

SECOND REGULAR SESSION

# SENATE BILL NO. 876

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Read 1st time January 8, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5675S.011

## AN ACT

To repeal section 115.124, RSMo, and to enact in lieu thereof one new section relating to nonpartisan elections.

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

Section A. Section 115.124, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 115.124, 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] **if the number of candidates for each office in a particular**  
12 **political subdivision, special district, or municipality is equal to the**  
13 **number of positions for each office within the political subdivision,**  
14 **special district, or municipality to be filled by the election and no**  
15 **ballot measure is placed on the ballot such that a particular political**  
16 **subdivision will owe no proportional elections costs if an election is not**  
17 **held, no election shall be held,** and the candidates shall assume the  
18 responsibilities of their offices at the same time and in the same manner as if  
19 they had been elected. If no election is held for [such office] **a particular**

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

20 **political subdivision, special district, or municipality** as provided in this  
21 section, the election authority shall publish a notice containing the names of the  
22 candidates that shall assume the responsibilities of office under this  
23 section. Such notice shall be published in at least one newspaper of general  
24 circulation as defined in section 493.050 in such political subdivision or district  
25 by the first of the month in which the election would have occurred, had it been  
26 contested. Notwithstanding any other provision of law to the contrary, if at any  
27 election the number of candidates filing for a particular office exceeds the number  
28 of positions to be filled at such election, the election authority shall hold the  
29 election as scheduled, even if a sufficient number of candidates withdraw from  
30 such contest for that office so that the number of candidates remaining after the  
31 filing deadline is equal to the number of positions to be filled.

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

48         3. The governing body of any city, town, or village with [one] **two**  
49 thousand or fewer inhabitants may submit to the voters at any available election,  
50 a question to adopt the provisions of subsection 1 of this section for municipal  
51 elections. If a majority of the votes cast by the qualified voters voting thereon are  
52 in favor of the question, then the city, town, or village shall conduct nonpartisan  
53 municipal elections as provided in subsection 1 of this section for all nonpartisan  
54 elections remaining in the year in which the proposal was adopted and for the six  
55 calendar years immediately following such approval. At the end of such six-year

56 period, each such city, town, or village shall be prohibited from conducting such  
57 elections in such a manner unless such a question is again adopted by the  
58 majority of qualified voters as provided in this subsection.

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Unofficial

Bill

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