HOUSE BILL NO. 1541

95TH GENERAL ASSEMBLY

AN ACT

To repeal sections 78.090 and 115.134, RSMo, and to enact in lieu thereof two new sections relating to local elections.

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

Section A. Sections 78.090 and 115.134, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 78.090 and 115.134, to
3 read as follows:

78.090. **1.** Candidates to be voted for at all general municipal elections
2 at which a mayor and councilmen are to be elected under the provisions of
3 sections 78.010 to **[**78.420**]** **78.400** shall be nominated by a primary election,
4 **except as provided in this section,** and no other names shall be placed upon
5 the general ballot except those selected in the manner herein prescribed. The
6 primary election for such nomination shall be held on the first Tuesday after the
7 first Monday in February preceding the municipal election.

8   **2. (1) In lieu of conducting a primary election under this section,**
9 **any city organized under sections 78.010 to 78.400 may, by order or**
10 **ordinance, provide for the elimination of the primary election and the**
11 **conduct of elections for mayor and councilman as provided in this**
12 **subsection.**

13   **(2) Any person desiring to become a candidate for mayor or**
14 **councilman shall file with the city clerk a signed statement of such**
15 **candidacy, stating whether such person is a resident of the city and a**
16 **qualified voter of the city, that the person desires to be a candidate for**

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

17   nomination to the office of mayor or councilman to be voted upon at

18   the next municipal election for such office, that the person is eligible

19   for such office, that the person requests to be placed on the ballot, and

20   that such person shall serve if elected. Such statement shall be sworn

21   to or affirmed before the city clerk.

22   **(3) Under the requirements of section 115.023, the city clerk shall**

23   **notify the requisite election authority who shall cause the official**

24   **ballots to be printed, and the names of the candidates shall appear on**

25   **the ballots in the order that their statements of candidacy were filed**

26   **with the city clerk. Above the names of the candidates shall appear the**

27   **words "Vote for (number to be elected)". The ballot shall also include**

28   **a warning that voting for more than the total number of candidates to**

29   **be elected to any office invalidates the ballot.**

        115.134. Notwithstanding any other provision of law to the

2   **contrary, in any local election to be held where a candidate for a**

3   **particular office does not appear on the ballot along with other**

4   **candidates or questions due to the application of section 115.124, any**

5   **other statute, or the lack of a candidate filing for the office, the**

6   **election authority responsible for any public notice of the election shall**

7   **cause to be printed in any publication directed by law, a public**

8   **disclosure explaining the statutory authority and the reason why such**

9   **election for such office shall not appear on the voters's ballot for that**

10   **election. If, for any reason, a scheduled local election is cancelled due**

11   **to the application of section 115.124, any other statute, or a lack of a**

12   **candidate filing for an office when no other ballot item exists to**

13   **necessitate conducting the election, the election authority responsible**

14   **for any public notice of the election shall either:**

15   **(1) Provide for public notice in the same manner as if an election**

16   **would have been held and provide a public disclosure explaining the**

17   **statutory authority and the reason why such election shall not occur;**

18   **or**

19   **(2) Mail a postcard containing the public disclosure as provided**

20   **in this section to every household with a registered voter within the**

21   **political subdivision in which the election was to take place.**

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