FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 104
98TH GENERAL ASSEMBLY
2015

AN ACT
To repeal sections 115.342, 115.348, 115.350, 116.190, 162.481, 162.491, 178.820, RSMo, and sections 162.025 and 162.491 as enacted by house bill no. 63, ninety-eighth general assembly, first regular session, and to enact in lieu thereof seven new sections relating to elections.

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

Section A. Sections 115.342, 115.348, 115.350, 116.190, 162.481, 162.491, 178.820, RSMo, and sections 162.025 and 162.491 as enacted by house bill no. 63, ninety-eighth general assembly, first regular session, are repealed and seven new sections enacted in lieu thereof, to be known as sections 115.306, 115.308, 116.190, 162.481, 162.491, 178.820, and 1, to read as follows:

115.306. 1. No person shall qualify as a candidate for elective public office in the state of Missouri who has been found guilty of or pled guilty to a felony or misdemeanor under the federal laws of the United States of America or to a felony under the laws of this state or an offense committed in another state that would be considered a felony in this state.

2. (1) Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
any fee office that owes any taxes to the state.

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

AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the state, other than those taxes which may be in dispute. I declare under penalties of perjury that I am not aware of any information that would prohibit me from fulfilling any bonding requirements for the office for which I am filing.

.............................. Candidate's Signature

.............................. Printed Name of Candidate

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

115.308. Sections 115.307 to 115.405 shall not apply to candidates for special district offices; township offices in township organization
counties; or city, town, and village offices.

116.190. 1. Any citizen who wishes to challenge the official ballot title or the fiscal note prepared for a proposed constitutional amendment submitted by the general assembly, by initiative petition, or by constitutional convention, or for a statutory initiative or referendum measure, may bring an action in the circuit court of Cole County. The action must be brought within ten days after the official ballot title is certified by the secretary of state in accordance with the provisions of this chapter.

2. The secretary of state shall be named as a party defendant in any action challenging the official ballot title prepared by the secretary of state. When the action challenges the fiscal note or the fiscal note summary prepared by the auditor, the state auditor shall also be named as a party defendant. The president pro tem of the senate, the speaker of the house and the sponsor of the measure and the secretary of state shall be the named party defendants in any action challenging the official summary statement, fiscal note or fiscal note summary prepared pursuant to section 116.155.

3. The petition shall state the reason or reasons why the summary statement portion of the official ballot title is insufficient or unfair and shall request a different summary statement portion of the official ballot title. Alternatively, the petition shall state the reasons why the fiscal note or the fiscal note summary portion of the official ballot title is insufficient or unfair and shall request a different fiscal note or fiscal note summary portion of the official ballot title.

4. The action shall be placed at the top of the civil docket. Insofar as the action challenges the summary statement portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision certify the summary statement portion of the official ballot title to the secretary of state. Insofar as the action challenges the fiscal note or the fiscal note summary portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision, either certify the fiscal note or the fiscal note summary portion of the official ballot title to the secretary of state or remand the fiscal note or the fiscal note summary to the auditor for preparation of a new fiscal note or fiscal note summary pursuant to the procedures set forth in section 116.175. Any party to the suit may appeal to the supreme court within ten days after a circuit court decision. In making the legal notice to election authorities under section 116.240, and for the purposes of section 116.180, the secretary of
state shall certify the language which the court certifies to him.

5. Any action brought under this section that is not fully and finally adjudicated within one hundred eighty days of filing, and more than fifty-six days prior to election in which the measure is to appear, including all appeals, shall be extinguished, unless a court extends such period upon a finding of good cause for such extension. Such good cause shall consist only of court-related scheduling issues and shall not include requests for continuance by the parties.

162.481. 1. Except as otherwise provided in this section and in section 162.492, all elections of school directors in urban school districts shall be held biennially at the same times and places as municipal elections.

2. [In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3.] Except as otherwise provided in subsections 3, 4, and 5 of this section, hereafter when a seven-director district becomes an urban school district, the directors of the prior seven-director district shall continue as directors of the urban school district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection. The first biennial school election for directors shall be held in the urban school district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban
school district shall be elected for terms of six years. If the terms of four
directors have expired, two directors shall be elected for terms of six years and
two shall be elected for terms of four years. At the next succeeding biennial
election held in the urban school district, successors for the remaining directors
of the prior seven-director district shall be elected. If only two directors are to
be elected they shall be elected for terms of six years each. If four directors are
to be elected, two shall be elected for terms of six years and two shall be elected
for terms of two years. After seven directors of the urban school this subsection,
their successors shall be elected for terms of six years.

[4.] 3. In any school district in any city with a population of one
hundred thousand or more inhabitants which is located within a county of the
first classification that adjoins no other county of the first classification, or any
school district which becomes an urban school district by reason of the 2000
federal decennial census] which a majority of the district is located in any
home rule city with more than one hundred fifty-five thousand but
fewer than two hundred thousand inhabitants, elections shall be held
annually at the same times and places as general municipal elections for all years
where one or more terms expire, and the terms shall be for three years and until
their successors are duly elected and qualified for all directors elected on and
after August 28, 1998.

4. For any school district which becomes an urban school district
by reason of the 2000 federal decennial census, elections shall be held
annually at the same times and places as general municipal elections
for all years where one or more terms expire, and the terms shall be for
three years and until their successors are duly elected and qualified for
all directors elected on and after August 28, 2001.

5. In any school district in any county with a charter form of government
and with more than three hundred thousand but fewer than four hundred fifty
thousand inhabitants which becomes an urban school district by reason of the
2010 federal decennial census, elections shall be held annually at the same times
and places as general municipal elections for all years where one or more terms
expire, and the terms shall be for three years and until their successors are duly
elected and qualified for all directors elected on and after April 2, 2012.

6. In any urban school district in a county of the first
classification with more than eighty-three thousand but fewer than
ninety-two thousand inhabitants and with a home rule city with more
than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and upon expiration of any term after August 28, 2015, the term of office shall be for three years and until their successors are duly elected and qualified.

162.491. 1. Directors for urban school districts, other than those districts containing the greater part of a city of over one hundred thirty thousand inhabitants, may be nominated by petition to be filed with the secretary of the board and signed by a number of voters in the district equal to ten percent of the total number of votes cast for the director receiving the highest number of votes cast at the next preceding biennial election, except as provided in subsection 4 of this section.

2. This section shall not be construed as providing the sole method of nominating candidates for the office of school director in urban districts which do not contain the greater part of a city of over three hundred thousand inhabitants.

3. A director for any urban school district containing a city of greater than one hundred thirty thousand inhabitants and less than three hundred thousand inhabitants may be nominated as an independent candidate by filing with the secretary of the board a petition signed by five hundred registered voters of such school district.

4. In any urban school district located in a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat, a candidate for director shall file a declaration of candidacy with the secretary of the board and shall not be required to submit a petition.

178.820. 1. In the organization election, six trustees shall be elected at large throughout the entire proposed district. The two candidates receiving the greatest number of votes shall be elected for terms of six years each, the two receiving the next greatest number of votes for terms of four years each, the two receiving the next greatest number of votes for terms of two years each, and such terms shall be effective until the first Tuesday in April coinciding with or next following such period of years, or until the successors to such trustees have been duly elected and qualified. Thereafter, the trustees shall be elected for terms of
six years each.

Following the initial election, the board of trustees may, at any duly called meeting, adopt a resolution calling for the formation of a redistricting committee to consider the formation of subdistricts within the community college district from which trustees are thereafter to be elected. Upon adoption of any such resolution, the secretary of the board of trustees shall forward a certified copy thereof to the coordinating board for higher education with the request that a redistricting committee be appointed in order to divide the community college districts into at least two and not more than six subdistricts for the purpose of electing trustees. The redistricting committee shall consist of three residents within the affected district, appointed by the board of trustees of the affected district, plus three additional persons residents within the affected district, appointed by the coordinating board for higher education. Thereafter, the redistricting committee shall meet, organize itself with a chairman and secretary, and proceed with the adoption of a redistricting plan specifying at least two but not more than six subdistricts which are to the extent possible so apportioned on the basis of population that the population of any such subdistrict divided by the number of trustees to be selected therefrom substantially equals the population of any other subdistrict divided by the number of trustees to be selected therefrom. The redistricting plan referred to herein, in lieu of requiring all trustees to be elected from subdistricts, may provide for the election of one or more trustees at large and the remainder from subdistricts, or for the election of all the trustees at large with the requirement that each must reside in a certain subdistrict, so long as in any plan adopted, subdistricts are apportioned as provided above. Notwithstanding the above, the board of trustees of any community college district which contains more than four hundred fifty thousand residents shall, at the first duly called meeting following August 13, 1972, and thereafter within ninety days following the publication of the decennial census figures, adopt a resolution calling for the formation of a redistricting committee; and the redistricting committee shall adopt a redistricting plan specifying the establishment of not less than four nor more than six subdistricts compact and contiguous in territory and apportioned as provided above.

In any district which shall contain a city not within a county, if four subdistricts are established, then at least one subdistrict shall be within said city, and if five or six subdistricts are established, then at least two subdistricts shall be within said city.
4. Any person running for election as a trustee of a subdistrict shall be domiciled and a resident therein. Any plan proposed to be adopted must receive approval of a majority of the whole redistricting committee. Upon adoption the redistricting committee shall forward a copy of the plan certified by the secretary to the coordinating board for higher education for its approval or disapproval. The coordinating board for higher education shall approve any redistricting plan in which the population of any subdistrict divided by the number of trustees to be selected therefrom substantially equals the population of any other subdistrict divided by the number of trustees to be elected therefrom. Upon approval, the redistricting plan shall become effective and all trustees elected thereafter shall be required to be elected from subdistricts in which they are resident. If the plan is not approved, then it shall be returned to the redistricting committee for revision and resubmission. Until approval of a plan by the coordinating board for higher education, trustees of a district shall continue to run at large. Upon approval of any plan, the board of trustees shall determine by resolution the assignment of trustees to subdistricts. Any such assignment shall not affect the term of office of any such trustee. Once a district has been divided into subdistricts in accordance with the provisions hereof, it shall remain so divided until one year following the publication of the decennial census figures, by which date a new plan shall have been adopted or the trustees shall again be required to run in the district at large; provided, however, that if during the period between publications of decennial census figures the area of a district is increased or decreased, a new plan shall be adopted within one year thereafter or the trustees shall be required to run in the district at large. No member of the redistricting committee shall serve on the board of trustees for a period of six years following his service on the redistricting committee.

5. Candidates for the office of trustee shall be citizens of the United States, at least twenty-one years of age, who have been voters of the district for at least one whole year preceding the election, and if trustees are elected other than at large they shall be voters of the subdistricts for at least one whole year next preceding the election. All candidates for the first board of a district shall file their declaration of candidacy with the coordinating board for higher education.

6. Notwithstanding the provisions of this section or any other law to the contrary, the board of trustees of the community college district in any district that contains a city not within a county shall be
composed of seven members, six of whom shall each be elected to a six-
year term, and one at-large member who shall be appointed to a six-
year term by the coordinating board for higher education, beginning
with the board election occurring immediately after August 28, 2015,
subject to the following procedures:

(1) The appointed member shall be a citizen of the United States,
at least twenty-one years of age, and a registered voter of the district
for at least one year preceding the appointment;

(2) No member, elected or appointed, shall be an employee of
such community college district;

(3) Whenever a vacancy occurs in the appointed member's seat
due to death, resignation, removal from the district, or by operation of
law or otherwise, the coordinating board for higher education shall, in
a like manner, appoint a competent person to fill such vacancy and
shall communicate his or her action to the board secretary of the
district. Such appointed member shall hold office for the remainder of
the unexpired term

(4) If a board member is found by unanimous vote of the other
board members to have moved his or her residence to a district other
than the district from which such board member was appointed or
elected, or to have violated a duly promulgated bylaw of the district,
then the office of such board member shall be vacant;

(5) The board shall have the power to make such bylaws or
ordinances, rules, and regulations as it may judge most expedient for
the accomplishment of the trust reposed in it, for the government of its
officers and employees, to secure its accountability, and to delegate its
authority as it may deem necessary to such officers and employees or
to committees appointed by the board;

(6) Except as specifically provided in this section, the
appointment or election and term of office for members of the board,
and all other duties and responsibilities of the board, shall comply with
the provisions of state law regarding trustees of community college
districts.

Section 1. If any provision of this act or the application thereof
to anyone or to any circumstance is held invalid, the remainder of
those sections and the application of such provisions to others or other
circumstances shall not be affected thereby.
[115.342. 1. Any person who files as a candidate for
election to a public office shall be disqualified from participation in
the election for which the candidate has filed if such person is
delinquent in the payment of any state income taxes, personal
property taxes, municipal taxes, real property taxes on the place of
residence, as stated on the declaration of candidacy, or if the
person is a past or present corporate officer of any fee office that
owes any taxes to the state.

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

AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:
I hereby declare under penalties of perjury that I am not currently
aware of any delinquency in the filing or payment of any state
income taxes, personal property taxes, municipal taxes, real
property taxes on the place of residence, as stated on the
declaration of candidacy, or that I am a past or present corporate
officer of any fee office that owes any taxes to the state, other than
those taxes which may be in dispute. I declare under penalties of
perjury that I am not aware of any information that would prohibit
me from fulfilling any bonding requirements for the office for which
I am filing.

.............................. Candidate's Signature

.............................. Printed Name of Candidate.

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

[115.348. No person shall qualify as a candidate for elective public office in the state of Missouri who has been found guilty of or pled guilty to a felony or misdemeanor under the federal laws of the United States of America.]

[115.350. No person shall qualify as a candidate for elective public office in the state of Missouri who has been convicted of or found guilty of or pled guilty to a felony under the laws of this state.]

[162.025. No person shall be a candidate for a member or director of the school board in any district in this state if such person has previously been employed by the district as the district’s superintendent.]

[162.491. 1. Directors for urban school districts, other than those districts containing the greater part of a city of over one hundred thirty thousand inhabitants, may be nominated by petition to be filed with the secretary of the board and signed by a number of voters in the district equal to ten percent of the total number of votes cast for the director receiving the highest number of votes cast at the next preceding biennial election, except as provided in subsection 4 of this section.

2. This section shall not be construed as providing the sole method of nominating candidates for the office of school director in urban districts which do not contain the greater part of a city of over three hundred thousand inhabitants.

3. A director for any urban school district containing a city of greater than one hundred thirty thousand inhabitants and less than three hundred thousand inhabitants may be nominated as an
16 independent candidate by filing with the secretary of the board a
17 petition signed by five hundred registered voters of such school
district.
19 4. In any urban school district located in a home
20 rule city with more than seventy-one thousand but fewer
21 than seventy-nine thousand inhabitants, a candidate for
director shall file a declaration of candidacy with the
23 secretary of the board and shall not be required to submit
24 a petition.]