

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 631
97TH GENERAL ASSEMBLY

4780H.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 71.015, 94.902, 115.135, 115.912, 116.332, and 116.334, RSMo, and sections 115.277 and 115.283 as enacted by house committee substitute for senate substitute for senate committee substitute for senate bill no. 116, ninety-seventh general assembly, first regular session, and to enact in lieu thereof ten new sections relating to voting, with an effective date for certain sections, and an emergency clause for certain sections.

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

Section A. Sections 71.015, 94.902, 115.135, 115.912, 116.332, and 116.334, RSMo, and sections 115.277 and 115.283 as enacted by house committee substitute for senate substitute for senate committee substitute for senate bill no. 116, ninety-seventh general assembly, first regular session, are repealed and ten new sections enacted in lieu thereof, to be known as sections 67.585, 71.015, 94.902, 115.135, 115.277, 115.283, 115.912, 116.332, 116.333, and 116.334, to read as follows:

67.585. 1. The governing body of any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, through the creation of a recreational and community center district which shall include only the area encompassed by the portion of a school district located within that county having an average daily attendance for the 2012-2013 school year between eleven thousand and twelve thousand students and any public park located wholly or partially within that portion of the school district, upon voter approval as outlined in subsections 2 and 3 of this section, shall impose, by order or ordinance, a sales tax on all retail sales made within the recreational and community center district which are subject to sales tax under chapter 144. The tax authorized in this section shall not exceed one half of one percent and shall be imposed for the purpose of funding the construction, maintenance, and operation of and

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.

12 the purchase of equipment for community centers and other purposes of recreation and
13 wellness as determined by the board which is established in subsection 8 of this section.
14 The tax authorized in this section shall be in addition to all other sales taxes imposed by
15 law and shall be stated separately from all other charges and taxes.

16 2. (1) No such order or ordinance adopted under subsection 1 of this section shall
17 become effective unless the governing body of the county submits to the voters residing
18 within the recreational and community center district on any date available for elections
19 in the county, a proposal to authorize the governing body of the county to impose a tax
20 under this section; or

21 (2) If the governing body of the county receives a petition signed by ten percent of
22 the registered voters of the county within the recreational and community center district
23 who voted in the last gubernatorial election calling for an election to impose a tax under
24 this section, the governing body shall submit to the voters of the county within the
25 recreational and community center district on any date available for elections in the
26 county, a proposal to authorize the governing body of the county to impose a tax under this
27 section; or

28 (3) If the governing body of a special charter city with more than twenty-nine
29 thousand but fewer than thirty-two thousand inhabitants, and a governing body of a home
30 rule city with more than four hundred thousand inhabitants and located in more than one
31 county, jointly request, the governing body of the county shall submit to the voters of the
32 county within the recreational and community center district on any date available for
33 elections in the county a proposal to authorize the governing body of the county to impose
34 a tax under this section.

35

36 All costs associated with placing such a question to the voters within the recreational and
37 community center district shall be borne by the cities referenced in subdivision (3) of
38 subsection 2 of this section. If such tax is authorized by the voters of the recreational and
39 community center district, the cost may be reimbursed to such cities upon implementation
40 of the tax.

41 3. The ballot of submission shall contain, but need not be limited to, the following
42 language:

43 Shall the county of (county's name) impose a sales tax of (insert amount)
44 within the boundaries of the (insert name) school district for the purpose of funding
45 the construction, repair, improvement, maintenance, and operation of and purchase of
46 equipment for community centers and other recreational facilities and programs?
47

48 **If a majority of the votes cast on the question by the qualified voters voting thereon are in**
49 **favor of the question, then the tax shall become effective on the first day of the second**
50 **calendar quarter. If a majority of the votes cast on the question by the qualified voters**
51 **voting thereon are opposed to the question, then the tax shall not become effective unless**
52 **and until the question is resubmitted under this section to the qualified voters and such**
53 **question is approved by the requisite majority of the qualified voters voting on the**
54 **question. In no event shall a proposal under this section be submitted to the voters sooner**
55 **than twelve months from the date of the last proposal under this section.**

56 **4. Except as modified in this section, all provisions of sections 32.085 and 32.087**
57 **shall apply to the tax imposed under this section.**

58 **5. All revenue collected under this section by the director of the department of**
59 **revenue on behalf of any county, except for one percent for the cost of collection which**
60 **shall be deposited in the state's general revenue fund after payment of premiums for surety**
61 **bonds as provided in section 32.087, shall be deposited in a special trust fund, which is**
62 **hereby created and shall be known as the "Recreational and Community Center District**
63 **Sales Tax Trust Fund", and shall be used solely for the designated purposes. Moneys in**
64 **the fund shall not be deemed to be state funds and shall not be commingled with any funds**
65 **of the state. The director may make refunds from the amounts in the fund and credited**
66 **to the county for erroneous payments and overpayments made and may redeem**
67 **dishonored checks and drafts deposited to the credit of such county.**

68 **6. A question of repeal of the sales tax authorized in this section shall be submitted**
69 **to the voters on any date available for elections in the county, of the recreational and**
70 **community center district by the governing body of any county that has adopted the sales**
71 **tax authorized in this section if:**

72 **(1) The board authorized in subsection 8 of this section requests such; or**

73 **(2) A petition signed by a number of registered voters of the county within the**
74 **recreational and community center district equal to at least ten percent of the number of**
75 **registered voters of the county within the recreational and community center district voting**
76 **in the last gubernatorial election is received requesting such.**

77

78 **If a majority of the votes cast on the question by the qualified voters voting thereon are in**
79 **favor of the repeal, that repeal shall become effective on December thirty-first of the**
80 **calendar year in which such repeal was approved. If less than a majority of the votes cast**
81 **on the question by the qualified voters voting thereon are in favor of the repeal, then the**
82 **sales tax authorized in this section shall remain effective until the question is resubmitted**
83 **under this section to the qualified voters. In no event shall a proposal under this section**

84 be submitted to the voters sooner than twelve months from the date of the last proposal
85 under this section. No tax imposed pursuant to this section for the purpose of retiring
86 bonds, as authorized in subsection 8 in this section, may be terminated until all such bonds
87 have been retired.

88 7. If the tax is repealed or terminated by any means, all funds remaining in the
89 special trust fund shall continue to be used solely for the designated purposes, and the
90 county shall notify the director of the department of revenue of the action at least ninety
91 days before the effective date of the repeal, and the director may order retention in the
92 trust fund, for a period of one year, of two percent of the amount collected after receipt of
93 such notice to cover possible refunds or overpayment of the tax and to redeem dishonored
94 checks and drafts deposited to the credit of such accounts. After one year has elapsed after
95 the effective date of abolition of the tax in such county, the director shall remit the balance
96 in the account to the county and close the account of that county. The director shall notify
97 each county of each instance of any amount refunded or any check redeemed from receipts
98 due to the county.

99 8. A board shall be established to administer the powers and duties as provided in
100 this section. The board may issue debt for the district as authorized under section 67.798.
101 All board members shall be residents of the recreational and community center district.
102 The board shall consist of eight members as follows:

103 (1) Four members appointed by the mayor of a home rule city with more than four
104 hundred thousand inhabitants and located in more than one county, with two of the first
105 members appointed for a two-year term and the other two members appointed for a four-
106 year term. Thereafter, each appointment shall be for a four-year term;

107 (2) Four members appointed by the mayor of a special charter city with more than
108 twenty-nine thousand but fewer than thirty-two thousand inhabitants, with two of the first
109 members appointed for a two-year term and the other two members appointed for a four-
110 year term. Thereafter, each appointment shall be for a four-year term;

111

112 A board member may be removed by the mayor who appointed him or her, at any time
113 during his or her term, for reasons of excessive absence at regularly scheduled board
114 meetings. The mayor shall appoint a replacement member to serve for the remainder of
115 the current term. No member may serve more than two full terms. A partial term shall
116 not be considered a term.

71.015. 1. Should any city, town, or village, not located in any county of the first
2 classification which has adopted a constitutional charter for its own local government, seek to
3 annex an area to which objection is made, the following shall be satisfied:

4 (1) Before the governing body of any city, town, or village has adopted a resolution to
5 annex any unincorporated area of land, such city, town, or village shall first as a condition
6 precedent determine that the land to be annexed is contiguous to the existing city, town, or
7 village limits and that the length of the contiguous boundary common to the existing city, town,
8 or village limit and the proposed area to be annexed is at least fifteen percent of the length of the
9 perimeter of the area proposed for annexation.

10 (2) The governing body of any city, town, or village shall propose an ordinance setting
11 forth the following:

12 (a) The area to be annexed and affirmatively stating that the boundaries comply with the
13 condition precedent referred to in subdivision (1) above;

14 (b) That such annexation is reasonable and necessary to the proper development of the
15 city, town, or village;

16 (c) That the city has developed a plan of intent to provide services to the area proposed
17 for annexation;

18 (d) That a public hearing shall be held prior to the adoption of the ordinance;

19 (e) When the annexation is proposed to be effective, the effective date being up to
20 thirty-six months from the date of any election held in conjunction thereto.

21 (3) The city, town, or village shall fix a date for a public hearing on the ordinance and
22 make a good faith effort to notify all fee owners of record within the area proposed to be annexed
23 by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all
24 residents of the area by publication of notice in a newspaper of general circulation qualified to
25 publish legal matters in the county or counties where the proposed area is located, at least once
26 a week for three consecutive weeks prior to the hearing, with at least one such notice being not
27 more than twenty days and not less than ten days before the hearing.

28 (4) At the hearing referred to in subdivision (3) **of this subsection**, the city, town, or
29 village shall present the plan of intent and evidence in support thereof to include:

30 (a) A list of major services presently provided by the city, town, or village including, but
31 not limited to, police and fire protection, water and sewer systems, street maintenance, parks and
32 recreation, and refuse collection;

33 (b) A proposed time schedule whereby the city, town, or village plans to provide such
34 services to the residents of the proposed area to be annexed within three years from the date the
35 annexation is to become effective;

36 (c) The level at which the city, town, or village assesses property and the rate at which
37 it taxes that property;

38 (d) How the city, town, or village proposes to zone the area to be annexed;

39 (e) When the proposed annexation shall become effective.

40 (5) Following the hearing, and either before or after the election held in subdivision (6)
41 of this subsection, should the governing body of the city, town, or village vote favorably by
42 ordinance to annex the area, the governing body of the city, town or village shall file an action
43 in the circuit court of the county in which such unincorporated area is situated, under the
44 provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The
45 petition in such action shall state facts showing:

46 (a) The area to be annexed and its conformity with the condition precedent referred to
47 in subdivision (1) of this subsection;

48 (b) That such annexation is reasonable and necessary to the proper development of the
49 city, town, or village; and

50 (c) The ability of the city, town, or village to furnish normal municipal services of the
51 city, town, or village to the unincorporated area within a reasonable time not to exceed three
52 years after the annexation is to become effective. Such action shall be a class action against the
53 inhabitants of such unincorporated area under the provisions of section 507.070.

54 (6) Except as provided in subsection 3 of this section, if the court authorizes the city,
55 town, or village to make an annexation, the legislative body of such city, town, or village shall
56 not have the power to extend the limits of the city, town, or village by such annexation until an
57 election is held at which the proposition for annexation is approved by a majority of the total
58 votes cast in the city, town, or village and by a separate majority of the total votes cast in the
59 unincorporated territory sought to be annexed. However, should less than a majority of the total
60 votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority
61 of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal
62 shall again be voted upon in not more than one hundred [twenty] **sixty** days by both the
63 registered voters of the city, town, or village and the registered voters of the area proposed to be
64 annexed. If at least two-thirds of the qualified electors voting thereon are in favor of the
65 annexation, then the city, town, or village may proceed to annex the territory. If the proposal
66 fails to receive the necessary majority, no part of the area sought to be annexed may be the
67 subject of another proposal to annex for a period of two years from the date of the election,
68 except that, during the two-year period, the owners of all fee interests of record in the area or any
69 portion of the area may petition the city, town, or village for the annexation of the land owned
70 by them pursuant to the procedures in section 71.012. The elections shall if authorized be held,
71 except as herein otherwise provided, in accordance with the general state law governing special
72 elections, and the entire cost of the election or elections shall be paid by the city, town, or village
73 proposing to annex the territory.

74 (7) Failure to comply in providing services to the said area or to zone in compliance with
75 the plan of intent within three years after the effective date of the annexation, unless compliance

76 is made unreasonable by an act of God, shall give rise to a cause of action for deannexation
77 which may be filed in the circuit court by any resident of the area who was residing in the area
78 at the time the annexation became effective.

79 (8) No city, town, or village which has filed an action under this section as this section
80 read prior to May 13, 1980, which action is part of an annexation proceeding pending on May
81 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such
82 annexation proceeding.

83 (9) If the area proposed for annexation includes a public road or highway but does not
84 include all of the land adjoining such road or highway, then such fee owners of record, of the
85 lands adjoining said highway shall be permitted to intervene in the declaratory judgment action
86 described in subdivision (5) of this subsection.

87 2. Notwithstanding any provision of subsection 1 of this section, for any annexation by
88 any city with a population of three hundred fifty thousand or more inhabitants which is located
89 in more than one county that becomes effective after August 28, 1994, if such city has not
90 provided water and sewer service to such annexed area within three years of the effective date
91 of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such
92 water and sewer service to the annexed area is made unreasonable by an act of God. The cause
93 of action for deannexation may be filed in the circuit court by any resident of the annexed area
94 who is presently residing in the area at the time of the filing of the suit and was a resident of the
95 annexed area at the time the annexation became effective. If the suit for deannexation is
96 successful, the city shall be liable for all court costs and attorney fees.

97 3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all
98 cities, towns, and villages located in any county of the first classification with a charter form of
99 government with a population of two hundred thousand or more inhabitants which adjoins a
100 county with a population of nine hundred thousand or more inhabitants shall comply with the
101 provisions of this subsection. If the court authorizes any city, town, or village subject to this
102 subsection to make an annexation, the legislative body of such city, town or village shall not
103 have the power to extend the limits of such city, town, or village by such annexation until an
104 election is held at which the proposition for annexation is approved by a majority of the total
105 votes cast in such city, town, or village and by a separate majority of the total votes cast in the
106 unincorporated territory sought to be annexed; except that:

107 (1) In the case of a proposed annexation in any area which is contiguous to the existing
108 city, town or village and which is within an area designated as flood plain by the Federal
109 Emergency Management Agency and which is inhabited by no more than thirty registered voters
110 and for which a final declaratory judgment has been granted prior to January 1, 1993, approving
111 such annexation and where notarized affidavits expressing approval of the proposed annexation

112 are obtained from a majority of the registered voters residing in the area to be annexed, the area
113 may be annexed by an ordinance duly enacted by the governing body and no elections shall be
114 required; and

115 (2) In the case of a proposed annexation of unincorporated territory in which no qualified
116 electors reside, if at least a majority of the qualified electors voting on the proposition are in
117 favor of the annexation, the city, town or village may proceed to annex the territory and no
118 subsequent election shall be required.

119

120 If the proposal fails to receive the necessary separate majorities, no part of the area sought to be
121 annexed may be the subject of any other proposal to annex for a period of two years from the
122 date of such election, except that, during the two-year period, the owners of all fee interests of
123 record in the area or any portion of the area may petition the city, town, or village for the
124 annexation of the land owned by them pursuant to the procedures in section 71.012 or 71.014.
125 The election shall, if authorized, be held, except as otherwise provided in this section, in
126 accordance with the general state laws governing special elections, and the entire cost of the
127 election or elections shall be paid by the city, town, or village proposing to annex the territory.
128 Failure of the city, town or village to comply in providing services to the area or to zone in
129 compliance with the plan of intent within three years after the effective date of the annexation,
130 unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for
131 deannexation which may be filed in the circuit court not later than four years after the effective
132 date of the annexation by any resident of the area who was residing in such area at the time the
133 annexation became effective or by any nonresident owner of real property in such area.

134 4. Except for a cause of action for deannexation under subdivision (2) of subsection 3
135 of this section, any action of any kind seeking to deannex from any city, town, or village any area
136 annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise
137 challenge such annexation or oust such city, town, or village from jurisdiction over such annexed
138 area shall be brought within five years of the date of the adoption of the annexation ordinance.

94.902. 1. **(1) The governing body of the following cities may impose a sales tax as
2 provided in this section:**

3 **(a)** Any city of the third classification with more than twenty-six thousand three hundred
4 but less than twenty-six thousand seven hundred inhabitants[, or] ;

5 **(b)** Any city of the fourth classification with more than thirty thousand three hundred but
6 fewer than thirty thousand seven hundred inhabitants[, or] ;

7 **(c)** Any city of the fourth classification with more than twenty-four thousand eight
8 hundred but fewer than twenty-five thousand inhabitants[,] ;

9 **(d) Any city of the third classification with more than four thousand but fewer than**
 10 **four thousand five hundred inhabitants and located in any county of the first classification**
 11 **with more than two hundred thousand but fewer than two hundred sixty thousand**
 12 **inhabitants; and**

13 **(e) Any special charter city with more than twenty nine thousand, but fewer than**
 14 **thirty-two thousand inhabitants.**

15 **(2) The governing body of any city listed in subdivision (1) of this subsection** may
 16 impose, by order or ordinance, a sales tax on all retail sales made in the city which are subject
 17 to taxation under chapter 144. The tax authorized in this section may be imposed in an amount
 18 of up to one-half of one percent, and shall be imposed solely for the purpose of improving the
 19 public safety for such city, including but not limited to expenditures on equipment, city employee
 20 salaries and benefits, and facilities for police, fire and emergency medical providers. The tax
 21 authorized in this section shall be in addition to all other sales taxes imposed by law, and shall
 22 be stated separately from all other charges and taxes. The order or ordinance imposing a sales
 23 tax under this section shall not become effective unless the governing body of the city submits
 24 to the voters residing within the city, at a county or state general, primary, or special election, a
 25 proposal to authorize the governing body of the city to impose a tax under this section.

26 2. The ballot of submission for the tax authorized in this section shall be in substantially
 27 the following form:

28 Shall the city of (city's name) impose a citywide sales tax at
 29 a rate of (insert rate of percent) percent for the purpose of improving the public safety of
 30 the city?

31 YES NO

32

33 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
 34 to the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the
 35 proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance
 36 or order and any amendments to the order or ordinance shall become effective on the first day
 37 of the second calendar quarter after the director of revenue receives notice of the adoption of the
 38 sales tax. If a majority of the votes cast on the proposal by the qualified voters voting thereon
 39 are opposed to the proposal, then the tax shall not become effective unless the proposal is
 40 resubmitted under this section to the qualified voters and such proposal is approved by a majority
 41 of the qualified voters voting on the proposal. However, in no event shall a proposal under this
 42 section be submitted to the voters sooner than twelve months from the date of the last proposal
 43 under this section.

44 3. Any sales tax imposed under this section shall be administered, collected, enforced,
45 and operated as required in section 32.087. All sales taxes collected by the director of the
46 department of revenue under this section on behalf of any city, less one percent for cost of
47 collection which shall be deposited in the state's general revenue fund after payment of premiums
48 for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which
49 is hereby created in the state treasury, to be known as the "City Public Safety Sales Tax Trust
50 Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be
51 commingled with any funds of the state. The provisions of section 33.080 to the contrary
52 notwithstanding, money in this fund shall not be transferred and placed to the credit of the
53 general revenue fund. The director shall keep accurate records of the amount of money in the
54 trust fund and which was collected in each city imposing a sales tax under this section, and the
55 records shall be open to the inspection of officers of the city and the public. Not later than the
56 tenth day of each month the director shall distribute all moneys deposited in the trust fund during
57 the preceding month to the city which levied the tax. Such funds shall be deposited with the city
58 treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by
59 an appropriation act to be enacted by the governing body of each such city. Expenditures may
60 be made from the fund for any functions authorized in the ordinance or order adopted by the
61 governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the
62 special trust fund shall continue to be used solely for the designated purposes. Any funds in the
63 special trust fund which are not needed for current expenditures shall be invested in the same
64 manner as other funds are invested. Any interest and moneys earned on such investments shall
65 be credited to the fund.

66 4. The director of the department of revenue may authorize the state treasurer to make
67 refunds from the amounts in the trust fund and credited to any city for erroneous payments and
68 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
69 such cities. If any city abolishes the tax, the city shall notify the director of the action at least
70 ninety days before the effective date of the repeal, and the director may order retention in the
71 trust fund, for a period of one year, of two percent of the amount collected after receipt of such
72 notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and
73 drafts deposited to the credit of such accounts. After one year has elapsed after the effective date
74 of abolition of the tax in such city, the director shall remit the balance in the account to the city
75 and close the account of that city. The director shall notify each city of each instance of any
76 amount refunded or any check redeemed from receipts due the city.

77 5. The governing body of any city that has adopted the sales tax authorized in this section
78 may submit the question of repeal of the tax to the voters on any date available for elections for
79 the city. The ballot of submission shall be in substantially the following form:

80 Shall (insert the name of the city) repeal the sales tax
81 imposed at a rate of (insert rate of percent) percent for the purpose of improving the public
82 safety of the city?

83 YES NO

84

85 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
86 effective on December thirty-first of the calendar year in which such repeal was approved. If a
87 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
88 the repeal, then the sales tax authorized in this section shall remain effective until the question
89 is resubmitted under this section to the qualified voters, and the repeal is approved by a majority
90 of the qualified voters voting on the question.

91 6. Whenever the governing body of any city that has adopted the sales tax authorized in
92 this section receives a petition, signed by ten percent of the registered voters of the city voting
93 in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this
94 section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If
95 a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
96 the repeal, that repeal shall become effective on December thirty-first of the calendar year in
97 which such repeal was approved. If a majority of the votes cast on the question by the qualified
98 voters voting thereon are opposed to the repeal, then the tax shall remain effective until the
99 question is resubmitted under this section to the qualified voters and the repeal is approved by
100 a majority of the qualified voters voting on the question.

101 7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
102 apply to the tax imposed under this section.

115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote
2 on or before the day of election, shall be entitled to register in the jurisdiction within which he
3 or she resides. In order to vote in any election for which registration is required, a person must
4 be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the
5 normal closing time of any public building where the registration is being held if such time is
6 later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an
7 interstate former resident, an intrastate new resident [or] , a new resident, **or a person in federal**
8 **service**, as defined in section 115.275, **or a covered voter, as defined in section 115.902.**
9 **Except as provided in subsection 4 of this section**, in no case shall registration for an election
10 extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering
11 after such date shall be eligible to vote in subsequent elections.

12 2. A person applying to register with an election authority or a deputy registration official
13 shall identify himself or herself by presenting a copy of a birth certificate, a Native American

14 tribal document, other proof of United States citizenship, a valid Missouri drivers license or other
15 form of personal identification at the time of registration.

16 3. Except as provided in federal law or federal elections and in section 115.277, no
17 person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his
18 or her residence prior to the deadline to register to vote.

19 **4. A person in federal service as defined in section 115.275, or covered voter as**
20 **defined in section 115.902, who has been discharged from military service, has returned**
21 **from a military deployment or activation, or has separated from employment outside the**
22 **territorial limits of the United States after the deadline to register to vote, and who is**
23 **otherwise qualified to register to vote, may register to vote in an election in person before**
24 **the election authority until 5:00 p.m. on the Friday before such election. Such persons shall**
25 **produce sufficient documentation showing evidence of qualifying for late registration**
26 **pursuant to this section.**

115.277. 1. Except as provided in subsections 2, 3, 4, and 5 of this section, any
2 registered voter of this state may vote by absentee ballot for all candidates and issues for which
3 such voter would be eligible to vote at the polling place if such voter expects to be prevented
4 from going to the polls to vote on election day due to:

5 (1) Absence on election day from the jurisdiction of the election authority in which such
6 voter is registered to vote;

7 (2) Incapacity or confinement due to illness or physical disability, including a person
8 who is primarily responsible for the physical care of a person who is incapacitated or confined
9 due to illness or disability;

10 (3) Religious belief or practice;

11 (4) Employment as an election authority, as a member of an election authority, or by an
12 election authority at a location other than such voter's polling place;

13 (5) Incarceration, provided all qualifications for voting are retained;

14 **(6) Certified participation in the address confidentiality program established under**
15 **sections 589.660 to 589.681 because of safety concerns.**

16 2. Any person in federal service, as defined in section 115.275, who is eligible to register
17 and vote in this state but is not registered may vote only in the election of presidential and vice
18 presidential electors, United States senator and representative in Congress even though the
19 person is not registered. Each person in federal service may vote by absentee ballot or, upon
20 submitting an affidavit that the person is qualified to vote in the election, may vote at the person's
21 polling place.

22 3. Any interstate former resident, as defined in section 115.275, may vote by absentee
23 ballot for presidential and vice presidential electors.

24 4. Any intrastate new resident, as defined in section 115.275, may vote by absentee ballot
 25 at the election for presidential and vice presidential electors, United States senator, representative
 26 in Congress, statewide elected officials and statewide questions, propositions and amendments
 27 from such resident's new jurisdiction of residence after registering to vote in such resident's new
 28 jurisdiction of residence.

29 5. Any new resident, as defined in section 115.275, may vote by absentee ballot for
 30 presidential and vice presidential electors after registering to vote in such resident's new
 31 jurisdiction of residence.

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state
 2 the voter's name, the voter's voting address, the voter's mailing address and the voter's reason for
 3 voting an absentee ballot. On the form, the voter shall also state under penalties of perjury that
 4 the voter is qualified to vote in the election, that the voter has not previously voted and will not
 5 vote again in the election, that the voter has personally marked the voter's ballot in secret or
 6 supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has
 7 been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the
 8 voter is unable to seal it, and that all information contained in the statement is true. In addition,
 9 any person providing assistance to the absentee voter shall include a statement on the envelope
 10 identifying the person providing assistance under penalties of perjury. Persons authorized to vote
 11 only for federal and statewide officers shall also state their former Missouri residence.

12 2. The statement for persons voting absentee ballots who are registered voters shall be
 13 in substantially the following form:

14
 15 State of Missouri
 16 County (City) of

17
 18 I, (print name), a registered voter of County (City of St. Louis, Kansas
 19 City), declare under the penalties of perjury that I expect to be prevented from going to the polls
 20 on election day due to (check one):

- 21 absence on election day from the jurisdiction of the election authority in which I am
- 22 registered;
- 23 incapacity or confinement due to illness or physical disability, including caring for a
- 24 person who is incapacitated or confined due to illness or disability;
- 25 religious belief or practice;
- 26 employment as an election authority or by an election authority at a location other than my
- 27 polling place;
- 28 incarceration, although I have retained all the necessary qualifications for voting

29 certified participation in the address confidentiality program established under
30 sections 589.660 to 589.681 because of safety concerns.

31

32 I hereby state under penalties of perjury that I am qualified to vote at this election; I have not
33 voted and will not vote other than by this ballot at this election. I further state that I marked the
34 enclosed ballot in secret or that I am blind, unable to read or write English, or physically
35 incapable of marking the ballot, and the person of my choosing indicated below marked the
36 ballot at my direction; all of the information on this statement is, to the best of my knowledge
37 and belief, true.

38

39
40 Signature of Voter	Signature of Person
41	Assisting Voter
42	(if applicable)
43 Signed	Subscribed and sworn to
44 Signed	before me this day
45 Address of Voter	of,
46
47
48 Mailing addresses	Signature of notary or
49 (if different)	other officer authorized
50	to administer oaths

51 3. The statement for persons voting absentee ballots pursuant to the provisions of
52 subsection 2, 3, 4, or 5 of section 115.277 without being registered shall be in substantially the
53 following form:

54

55 State of Missouri
56 County (City) of

57

58 I, (print name), declare under the penalties of perjury that I am a citizen of the
59 United States and eighteen years of age or older. I am not adjudged incapacitated by any court
60 of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of
61 suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to
62 law. I hereby state under penalties of perjury that I am qualified to vote at this election.

63 I am (check one):

64 a resident of the state of Missouri and a registered voter in County and moved from
65 that county to County, Missouri, after the last day to register to vote in this election.

66

67 an interstate former resident of Missouri and authorized to vote for presidential and
68 vice presidential electors.

69

70 I further state under penalties of perjury that I have not voted and will not vote other than by this
71 ballot at this election; I marked the enclosed ballot in secret or am blind, unable to read or write
72 English, or physically incapable of marking the ballot, and the person of my choosing indicated
73 below marked the ballot at my direction; all of the information on this statement is, to the best
74 of my knowledge and belief, true.

75

76 Subscribed to and sworn
77 Signature of Voter before me this day
78 of,

79

80
81 Address of Voter Signature of notary or

82

83 other officer authorized
84 to administer oaths

85

85 Mailing Address
86 (if different)

87

88 Signature of Person Address of Last
89 Assisting Voter Missouri Residence
90 (if applicable)

91 4. The statement for persons voting absentee ballots who are entitled to vote at the
92 election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially
93 the following form:

94

95 State of Missouri
96 County (City) of

97

98 I, (print name), declare under the penalties of perjury that I expect to
99 be prevented from going to the polls on election day due to (check one):

- 100 absence on election day from the jurisdiction of the election authority in which I am
- 101 directed to vote;
- 102 incapacity or confinement due to illness or physical disability, including caring for a person
- 103 who is incapacitated or confined due to illness or disability;
- 104 religious belief or practice;
- 105 employment as an election authority or by an election authority at a location other than my
- 106 polling place;
- 107 incarceration, although I have retained all the necessary qualifications of voting;
- 108 **certified participation in the address confidentiality program established under**
- 109 **sections 589.660 to 589.681 because of safety concerns.**

110

111 I hereby state under penalties of perjury that I own property in the district and am
 112 qualified to vote at this election; I have not voted and will not vote other than by this ballot at
 113 this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable
 114 to read and write English, or physically incapable of marking the ballot, and the person of my
 115 choosing indicated below marked the ballot at my direction; all of the information on this
 116 statement is, to the best of my knowledge and belief, true.

117

118 Subscribed and sworn
 119 Signature of Voter to before me this
 120 day of,

121

122

123 Address Signature of notary or
 124 other officer authorized
 125 to administer oaths

126

127 Signature of Person
 128 Assisting Voter
 129 (if applicable)

130 5. The statement for persons providing assistance to absentee voters shall be in
 131 substantially the following form:

132 The voter needed assistance in marking the ballot and signing above, because of blindness, other
 133 physical disability, or inability to read or to read English. I marked the ballot enclosed in this
 134 envelope at the voter's direction, when I was alone with the voter, and I had no other
 135 communication with the voter as to how he or she was to vote. The voter swore or affirmed the

136 voter affidavit above and I then signed the voter's name and completed the other voter
137 information above. Signed under the penalties of perjury.

138

139 Reason why voter needed assistance:

140 ASSISTING PERSON SIGN HERE

141 1. (signature of assisting person)

142 2. (assisting person's name printed)

143 3. (assisting person's residence)

144 4. (assisting person's home city or town).

145 6. Notwithstanding any other provision of this section, any covered voter as defined in
146 section 115.902 or persons who have declared themselves to be permanently disabled pursuant
147 to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or
148 signature on his or her absentee ballot.

149 7. Notwithstanding any other provision of this section or section 115.291 to the contrary,
150 the subscription, signature and seal of a notary or other officer authorized to administer oaths
151 shall not be required on any ballot, ballot envelope, or statement required by this section if the
152 reason for the voter voting absentee is due to the reasons established pursuant to subdivision (2)
153 of subsection 1 of section 115.277.

154 8. No notary shall charge or collect a fee for notarizing the signature on any absentee
155 ballot or absentee voter registration.

156 9. A notary public who charges more than the maximum fee specified or who charges
157 or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration
158 is guilty of official misconduct.

115.912. An application for a military-overseas ballot is timely if received by 5:00 p.m.
2 on the Wednesday prior to the election. **The election authority may accept an application for**
3 **a military-overseas ballot if received no later than 7:00 p.m. on the day of the election if the**
4 **election authority determines that circumstances warrant such acceptance.** An application
5 for a military-overseas ballot for a primary election, whether or not timely, shall be effective as
6 an application for a military-overseas ballot for the general election.

116.332. 1. Before a constitutional amendment petition, a statutory initiative petition,
2 or a referendum petition may be circulated for signatures, **with the exception of sponsoring**
3 **signatures under section 116.333**, a sample sheet must be submitted to the secretary of state
4 in the form in which it will be circulated. When a person submits a sample sheet of a petition
5 he or she shall designate to the secretary of state the name and address of the person to whom
6 any notices shall be sent pursuant to sections 116.140 and 116.180 and, if a committee or person,
7 except the individual submitting the sample sheet, is funding any portion of the drafting or

8 submitting of the sample sheet, the person submitting the sample sheet shall submit a copy of
9 the filed statement of committee organization required under subsection 5 of section 130.021
10 showing the date the statement was filed. The secretary of state shall refer a copy of the petition
11 sheet to the attorney general for his approval and to the state auditor for purposes of preparing
12 a fiscal note and fiscal note summary. The secretary of state and attorney general must each
13 review the petition for sufficiency as to form and approve or reject the form of the petition,
14 stating the reasons for rejection, if any.

15 2. Within two business days of receipt of any such sample sheet, the office of the
16 secretary of state shall conspicuously post on its website the text of the proposed measure, a
17 disclaimer stating that such text may not constitute the full and correct text as required under
18 section 116.050, and the name of the person or organization submitting the sample sheet. The
19 secretary of state's failure to comply with such posting shall be considered a violation of chapter
20 610 and subject to the penalties provided under subsection 3 of section 610.027. The posting
21 shall be removed within three days of either the withdrawal of the petition under section 116.115
22 or the rejection for any reason of the petition.

23 3. Upon receipt of a petition from the office of the secretary of state, the attorney general
24 shall examine the petition as to form. If the petition is rejected as to form, the attorney general
25 shall forward his or her comments to the secretary of state within ten days after receipt of the
26 petition by the attorney general. If the petition is approved as to form, the attorney general shall
27 forward his or her approval as to form to the secretary of state within ten days after receipt of the
28 petition by the attorney general.

29 4. The secretary of state shall review the comments and statements of the attorney
30 general as to form and make a final decision as to the approval or rejection of the form of the
31 petition. The secretary of state shall send written notice to the person who submitted the petition
32 sheet of the approval within fifteen days after submission of the petition sheet. The secretary of
33 state shall send written notice if the petition has been rejected, together with reasons for
34 rejection, within fifteen days after submission of the petition sheet.

**116.333. 1. Persons submitting a sample sheet under section 116.332 shall also
2 submit, with the sample sheet, five thousand sponsoring signatures of registered voters of
3 the state in support of the initiative. If such person fails to submit sponsoring signatures
4 pursuant to the provisions of this section, the secretary of state shall send notice that the
5 petition has been rejected.**

6 2. For the purposes of this section:

**7 (1) Sponsoring signatures shall be gathered and submitted on pages in the form
8 that shall be submitted for approval by the secretary of state under section 116.040 and
9 116.332, except that each signature page shall contain the following statement:**

10

11 **We, the undersigned, registered voters of the state of Missouri and
12 County (or city of St. Louis), respectfully request that the following
13 proposed law (or amendment to the constitution) shall be submitted to the
14 Secretary of State for certification of an Official Ballot Title, and each for
15 himself or herself says: I have personally signed this petition; I am a
16 registered voter of the state of Missouri and County (or city of St.
17 Louis); my registered voting address and the name of the city, town, or
18 village in which I live are correctly written after my name.**

19

20 **(2) Each petition page shall contain sponsoring signatures of voters from only one
21 county, which shall be designated in the upper right-hand corner of the page. All pages
22 shall be submitted at one time and shall be in order and numbered sequentially by county.
23 Sponsoring signatures on pages that do not comply with these requirements shall not be
24 counted as valid. (3) Each person gathering sponsoring signatures shall meet the
25 requirements of section 116.080.**

26 **(4) The sponsoring signatures required by this section may be obtained at any time
27 after the deadline for filing of petition in article III, section 50 of the Constitution of
28 Missouri for the general election immediately preceding the general election for which the
29 petition pages with the sponsoring signatures are seeking to place the proposed initiative.
30 No such sponsoring signatures may be collected more than two years and six months prior
31 to any general election for which the initiative petition may be voted upon by the electors
32 of the state.**

33 **3. Within five days of receipt of sponsoring signature pages under this section, the
34 secretary of state may send copies of the pages to election authorities to verify that the
35 persons whose names are listed as sponsoring signers to the petition are registered voters.
36 Such verification may either be of each signature or by random sampling as provided in
37 section 116.120, as the secretary shall direct. Each election authority shall check the
38 signatures against voter registration records in the election authority's jurisdiction
39 pursuant to the rules adopted by the secretary of state under subsection 5 of section
40 116.130.**

41 **4. Such verification shall be completed and certified to the secretary of state not
42 later than fifteen days from the date the election authority receives the sponsoring
43 signature pages.**

44 **5. The only challenge which may be made to a sample sheet of an initiative petition
45 prior to the certification of the official ballot title, as provided for in Section 116.190, is an**

46 **action regarding the validity of the sponsoring signatures required by this section. Such**
47 **a challenge shall be fully and finally adjudicated by all courts in no less than forty-five**
48 **days from the date of filing or such action shall be extinguished. All costs, including**
49 **attorney fees of all defending parties, shall be assessed against the party bringing such**
50 **action if such action is extinguished or dismissed.**

116.334. 1. If the petition form is approved[,] **and five thousand sponsoring**
2 **signatures are verified as registered voters, within three days of the receipt of such**
3 **certification,** the secretary of state shall make a copy of the sample petition available on the
4 secretary of state's website. For a period of fifteen days after the petition is approved as to form,
5 the secretary of state shall accept public comments regarding the proposed measure and provide
6 copies of such comments upon request. Within twenty-three days of receipt of such approval,
7 the secretary of state shall prepare and transmit to the attorney general a summary statement of
8 the measure which shall be a concise statement not exceeding one hundred words. This
9 statement shall be in the form of a question using language neither intentionally argumentative
10 nor likely to create prejudice either for or against the proposed measure. The attorney general
11 shall within ten days approve the legal content and form of the proposed statement.

2. [Signatures obtained prior to the date the official ballot title is certified by the secretary
13 of state shall not be counted.] **If the election authority certifies that fewer than five thousand**
14 **sponsoring signatures have been verified as registered voters, within three days of receipt**
15 **of the certification from the election authority, the secretary of state shall notify the person**
16 **who submitted the signatures that the petition has been rejected.**

3. Signatures for statutory initiative petitions shall be filed not later than six months prior
18 to the general election during which the petition's ballot measure is submitted for a vote, and
19 shall also be collected not earlier than the day after the day upon which the previous general
20 election was held.

Section B. The repeal and reenactment of sections 115.013 and 115.317 of this act shall
2 become effective on December 31, 2016.

Section C. Because immediate action is necessary to allow the provisions of sections
2 115.227 and 115.283 of this act to apply to election procedures before August 28, 2014, in order
3 to protect the security needs of victims of domestic violence, rape, sexual assault, or stalking,
4 sections 115.277 and 115.283 of this act are deemed necessary for the immediate preservation
5 of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act
6 within the meaning of the constitution, and sections 115.277 and 115.283 of this act shall be in
7 full force and effect upon July 1, 2014, or upon its passage and approval, whichever first occurs.

✓