

# SENATE BILL NO. 202

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

1018S.01I

KRISTINA MARTIN, Secretary

## 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.

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

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2 repealed and three new sections enacted in lieu thereof, to be  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

115.124. 1. Notwithstanding any other law to the  
2 contrary, in a nonpartisan election in any [political  
3 subdivision or] special district [including municipal  
4 elections in any city, town, or village] with two thousand  
5 or fewer inhabitants that have adopted a proposal pursuant  
6 to subsection 3 of this section [but excluding municipal  
7 elections in any city, town, or village with more than two  
8 thousand inhabitants,] if the notice provided for in  
9 subsection 5 of section 115.127 has been published in at  
10 least one newspaper of general circulation as defined in  
11 section 493.050 in the district, and if the number of  
12 candidates for each office in [a particular political  
13 subdivision,] **the** special district[, or municipality] is  
14 equal to the number of positions for each office within the  
15 [political subdivision,] special district[, or municipality]  
16 to be filled by the election and no ballot measure is placed  
17 on the ballot such that a particular political subdivision

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

18 will owe no proportional elections costs if an election is  
19 not held, no election shall be held, and the candidates  
20 shall assume the responsibilities of their offices at the  
21 same time and in the same manner as if they had been  
22 elected. If no election is held for a particular [political  
23 subdivision,] special district[, or municipality] as  
24 provided in this section, the election authority shall  
25 publish a notice containing the names of the candidates that  
26 shall assume the responsibilities of office under this  
27 section. Such notice shall be published in at least one  
28 newspaper of general circulation as defined in section  
29 493.050 in such [political subdivision or] district by the  
30 first of the month in which the election would have  
31 occurred, had it been contested. Notwithstanding any other  
32 provision of law to the contrary, if at any election the  
33 number of candidates filing for a particular office exceeds  
34 the number of positions to be filled at such election, the  
35 election authority shall hold the election as scheduled,  
36 even if a sufficient number of candidates withdraw from such  
37 contest for that office so that the number of candidates  
38 remaining after the filing deadline is equal to the number  
39 of positions to be filled.

40 2. The election authority or political subdivision  
41 responsible for the oversight of the filing of candidates in  
42 any nonpartisan election in any [political subdivision or]  
43 special district shall clearly designate where candidates  
44 shall form a line to effectuate such filings and determine  
45 the order of such filings; except that, in the case of  
46 candidates who file a declaration of candidacy with the  
47 election authority or political subdivision prior to 5:00  
48 p.m. on the first day for filing, the election authority or  
49 political subdivision may determine by random drawing the

50 order in which such candidates' names shall appear on the  
51 ballot. If a drawing is conducted pursuant to this  
52 subsection, it shall be conducted so that each candidate, or  
53 candidate's representative if the candidate filed under  
54 subsection 2 of section 115.355, may draw a number at random  
55 at the time of filing. If such drawing is conducted, the  
56 election authority or political subdivision shall record the  
57 number drawn with the candidate's declaration of candidacy.  
58 If such drawing is conducted, the names of candidates filing  
59 on the first day of filing for each office on each ballot  
60 shall be listed in ascending order of the numbers so drawn.

61 3. The governing body of any city, town, or village  
62 with two thousand or fewer inhabitants may submit to the  
63 voters at any available election, a question to adopt the  
64 provisions of subsection 1 of this section for **[municipal]**  
65 **special district** elections. If a majority of the votes cast  
66 by the qualified voters voting thereon are in favor of the  
67 question, then the city, town, or village shall conduct  
68 **[nonpartisan municipal]** elections as provided in subsection  
69 1 of this section for all nonpartisan elections remaining in  
70 the year in which the proposal was adopted and for the six  
71 calendar years immediately following such approval. At the  
72 end of such six-year period, each such **[city, town, or**  
73 **village]** **special district** shall be prohibited from  
74 conducting such elections in such a manner unless such a  
75 question is again adopted by the majority of qualified  
76 voters as provided in this subsection.

115.127. 1. Except as provided in subsection 4 of  
2 this section, upon receipt of notice of a special election  
3 to fill a vacancy submitted pursuant to subsection 2 of  
4 section 115.125, the election authority shall cause legal  
5 notice of the special election to be published in a

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

25       2. Except as provided in subsections 1 and 4 of this  
26 section and in sections 115.521, 115.549 and 115.593, the  
27 election authority shall cause legal notice of each election  
28 held in its jurisdiction to be published. The notice shall  
29 be published in two newspapers of different political faith  
30 and qualified pursuant to chapter 493 which are published  
31 within the bounds of the area holding the election. If  
32 there is only one so-qualified newspaper, then notice shall  
33 be published in only one newspaper. If there is no  
34 newspaper published within the bounds of the election area,  
35 then the notice shall be published in two qualified  
36 newspapers of different political faith serving the area.  
37 Notice shall be published twice, the first publication

38 occurring in the second week prior to the election, and the  
39 second publication occurring within one week prior to the  
40 election. Each such legal notice shall include the date and  
41 time of the election, the name of the officer or agency  
42 calling the election and a sample ballot; and, unless notice  
43 has been given as provided by section 115.129, the second  
44 publication of notice of the election shall include the  
45 location of polling places. The election authority may  
46 provide any additional notice of the election it deems  
47 desirable.

48 3. The election authority shall print the official  
49 ballot as the same appears on the sample ballot, and no  
50 candidate's name or ballot issue which appears on the sample  
51 ballot or official printed ballot shall be stricken or  
52 removed from the ballot except on death of a candidate or by  
53 court order, but in no event shall a candidate or issue be  
54 stricken or removed from the ballot less than eight weeks  
55 before the date of the election.

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

67 5. If the opening date for filing a declaration of  
68 candidacy for any office in a political subdivision or  
69 special district is not required by law or charter, the

70 opening filing date shall be 8:00 a.m., the [seventeenth]  
71 **eighteenth** Tuesday prior to the election. If the closing  
72 date for filing a declaration of candidacy for any office in  
73 a political subdivision or special district is not required  
74 by law or charter, the closing filing date shall be 5:00  
75 p.m., the [fourteenth] **thirteenth** Tuesday prior to the  
76 election. The political subdivision or special district  
77 calling an election shall, before the [seventeenth]  
78 **eighteenth** Tuesday, prior to any election at which offices  
79 are to be filled, notify the general public of the opening  
80 filing date, the office or offices to be filled, the proper  
81 place for filing and the closing filing date of the  
82 election. Such notification may be accomplished by legal  
83 notice published in at least one newspaper of general  
84 circulation in the political subdivision or special district.

85 6. Except as provided for in sections 115.247 and  
86 115.359, if there is no additional cost for the printing or  
87 reprinting of ballots or if the candidate agrees to pay any  
88 printing or reprinting costs, a candidate who has filed for  
89 an office or who has been duly nominated for an office may,  
90 at any time after the certification of the notice of  
91 election required in subsection 1 of section 115.125 but no  
92 later than 5:00 p.m. on the eighth Tuesday before the  
93 election, withdraw as a candidate pursuant to a court order,  
94 which, except for good cause shown by the election authority  
95 in opposition thereto, shall be freely given upon  
96 application by the candidate to the circuit court of the  
97 area of such candidate's residence.

**115.710. 1. Each declaration of candidacy for any  
2 city, town, or village office, or any township office in a  
3 township organization county shall state the candidate's  
4 full name, residence address, office for which such**

5 candidate proposes to be a candidate, the party ticket on  
 6 which he or she wishes to be a candidate, and that if  
 7 elected he or she will qualify. The declaration shall be in  
 8 substantially the following form:

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

17 \_\_\_\_\_ Subscribed and sworn  
 18 Signature of candidate to before me this  
 19 \_\_\_\_\_ day of  
 20 \_\_\_\_\_, \_\_\_\_\_

21 \_\_\_\_\_  
 22 Residence address Signature of election  
 23 official or other  
 24 officer  
 25 authorized to  
 26 administer oaths

27 \_\_\_\_\_  
 28 Mailing address (if  
 29 different)

30 \_\_\_\_\_  
 31 Telephone Number  
 32 (Optional)

33 2. If the declaration is to be filed in person, it  
 34 shall be subscribed and sworn to by the candidate before an  
 35 official authorized to accept his or her declaration of  
 36 candidacy. If the declaration is to be filed by certified

37 mail or any other means, it shall be subscribed and sworn to  
38 by the candidate before a notary public or other officer  
39 authorized by law to administer oaths.

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

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