

FIRST REGULAR SESSION

[C O R R E C T E D]

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 894

94TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, April 26, 2007, with recommendation that the Senate Committee Substitute do pass.

2096S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 115.045, 115.241, 115.247, 115.321, 115.329, and 115.342, RSMo,
and to enact in lieu thereof five new sections relating to elections.

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

Section A. Sections 115.045, 115.241, 115.247, 115.321, 115.329, and
2 115.342, RSMo, are repealed and five new sections enacted in lieu thereof, to be
3 known as sections 115.045, 115.247, 115.321, 115.329, and 115.342, to read as
4 follows:

115.045. Each election authority shall have the authority to employ such
2 attorneys and other employees as may be necessary to promptly and correctly
3 perform the duties of the election authority. Where an electronic voting system
4 or voting machines are used, the election authority shall designate competent
5 employees to have custody of and supervise maintenance of the voting
6 equipment. Board of election commissioners' employees shall be subject to the
7 same restrictions and subscribe the same oath as members of the board of
8 election commissioners, except [that] **the following:**

9 **(1)** No employee of a board of election commissioners shall be required to
10 post bond unless directed to do so by the board. Employee oaths and any bonds
11 shall be filed and preserved in the office of the board; **and**

12 **(2)** A board of election commissioners may, in its discretion,
13 **waive the residency requirement for its employees.**

115.247. 1. Each election authority shall provide all ballots for every
2 election within its jurisdiction. Ballots other than those printed by the election

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

3 authority in accordance with sections 115.001 to 115.641 and section 51.460,
4 RSMo, shall not be cast or counted at any election.

5 2. Whenever it appears that an error has occurred in any publication
6 required by sections 115.001 to 115.641 and section 51.460, RSMo, or in the
7 printing of any ballot, any circuit court may, upon the application of any voter,
8 order the appropriate election authorities to correct the error or to show cause
9 why the error should not be corrected.

10 3. For each election held in a county with a charter form of government
11 and with more than two hundred fifty thousand but fewer than three hundred
12 fifty thousand inhabitants, the election authority may provide for each polling
13 place in its jurisdiction fifty-five ballots for each fifty and fraction of fifty voters
14 registered in the voting district at the time of the election. For each election,
15 except a general election, held in any county other than a county with a charter
16 form of government and with more than two hundred fifty thousand but fewer
17 than three hundred fifty thousand inhabitants, the election authority shall
18 provide for each polling place in its jurisdiction a number of ballots equal to at
19 least one and one-third times the number of ballots cast in the voting district
20 served by such polling place at the election held two years before at that polling
21 place or at the polling place that served the voting district in the previous
22 election. For each general election held in any county other than a county with
23 a charter form of government and with more than two hundred fifty thousand but
24 fewer than three hundred fifty thousand inhabitants, the election authority shall
25 provide for each polling place in its jurisdiction a number of ballots equal to one
26 and one-third times the number of ballots cast in the voting district served by
27 such polling place or at the polling place that served the voting district in the
28 general election held four years prior. When determining the number of ballots
29 to provide for each polling place, the election authority shall consider any factors
30 that would affect the turnout at such polling place. **The election authority**
31 **may reduce the number of ballots required to be provided to each**
32 **polling place by an amount equal to one hundred fifty ballots for each**
33 **touch screen voting device actually deployed at each such polling**
34 **place.** The election authority shall keep a record of the exact number of ballots
35 delivered to each polling place. For purposes of this subsection, the election
36 authority shall not be required to count registered voters designated as inactive
37 pursuant to section 115.193.

38 4. After the polls have closed on every election day, the election judges

39 shall return all unused ballots to the election authority with the other election
40 supplies.

41 5. All ballots cast in public elections shall be printed and distributed at
42 public expense, payable as provided in sections 115.061 to 115.077.

115.321. 1. **Any person desiring to be an independent candidate
2 in a general election for any office to be filled by voters throughout the
3 state, or for any congressional district, state senate district, state
4 representative district, or circuit judge district shall file a written
5 declaration of intent to be an independent candidate with the secretary
6 of state not later than 5:00 p.m. on the last Tuesday in March
7 immediately preceding the general election in which the person intends
8 to be an independent candidate.**

9 2. Any person desiring to be an independent candidate for any office to be
10 filled by voters throughout the state, or for any congressional district, state
11 senate district, state representative district, or circuit judge district, shall file a
12 petition with the secretary of state. Any person desiring to be an independent
13 candidate for any county office shall file a petition with the election authority of
14 the county.

15 [2.] 3. Each page or a sheet attached to each page of each petition for the
16 nomination of an independent candidate shall:

17 (1) Declare concisely the intention to nominate an independent candidate;

18 (2) State the name and address, including street and number, of the
19 independent candidate. If independent candidates for presidential elector are to
20 be nominated, a number of independent candidates for presidential elector equal
21 to the number of electors to which the state is entitled shall be nominated by one
22 petition, and the name of their candidate for president and the name of their
23 candidate for vice president shall be printed on each page or a sheet attached to
24 each page of the petition. At least one qualified resident of each congressional
25 district shall be named as a nominee for presidential elector, and the name and
26 address of each candidate shall be printed on each page or a sheet attached to
27 each page of the petition. The names of the candidates for president and vice
28 president shall not be printed on the official ballot without the written consent
29 of such persons. Their written consent shall accompany and be deemed part of
30 the petition;

31 (3) State the office for which candidate is to be nominated.

32 [3.] 4. If an independent candidate is to be nominated for a statewide

33 office, the petition shall be signed by at least ten thousand registered voters of
34 the state.

35 [4.] 5. If the independent candidate is to be nominated for a district or
36 county office, the petition shall be signed by the number of registered voters in
37 the district or county which is equal to at least two percent of the total number
38 of voters who voted at the last election for candidates for the office being sought
39 or is equal to ten thousand voters, whichever is less.

40 [5.] 6. The name of each person who files a valid petition for nomination
41 as an independent candidate shall be placed on the official ballot as an
42 independent candidate for the office at the next general election or the special
43 election if the petition nominates a candidate to fill a vacancy which is to be filled
44 at a special election. If presidential electors are nominated by the petition, the
45 names of the candidates for elector shall not be placed on the official ballot, but
46 the name of their candidate for president and the name of their candidate for vice
47 president shall be placed on the official ballot at the next presidential election.

115.329. 1. **The secretary of state shall not accept for filing any
2 petition for the nomination of an independent candidate for a general
3 election unless the candidate has filed a written declaration of intent
4 to be an independent candidate under subsection 1 of section 115.321.**

5 2. The secretary of state or any election authority shall not accept for
6 filing any petition for the formation of a new party or for the nomination of an
7 independent candidate which is submitted prior to 8:00 a.m. on the day
8 immediately following the general election next preceding the general election for
9 which the petition is submitted or which is submitted after 5:00 p.m. on the
10 fifteenth Monday immediately preceding the general election for which the
11 petition is submitted.

12 [2.] 3. When a special election to fill a vacancy is called, neither the
13 secretary of state nor any election authority shall accept for filing any petition for
14 the formation of a new party or for the nomination of an independent candidate
15 which is submitted after 5:00 p.m. on the day which is midway between the day
16 the election is called and the election day.

115.342. 1. **Any person who files as a candidate for election to a
2 public office shall be disqualified from participation in the election for
3 which the candidate has filed if such person is delinquent in the
4 payment of any state income taxes, personal property taxes, or real
5 property taxes, other than those taxes that may be in dispute.**

6 **2. Each potential candidate for election to a public office shall**
7 **file an affidavit with the department of revenue and include a copy of**
8 **the affidavit with the declaration of candidacy required under section**
9 **115.349. Such affidavit shall be in substantially the following form:**

10 **"AFFIRMATION OF TAX PAYMENTS:**

11 **I hereby declare under penalties of perjury that I am not**
12 **currently aware of any delinquency in the payment of any state income**
13 **taxes, personal property taxes, or real property taxes, other than those**
14 **taxes which may be in dispute.**

15 **Candidate's Signature**

16 **Printed Name of Candidate."**

17 **3. Upon receipt of a complaint alleging a delinquency of the**
18 **candidate in the filing or payment of any state income taxes, personal**
19 **property taxes, or real property taxes, the department of revenue shall**
20 **investigate such potential candidate to verify the claim contained in**
21 **the complaint and complete such investigation within ten days. If the**
22 **department of revenue finds a positive affirmation to be false, the**
23 **department shall contact the secretary of state, or the election official**
24 **who accepted such candidate's declaration of candidacy, and the**
25 **potential candidate. The department shall notify the candidate of the**
26 **outstanding tax owed and give the candidate thirty days to remit any**
27 **such outstanding taxes owed which are not the subject of dispute**
28 **between the department and the candidate. If the candidate fails to**
29 **remit such amounts in full within thirty days, the candidate shall be**
30 **disqualified from participating in the current election and barred from**
31 **refiling for an entire election cycle even if the individual pays all of the**
32 **outstanding taxes that were the subject of the complaint.**

 [115.241. Each party emblem shall be printed on the ballot
2 above the party caption.]

 [115.342. 1. Any person who files as a candidate for
2 election to a public office shall be disqualified from participation in
3 the election for which the candidate has filed if such person is
4 delinquent in the payment of any state income taxes, personal
5 property taxes, real property taxes on the place of residence, as
6 stated on the declaration of candidacy, or if the person is a past or
7 present corporate officer of any fee office that owes any taxes to the
8 state.

9 2. Each potential candidate for election to a public office
10 shall file an affidavit with the department of revenue and include
11 a copy of the affidavit with the declaration of candidacy required
12 under section 115.349. Such affidavit shall be in substantially the
13 following form:

14 "AFFIRMATION OF TAX PAYMENTS:

15 I hereby declare under penalties of perjury that I am not
16 currently aware of any delinquency in the filing or payment of any
17 state income taxes, personal property taxes, real property taxes on
18 the place of residence, as stated on the declaration of candidacy, or
19 that I am a past or present corporate officer of any fee office that
20 owes any taxes to the state, other than those taxes which may be
21 in dispute.

22 Candidate's Signature

23 Printed Name of Candidate."

24 3. Upon receipt of a complaint alleging a delinquency of the
25 candidate in the filing or payment of any state income taxes,
26 personal property taxes, real property taxes on the place of
27 residence, as stated on the declaration of candidacy, or if the
28 person is a past or present corporate officer of any fee office that
29 owes any taxes to the state, the department of revenue shall
30 investigate such potential candidate to verify the claim contained
31 in the complaint. If the department of revenue finds a positive
32 affirmation to be false, the department shall contact the secretary
33 of state, or the election official who accepted such candidate's
34 declaration of candidacy, and the potential candidate. The
35 department shall notify the candidate of the outstanding tax owed
36 and give the candidate thirty days to remit any such outstanding
37 taxes owed which are not the subject of dispute between the
38 department and the candidate. If the candidate fails to remit such
39 amounts in full within thirty days, the candidate shall be
40 disqualified from participating in the current election and barred
41 from refiling for an entire election cycle even if the individual pays
42 all of the outstanding taxes that were the subject of the complaint.]