

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 282

96TH GENERAL ASSEMBLY

2011

1542S.04T

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## AN ACT

To repeal sections 28.190, 29.280, 30.060, 30.070, 30.080, 52.010, 54.033, 54.330, 78.090, 105.030, 105.040, 105.050, 115.015, 115.123, 115.124, 115.127, 115.241, 115.293, 115.342, 115.601, 115.637, 115.755, and 115.761, RSMo, and to enact in lieu thereof twenty-three new sections relating to elections, with penalty provisions.

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

Section A. Sections 28.190, 29.280, 30.060, 30.070, 30.080, 52.010, 54.033, 54.330, 78.090, 105.030, 105.040, 105.050, 115.015, 115.123, 115.124, 115.127, 115.241, 115.293, 115.342, 115.601, 115.637, 115.755, and 115.761, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 26.016, 27.015, 28.190, 29.280, 30.060, 30.080, 52.010, 54.033, 54.330, 78.090, 105.030, 105.040, 105.050, 115.015, 115.123, 115.124, 115.127, 115.293, 115.342, 115.601, 115.637, 115.761, and 190.056, to read as follows:

**26.016. In the case of any vacancy for any cause in the office of lieutenant governor, the governor shall immediately fill such vacancy by special election as provided in section 105.030 for the remainder of the term in which the vacancy occurred until a successor is elected and qualified at the next election scheduled for the lieutenant governor under section 17, article IV, Constitution of Missouri. The governor shall take charge of such office and superintend the business of the office until a successor is elected and qualified. In cases of impeachment as provided in chapter 106, the lieutenant governor shall be suspended until the impeachment is determined. If the lieutenant**

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

11 **governor is acquitted, the lieutenant governor shall be reinstated to**  
12 **office. If the lieutenant governor is convicted, the vacancy shall be**  
13 **filled in the same manner as provided in this section.**

27.015. In the case of any vacancy for any cause in the office of  
2 **attorney general, the governor shall immediately appoint an acting**  
3 **attorney general to fill such vacancy until the vacancy is filled by**  
4 **special election as provided in section 105.030 for the remainder of the**  
5 **term in which the vacancy occurred until a successor is elected and**  
6 **qualified at the next election scheduled for the attorney general under**  
7 **section 17, article IV, Constitution of Missouri. The acting attorney**  
8 **general shall take charge of such office and superintend the business**  
9 **of the office until a successor is elected and qualified. In cases of**  
10 **impeachment as provided in chapter 106, the attorney general shall be**  
11 **suspended until the impeachment is determined. If the attorney**  
12 **general is acquitted, the attorney general shall be reinstated to office.**  
13 **If the attorney general is convicted, the vacancy shall be filled in the**  
14 **same manner as provided in this section.**

28.190. In case of death, resignation, removal from office, impeachment,  
2 or vacancy from any cause in the office of secretary of state, the governor shall  
3 immediately [appoint a qualified person to] fill such vacancy **by special**  
4 **election as provided in section 105.030** for the remainder of the term in  
5 which such vacancy occurred [and] until [his] a successor is elected [or  
6 appointed, commissioned] and qualified[; and] **at the next election scheduled**  
7 **for the secretary of state under section 17, article IV, Constitution of**  
8 **Missouri.** The governor shall take charge of the office and superintend its  
9 business until such person is [appointed, commissioned] **elected** and qualified[;  
10 except that]. In case of impeachment **as provided in chapter 106,** the  
11 governor shall appoint a qualified person to serve only until such impeachment  
12 is determined, when the suspended officer, if acquitted, shall be reinstated in  
13 office[, or]. If the suspended officer is convicted, [a new appointment shall be  
14 made] **the vacancy shall be filled** by the governor as [in the case of other  
15 vacancies] **provided in this section.**

29.280. When a vacancy occurs in the office of state auditor, the governor  
2 shall immediately appoint an **acting** auditor to fill such vacancy **until the**  
3 **vacancy is filled by special election as provided in section 105.030** for  
4 the residue of the term in which the vacancy occurred[, and] until [his] a  
5 successor is elected [or appointed, commissioned] and qualified **at the next**

6 election scheduled for the state auditor under section 17, article IV,  
7 Constitution of Missouri. The acting auditor shall take charge of such  
8 office and superintend the business of the office until a successor is  
9 elected and qualified. In cases of impeachment as provided in chapter  
10 106, the auditor shall be suspended until the impeachment is  
11 determined. If the auditor is acquitted, the auditor shall be reinstated  
12 to office. If the auditor is convicted, the vacancy shall be filled in the  
13 same manner as provided in this section.

30.060. In case of death, resignation, removal from office, impeachment,  
2 or vacancy from any cause[,] in the office of the state treasurer, the governor  
3 shall immediately fill such vacancy by special election as provided in  
4 section 105.030 for the remainder of the term in which such vacancy  
5 occurred until a successor is elected and qualified at the next election  
6 scheduled for the state treasurer under section 17, article IV,  
7 Constitution of Missouri. The governor shall take charge of such office and  
8 superintend the business thereof until a successor is [appointed, commissioned]  
9 elected and qualified [except]. In case of impeachment as provided in  
10 chapter 106, when no [appointment] election shall be made until a  
11 determination of the matter is had, when, in the event of an acquittal, the  
12 suspended officer shall be reinstated in office. If the treasurer is convicted,  
13 the vacancy shall be filled in the same manner as provided in this  
14 section.

30.080. Immediately after the [appointment] election and qualification  
2 of a state treasurer, made to fill any vacancy occurring in said office, or the  
3 resumption of [his] duties by said officer, after the removal of any disability or  
4 temporary suspension therefrom the general assembly if in session, or, if such  
5 assembly be not in session, then the governor, shall cause a settlement to be  
6 made of the accounts of the former state treasurer, or any such office ad interim,  
7 remaining unsettled, and ascertain what balance, if any, is due the state or such  
8 officer, as the case may be.

52.010. 1. At the general election in 1906, and every four years  
2 thereafter, a collector, to be styled the collector of the revenue, shall be elected  
3 in each of the counties of this state, except counties under township organization,  
4 who shall hold his or her office for four years and until his or her successor is  
5 duly elected and qualified. The collector shall [be a resident of] reside in the  
6 county from which such person [was] is elected throughout his or her term  
7 in office.

8           **2. A candidate for the office of collector shall be at least**  
9 **twenty-one years of age and a resident of the state and the county in**  
10 **which he or she is a candidate for at least one year prior to the date of**  
11 **filing for such office. The candidate shall be a registered voter and**  
12 **current in the payment of all state income taxes and personal and real**  
13 **property taxes.**

14           **3. The candidate shall present to the election authority a copy**  
15 **of a signed affidavit from a surety company authorized to do business**  
16 **in this state, indicating that the candidate meets the statutory bond**  
17 **requirements for the office for which the candidate is filing.**

54.033. In the event of a vacancy caused by death, resignation, or  
2 otherwise, in the office of county treasurer in any county except a county **having**  
3 **a township form of government with an office of collector-treasurer and**  
4 **any county** with a charter form of government, the county commission shall  
5 appoint a deputy treasurer or a qualified person to serve as an interim treasurer  
6 until said treasurer returns or the unexpired term is filled under section  
7 105.030. Such individual must be eligible to serve as a county treasurer under  
8 section 54.040, and must comply with section 54.090.

54.330. 1. **A candidate for county collector-treasurer shall be at**  
2 **least twenty-one years of age and a resident of the county in which he**  
3 **or she is a candidate for at least one year prior to the date of filing for**  
4 **the office. The candidate shall also be a registered voter and shall be**  
5 **current in the payment of all state income taxes and personal and real**  
6 **property taxes. The candidate shall present to the election authority**  
7 **a copy of a signed affidavit from a surety company authorized to do**  
8 **business in this state, indicating that the candidate meets the statutory**  
9 **bond requirements for the office for which the candidate is filing. A**  
10 **collector-treasurer shall reside in the county throughout his or her**  
11 **term in office and shall remain in office until a successor is duly**  
12 **elected and qualified.**

13           **2. County collector-treasurers in a county having township organization,**  
14 **shall be required to give bonds as other county collectors under the general**  
15 **revenue law, and shall have the sole authority to appoint deputies under**  
16 **section 52.300.**

17           **[2.] 3. Before entering upon the duties for which they are employed,**  
18 **deputies and assistants employed in the office of any collector-treasurer shall give**  
19 **bond and security to the satisfaction of the collector-treasurer. The bond for each**  
20 **individual deputy or assistant shall not exceed one-half of the amount of the**

21 maximum bond required for any collector-treasurer. The official bond required  
22 pursuant to this section shall be a surety bond with a surety company authorized  
23 to do business in this state. The premium of the bond shall be paid by the county  
24 or city being protected.

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**  
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 will 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.**

105.030. 1. Whenever any vacancy, caused in any manner or by any  
2 means whatsoever, occurs or exists in any state or county office originally filled  
3 by election of the people, other than in the offices of lieutenant governor,  
4 **attorney general, secretary of state, state auditor, state treasurer, state**  
5 **senator or representative, sheriff, or recorder of deeds in the city of St. Louis, the**

6 vacancy shall be filled by appointment by the governor except that when a  
7 vacancy occurs in the office of county assessor after a general election at which  
8 a person other than the incumbent has been elected, the person so elected shall  
9 be appointed to fill the remainder of the unexpired term; and the person  
10 appointed after duly qualifying and entering upon the discharge of [his] the  
11 duties under the appointment shall continue in office until the first Monday in  
12 January next following the first ensuing general election, at which general  
13 election a person shall be elected to fill the unexpired portion of the term, or for  
14 the ensuing regular term, as the case may be, and the person so elected shall  
15 enter upon the discharge of the duties of the office the first Monday in January  
16 next following his election, except that when the term to be filled begins on any  
17 day other than the first Monday in January, the appointee of the governor shall  
18 be entitled to hold the office until such other date. This section shall not apply  
19 to vacancies in county offices in any county which has adopted a charter for its  
20 own government under section 18, article VI of the constitution. Any vacancy in  
21 the office of recorder of deeds in the city of St. Louis shall be filled by  
22 appointment by the mayor of that city.

23 **2. Any vacancy occurring in the offices of lieutenant governor,**  
24 **attorney general, secretary of state, state auditor, or state treasurer,**  
25 **except for vacancies occurring under section 106.060, shall be filled by**  
26 **a special election called by the governor for that purpose. Upon**  
27 **receiving the notice of vacancies occurring under this subsection, the**  
28 **governor shall without delay issue a writ of election to fill the**  
29 **vacancy. The secretary of state shall conduct the special election as**  
30 **provided in chapter 115.**

105.040. Whenever a vacancy in the office of senator of the United States  
2 from this state exists, the governor[, unless otherwise provided by law,] shall  
3 appoint a person to fill such vacancy, who shall continue in office until a  
4 successor shall have been duly elected and qualified [according to law] by a  
5 **special election called by the governor for that purpose. Upon**  
6 **receiving the notice of a vacancy occurring in the office, the governor**  
7 **shall without delay appoint a person to fill the vacancy and issue a writ**  
8 **of election to fill the vacancy. The secretary of state shall conduct the**  
9 **special election as provided in chapter 115.**

105.050. If any vacancy shall happen from any cause in the office of the  
2 [attorney general,] circuit attorney, prosecuting attorney or assistant prosecuting  
3 attorney, the governor, upon being satisfied that such vacancy exists, shall

4 appoint some competent person to fill the same until the next regular election for  
5 [attorney general,] prosecuting attorney or assistant prosecuting attorney, as the  
6 case may be; provided, in the case of a vacancy in the office of prosecuting  
7 attorney, if there is no qualified person in the county who can or will accept such  
8 appointment, then the governor may appoint any person who possesses all the  
9 qualifications set forth in section 56.010, RSMo, except the qualification as to  
10 residence.

115.015. The county clerk **or the officer designated as the director**  
2 **of elections in any charter county without a board of election**  
3 **commissioners** shall be the election authority, **with the powers and duties**  
4 **subject to the limitations set forth in the respective charter**, except that  
5 in a city or county having a board of election commissioners, the board of election  
6 commissioners shall be the election authority.

115.123. 1. All public elections shall be held on Tuesday. Except as  
2 provided in subsections 2[, ] **and 3[, and 4]** of this section, and section 247.180,  
3 all public elections shall be held on the general election day, the primary election  
4 day, the general municipal election day, the first Tuesday after the first Monday  
5 in February or November, or on another day expressly provided by city or county  
6 charter, [the first Tuesday after the first Monday in June] and in nonprimary  
7 years on the first Tuesday after the first Monday in August.

8 2. Notwithstanding the provisions of subsection 1 of this section, an  
9 election for a presidential primary held pursuant to sections [115.755] **115.758**  
10 to 115.785 shall be held on the first Tuesday after the first Monday in March of  
11 each presidential election year.

12 3. The following elections shall be exempt from the provisions of  
13 subsection 1 of this section:

- 14 (1) Bond elections necessitated by fire, vandalism or natural disaster;  
15 (2) Elections for which ownership of real property is required by law for  
16 voting; and  
17 (3) Special elections to fill vacancies and to decide tie votes or election  
18 contests.

19 4. No city or county shall adopt a charter or charter amendment which  
20 calls for elections to be held on dates other than those established in subsection  
21 1 of this section.

22 5. Nothing in this section prohibits a charter city or county from having  
23 its primary election in March if the charter provided for a March primary before  
24 August 28, 1999.

25           6. Nothing in this section shall prohibit elections held pursuant to section  
26 65.600, but no other issues shall be on the March ballot except pursuant to this  
27 chapter.

          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 municipal elections **in any city, town, or village with more than thirty-five**  
4 **thousand inhabitants**, if the notice provided for in subsection 5 of section  
5 115.127 has been published in at least one newspaper of general circulation in the  
6 district, and if the number of candidates who have filed for a particular office is  
7 equal to the number of positions in that office to be filled by the election, no  
8 election shall be held for such office, and the candidates shall assume the  
9 responsibilities of their offices at the same time and in the same manner as if  
10 they had been elected. **If no election is held for such office as provided in**  
11 **this section, the election authority shall publish a notice containing the**  
12 **names of the candidates that will assume the responsibilities of office**  
13 **under this section. Such notice shall be published by April first of each**  
14 **year, and shall be published in at least one newspaper of general**  
15 **circulation in such political subdivision or district.** Notwithstanding any  
16 other provision of law to the contrary, if at any election the number of candidates  
17 filing for a particular office exceeds the number of positions to be filled at such  
18 election, the election authority shall hold the election as scheduled, even if a  
19 sufficient number of candidates withdraw from such contest for that office so that  
20 the number of candidates remaining after the filing deadline is equal to the  
21 number of positions to be filled.

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



35 office on each ballot shall be listed in ascending order of the numbers so drawn.

115.127. 1. Except as provided in subsection 4 of this section, upon  
2 receipt of notice of a special election to fill a vacancy submitted pursuant to  
3 section 115.125, the election authority shall cause legal notice of the special  
4 election to be published in a newspaper of general circulation in its  
5 jurisdiction. The notice shall include the name of the officer or agency calling the  
6 election, the date and time of the election, the name of the office to be filled and  
7 the date by which candidates must be selected or filed for the office. Within one  
8 week prior to each special election to fill a vacancy held in its jurisdiction, the  
9 election authority shall cause legal notice of the election to be published in two  
10 newspapers of different political faith and general circulation in the  
11 jurisdiction. The legal notice shall include the date and time of the election, the  
12 name of the officer or agency calling the election and a sample ballot. If there is  
13 only one newspaper of general circulation in the jurisdiction, the notice shall be  
14 published in the newspaper within one week prior to the election. If there are  
15 two or more newspapers of general circulation in the jurisdiction, but no two of  
16 opposite political faith, the notice shall be published in any two of the newspapers  
17 within one week prior to the election.

18 2. Except as provided in subsections 1 and 4 of this section and in sections  
19 115.521, 115.549 and 115.593, the election authority shall cause legal notice of  
20 each election held in its jurisdiction to be published. The notice shall be  
21 published in two newspapers of different political faith and qualified pursuant to  
22 chapter 493 which are published within the bounds of the area holding the  
23 election. If there is only one so qualified newspaper, then notice shall be  
24 published in only one newspaper. If there is no newspaper published within the  
25 bounds of the election area, then the notice shall be published in two qualified  
26 newspapers of different political faith serving the area. Notice shall be published  
27 twice, the first publication occurring in the second week prior to the election, and  
28 the second publication occurring within one week prior to the election. Each such  
29 legal notice shall include the date and time of the election, the name of the officer  
30 or agency calling the election and a sample ballot; and, unless notice has been  
31 given as provided by section 115.129, the second publication of notice of the  
32 election shall include the location of polling places. The election authority may  
33 provide any additional notice of the election it deems desirable.

34 3. The election authority shall print the official ballot as the same appears  
35 on the sample ballot, and no candidate's name or ballot issue which appears on  
36 the sample ballot or official printed ballot shall be stricken or removed from the

37 ballot except on death of a candidate or by court order.

38           4. In lieu of causing legal notice to be published in accordance with any  
39 of the provisions of this chapter, the election authority in jurisdictions which have  
40 less than seven hundred fifty registered voters and in which no newspaper  
41 qualified pursuant to chapter 493 is published, may cause legal notice to be  
42 mailed during the second week prior to the election, by first class mail, to each  
43 registered voter at the voter's voting address. All such legal notices shall include  
44 the date and time of the election, the location of the polling place, the name of the  
45 officer or agency calling the election and a sample ballot.

46           5. **(1) Except for filing for office filled by election on the general**  
47 **municipal election day as provided in subdivision (2) of this subsection,**  
48 if the opening date for filing a declaration of candidacy for any office in a political  
49 subdivision or special district is not required by law or charter, the opening filing  
50 date shall be 8:00 a.m., the sixteenth Tuesday prior to the election, except that  
51 for any home rule city with more than four hundred thousand inhabitants and  
52 located in more than one county and any political subdivision or special district  
53 located in such city, the opening filing date shall be 8:00 a.m., the fifteenth  
54 Tuesday prior to the election. **Except for filing for office filled by election**  
55 **on the general municipal election day as provided in subdivision (2) of**  
56 **this subsection,** if the closing date for filing a declaration of candidacy for any  
57 office in a political subdivision or special district is not required by law or  
58 charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to  
59 the election. The political subdivision or special district calling an election shall,  
60 before the sixteenth Tuesday, or the fifteenth Tuesday for any home rule city with  
61 more than four hundred thousand inhabitants and located in more than one  
62 county or any political subdivision or special district located in such city, prior to  
63 any election at which offices are to be filled, notify the general public of the  
64 opening filing date, the office or offices to be filled, the proper place for filing and  
65 the closing filing date of the election. Such notification may be accomplished by  
66 legal notice published in at least one newspaper of general circulation in the  
67 political subdivision or special district.

68           **(2) The opening filing date for any office filled by election on the**  
69 **general municipal election day as established under section 115.121**  
70 **shall be the first Tuesday in December of the immediately preceding**  
71 **year, and the closing filing date shall be the first Tuesday after the first**  
72 **Monday in January of the year in which the election is held. This**  
73 **subdivision shall not apply to any election in a political subdivision or**

74 **special district in any county with a charter form of government except**  
 75 **that this subdivision shall apply in any county with a charter form of**  
 76 **government and with more than one hundred ninety-eight thousand but**  
 77 **fewer than one hundred ninety-nine thousand two hundred inhabitants.**

78         6. Except as provided for in sections 115.247 and 115.359, if there is no  
 79 additional cost for the printing or reprinting of ballots or if the candidate agrees  
 80 to pay any printing or reprinting costs, a candidate who has filed for an office or  
 81 who has been duly nominated for an office may, at any time after the certification  
 82 required in section 115.125 but no later than 5:00 p.m. on the sixth Tuesday  
 83 before the election, withdraw as a candidate pursuant to a court order, which,  
 84 except for good cause shown by the election authority in opposition thereto, shall  
 85 be freely given upon application by the candidate to the circuit court of the area  
 86 of such candidate's residence.

115.293. [1.] All proper votes on each absentee ballot received by an  
 2 election authority at or before the time fixed by law for the closing of the polls on  
 3 election day shall be counted. No votes on any absentee ballot received by an  
 4 election authority after the time fixed by law for the closing of the polls on  
 5 election day shall be counted.

6         [2. If sufficient evidence is shown to an election authority that any  
 7 absentee voter has died prior to the opening of the polls on election day, the ballot  
 8 of the deceased voter shall be rejected. Any ballot so rejected, still sealed in its  
 9 ballot envelope, shall be sealed with the application and any other papers  
 10 connected therewith in an envelope marked "Rejected ballot of .....,  
 11 an absentee voter of ..... voting district". The reason for rejection shall  
 12 be noted on the envelope, which shall be kept by the election authority with the  
 13 other ballots from the election until the ballots are destroyed according to law.]

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

7         2. Each potential candidate for election to a public office shall file an  
 8 affidavit with the department of revenue and include a copy of the affidavit with  
 9 the declaration of candidacy required under section 115.349. Such affidavit shall  
 10 be in substantially the following form: "AFFIRMATION OF TAX PAYMENTS  
 11 **AND BONDING REQUIREMENTS:**

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

20 ..... Candidate's Signature ..... Printed Name of  
 21 Candidate."

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

38 4. **Any person who files as a candidate for election to a public**  
 39 **office having a bond requirement shall file with the department of**  
 40 **revenue a signed affidavit from a surety company authorized to do**  
 41 **business in this state, indicating that the candidate meets the bond**  
 42 **requirements set by statute or by the county commission for the office**  
 43 **for which the candidate is filing. The candidate shall include a copy of**  
 44 **the surety company affidavit with the declaration of candidacy**  
 45 **required in this chapter.**

115.601. 1. Any contestant in a primary or other election contest who was  
 2 defeated by less than **one-half of** one percent of the votes cast for the office and  
 3 any contestant who received the second highest number of votes cast for that

4 office if two or more are to be elected and who was defeated by less than one  
5 percent of the votes cast, or any person whose position on a question was defeated  
6 by less than **one-half of** one percent of the votes cast on the question, shall have  
7 the right to a recount of the votes cast for the office or on the question.

8         2. In cases where the candidate filed or the ballot question was originally  
9 filed with an election authority as defined in section 115.015, such recount shall  
10 be requested in accordance with the provisions of section 115.531 or 115.577 and  
11 conducted under the direction of the court or the commissioner representing the  
12 court trying the contest according to the provisions of this subchapter.

13         3. In cases where the candidate filed or the ballot question was originally  
14 filed with the secretary of state, the defeated candidate or the person whose  
15 position on a question was defeated by less than **one-half of** one percent of the  
16 votes cast on the question shall be allowed a recount pursuant to this section by  
17 filing with the secretary of state a request for a recount stating that the person  
18 or the person's position on a question was defeated by less than **one-half of** one  
19 percent of the votes cast. Such request shall be filed not later than seven days  
20 after certification of the election. The secretary of state shall notify all concerned  
21 parties of the filing of the request for a recount. The secretary of state shall  
22 authorize the election authorities to conduct a recount pursuant to this section  
23 if the requesting party or his position on a question was defeated by less than  
24 **one-half of** one percent of the votes cast. The secretary of state shall conduct  
25 and certify the results of the recount as the official results in the election within  
26 twenty days of receipt of the aforementioned notice of recount.

27         4. Whenever a recount is requested pursuant to subsection 3 of this  
28 section, the secretary of state shall determine the number of persons necessary  
29 to assist with the recount and shall appoint such persons equally from lists  
30 submitted by the contestant and the opponent who received more votes or a  
31 person whose position on a question received more votes than the contestant's  
32 position on that question. Each person appointed pursuant to this section shall  
33 be a disinterested person and a registered voter of the area in which the  
34 contested election was held. Each person so appointed shall take the oath  
35 prescribed for and receive the same pay as an election judge in the jurisdiction  
36 where the person is registered. After being sworn not to disclose any facts  
37 uncovered by the recount, except those which are contained in the report, the  
38 contestant and the opponent who received more votes or a person whose position  
39 on a question received more votes than the contestant's position on that question  
40 shall be permitted to be present in person or represented by an attorney at the

41 recount and to observe the recount. Each recount shall be completed under the  
42 supervision of the secretary of state with the assistance of the election authorities  
43 involved, and the persons appointed to assist with the recount shall perform such  
44 duties as the secretary of state directs. Upon completion of any duties prescribed  
45 by the secretary of state the persons appointed to assist with the recount shall  
46 make a written and signed report of their findings. The findings of the persons  
47 appointed to assist with the recount shall be prima facie evidence of the facts  
48 stated therein, but any person present at the examination of the votes may be a  
49 witness to contradict the findings. No one other than the secretary of state, the  
50 election authorities involved, the contestant and the other witnesses described in  
51 this subsection, their attorneys, and those specifically appointed by the secretary  
52 of state to assist with the recount shall be present during any recount conducted  
53 pursuant to this section.

54           5. For purposes of this section, "recount" means one additional counting  
55 of all votes counted for the office or on the question with respect to which the  
56 recount is requested.

115.637. The following offenses, and any others specifically so described  
2 by law, shall be class four election offenses and are deemed misdemeanors not  
3 connected with the exercise of the right of suffrage. Conviction for any of these  
4 offenses shall be punished by imprisonment of not more than one year or by a fine  
5 of not more than two thousand five hundred dollars or by both such imprisonment  
6 and fine:

7           (1) Stealing or willfully concealing, defacing, mutilating, or destroying any  
8 sample ballots that may be furnished by an organization or individual at or near  
9 any voting place on election day, except that this subdivision shall not be  
10 construed so as to interfere with the right of an individual voter to erase or cause  
11 to be erased on a sample ballot the name of any candidate and substituting the  
12 name of the person for whom he intends to vote; or to dispose of the received  
13 sample ballot;

14           (2) Printing, circulating, or causing to be printed or circulated, any false  
15 and fraudulent sample ballots which appear on their face to be designed as a  
16 fraud upon voters;

17           (3) Purposefully giving a printed or written sample ballot to any qualified  
18 voter which is intended to mislead the voter;

19           (4) On the part of any candidate for election to any office of honor, trust,  
20 or profit, offering or promising to discharge the duties of such office for a less sum  
21 than the salary, fees, or emoluments as fixed by law or promising to pay back or

22 donate to any public or private interest any portion of such salary, fees, or  
23 emolument as an inducement to voters;

24 (5) On the part of any canvasser appointed to canvass any registration  
25 list, willfully failing to appear, refusing to continue, or abandoning such canvass  
26 or willfully neglecting to perform his duties in making such canvass or willfully  
27 neglecting any duties lawfully assigned to him;

28 (6) On the part of any employer, making, enforcing, or attempting to  
29 enforce any order, rule, or regulation or adopting any other device or method to  
30 prevent an employee from engaging in political activities, accepting candidacy for  
31 nomination to, election to, or the holding of, political office, holding a position as  
32 a member of a political committee, soliciting or receiving funds for political  
33 purpose, acting as chairman or participating in a political convention, assuming  
34 the conduct of any political campaign, signing, or subscribing his name to any  
35 initiative, referendum, or recall petition, or any other petition circulated pursuant  
36 to law;

37 (7) On the part of any person authorized or employed to print official  
38 ballots, or any person employed in printing ballots, giving, delivering, or  
39 knowingly permitting to be taken any ballot to or by any person other than the  
40 official under whose direction the ballots are being printed, any ballot in any form  
41 other than that prescribed by law, or with unauthorized names, with names  
42 misspelled, or with the names of candidates arranged in any way other than that  
43 authorized by law;

44 (8) On the part of any election authority or official charged by law with  
45 the duty of distributing the printed ballots, or any person acting on his behalf,  
46 knowingly distributing or causing to be distributed any ballot in any manner  
47 other than that prescribed by law;

48 (9) Any person having in his possession any official ballot, except in the  
49 performance of his duty as an election authority or official, or in the act of  
50 exercising his individual voting privilege;

51 (10) Willfully mutilating, defacing, or altering any ballot before it is  
52 delivered to a voter;

53 (11) On the part of any election judge, willfully absenting himself from the  
54 polls on election day without good cause or willfully detaining any election  
55 material or equipment and not causing it to be produced at the voting place at the  
56 opening of the polls or within fifteen minutes thereafter;

57 (12) On the part of any election authority or official, willfully neglecting,  
58 refusing, or omitting to perform any duty required of him by law with respect to

59 holding and conducting an election, receiving and counting out the ballots, or  
60 making proper returns;

61 (13) On the part of any election judge, or party watcher or challenger,  
62 furnishing any information tending in any way to show the state of the count to  
63 any other person prior to the closing of the polls;

64 (14) On the part of any voter, except as otherwise provided by law,  
65 allowing his ballot to be seen by any person with the intent of letting it be known  
66 how he is about to vote or has voted, or knowingly making a false statement as  
67 to his inability to mark his ballot;

68 (15) On the part of any election judge, disclosing to any person the name  
69 of any candidate for whom a voter has voted;

70 (16) Interfering, or attempting to interfere, with any voter inside a polling  
71 place;

72 (17) On the part of any person at any registration site, polling place,  
73 counting location or verification location, causing any breach of the peace or  
74 engaging in disorderly conduct, violence, or threats of violence whereby such  
75 registration, election, count or verification is impeded or interfered with;

76 (18) Exit polling, surveying, sampling, electioneering, distributing election  
77 literature, posting signs or placing vehicles bearing signs with respect to any  
78 candidate or question to be voted on at an election on election day inside the  
79 building in which a polling place is located or within twenty-five feet of the  
80 building's outer door closest to the polling place, or, on the part of any person,  
81 refusing to remove or permit removal from property owned or controlled by him,  
82 any such election sign or literature located within such distance on such day after  
83 request for removal by any person;

84 (19) Stealing or willfully defacing, mutilating, or destroying any campaign  
85 yard sign on private property, except that this subdivision shall not be construed  
86 to interfere with the right of any private property owner to take any action with  
87 regard to campaign yard signs on the owner's property and this subdivision shall  
88 not be construed to interfere with the right of any candidate, or the candidate's  
89 designee, to remove the candidate's campaign yard sign from the owner's private  
90 property after the election day;

91 **(20) On the part of any person discouraging, hampering,**  
92 **pressuring, or attempting to prevent another person from filing for**  
93 **public office for the purpose of eliminating the requirement to hold a**  
94 **special election because the number of candidates filing is the same as**  
95 **the number of positions to be filled under section 115.124.**



115.761. 1. The official list of presidential candidates for each established  
2 political party shall include the names of all constitutionally qualified candidates  
3 for whom, on or after 8:00 a.m. on the fifteenth Tuesday prior to the presidential  
4 primary, and on or before 5:00 p.m., on the eleventh Tuesday prior to the  
5 presidential primary, a written request to be included on the presidential primary  
6 ballot is filed with the secretary of state along with:

7 (1) Receipt of payment to the state committee of the established political  
8 party on whose ballot the candidate wishes to appear of a filing fee of [one  
9 thousand dollars] **five thousand dollars for any election held on or before**  
10 **December 1, 2012, and ten thousand dollars for any election held**  
11 **thereafter;** or

12 (2) A written statement, sworn to before an officer authorized by law to  
13 administer oaths, that the candidate is unable to pay the filing fee and does not  
14 have funds in a campaign fund or committee to pay the filing fee and a petition  
15 signed by not less than five thousand registered Missouri voters, as determined  
16 by the secretary of state, that the candidate's name be placed on the ballot of the  
17 specified established political party for the presidential preference primary. The  
18 request to be included on the presidential primary ballot shall include each  
19 signer's printed name, registered address and signature and shall be in  
20 substantially the following form:

21 I (We) the undersigned, do hereby request that the name of  
22 ..... be placed upon the February ....., ....., presidential primary  
23 ballot as candidate for nomination as the nominee for President of the United  
24 States on the ..... party ticket.

25 2. The state or national party organization of an established political  
26 party that adopts rules imposing signature requirements to be met before a  
27 candidate can be listed as an official candidate shall notify the secretary of state  
28 by October first of the year preceding the presidential primary.

29 3. Any candidate or such candidate's authorized representative may have  
30 such candidate's name stricken from the presidential primary ballot by filing with  
31 the secretary of state on or before 5:00 p.m. on the eleventh Tuesday prior to the  
32 presidential primary election a written statement, sworn to before an officer  
33 authorized by law to administer oaths, requesting that such candidate's name not  
34 be printed on the official primary ballot. Thereafter, the secretary of state shall  
35 not include the name of that candidate in the official list announced pursuant to  
36 section 115.758 or in the certified list of candidates transmitted pursuant to  
37 section 115.765.

38 4. The filing times set out in this section shall only apply to presidential  
39 preference primaries, and are in lieu of those established in section 115.349.

190.056. 1. Each member of an ambulance district board of  
2 directors shall be subject to recall from office by the registered voters  
3 of the election district from which the member was  
4 elected. Proceedings may be commenced for the recall of any such  
5 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 the member's current term for a  
10 period of more than one hundred eighty days; or

11 (2) Has one hundred eighty days or less remaining in the  
12 member's term; or

13 (3) Has had a recall election determined in the member's 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 shall 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 the signer's 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 the petition as supplemented is  
80 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 any supplementary petition sections, to be sufficient, it  
86 shall submit its certificate as to the sufficiency of the petition to the  
87 ambulance district board of directors 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 ambulance district 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 ambulance district 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 the member's resignation. If  
103 the member's resignation is offered, the recall question shall be  
104 removed from the ballot and the office declared vacant. The member  
105 who resigned shall not fill the vacancy, which shall be filled as  
106 otherwise provided 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.

          [30.070. When a vacancy occurs in the office of state  
2        treasurer, the governor shall immediately appoint a state treasurer

3 to fill such vacancy for the residue of the term in which the  
4 vacancy occurred, and until his successor is elected or appointed,  
5 commissioned and qualified.]

[115.241. Each party emblem shall be printed on the ballot  
2 above the party caption.]

[115.755. A statewide presidential preference primary shall  
2 be held on the first Tuesday after the first Monday in February of  
3 each presidential election year.]



Unofficial

Bill

Copy