MISSOURI SCHOOL BOARDS' ASSOCIATION

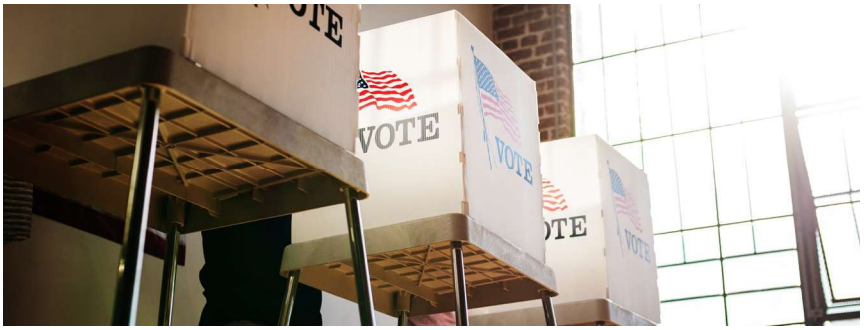
A Candidate's Legal Guide to Running for the School Board

Members of the school board are elected by the community to ensure all children receive a quality education. Board service should not be taken lightly. Make sure you are well-informed of the legal requirements for school board candidates.

For more information about being a candidate for school board, go to: School Board Candidate Resources | Missouri School Boards' Association (mosba.org). MSBA encourages qualified community members to consider school board service.

"We need to give every child the opportunity for a quality education. It's not only about the quality education system we have built, but the quality citizens we have encouraged to go forward."

-Board Member for 19 Years



Do You Have What It Takes?

Time Commitment

School board members in most districts serve three-year terms of office. However, board members in Independence serve six-year terms, and board members serving St. Louis Public Schools, Kansas City Public Schools, and districts that are primarily located in St. Charles County serve four-year terms.

Board members are expected to be present and actively participate in school board meetings. Some school boards regularly meet once a month, but others meet more often. Many school board members are also expected to serve on committees and attend district events. Contact your district's board president or superintendent to determine the expectations for board members in your school district.

Attendance is important! If a board member fails to attend three consecutive regular meetings, the school board can declare a vacancy. §162.303, RSMo.

This provision only applies to regularly scheduled board meetings, so a board member is not penalized for missing a special board meeting. However, special meetings are also important. The statute grants the board complete flexibility in excusing absences by board members.

Training Requirements

All board members, whether elected or appointed, are required to complete 18.5 hours of training within one year of the date of election or appointment.

After the initial 18.5 hours of training, board members must complete one hour of refresher training each additional year they are in office.

§162.203, RSMo. MSBA provides the required training as well as advanced levels of professional development for board service.

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Board Member Qualifications

State statute requires a director of most school boards to meet all the following requirements:

- At least 24 years of age.
- A citizen of the United States.
- A resident of Missouri and the district for at least one year prior to the election.
- A "resident taxpayer" of the district.
- For the "urban" districts Columbia, Ft. Zumwalt, Independence, Kansas City, Lee's Summit, Springfield and St. Joseph), school board members are required to be "voters of the district" rather than "resident taxpayers."
- For the "urban" districts in Jackson County, school board members are required to be residents of the subdistrict from which they are elected.
- Not delinquent in paying state income taxes, personal property taxes, municipal taxes or real property taxes on his or her place of residence.
- Not been found guilty or pled guilty to a felony under federal law or to a felony under Missouri law or an offense committed in another state that would be considered a felony in Missouri.
- Not been found guilty or pled guilty to assault or harrassment in the first or second degree if the assault or harassment occurred on school grounds.
- Not a registered sex offender or required to register as a sex offender under Missouri law.
- If a candidate in a previous election, must have filed all required campaign disclosure reports with the Missouri Ethics Commission (mec. mo.gov).
- If a corporate officer of any fee offices (like a Department of Motor Vehicles license office), the office cannot owe taxes to the state.

Note: Candidate requirements §162.581, RSMo., for the St. Louis School Board are different than those listed above.

Candidate qualifications may be challenged in accordance with §115.526, RSMo.

Who Is A Resident?

Individuals must reside, or live in, the school district to be a candidate for the board. Simply owning land or a house within the district's boundaries or paying taxes to the school district is not enough. Just because an individual's children attend the school district does not mean that the person is a resident as there are many districts that educate nonresident students. Student residency requirements are different than residency required for candidates. Further, some parents do not live with their children.

State statute does not include an official definition of a "resident" for candidate filing purposes and courts have interpreted the term broadly when a candidate has been challenged. That said, local community members take this requirement seriously and are quick to complain if they believe a candidate does not truly live in the district.

Paying Taxes

It is easy to meet the "taxpayer" part of the law, because the term is defined broadly. A "taxpayer" includes any person who has paid taxes to the state or any political subdivision (city, county, school district, etc.) within the last 12 months. §160.011, RSMo. Paying sales tax on a small purchase would satisfy this requirement.

But state law not only requires that candidates have paid taxes, but also prohibits candidates from being delinquent on any of the following taxes:

- State income taxes
- Personal property taxes
- Municipal taxes
- Real property taxes on the candidate's residence provided in the declaration of candidacy

Likewise, if a candidate is a past or current officer of a Missouri fee office (like a Department of Motor Vehicle license office), the office cannot owe taxes to the state. Candidates must file an affidavit affirming that they (or the fee office) are current on taxes to the Missouri Department of Revenue (dor.mo.gov). Candidates who are delinquent on their taxes may be disqualified from running if a complaint is filed with the DOR.

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District Employees

A person cannot serve on a school board if he or she is employed by the district. This restriction applies to full-time, part-time, temporary, and substitute employees. An employee may file to be a candidate for school board, but if he or she wins the election, the employee must resign from their employment in the district before they can be sworn in as a board member. Retired employees who are receiving early retirement payments from the district may still run for the board if the employee is not required to perform additional service as a condition of receiving those payments.

Please note that independent contractors are not employees. If an individual owns a business or works for a business that provides services to the district, but is not an employee, the individual may be a candidate for school board.

Board Members Who Are Associated With Businesses

There are several laws that prohibit school board members from directly profiting from their elected office. However, one statute in particular should be considered if a candidate or his or her spouse owns a business or is an officer of a business that routinely provides products or services to the district. See §105.454, RSMo.

> **Rule:** A board member cannot perform a service as an independent contractor or sell, rent or lease any property to the district for payment in excess of $500 value per transaction or $5,000 value per year to him or her, to his or her spouse, to a dependent child in his or her custody, or to any business with which he or she is associated.
>
> **Exception:** A board member or business in which he or she is associated can perform services and receive payment in excess of these amounts if the service was bid and the business associated with the board member submitted the lowest bid received.

Usually districts are free to accept the best bid for the district, even if it is not the lowest. However, the district is more limited in transactions with businesses with which board members are associated. If a board member or his or her spouse operates a business in which the school district is a significant client, this could be a problem. This law impacts transactions with:

- A board member and businesses owned by a board member.
- A board member's spouse and businesses owned by the spouse.
- Dependent children and businesses owned by a board member's dependent children.
- A partnership or joint venture in which a board member or his or her spouse is a partner, other than a limited partner in a limited partnership.
- A corporation or limited partnership in which the board member is an officer or director.
- A corporation or limited partnership in which the board member or his or her spouse or dependent child owns more than ten percent of any class of stock or partnership units.
- Any trust in which the board member or employee is a trustee or settlor in which the board member or employee's spouse or dependent child is a beneficiary.

The Missouri Ethics Commission (MEC) has more information on Missouri's conflict of interest laws on its website. Candidates should also review the school district's board policies on conflicts of interest so that they are aware of local rules as well.

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Declaration Of Candidacy

A candidate must file a declaration of candidacy in person and in writing at the location designated by the district. If a candidate is unable to file in person due to a disability or military service, the candidate may file by mail and may designate a personal representative to serve as a proxy for the purpose of determining ballot order. But if a candidate does not have a disability or is not out of the district due to military service, he or she must file in person and another person cannot file the paperwork on his or her behalf.

How Do You File To Be A Candidate?

Candidates for school board file at the school district's main office. School districts advertise candidate filing a few weeks prior to the first day of filing.

For all districts other than those located primarily in St. Charles County, the election dates of note are:

- Candidate filing begins on December 15, 2026 for most districts.
- Candidate filing ends on January 5, 2027.
- Election on April 6, 2027.

For all districts located primarily in St. Charles County, legislation passed in 2026 now sets board elections in November. For the 2028 election, when this measure goes into effect, the dates of note are:

- Candidate filing begins on July 19, 2028.
- Candidate filing ends on August 9, 2028.
- Election on November 8, 2028.

Note that candidates who are running in elections primarily located in St. Charles County may, but are not required, to provide a party affiliation on the ballot.

For candidates that file on the first day, candidates are either listed on the ballot in the order of filing or by lottery, depending on district policy. Prospective candidates should contact the school district's main office to determine which method the district uses. On all days following the opening day of filing, ballot order is determined by the sequence in which candidates file with the district.

Write-In Candidates

Write-in candidates are allowed in all elections. A write-in candidate is required to file a declaration of intent to be a write-in candidate with the county clerk or other election authority. The declaration must be filed prior to 5:00 p.m. on the second Friday immediately preceding the election (March 26, 2027, or October 27, 2028, for districts primarily located in St. Charles County) in order for write-in votes to be counted.

Removing Candidate From Ballot

After filing, a candidate may remove his or her name from the ballot any time before the district certifies the candidates to the county clerk or election authority (January 26, 2027, or September 5, 2028, for districts primarily located in St. Charles County). After the candidates have been certified and before the sixth Tuesday preceding the election (February 23, 2027, or October 3, 2028, for districts primarily located in St. Charles County), a candidate may only remove his or her name from the ballot by a court order. A candidate may not remove his/her name from the ballot after that date.

Holding Other Offices

Courts have prohibited individuals from serving in multiple public positions if the duties and responsibilities of the offices are conflicting.

However, it is unclear which positions, if any, may conflict with serving on a school board.

In 2001, the Missouri Attorney General's Office issued an opinion that found that serving on a school board was incompatible with serving as the county emergency planning coordinator or a county commissioner. However, in 2019 a circuit court in Jefferson County refused to remove a school board member who was also serving as a county commissioner. That decision was not appealed, and it is unclear whether candidates in other parts of the state should rely on this opinion.

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Financial Interest Statements

A Financial Interest Statement is a legal form used to identify financial interests of candidates and to raise awareness of potential conflicts of interest. If the district has an annual operating budget over $1 million, a candidate may be required to file a financial interest form with the district and the MEC.

Depending on the policy the district has adopted, a candidate may need to complete the MEC "long form" or the "short form." The district is required by law to notify candidates in writing which form is required and may provide candidates a copy of the form. Some districts require candidates to complete the applicable form and file it even if the candidate has nothing to disclose, just to make sure that the candidate has read the form.

Candidates may file statements electronically or by mail. For the April 6, 2027, election, candidates must have their statements filed with the MEC by 5:00 pm on January 19, 2027. For the November 8, 2028, election, affecting districts primarily located in St. Charles County, candidates must file their statements prior to August 23, 2028. To file electronically, create an account with the MEC.

If the statement is mailed, it must be postmarked no later than the day before the due date.



Identifying Campaign Materials With "Paid For By"

State statute requires any person or committee – including candidates or their friends or family members – to appropriately label printed campaign materials. § 130.031, RSMo. Failure to do so could result in fines. The required labels vary depending on whether an individual, business or committee is paying for the materials, so MSBA recommends that all candidates consult the MEC's "Paid For By" Requirements pamphlet.

Campaign materials include anything a candidate, committee, business or other person prints as a means of advertising, promoting or opposing a candidate's candidacy such as billboards, radio or television ads, newspaper advertising, yard signs, vehicle signs, postcards, and flyers. However, the statute specifically does not require the following materials to be labeled:

- Any sign a person makes for his or her own yard as long as the person is not compensated.
- Any items given away or sold, such as campaign buttons, pins, pens, pencils, campaign jewelry or clothing if:
  a. The items are paid for by the candidate or committee;
  b. The item is obvious in its identification with a specific candidate or committee; and
  c. The expenditures are properly reported by the candidate or committee.
- Any news story, commentary or editorial printed by a regularly published newspaper or other periodical without charge to a candidate, committee or any other person.

The law does not specifically mention electronic communications such as websites and social media accounts. However, many candidates choose to include the same "paid for by" disclaimer on electronic communications for transparency. Federal rules apply when candidates advertise on radio and television. See the Federal Communications Commission (fcc.gov) for more information.

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Campaign Contributions

All candidates are required to document the amount of any monetary donations received or the type and fair market value of items or services donated to benefit their campaign, and the person or business who donated it. This is true even if the donations come from a friend or family member.

Candidates also need to document amounts spent on their campaign, including expenditures of the candidate's own funds.

In addition, candidates should maintain all financial documents related to the campaign such as bills, receipts, deposit records, and cancelled checks that could be used to verify any statements or reports filed by the candidate or candidate committee. These records must be kept for three years after the date of the election.

This documentation will help a candidate comply with contribution rules and determine when a candidate committee needs to be formed or defend allegations that a committee should have been formed.

Contribution Limits

Missouri has no limits on the total amount of contributions a candidate may receive. However, cash donations (as opposed to checks, etc.) are limited to $100 per contributor, and any contribution that exceeds $5,000 must be electronically reported to the MEC within 48 hours of its receipt.

Missouri law also limits anonymous contributions to $25 per donor. The total amount of anonymous contributions a candidate or committee can accept is the greater of:

- $500 or
- 1% of all contributions received in the same calendar year.

Any anonymous contribution that pushes a committee over this threshold must be returned to the donor if possible or turned over to the state.

Fundraising Events

The same contribution rules apply to fundraising events as to any other form of contribution, but there is more leeway in accepting anonymous contributions above the $500 limit if the following rules are followed:

- There must be 25 or more contributing participants at the event.
- The candidate, committee treasurer, deputy treasurer or person sponsoring the event must make an announcement that it is illegal to make or receive a contribution in excess of $100 without the name and address of the contributor.
- The person in charge of the event cannot knowingly accept a contribution from a single person over $100 without obtaining the donor's name and address.
- A statement describing the event must be prepared by the candidate, treasurer or person responsible for the event and attached to the disclosure report for the period during which the event occurred.

In-Kind Contributions

"In-kind contributions" are donations in any form other than money. A gift, loan or donation of anything of value for the purpose of supporting or opposing a candidate for public office is considered a contribution that must be documented. For example, a donation of a sign, materials to make a sign, or professional services to create a sign or logo would be in-kind contributions under the law and must be documented as contributions received. However, in-kind contributions do not include ordinary home hospitality such as volunteers baking cookies or serving drinks.

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Candidate Committees

The primary reason candidates need to document donations received (including in-kind contributions) and expenditures made in support of the campaign, is that candidates may be required to create a candidate committee and register the committee with the MEC.

Candidates for school board and certain other offices are required to form a candidate committee if any of the following are true:

- You receive more than $325 from a single contributor (other than yourself)
- You have spent over $1,000 of your own money
- Your total contributions and expenditures are over $1,000

Even if the candidate is financing the entire campaign, if the donations or expenditures for the campaign exceed these amounts, the candidate must officially create a committee by filing paperwork with the MEC. The $1,000 expenditure limit includes any money spent by the candidate or any other person, with the candidate's knowledge and consent, on behalf of the person's candidacy. This includes spending the candidate's own money.

The MEC has resources to help candidates determine when to form and register a committee and a checklist of committee obligations.

Candidate-to-Candidate Contributions

Candidate committees may not make contributions to, or receive contributions from other candidate committees, including federal candidate committees. This includes money and anything of value other than money (goods, services, resources, etc. given free of charge or at a reduced price). This provision does not prevent a candidate from using their personal funds to contribute to another candidate or candidate committee. Mo. Const. Art. VIII, Sec. 23.3(4).

Candidate committees have other restrictions on who they may accept contributions from and to whom they may contribute. Contact the MEC for the most up-to-date information on contribution restrictions for candidate committees.

Committee Deadlines

The deadline for creating a committee is 30 days prior to the election, so plan ahead. If a candidate decides not to form a committee, the candidate cannot spend or receive funds that push the candidate beyond the $1,000 and/or $325 limitations within 30 days before the election. §130.016.7, RSMo.

In addition, all committees have periodic deadlines to submit electronic committee reports to the MEC regarding donations and expenditures as of that date. Some of these reports are required after the election. While the paperwork is simple, it is important to meet those deadlines to avoid an investigation and potential fines.

After The Election

Candidates that lose the election need to terminate the committee by completing the appropriate MEC forms. Candidates who win the election may terminate their committees or keep it active for future elections. Committees that remain active must continue to file reports with the MEC every quarter.

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Forming a Committee: The Paperwork

Forming a committee is simple!

1. Name the committee. A candidate committee must include the candidate's name.
2. Appoint a treasurer. The treasurer must be a resident of Missouri and the school district or a resident of any county in which the district sits. The treasurer maintains records and accounts, files timely reports and ensures that the committee functions in accordance with state regulations. Please note that candidates are ultimately responsible for the actions of their candidate committee, so choose wisely. Candidates may serve as the treasurer.
3. Establish a depository account. Each committee must have at least one official bank account in the committee's name to deposit all contributions and other receipts accepted by the committee including the candidate's own contributions. All committee expenditures must be made from the official depository and must be made by the treasurer, deputy treasurer or candidate. The depository must be a state or federally chartered bank, savings and loan association, or credit union located in Missouri.
4. File a Statement of Committee Organization Form with the MEC.

Key Dates

December 15, 2026
Filing Begins

January 5, 2027
Filing Ends

April 6, 2027
Election Day

Districts primarily located in St. Charles
July 19, 2028
Filing Begins

August 9, 2028
Filing Ends

November 8, 2028
Election Day

More Information?

If you have more questions, contact:

- Your local school district
- Missouri School Boards' Association
  mosba.org, 573-445-9920; or
- Missouri Ethics Commission
  mec.mo.gov, 800-392-8660

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