

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 353
99TH GENERAL ASSEMBLY

Reported from the Committee on Local Government and Elections, April 13, 2017, with recommendation that the Senate Committee Substitute do pass.

1007S.04C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 115.124, 115.125, 116.050, 137.565, 162.492, 233.180, and 235.140, RSMo, and to enact in lieu thereof seven new sections relating to elections.

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

Section A. Sections 115.124, 115.125, 116.050, 137.565, 162.492, 233.180, 2 and 235.140, RSMo, are repealed and seven new sections enacted in lieu thereof, 3 to be known as sections 115.124, 115.125, 116.050, 137.565, 162.492, 233.180, and 4 235.140, to read as follows:

115.124. 1. Notwithstanding any other law to the contrary, in a 2 nonpartisan election in any political subdivision or special district including 3 municipal elections in any city, town, or village with [one] **two** thousand or fewer 4 inhabitants that have adopted a proposal pursuant to subsection 3 of this section 5 but excluding municipal elections in any city, town, or village with more than 6 [one] **two** thousand inhabitants, if the notice provided for in subsection 5 of 7 section 115.127 has been published in at least one newspaper of general 8 circulation as defined in section 493.050 in the district, and if the number of 9 candidates who have filed for a particular office is equal to the number of 10 positions in that office to be filled by the election, no election shall be held for 11 such office, and the candidates shall assume the responsibilities of their offices 12 at the same time and in the same manner as if they had been elected. If no 13 election is held for such office as provided in this section, the election authority 14 shall publish a notice containing the names of the candidates that shall assume 15 the responsibilities of office under this section. Such notice shall be published in

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

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

115.125. 1. Not later than 5:00 p.m. on the tenth Tuesday prior to any
2 election, except a special election to decide an election contest, tie vote or an
3 election to elect seven members to serve on a school board of a district pursuant
4 to section 162.241, or a delay in notification pursuant to subsection 2 of this
5 section, or pursuant to the provisions of section 115.399, the officer or agency
6 calling the election shall notify the election authorities responsible for conducting
7 the election. The notice shall be in writing, shall specify the name of the officer
8 or agency calling the election and shall include a certified copy of the legal notice
9 to be published pursuant to subsection 2 of section 115.127. The notice and any
10 other information required by this section may, with the prior notification to the
11 election authority receiving the notice, be accepted by facsimile transmission prior
12 to 5:00 p.m. on the tenth Tuesday prior to the election, provided that the original
13 copy of the notice and a certified copy of the legal notice to be published shall be
14 received in the office of the election authority within three business days from the
15 date of the facsimile transmission. In lieu of a certified copy of the legal notice
16 to be published pursuant to subsection 2 of section 115.127, each notice of a
17 special election to fill a vacancy shall include the name of the office to be filled,
18 the date of the election and the date by which candidates must be selected or filed
19 for the office. Not later than the fourth Tuesday prior to any special election to
20 fill a vacancy called by a political subdivision or special district, the officer or
21 agency calling the election shall certify a sample ballot to the election authorities
22 responsible for conducting the election.

23 2. Except as provided for in sections 115.247 and 115.359, if there is no
24 additional cost for the printing or reprinting of ballots or if the political
25 subdivision or special district calling for the election agrees to pay any printing
26 or reprinting costs **and the political subdivision or special district offers**
27 **to pay for all additional administrative costs**, a political subdivision or
28 special district may, at any time after certification required in subsection 1 of this
29 section, but no later than 5:00 p.m. on the sixth Tuesday before the election, be
30 permitted to make late notification to the election authority pursuant to court
31 order, which, except for good cause shown by the election authority in opposition
32 thereto, shall be freely given upon application by the political subdivision or
33 special district to the circuit court of the area of such subdivision or district. No
34 court shall have the authority to order an individual or issue be placed on the
35 ballot less than six weeks before the date of the election, except as provided in
36 sections 115.361 and 115.379.

37 **3. The payment of additional administrative costs under**
38 **subsection 2 of this section shall be due no later than the third Tuesday**
39 **prior to an election and the amount of such costs shall be determined**
40 **in good faith by the election authority which shall give notice of the**
41 **additional administrative cost requirement to the political subdivision**
42 **or special district prior to the expiration of the deadline for late**
43 **notification. If no payment is actually made, then the election shall**
44 **still be held with the requested, modified ballots, but the election**
45 **authority shall be entitled to punitive damages of three times the**
46 **additional administrative cost requirement in addition to restitution**
47 **of the original administrative cost requirement and all attorney fees**
48 **and costs.**

116.050. 1. Initiative and referendum petitions filed under the provisions
2 of this chapter shall consist of pages of a uniform size. Each page, excluding the
3 text of the measure, shall be no larger than eight and one-half by fourteen inches
4 **and the font of the text of the measure shall be at least fourteen point**
5 **and in Times New Roman.** Each page of an initiative petition shall be
6 attached to or shall contain a full and correct text of the proposed measure. Each
7 page of a referendum petition shall be attached to or shall contain a full and
8 correct text of the measure on which the referendum is sought.

9 2. The full and correct text of all initiative and referendum petition
10 measures shall:

11 (1) Contain all matter which is to be deleted included in its proper place
12 enclosed in brackets and all new matter shown underlined;

13 (2) Include all sections of existing law or of the constitution which would
14 be repealed by the measure; and

15 (3) Otherwise conform to the provisions of Article III, Section 28 and
16 Article III, Section 50 of the Constitution and those of this chapter.

137.565. Whenever ten or more voters residing in **or owners of land in**
2 any general or special road district in any county in this state shall petition the
3 county commission of the county in which such district is located, asking that
4 such commission submit the question in such district for the purpose of voting for
5 or against the levy of the tax provided for in [the second sentence of the first
6 paragraph of] Section 12(a) of Article X of the Constitution of Missouri, it shall
7 be the duty of the county commission, upon the filing of such petition, to submit
8 the question. The petition so filed shall set out the duration of the tax to be

9 levied in a period of one, two, three, or four years and the ballot to be used for
10 voting shall specify the number of years duration of the tax levy, but in no event
11 shall the duration of the tax levy be for a period of more than four years. Such
12 submission shall be made by an order entered of record setting forth the date and
13 the rate of tax the commission will levy, which rate shall not exceed thirty-five
14 cents on the hundred dollars assessed valuation on all taxable real and tangible
15 personal property in the district.

162.492. 1. In all urban districts containing the greater part of the
2 population of a city which has more than three hundred thousand inhabitants,
3 the election authority of the city in which the greater portion of the school district
4 lies, and of the county if the district includes territory not within the city limits,
5 shall serve ex officio as a redistricting commission. The commission shall on or
6 before November 1, 2018, divide the school district into five subdistricts, all
7 subdistricts being of compact and contiguous territory and as nearly equal in the
8 number of inhabitants as practicable and thereafter the board shall redistrict the
9 district into subdivisions as soon as practicable after each United States
10 decennial census. In establishing the subdistricts each member shall have one
11 vote and a majority vote of the total membership of the commission is required
12 to make effective any action of the commission.

13 2. School elections for the election of directors shall be held on municipal
14 election days in 2014 and 2016. At the election in 2014, directors shall be elected
15 to hold office until 2019 and until their successors are elected and qualified. At
16 the election in 2016, directors shall be elected until 2019 and until their
17 successors are elected and qualified. Beginning in 2019, school elections for the
18 election of directors shall be held on the local election date as specified in the
19 charter of a home rule city with more than four hundred thousand inhabitants
20 and located in more than one county. Beginning at the election for school
21 directors in 2019, the number of directors on the board shall be reduced from nine
22 to seven. Two directors shall be at-large directors and five directors shall
23 represent the subdistricts, with one director from each of the
24 subdistricts. [Directors shall serve a four-year term] **At the 2019 election, one**
25 **of the at-large directors and the directors from subdistricts one, three,**
26 **and five shall be elected for a two-year term, and the other at-large**
27 **director and the directors from subdistricts two and four shall be**
28 **elected for a four-year term. Thereafter, all seven directors shall serve**
29 **a four-year term.** Directors shall serve until the next election and until their

30 successors, then elected, are duly qualified as provided in this section. In
31 addition to other qualifications prescribed by law, each member elected from a
32 subdistrict shall be a resident of the subdistrict from which he or she is
33 elected. The subdistricts shall be numbered from one to five. [Each voter may
34 vote for two candidates for at-large director and the two receiving the largest
35 number of votes cast shall be elected.]

36 3. The five candidates, one from each of the subdistricts, who receive a
37 plurality of the votes cast by the voters of that subdistrict and the at-large
38 candidates receiving a plurality of the at-large votes shall be elected. The name
39 of no candidate for nomination shall be printed on the ballot unless the candidate
40 has at least sixty days prior to the election filed a declaration of candidacy with
41 the secretary of the board of directors containing the signatures of at least two
42 hundred fifty registered voters who are residents of the subdistrict within which
43 the candidate for nomination to a subdistrict office resides, and in case of at-large
44 candidates the signatures of at least five hundred registered voters. The election
45 authority shall determine the validity of all signatures on declarations of
46 candidacy.

47 4. In any election either for at-large candidates or candidates elected by
48 the voters of subdistricts, if there are more than two candidates, a majority of the
49 votes are not required to elect but the candidate having a plurality of the votes
50 [if there is only one office to be filled and the candidates having the highest
51 number of votes, if more than one office is to be filled,] shall be elected.

52 5. The names of all candidates shall appear upon the ballot without party
53 designation and in the order of the priority of the times of filing their petitions
54 of nomination. No candidate may file both at large and from a subdistrict and
55 the names of all candidates shall appear only once on the ballot, nor may any
56 candidate file more than one declaration of candidacy. All declarations shall
57 designate the candidate's residence and whether the candidate is filing at large
58 or from a subdistrict and the numerical designation of the subdistrict or at-large
59 area.

60 6. The provisions of all sections relating to seven-director school districts
61 shall also apply to and govern urban districts in cities of more than three
62 hundred thousand inhabitants, to the extent applicable and not in conflict with
63 the provisions of those sections specifically relating to such urban districts.

64 7. Vacancies which occur on the school board between the dates of election
65 shall be filled by special election if such vacancy happens more than six months

66 prior to the time of holding an election as provided in subsection 2 of this
67 section. The state board of education shall order a special election to fill such a
68 vacancy. A letter from the commissioner of education, delivered by certified mail
69 to the election authority or authorities that would normally conduct an election
70 for school board members shall be the authority for the election authority or
71 authorities to proceed with election procedures. If a vacancy occurs less than six
72 months prior to the time of holding an election as provided in subsection 2 of this
73 section, no special election shall occur and the vacancy shall be filled at the next
74 election day on which local elections are held as specified in the charter of any
75 home rule city with more than four hundred thousand inhabitants and located in
76 more than one county.

233.180. 1. At the term of the county commission in which such order is
2 made, or at any subsequent term thereafter, the county commission shall appoint
3 three commissioners of the special road district, who shall be voters of the district
4 and owners of land within the district, who shall hold their office until the second
5 Tuesday in April thereafter. The voters of the district shall elect three
6 commissioners of the special road district, one of whom shall serve one year, one
7 for two years and one for three years, and on municipal election days each year
8 thereafter they shall elect a commissioner of the special road district to take the
9 place of the one whose term is about to expire, who shall serve three years.

10 2. No person shall be elected or appointed commissioner of the special
11 road district who is not a voter of **the district or a registered voter from the**
12 **county in which the district is located and an owner of land in the**
13 district. Any vacancy caused by resignation, death, removal from the district of
14 a commissioner of the special road district or sale of all land owned by [him] **the**
15 **commissioner** in the district shall be filled for the unexpired term by
16 appointment by the remaining commissioners of the special road district. All
17 commissioners of the special road district shall qualify by taking, subscribing and
18 filing with the county clerk the oath prescribed by the constitution of this state,
19 and that they will faithfully, honestly and impartially discharge their duties as
20 commissioners of the special road district according to law.

21 3. If for any reason the board of commissioners of the special road district
22 herein mentioned shall fail to fill a vacancy or vacancies caused by the expiration
23 of the term of any one or more of the commissioners of the special road district,
24 then the county commission is hereby authorized and required to appoint a
25 person to fill the vacancy. **In the event that two consecutive elections pass**

26 **without any candidates for a special road district commissioner in**
27 **municipal elections, then the county commission is hereby authorized**
28 **and required to appoint commissioners of the special road district for**
29 **three-year terms thereafter with no further elections being held.**

235.140. 1. At the general **municipal** election in the year after the first
2 full calendar year after the organization of any district and at the general
3 **municipal** election thereafter, there shall be elected by the voters of the district
4 one member of the board to serve for a term of six years. Nominations may be
5 filed, **as provided by law**, with the secretary of the board **or the board may**
6 **provide for nominations to be filed with the election authority for the**
7 **jurisdiction in which the district is located.**

8 2. The candidates for board member shall be elected on a separate
9 nonpartisan ballot. The candidate receiving the most votes shall be elected. Any
10 new member of the board shall qualify in the same manner as members of the
11 first board qualify.

12 3. **At the first general municipal election to occur after August**
13 **28, 2017, the elections for the seats of any board members elected to a**
14 **six year term in 2012 or who have been appointed to unexpired terms**
15 **of members elected to a six year term in 2012, shall be held. At the**
16 **second general municipal election to occur after August 28, 2017, the**
17 **elections for the seats of any board members elected to a six year term**
18 **in 2014 or who have been appointed to unexpired terms of members**
19 **elected to a six year term in 2014, shall be held. At the third general**
20 **municipal election to occur after August 28, 2017, the elections for the**
21 **seats of any board members elected to a six year term in 2016 or who**
22 **have been appointed to unexpired terms of members elected to a six**
23 **year term in 2016, shall be held.**

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