

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

0229S.04T

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## 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.

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162.025 and 162.491 as enacted by house bill no. 63, ninety-eighth general assembly, first regular session, are repealed and seven new sections enacted in lieu thereof, to be known as sections 115.306, 115.308, 116.190, 162.481, 162.491, 178.820, and 1, to read as follows: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

13 any fee office that owes any taxes to the state.

14 (2) Each potential candidate for election to a public office shall  
15 file an affidavit with the department of revenue and include a copy of  
16 the affidavit with the declaration of candidacy required under section  
17 115.349. Such affidavit shall be in substantially the following form:

18 **AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:**

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

28 ..... Candidate's Signature

29 ..... Printed Name of Candidate

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

115.308. Sections 115.307 to 115.405 shall not apply to candidates  
2 for special district offices; township offices in township organization

**3 counties; or city, town, and village offices.**

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

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

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

23 4. The action shall be placed at the top of the civil docket. Insofar as the  
24 action challenges the summary statement portion of the official ballot title, the  
25 court shall consider the petition, hear arguments, and in its decision certify the  
26 summary statement portion of the official ballot title to the secretary of  
27 state. Insofar as the action challenges the fiscal note or the fiscal note summary  
28 portion of the official ballot title, the court shall consider the petition, hear  
29 arguments, and in its decision, either certify the fiscal note or the fiscal note  
30 summary portion of the official ballot title to the secretary of state or remand the  
31 fiscal note or the fiscal note summary to the auditor for preparation of a new  
32 fiscal note or fiscal note summary pursuant to the procedures set forth in section  
33 116.175. Any party to the suit may appeal to the supreme court within ten days  
34 after a circuit court decision. In making the legal notice to election authorities  
35 under section 116.240, and for the purposes of section 116.180, the secretary of

36 state shall certify the language which the court certifies to him.

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

          162.481. 1. Except as otherwise provided in this section **and in section**  
2 **162.492**, all elections of school directors in urban **school** districts shall be held  
3 biennially at the same times and places as municipal elections.

4           2. [In any urban district which includes all or the major part of a city  
5 which first obtained a population of more than seventy-five thousand inhabitants  
6 by reason of the 1960 federal decennial census, elections of directors shall be held  
7 on municipal election days of even-numbered years. The directors of the prior  
8 district shall continue as directors of the urban district until their successors are  
9 elected as herein provided. On the first Tuesday in April, 1964, four directors  
10 shall be elected, two for terms of two years to succeed the two directors of the  
11 prior district who were elected in 1960 and two for terms of six years to succeed  
12 the two directors of the prior district who were elected in 1961. The successors  
13 of these directors shall be elected for terms of six years. On the first Tuesday in  
14 April, 1968, two directors shall be elected for terms to commence on November 5,  
15 1968, and to terminate on the first Tuesday in April, 1974, when their successors  
16 shall be elected for terms of six years. No director shall serve more than two  
17 consecutive six-year terms after October 13, 1963.

18           3.] Except as otherwise provided in subsections **3**, **4**, and **5** of this section,  
19 hereafter when a seven-director district becomes an urban **school** district, the  
20 directors of the prior seven-director district shall continue as directors of the  
21 urban **school** district until the expiration of the terms for which they were  
22 elected and until their successors are elected as provided in this subsection. The  
23 first biennial school election for directors shall be held in the urban **school**  
24 district at the time provided in subsection 1 which is on the date of or subsequent  
25 to the expiration of the terms of the directors of the prior district which are first  
26 to expire, and directors shall be elected to succeed the directors of the prior  
27 district whose terms have expired. If the terms of two directors only have  
28 expired, the directors elected at the first biennial school election in the urban

29 **school** district shall be elected for terms of six years. If the terms of four  
30 directors have expired, two directors shall be elected for terms of six years and  
31 two shall be elected for terms of four years. At the next succeeding biennial  
32 election held in the urban **school** district, successors for the remaining directors  
33 of the prior seven-director district shall be elected. If only two directors are to  
34 be elected they shall be elected for terms of six years each. If four directors are  
35 to be elected, two shall be elected for terms of six years and two shall be elected  
36 for terms of two years. After seven directors of the urban **school** this subsection,  
37 their successors shall be elected for terms of six years.

38 [4.] **3.** In any school district in [any city with a population of one  
39 hundred thousand or more inhabitants which is located within a county of the  
40 first classification that adjoins no other county of the first classification, or any  
41 school district which becomes an urban school district by reason of the 2000  
42 federal decennial census] **which a majority of the district is located in any**  
43 **home rule city with more than one hundred fifty-five thousand but**  
44 **fewer than two hundred thousand inhabitants**, elections shall be held  
45 annually at the same times and places as general municipal elections for all years  
46 where one or more terms expire, and the terms shall be for three years and until  
47 their successors are duly elected and qualified for all directors elected on and  
48 after August 28, 1998.

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

55 5. In any school district in any county with a charter form of government  
56 and with more than three hundred thousand but fewer than four hundred fifty  
57 thousand inhabitants which becomes an urban school district by reason of the  
58 2010 federal decennial census, elections shall be held annually at the same times  
59 and places as general municipal elections for all years where one or more terms  
60 expire, and the terms shall be for three years and until their successors are duly  
61 elected and qualified for all directors elected on and after April 2, 2012.

62 **6. In any urban school district in a county of the first**  
63 **classification with more than eighty-three thousand but fewer than**  
64 **ninety-two thousand inhabitants and with a home rule city with more**

65 **than seventy-six thousand but fewer than ninety-one thousand**  
66 **inhabitants as the county seat, elections shall be held annually at the**  
67 **same times and places as general municipal elections for all years**  
68 **where one or more terms expire, and upon expiration of any term after**  
69 **August 28, 2015, the term of office shall be for three years and until**  
70 **their successors are duly elected and qualified.**

162.491. 1. Directors for urban school districts, other than those districts  
2 containing the greater part of a city of over one hundred thirty thousand  
3 inhabitants, may be nominated by petition to be filed with the secretary of the  
4 board and signed by a number of voters in the district equal to ten percent of the  
5 total number of votes cast for the director receiving the highest number of votes  
6 cast at the next preceding biennial election, **except as provided in subsection**  
7 **4 of this section.**

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

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

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

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

9 six years each.

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

41 3. In any district which shall contain a city not within a county, if four  
42 subdistricts are established, then at least one subdistrict shall be within said city,  
43 and if five or six subdistricts are established, then at least two subdistricts shall  
44 be within said city.

45           4. Any person running for election as a trustee of a subdistrict shall be  
46 domiciled and a resident therein. Any plan proposed to be adopted must receive  
47 approval of a majority of the whole redistricting committee. Upon adoption the  
48 redistricting committee shall forward a copy of the plan certified by the secretary  
49 to the coordinating board for higher education for its approval or  
50 disapproval. The coordinating board for higher education shall approve any  
51 redistricting plan in which the population of any subdistrict divided by the  
52 number of trustees to be selected therefrom substantially equals the population  
53 of any other subdistrict divided by the number of trustees to be elected  
54 therefrom. Upon approval, the redistricting plan shall become effective and all  
55 trustees elected thereafter shall be required to be elected from subdistricts in  
56 which they are resident. If the plan is not approved, then it shall be returned to  
57 the redistricting committee for revision and resubmission. Until approval of a  
58 plan by the coordinating board for higher education, trustees of a district shall  
59 continue to run at large. Upon approval of any plan, the board of trustees shall  
60 determine by resolution the assignment of trustees to subdistricts. Any such  
61 assignment shall not affect the term of office of any such trustee. Once a district  
62 has been divided into subdistricts in accordance with the provisions hereof, it  
63 shall remain so divided until one year following the publication of the decennial  
64 census figures, by which date a new plan shall have been adopted or the trustees  
65 shall again be required to run in the district at large; provided, however, that if  
66 during the period between publications of decennial census figures the area of a  
67 district is increased or decreased, a new plan shall be adopted within one year  
68 thereafter or the trustees shall be required to run in the district at large. No  
69 member of the redistricting committee shall serve on the board of trustees for a  
70 period of six years following his service on the redistricting committee.

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

78           **6. Notwithstanding the provisions of this section or any other**  
79 **law to the contrary, the board of trustees of the community college**  
80 **district in any district that contains a city not within a county shall be**

81 composed of seven members, six of whom shall each be elected to a six-  
82 year term, and one at-large member who shall be appointed to a six-  
83 year term by the coordinating board for higher education, beginning  
84 with the board election occurring immediately after August 28, 2015,  
85 subject to the following procedures:

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

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

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

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

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

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

Section 1. If any provision of this act or the application thereof  
2 to anyone or to any circumstance is held invalid, the remainder of  
3 those sections and the application of such provisions to others or other  
4 circumstances shall not be affected thereby.

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

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

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

26 ..... Candidate's Signature

27 ..... Printed Name of Candidate.

28 3. Upon receipt of a complaint alleging a delinquency of the  
 29 candidate in the filing or payment of any state income taxes,  
 30 personal property taxes, municipal taxes, real property taxes on the  
 31 place of residence, as stated on the declaration of candidacy, or if  
 32 the person is a past or present corporate officer of any fee office  
 33 that owes any taxes to the state, the department of revenue shall  
 34 investigate such potential candidate to verify the claim contained  
 35 in the complaint. If the department of revenue finds a positive  
 36 affirmation to be false, the department shall contact the secretary  
 of state, or the election official who accepted such candidate's

37 declaration of candidacy, and the potential candidate. The  
38 department shall notify the candidate of the outstanding tax owed  
39 and give the candidate thirty days to remit any such outstanding  
40 taxes owed which are not the subject of dispute between the  
41 department and the candidate. If the candidate fails to remit such  
42 amounts in full within thirty days, the candidate shall be  
43 disqualified from participating in the current election and barred  
44 from refiling for an entire election cycle even if the individual pays  
45 all of the outstanding taxes that were the subject of the complaint.]

2 [115.348. No person shall qualify as a candidate for elective  
3 public office in the state of Missouri who has been found guilty of  
4 or pled guilty to a felony or misdemeanor under the federal laws of  
the United States of America.]

2 [115.350. No person shall qualify as a candidate for elective  
3 public office in the state of Missouri who has been convicted of or  
4 found guilty of or pled guilty to a felony under the laws of this  
state.]

2 [162.025. No person shall be a candidate for a member or  
3 director of the school board in any district in this state if such  
4 person has previously been employed by the district as the  
district's superintendent.]

2 [162.491. 1. Directors for urban school districts, other than  
3 those districts containing the greater part of a city of over one  
4 hundred thirty thousand inhabitants, may be nominated by  
5 petition to be filed with the secretary of the board and signed by a  
6 number of voters in the district equal to ten percent of the total  
7 number of votes cast for the director receiving the highest number  
8 of votes cast at the next preceding biennial election, **except as  
provided in subsection 4 of this section.**

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

13 3. A director for any urban school district containing a city  
14 of greater than one hundred thirty thousand inhabitants and less  
15 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  
18 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**  
22 **director shall file a declaration of candidacy with the**  
23 **secretary of the board and shall not be required to submit**  
24 **a petition.]**

Unofficial ✓

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**President of the Senate**

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**Speaker of the House of Representatives**

Bill

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**Governor**

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