

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 595
100TH GENERAL ASSEMBLY

0759H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 115.127, RSMo, and to enact in lieu thereof one new section relating to elections.

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

Section A. Section 115.127, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.127, to read as follows:

115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice of a special election to fill a vacancy submitted pursuant to subsection 2 of section 115.125, the election authority shall cause legal notice of the special election to be published in a newspaper of general circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the election, the date and time of the election, the name of the office to be filled and the date by which candidates must be selected or filed for the office. Within one week prior to each special election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to be published in two newspapers of different political faith and general circulation in the jurisdiction. The legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the newspapers within one week prior to the election.

2. Except as provided in subsections 1 and 4 of this section and in sections 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each election held in its jurisdiction to be published. The notice shall be published in two newspapers of different political faith and qualified pursuant to chapter 493 which are published within the bounds of

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.

19 the area holding the election. If there is only one so-qualified newspaper, then notice shall be
20 published in only one newspaper. If there is no newspaper published within the bounds of the
21 election area, then the notice shall be published in two qualified newspapers of different political
22 faith serving the area. Notice shall be published twice, the first publication occurring in the
23 second week prior to the election, and the second publication occurring within one week prior
24 to the election. Each such legal notice shall include the date and time of the election, the name
25 of the officer or agency calling the election and a sample ballot; and, unless notice has been
26 given as provided by section 115.129, the second publication of notice of the election shall
27 include the location of polling places. The election authority may provide any additional notice
28 of the election it deems desirable.

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

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

41 5. If the opening date for filing a declaration of candidacy for any office in a political
42 subdivision or special district is not required by law or charter, the opening filing date shall be
43 8:00 a.m., the ~~sixteenth~~ **nineteenth** Tuesday prior to the election, except that for any home rule
44 city with more than four hundred thousand inhabitants and located in more than one county and
45 any political subdivision or special district located in such city, the opening filing date shall be
46 8:00 a.m., the fifteenth Tuesday prior to the election. If the closing date for filing a declaration
47 of candidacy for any office in a political subdivision or special district is not required by law or
48 charter, the closing filing date shall be 5:00 p.m., the ~~eleventh~~ **fourteenth** Tuesday prior to the
49 election. The political subdivision or special district calling an election shall, before the
50 sixteenth Tuesday, or the fifteenth Tuesday for any home rule city with more than four hundred
51 thousand inhabitants and located in more than one county or any political subdivision or special
52 district located in such city, prior to any election at which offices are to be filled, notify the
53 general public of the opening filing date, the office or offices to be filled, the proper place for
54 filing and the closing filing date of the election. Such notification may be accomplished by legal

55 notice published in at least one newspaper of general circulation in the political subdivision or
56 special district.

57 6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost
58 for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting
59 costs, a candidate who has filed for an office or who has been duly nominated for an office may,
60 at any time after the certification of the notice of election required in subsection 1 of section
61 115.125 but no later than 5:00 p.m. on the eighth Tuesday before the election, withdraw as a
62 candidate pursuant to a court order, which, except for good cause shown by the election authority
63 in opposition thereto, shall be freely given upon application by the candidate to the circuit court
64 of the area of such candidate's residence.

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