive in Candidate Filing?

Some districts whose offices are closed are considering drive-in candidate filing. For example, on the first day of filing districts might tell candidates to park in designated parking spots, stay in their cars, and school staff will notify them when it is their turn to come in and file. This would minimize the number of people in the office at one time but would require good communication and signage to avoid confusion.

Should We Revise the Notice the District Puts in the Newspaper?

Good communication is key. Make sure all notices regarding candidate filing reflect any changes the district makes this year. But be careful! Whatever the district advertises to the public needs to be followed. There is no "official" notice, but below is a sample of a notice the district might consider:

Sample Public Notice of Filing

The _____ School District encourages qualified persons interested in running for a position on the School Board to file to be a candidate in the April 6, 2020, election. There are positions available with three-year terms. (There are _____ positions available with _____-year terms.) Interested persons may file at the superintendent's offices located at [address]. For more information contact [superintendent] at [phone].

Filing will begin on December ____, 2020, at 8:00 a.m. Filing will end on January 19, 2021, at 5:00 p.m. In-between, candidates may file [pick one or write one that meets your needs]:

- *during the district's regular business hours, which are Monday through Friday from __ a.m. to __ p.m. Please note that these hours are subject to change.*
- *during the district's business hours, which are posted online at [website] or available by [phone]. Please note that these hours are subject to change.*
- *by appointment only. Contact [name] at [phone] or [e-mail] to make an appointment.*

Candidates may obtain the official candidate filing packet of forms and instructions in advance from the superintendent's office.

Except for the first and last day of filing, filing will not occur on days that the school district's central offices are closed due to inclement weather or other health-related reasons. The district may not open even on the first and last day of filing if weather conditions make it unsafe for school staff to travel. Filing will also not occur on the following holidays and breaks when the school district's central offices are closed: [include Christmas break and any break for Martin Luther King Jr.'s birthday] _____

Candidates must [wear masks and] observe district infection control rules in force at the time of filing.