

FIRST REGULAR SESSION

# HOUSE BILL NO. 1203

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LONSDALE.

2592H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 115.124 and 115.127, RSMo, and to enact in lieu thereof three new sections relating to local elections, with a delayed effective date.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 115.124 and 115.127, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 115.124, 115.127, and 115.710, to read as  
3 follows:

115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election  
2 in any ~~[political subdivision or]~~ special district ~~[including municipal elections in any city,~~  
3 ~~town, or village]~~ with two thousand or fewer inhabitants that have adopted a proposal  
4 pursuant to subsection 3 of this section ~~[but excluding municipal elections in any city, town,~~  
5 ~~or village with more than two thousand inhabitants,]~~ if the notice provided for in subsection 5  
6 of section 115.127 has been published in at least one newspaper of general circulation as  
7 defined in section 493.050 in the district, and if the number of candidates for each office in ~~[a~~  
8 ~~particular political subdivision,]~~ **the** special district~~[-or municipality]~~ is equal to the number  
9 of positions for each office within the ~~[political subdivision,]~~ special district~~[-or~~  
10 ~~municipality]~~ to be filled by the election and no ballot measure is placed on the ballot  
11 such that a particular political subdivision will owe no proportional elections costs if an  
12 election is not held, no election shall be held, and the candidates shall assume the  
13 responsibilities of their offices at the same time and in the same manner as if they had been  
14 elected. If no election is held for a particular ~~[political subdivision,]~~ special district~~[-or~~  
15 ~~municipality]~~ as provided in this section, the election authority shall publish a notice  
16 containing the names of the candidates that shall assume the responsibilities of office under

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 this section. Such notice shall be published in at least one newspaper of general circulation as  
18 defined in section 493.050 in such ~~[political subdivision or]~~ district by the first of the month  
19 in which the election would have occurred, had it been contested. Notwithstanding any other  
20 provision of law to the contrary, if at any election the number of candidates filing for a  
21 particular office exceeds the number of positions to be filled at such election, the election  
22 authority shall hold the election as scheduled, even if a sufficient number of candidates  
23 withdraw from such contest for that office so that the number of candidates remaining after  
24 the filing deadline is equal to the number of positions to be filled.

25         2. The election authority or political subdivision responsible for the oversight of the  
26 filing of candidates in any nonpartisan election in any ~~[political subdivision or]~~ special district  
27 shall clearly designate where candidates shall form a line to effectuate such filings and  
28 determine the order of such filings; except that, in the case of candidates who file a  
29 declaration of candidacy with the election authority or political subdivision prior to 5:00 p.m.  
30 on the first day for filing, the election authority or political subdivision may determine by  
31 random drawing the order in which such candidates' names shall appear on the ballot. If a  
32 drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate,  
33 or candidate's representative if the candidate filed under subsection 2 of section 115.355, may  
34 draw a number at random at the time of filing. If such drawing is conducted, the election  
35 authority or political subdivision shall record the number drawn with the candidate's  
36 declaration of candidacy. If such drawing is conducted, the names of candidates filing on the  
37 first day of filing for each office on each ballot shall be listed in ascending order of the  
38 numbers so drawn.

39         3. The governing body of any city, town, or village with two thousand or fewer  
40 inhabitants may submit to the voters at any available election, a question to adopt the  
41 provisions of subsection 1 of this section for ~~[municipal]~~ **special district** elections. If a  
42 majority of the votes cast by the qualified voters voting thereon are in favor of the question,  
43 then the city, town, or village shall conduct ~~[nonpartisan municipal]~~ elections as provided in  
44 subsection 1 of this section for all nonpartisan elections remaining in the year in which the  
45 proposal was adopted and for the six calendar years immediately following such approval. At  
46 the end of such six-year period, each such ~~[city, town, or village]~~ **special district** shall be  
47 prohibited from conducting such elections in such a manner unless such a question is again  
48 adopted by the majority of qualified voters as provided in this subsection.

115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice  
2 of a special election to fill a vacancy submitted pursuant to subsection 2 of section 115.125,  
3 the election authority shall cause legal notice of the special election to be published in a  
4 newspaper of general circulation in its jurisdiction. The notice shall include the name of the  
5 officer or agency calling the election, the date and time of the election, the name of the office

6 to be filled and the date by which candidates must be selected or filed for the office. Within  
7 one week prior to each special election to fill a vacancy held in its jurisdiction, the election  
8 authority shall cause legal notice of the election to be published in two newspapers of  
9 different political faith and general circulation in the jurisdiction. The legal notice shall  
10 include the date and time of the election, the name of the officer or agency calling the election  
11 and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction,  
12 the notice shall be published in the newspaper within one week prior to the election. If there  
13 are two or more newspapers of general circulation in the jurisdiction, but no two of opposite  
14 political faith, the notice shall be published in any two of the newspapers within one week  
15 prior to the election.

16         2. Except as provided in subsections 1 and 4 of this section and in sections 115.521,  
17 115.549 and 115.593, the election authority shall cause legal notice of each election held in its  
18 jurisdiction to be published. The notice shall be published in two newspapers of different  
19 political faith and qualified pursuant to chapter 493 which are published within the bounds of  
20 the area holding the election. If there is only one so-qualified newspaper, then notice shall be  
21 published in only one newspaper. If there is no newspaper published within the bounds of the  
22 election area, then the notice shall be published in two qualified newspapers of different  
23 political faith serving the area. Notice shall be published twice, the first publication occurring  
24 in the second week prior to the election, and the second publication occurring within one  
25 week prior to the election. Each such legal notice shall include the date and time of the  
26 election, the name of the officer or agency calling the election and a sample ballot; and, unless  
27 notice has been given as provided by section 115.129, the second publication of notice of the  
28 election shall include the location of polling places. The election authority may provide any  
29 additional notice of the election it deems desirable.

30         3. The election authority shall print the official ballot as the same appears on the  
31 sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or  
32 official printed ballot shall be stricken or removed from the ballot except on death of a  
33 candidate or by court order, but in no event shall a candidate or issue be stricken or removed  
34 from the ballot less than eight weeks before the date of the election.

35         4. In lieu of causing legal notice to be published in accordance with any of the  
36 provisions of this chapter, the election authority in jurisdictions which have less than seven  
37 hundred fifty registered voters and in which no newspaper qualified pursuant to chapter 493 is  
38 published, may cause legal notice to be mailed during the second week prior to the election,  
39 by first class mail, to each registered voter at the voter's voting address. All such legal notices  
40 shall include the date and time of the election, the location of the polling place, the name of  
41 the officer or agency calling the election and a sample ballot.

42           5. If the opening date for filing a declaration of candidacy for any office in a political  
 43 subdivision or special district is not required by law or charter, the opening filing date shall be  
 44 8:00 a.m., the ~~[seventeenth]~~ **eighteenth** Tuesday prior to the election. If the closing date for  
 45 filing a declaration of candidacy for any office in a political subdivision or special district is  
 46 not required by law or charter, the closing filing date shall be 5:00 p.m., the ~~[fourteenth]~~  
 47 **thirteenth** Tuesday prior to the election. The political subdivision or special district calling  
 48 an election shall, before the ~~[seventeenth]~~ **eighteenth** Tuesday, prior to any election at which  
 49 offices are to be filled, notify the general public of the opening filing date, the office or offices  
 50 to be filled, the proper place for filing and the closing filing date of the election. Such  
 51 notification may be accomplished by legal notice published in at least one newspaper of  
 52 general circulation in the political subdivision or special district.

53           6. Except as provided for in sections 115.247 and 115.359, if there is no additional  
 54 cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or  
 55 reprinting costs, a candidate who has filed for an office or who has been duly nominated for  
 56 an office may, at any time after the certification of the notice of election required in  
 57 subsection 1 of section 115.125 but no later than 5:00 p.m. on the eighth Tuesday before the  
 58 election, withdraw as a candidate pursuant to a court order, which, except for good cause  
 59 shown by the election authority in opposition thereto, shall be freely given upon application  
 60 by the candidate to the circuit court of the area of such candidate's residence.

**115.710. 1. Each declaration of candidacy for any city, town, or village office, or  
 2 any township office in a township organization county shall state the candidate's full  
 3 name, residence address, office for which such candidate proposes to be a candidate, the  
 4 party ticket on which he or she wishes to be a candidate, and that if elected he or she will  
 5 qualify. The declaration shall be in substantially the following form:**

6           **I, \_\_\_\_\_, a resident and registered voter of the county of \_\_\_\_\_ and  
 7 the state of Missouri, residing at \_\_\_\_\_, do announce myself a  
 8 candidate for the office of \_\_\_\_\_ on the \_\_\_\_\_ party ticket, to be  
 9 voted for at the general municipal election to be held on the \_\_\_\_\_ day  
 10 of \_\_\_\_\_, \_\_\_\_\_, and I further declare that if elected to such office I  
 11 will qualify.**

12           \_\_\_\_\_  
 13           **Signature of candidate**

16           \_\_\_\_\_  
 17           **Residence address**

**Subscribed and sworn  
 to before me this  
 \_\_\_\_\_ day of  
 \_\_\_\_\_, \_\_\_\_\_**

\_\_\_\_\_  
**Signature of election  
 official or other officer**

19

**authorized to**

20

**administer oaths**

21

22

\_\_\_\_\_  
**Mailing address (if different)**

23

24

\_\_\_\_\_  
**Telephone Number (Optional)**

25

26

27

28

29

**2. If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate before an official authorized to accept his or her declaration of candidacy. If the declaration is to be filed by certified mail or any other means, it shall be subscribed and sworn to by the candidate before a notary public or other officer authorized by law to administer oaths.**

Section B. Section A of this act shall become effective on January 1, 2024.

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