

SECOND REGULAR SESSION

SENATE BILL NO. 756

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Read 1st time January 13, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

3952S.011

AN ACT

To repeal sections 77.110, 79.160, 80.210, and 115.127, RSMo, and to enact in lieu thereof four new sections relating to local government publication requirements.

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

Section A Sections 77.110, 79.160, 80.210, and 115.127, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 77.110, 79.160, 80.210, and 115.127, to read as follows:

77.110. The council shall publish a full and detailed statement of the
2 receipts and expenditures and indebtedness of the city at the end of each fiscal
3 year and six months after the end of each fiscal year in a newspaper of general
4 circulation in the city. Each such statement shall be for the six-month period
5 preceding the date of the statement. **This publication requirement may also
6 be met by posting a prominent link to the statement on the front page
7 of the city web site and posting the statement for a period of at least
8 six months on the web site. In addition, the city shall display a printed
9 notice at city hall where other public notices are displayed informing
10 citizens of the web site address where the financial statements are
11 posted. If no web site is available, the city may also meet the
12 requirements of this section by sending the financial statement in
13 writing or by email to residents in the city.**

79.160. The board of aldermen shall semiannually each year, at times to
2 be set by the board of aldermen, make out and spread upon their records a full
3 and detailed account and statement of the receipts and expenditures and
4 indebtedness of the city for the half year ending with the last day of the month
5 immediately preceding the date of such report, which account and statement shall

6 be published in some newspaper in the city. **This publication requirement**
7 **may also be met by posting a prominent link to the statement on the**
8 **front page of the city web site and posting the statement for a period**
9 **of at least six months on the web site. In addition, the city shall display**
10 **a printed notice at city hall where other public notices are displayed**
11 **informing citizens of the web site address where the financial**
12 **statements are posted. If no web site is available, the city may also**
13 **meet the requirements of this section by sending the financial**
14 **statement in writing or by email to residents in the city.**

80.210. The chairman of each board of trustees shall, semiannually, make
2 out a correct statement of all moneys received and expended on account of their
3 respective towns during the six months next preceding; and shall cause such
4 statement, within ten days thereafter, to be published, either in some newspaper
5 printed in the same town, or by causing copies of such statement to be put up in
6 six of the most public places in such town. **This publication requirement**
7 **may also be met by posting a prominent link to the statement on the**
8 **front page of the village web site and posting the statement for a period**
9 **of at least six months on the web site. In addition, the village shall**
10 **display a printed notice at city hall where other public notices are**
11 **displayed informing citizens of the web site address where the financial**
12 **statements are posted. If no web site is available, the village may also**
13 **meet the requirements of this section by sending the financial**
14 **statement in writing or by email to residents in the village.**

115.127. 1. Except as provided in subsection 4 of this section, upon
2 receipt of notice of a special election to fill a vacancy submitted pursuant to
3 section 115.125, the election authority shall cause legal notice of the special
4 election to be published in a newspaper of general circulation in its
5 jurisdiction. The notice shall include the name of the officer or agency calling the
6 election, the date and time of the election, the name of the office to be filled and
7 the date by which candidates must be selected or filed for the office. Within one
8 week prior to each special election to fill a vacancy held in its jurisdiction, the
9 election authority shall cause legal notice of the election to be published in two
10 newspapers of different political faith and general circulation in the
11 jurisdiction. The legal notice shall include the date and time of the election, the
12 name of the officer or agency calling the election and a sample ballot. If there is
13 only one newspaper of general circulation in the jurisdiction, the notice shall be

14 published in the newspaper within one week prior to the election. If there are
15 two or more newspapers of general circulation in the jurisdiction, but no two of
16 opposite political faith, the notice shall be published in any two of the newspapers
17 within one week prior to the election.

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

34 3. The election authority shall print the official ballot as the same appears
35 on the sample ballot, and no candidate's name or ballot issue which appears on
36 the sample ballot or official printed ballot shall be stricken or removed from the
37 ballot except on death of a candidate or by court order.

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

46 5. If the opening date for filing a declaration of candidacy for any office
47 in a political subdivision or special district is not required by law or charter, the
48 opening filing date shall be 8:00 a.m., the sixteenth Tuesday prior to the election,
49 except that for any home rule city with more than four hundred thousand

50 inhabitants and located in more than one county and any political subdivision or
51 special district located in such city, the opening filing date shall be 8:00 a.m., the
52 fifteenth Tuesday prior to the election. If the closing date for filing a declaration
53 of candidacy for any office in a political subdivision or special district is not
54 required by law or charter, the closing filing date shall be 5:00 p.m., the eleventh
55 Tuesday prior to the election. The political subdivision or special district calling
56 an election shall, before the sixteenth Tuesday, or the fifteenth Tuesday for any
57 home rule city with more than four hundred thousand inhabitants and located in
58 more than one county or any political subdivision or special district located in
59 such city, prior to any election at which offices are to be filled, notify the general
60 public of the opening filing date, the office or offices to be filled, the proper place
61 for filing and the closing filing date of the election. Such notification may be
62 accomplished by legal notice published in at least one newspaper of general
63 circulation in the political subdivision or special district **or by publishing such**
64 **notification on the web site of the political subdivision or special**
65 **district, if one exists, and printing the information in the newsletter**
66 **sent to the residents of the political subdivision or special district, if**
67 **one exists.**

68 6. Except as provided for in sections 115.247 and 115.359, if there is no
69 additional cost for the printing or reprinting of ballots or if the candidate agrees
70 to pay any printing or reprinting costs, a candidate who has filed for an office or
71 who has been duly nominated for an office may, at any time after the certification
72 required in section 115.125 but no later than 5:00 p.m. on the sixth Tuesday
73 before the election, withdraw as a candidate pursuant to a court order, which,
74 except for good cause shown by the election authority in opposition thereto, shall
75 be freely given upon application by the candidate to the circuit court of the area
76 of such candidate's residence.

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