

FIRST REGULAR SESSION

SENATE BILL NO. 323

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time January 27, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0950S.02I

AN ACT

To repeal sections 77.060, 77.230, 79.070, 79.080, and 79.250, RSMo, and to enact in lieu thereof five new sections relating to residency qualifications for candidates in certain cities.

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

Section A. Sections 77.060, 77.230, 79.070, 79.080, and 79.250, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections
3 77.060, 77.230, 79.070, 79.080, and 79.250, to read as follows:

77.060. 1. **Except as otherwise provided in this section**, no person
2 shall be councilman unless he **or she** is at least twenty-one years of age prior to
3 taking office, a citizen of the United States, and an inhabitant of the city for one
4 year next preceding **[his] the** election, and a resident of the ward from which he
5 **or she** is elected six months next preceding **[his] the** election. Whenever there
6 is a tie in the election of a councilman, the matter shall be determined by the
7 council.

8 2. **Any person who is at least twenty-one years of age prior to**
9 **taking office, a citizen of the United States, and a resident of the**
10 **county in which the city is located who is not a resident of the city or**
11 **ward from which he or she is elected may be a councilman if:**

12 (1) **The person owns real property located in the ward from**
13 **which he or she is elected at the time of and for one year next**
14 **preceding the election; or**

15 (2) **The residents of the city qualify the person to be a candidate**
16 **for councilman by submitting to the city clerk a petition, at least sixty**
17 **days prior to the municipal election, signed by at least ten percent of**

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

18 the registered voters voting for mayor at the last municipal
19 election. The petition shall contain, in addition to the requisite number
20 of valid signatures, the full name of the nonresident candidate for
21 councilman sought to be added to the ballot. The signatures to the
22 petition need not all be appended to one paper, but each signer shall
23 add to his or her signature his or her place of residence, giving the
24 street and number. One of the signers of each such paper shall make
25 oath before an officer competent to administer oaths that the
26 statements therein made are true as he or she believes and that each
27 signature to the paper appended is the genuine signature of the person
28 whose name it purports to be. Within ten days from the date of filing
29 such petition, the city clerk shall examine and ascertain whether the
30 petition is signed by the requisite number of voters and, if necessary,
31 the city council shall allow the clerk extra help for such purpose. The
32 clerk shall attach a certificate of examination to the petition. If by the
33 clerk's certificate the petition is shown to be insufficient, the petition
34 may be amended within ten days from the date of the issuance of the
35 clerk's certificate. The clerk shall, within ten days after such
36 amendment, make like examination of the amended petition. If the
37 second certificate shows the petition to be insufficient, the petition
38 shall be returned to the person filing it, without prejudice to the filing
39 of a new petition to the same effect. If the petition is deemed to be
40 sufficient, the clerk shall qualify the nonresident candidate for
41 inclusion on the ballot.

77.230. 1. Except as otherwise provided in this section, no person
2 shall be mayor unless he be at least thirty years of age, a citizen of the United
3 States and a resident of such city at the time of and for two years next preceding
4 his election. When two or more persons shall have an equal number of votes for
5 the office of mayor, the matter shall be determined by the council.

6 2. Any person who is at least thirty years of age prior to taking
7 office, a citizen of the United States, and a resident of the county in
8 which the city is located who is not a resident of the city may be mayor
9 if:

10 (1) The person owns real property in the city at the time of and
11 for two years next preceding the election; or

12 (2) The residents of the city qualify the person to be a candidate
13 for mayor by submitting to the city clerk a petition, at least sixty days

14 prior to the municipal election, signed by at least ten percent of the
15 registered voters voting for mayor at the last municipal election. The
16 petition shall contain, in addition to the requisite number of valid
17 signatures, the full name of the nonresident candidate for mayor sought
18 to be added to the ballot. The signatures to the petition need not all be
19 appended to one paper, but each signer shall add to his or her
20 signature his or her place of residence, giving the street and
21 number. One of the signers of each such paper shall make oath before
22 an officer competent to administer oaths that the statements therein
23 made are true as he or she believes and that each signature to the
24 paper appended is the genuine signature of the person whose name it
25 purports to be. Within ten days from the date of filing such petition,
26 the city clerk shall examine and ascertain whether the petition is
27 signed by the requisite number of voters and, if necessary, the city
28 council shall allow the clerk extra help for such purpose. The clerk
29 shall attach a certificate of examination to the petition. If by the
30 clerk's certificate the petition is shown to be insufficient, the petition
31 may be amended within ten days from the date of the issuance of the
32 clerk's certificate. The clerk shall, within ten days after such
33 amendment, make like examination of the amended petition. If the
34 second certificate shows the petition to be insufficient, the petition
35 shall be returned to the person filing it, without prejudice to the filing
36 of a new petition to the same effect. If the petition is deemed to be
37 sufficient, the clerk shall qualify the nonresident candidate for
38 inclusion on the ballot.

79.070. 1. Except as otherwise provided in this section, no person
2 shall be an alderman unless he or she is at least eighteen years of age, a citizen
3 of the United States, and an inhabitant and resident of the city for one year next
4 preceding his or her election, and a resident, at the time he or she files and
5 during the time he or she serves, of the ward from which he or she is elected.

6 2. Any person who is at least eighteen years of age prior to
7 taking office, a citizen of the United States, and a resident of the
8 county in which the city is located who is not a resident of the city or
9 ward from which he or she is elected may be an alderman if:

10 (1) The person owns real property in the ward from which he or
11 she is elected at the time of and for one year next preceding the
12 election; or

13 **(2) The residents of the city qualify the person to be a candidate**
14 **for alderman by submitting to the city clerk a petition, at least sixty**
15 **days prior to the municipal election, signed by at least ten percent of**
16 **the registered voters voting for mayor at the last municipal**
17 **election. The petition shall contain, in addition to the requisite number**
18 **of valid signatures, the full name of the nonresident candidate for**
19 **alderman sought to be added to the ballot. The signatures to the**
20 **petition need not all be appended to one paper, but each signer shall**
21 **add to his or her signature his or her place of residence, giving the**
22 **street and number. One of the signers of each such paper shall make**
23 **oath before an officer competent to administer oaths that the**
24 **statements therein made are true as he or she believes and that each**
25 **signature to the paper appended is the genuine signature of the person**
26 **whose name it purports to be. Within ten days from the date of filing**
27 **such petition, the city clerk shall examine and ascertain whether the**
28 **petition is signed by the requisite number of voters and, if necessary,**
29 **the board of alderman shall allow the clerk extra help for such**
30 **purpose. The clerk shall attach a certificate of examination to the**
31 **petition. If by the clerk's certificate the petition is shown to be**
32 **insufficient, the petition may be amended within ten days from the date**
33 **of the issuance of the clerk's certificate. The clerk shall, within ten**
34 **days after such amendment, make like examination of the amended**
35 **petition. If the second certificate shows the petition to be insufficient,**
36 **the petition shall be returned to the person filing it, without prejudice**
37 **to the filing of a new petition to the same effect. If the petition is**
38 **deemed to be sufficient, the clerk shall qualify the nonresident**
39 **candidate for inclusion on the ballot.**

79.080. 1. Except as otherwise provided in this section, no person
2 shall be mayor unless he be at least twenty-five years of age, a citizen of the
3 United States and a resident of the city at the time of and for at least one year
4 next preceding his election.

5 **2. Any person who is at least twenty-five years of age prior to**
6 **taking office, a citizen of the United States, and a resident of the**
7 **county in which the city is located who is not a resident of the city may**
8 **be mayor if:**

9 **(1) The person owns real property in the city at the time of and**
10 **for one year next preceding the election; or**

11 **(2) The residents of the city qualify the person to be a candidate**
12 **for mayor by submitting to the city clerk a petition, at least sixty days**
13 **prior to the municipal election, signed by at least ten percent of the**
14 **registered voters voting for mayor at the last municipal election. The**
15 **petition shall contain, in addition to the requisite number of valid**
16 **signatures, the full name of the nonresident candidate for mayor sought**
17 **to be added to the ballot. The signatures to the petition need not all be**
18 **appended to one paper, but each signer shall add to his or her**
19 **signature his or her place of residence, giving the street and**
20 **number. One of the signers of each such paper shall make oath before**
21 **an officer competent to administer oaths that the statements therein**
22 **made are true as he or she believes and that each signature to the**
23 **paper appended is the genuine signature of the person whose name it**
24 **purports to be. Within ten days from the date of filing such petition,**
25 **the city clerk shall examine and ascertain whether the petition is**
26 **signed by the requisite number of voters and, if necessary, the board**
27 **of aldermen shall allow the clerk extra help for such purpose. The**
28 **clerk shall attach a certificate of examination to the petition. If by the**
29 **clerk's certificate the petition is shown to be insufficient, the petition**
30 **may be amended within ten days from the date of the issuance of the**
31 **clerk's certificate. The clerk shall, within ten days after such**
32 **amendment, make like examination of the amended petition. If the**
33 **second certificate shows the petition to be insufficient, the petition**
34 **shall be returned to the person filing it, without prejudice to the filing**
35 **of a new petition to the same effect. If the petition is deemed to be**
36 **sufficient, the clerk shall qualify the nonresident candidate for**
37 **inclusion on the ballot.**

79.250. **Except as otherwise provided in sections 79.070 and**
2 **79.080,** all officers elected to offices or appointed to fill a vacancy in any elective
3 office under the city government shall be voters under the laws and constitution
4 of this state and the ordinances of the city except that appointed officers need not
5 be voters of the city. No person shall be elected or appointed to any office who
6 shall at the time be in arrears for any unpaid city taxes, or forfeiture or
7 defalcation in office. **Except as otherwise provided in sections 79.070 and**
8 **79.080,** all officers, except appointed officers, shall be residents of the city.