

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 593

97TH GENERAL ASSEMBLY

2014

4491S.03T

AN ACT

To repeal section 115.124, RSMo, and to enact in lieu thereof two new sections 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Section A. Section 115.124, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 115.124 and 190.336, to read as
3 follows:

115.124. 1. Notwithstanding any other law to the contrary, in a
2 nonpartisan election in any political subdivision or special district [except for]
3 **including** municipal elections **in any city, town, or village with one**
4 **thousand or fewer inhabitants that have adopted a proposal pursuant**
5 **to subsection 3 of this section but excluding municipal elections in any**
6 **city, town, or village with more than one thousand inhabitants**, if the
7 notice provided for in subsection 5 of section 115.127 has been published in at
8 least one newspaper of general circulation **as defined in section 493.050** in the
9 district, and if the number of candidates who have filed for a particular office is
10 equal to the number of positions in that office to be filled by the election, no
11 election shall be held for such office, and the candidates shall assume the
12 responsibilities of their offices at the same time and in the same manner as if
13 they had been elected. **If no election is held for such office as provided in**
14 **this section, the election authority shall publish a notice containing the**
15 **names of the candidates that shall assume the responsibilities of office**

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

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

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

40 3. **The governing body of any city, town, or village with one**
41 **thousand or fewer inhabitants may submit to the voters at any**
42 **available election, a question to adopt the provisions of subsection 1 of**
43 **this section for municipal elections. If a majority of the votes cast by**
44 **the qualified voters voting thereon are in favor of the question, then**
45 **the city, town, or village shall conduct nonpartisan municipal elections**
46 **as provided in subsection 1 of this section for all nonpartisan elections**
47 **remaining in the year in which the proposal was adopted and for the**
48 **six calendar years immediately following such approval. At the end of**
49 **such six-year period, each such city, town, or village shall be prohibited**
50 **from conducting such elections in such a manner unless such a**
51 **question is again adopted by the majority of qualified voters as**

52 provided in this subsection.

190.336. 1. Each member of an emergency services board
2 established pursuant to section 190.335 shall be subject to recall from
3 office by the registered voters of the election district from which he or
4 she was elected. Proceedings may be commenced for the recall of any
5 such member by the filing of a notice of intention to circulate a recall
6 petition under this section.

7 2. Proceedings may not be commenced against any member if, at
8 the time of commencement, such member:

9 (1) Has not held office during his or her current term for a
10 period of more than one hundred eighty days;

11 (2) Has one hundred eighty days or less remaining in his or her
12 term; or

13 (3) Has had a recall election determined in his or her favor
14 within the current term of office.

15 3. The notice of intention to circulate a recall petition shall be
16 served personally, or by certified mail, on the board member sought to
17 be recalled. A copy thereof shall be filed, along with an affidavit of the
18 time and manner of service, with the election authority, as defined in
19 chapter 115. A separate notice shall be filed for each board member
20 sought to be recalled and shall contain all of the following:

21 (1) The name of the board member sought to be recalled;

22 (2) A statement, not exceeding two hundred words in length, of
23 the reasons for the proposed recall; and

24 (3) The names and business or residential addresses of at least
25 one but not more than five proponents of the recall.

26 4. Within seven days after the filing of the notice of intention,
27 the board member may file with the election authority a statement, not
28 exceeding two hundred words in length, in answer to the statement of
29 the proponents. If an answer is filed, the board member shall also
30 serve a copy of it, personally or by certified mail, on one of the
31 proponents named in the notice of intention. The statement and
32 answer are intended solely to be used for the information of the voters.
33 No insufficiency in form or substance of such statements shall affect
34 the validity of the election proceedings.

35 5. Before any signature may be affixed to a recall petition, the

36 petition is required to bear all of the following:

37 (1) A request that an election be called to elect a successor to the
38 board member;

39 (2) A copy of the notice of intention, including the statement of
40 grounds for recall;

41 (3) The answer of the board member sought to be recalled, if any
42 exists. If the board member has not answered, the petition shall so
43 state; and

44 (4) A place for each signer to affix his or her signature, printed
45 name, and residential address, including any address in a city, town,
46 village, or unincorporated community.

47 6. Each section of the petition, when submitted to the election
48 authority, shall have attached to it an affidavit signed by the person
49 circulating such section, setting forth all of the following:

50 (1) The printed name of the affiant;

51 (2) The residential address of the affiant;

52 (3) That the affiant circulated that section and saw the appended
53 signatures be written;

54 (4) That according to the best information and belief of the
55 affiant, each signature is the genuine signature of the person whose
56 name it purports to be;

57 (5) That the affiant is a registered voter of the election district
58 of the board member sought to be recalled; and

59 (6) The dates between which all the signatures to the petition
60 were obtained.

61 7. A recall petition shall be filed with the election authority not
62 more than one hundred eighty days after the filing of the notice of
63 intention.

64 8. The number of qualified signatures required in order to recall
65 a board member shall be equal in number to at least twenty-five
66 percent of the number of voters who voted in the most recent
67 gubernatorial election in such election district.

68 9. Within twenty days from the filing of the recall petition the
69 election authority shall determine whether the petition was signed by
70 the required number of qualified signatures. The election authority
71 shall file with the petition a certificate showing the results of the

72 examination. The election authority shall give the proponents a copy
73 of the certificate upon their request.

74 10. If the election authority certifies the petition to be
75 insufficient, it may be supplemented within ten days of the date of
76 certification by filing additional petition sections containing all of the
77 information required by this section. Within ten days after the
78 supplemental copies are filed, the election authority shall file with
79 them a certificate stating whether or not the petition as supplemented
80 is sufficient.

81 11. If the certificate shows that the petition as supplemented is
82 insufficient, no action shall be taken on it; however, the petition shall
83 remain on file.

84 12. If the election authority finds the signatures on the petition,
85 together with the supplementary petition sections, if any, to be
86 sufficient, it shall submit its certificate as to the sufficiency of the
87 petition to the emergency services board prior to its next meeting. The
88 certificate shall contain:

- 89 (1) The name of the member whose recall is sought;
- 90 (2) The number of signatures required by law;
- 91 (3) The total number of signatures on the petition; and
- 92 (4) The number of valid signatures on the petition.

93 13. Following the emergency services board's receipt of the
94 certificate, the election authority shall order an election to be held on
95 one of the election days specified in section 115.123. The election shall
96 be held not less than forty-five days but not more than one hundred
97 twenty days from the date the emergency services board receives the
98 petition. Nominations for board membership openings under this
99 section shall be made by filing a statement of candidacy with the
100 election authority.

101 14. At any time prior to forty-two days before the election, the
102 member sought to be recalled may offer his or her resignation. If his
103 or her resignation is offered, the recall question shall be removed from
104 the ballot and the office declared vacant. The member who resigned
105 shall not fill the vacancy, which shall be filled as otherwise provided
106 by law.

107 15. The provisions of chapter 115 governing the conduct of

108 elections shall apply, where appropriate, to recall elections held under
109 this section. The costs of the election shall be paid as provided in
110 chapter 115.

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Unofficial

Bill

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