

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 569
96TH GENERAL ASSEMBLY

4738L.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 52.010, 54.033, 54.040, 54.330, 78.090, 115.123, 115.241, 115.342, 115.637, and 115.761, RSMo, and to enact in lieu thereof ten new sections relating to elections, with a penalty provision.

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

Section A. Sections 52.010, 54.033, 54.040, 54.330, 78.090, 115.123, 115.241, 115.342, 115.637, and 115.761, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 49.101, 52.010, 54.033, 54.040, 54.330, 78.090, 115.123, 115.342, 115.637, and 115.761, to read as follows:

49.101. In the event of a vacancy in the county offices of county clerk, county auditor, and county assessor, whether such vacancy is by reason of death, resignation, removal, refusal to act, or any other reason, the county commission shall appoint an interim county official to discharge the duties of the office until the governor appoints a successor as provided under state law. At the time of the appointment of a replacement by the governor, the interim appointment shall expire. Such interim appointment by the county commission shall provide the interim county official with all of the protections, bonding requirements, tenants, and other provisions relating to such office.

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

6 **2. Except in a county with a charter form of government, a candidate for the office**
7 **of collector shall be at least twenty-one years of age and a resident of the state and the**
8 **county in which such person is a candidate for at least one year prior to the date of filing**
9 **for such office. The candidate shall be a registered voter and current in the payment of all**
10 **state income taxes and personal and real property taxes.**

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

54.040. 1. A candidate for county treasurer shall be at least twenty-one years of age and
2 a resident of the state of Missouri and the county in which he or she is a candidate for at least one
3 year prior to the date of the general election for such office. The candidate shall also be a
4 registered voter and shall be current in the payment of all personal and real estate taxes. Upon
5 election to such office, the person shall continue to reside in that county during his or her tenure
6 in office.

2. No sheriff, marshal, clerk or collector, or the deputy of any such officer, shall [be
8 eligible to] **hold** the office of treasurer of any county.

54.330. 1. **A candidate for county collector-treasurer shall be at least twenty-one**
2 **years of age and a resident of the county in which such person is a candidate for at least**
3 **one year prior to the date of filing for the office. The candidate shall also be a registered**
4 **voter and shall be current in the payment of all state income taxes and personal and real**
5 **property taxes. A collector-treasurer shall reside in the county throughout such person's**
6 **term in office and shall remain in office until a successor is duly elected and qualified.**

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

[2.] 3. Before entering upon the duties for which they are employed, deputies and
11 assistants employed in the office of any collector-treasurer shall give bond and security to the
12 satisfaction of the collector-treasurer. The bond for each individual deputy or assistant shall not
13 exceed one-half of the amount of the maximum bond required for any collector-treasurer. The
14 official bond required pursuant to this section shall be a surety bond with a surety company
15 authorized to do business in this state. The premium of the bond shall be paid by the county or
16 city being protected.

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

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

(2) **Any person desiring to become a candidate for mayor or councilman shall file with the city clerk a signed statement of such candidacy, stating whether such person is a resident of the city and a qualified voter of the city, that the person desires to be a candidate for nomination to the office of mayor or councilman to be voted upon at the next municipal election for such office, that the person is eligible for such office, that the person requests to be placed on the ballot, and that such person will serve if elected. Such statement shall be sworn to or affirmed before the city clerk.**

(3) **Under the requirements of section 115.023, the city clerk shall notify the requisite election authority who shall cause the official ballots to be printed, and the names of the candidates shall appear on the ballots in the order that their statements of candidacy were filed with the city clerk. Above the names of the candidates shall appear the words "Vote for (number to be elected)". The ballot shall also include a warning that voting for more than the total number of candidates to be elected to any office invalidates the ballot.**

115.123. 1. All public elections shall be held on Tuesday. Except as provided in subsections 2[,] and 3[, and 4] of this section, and section 247.180, all public elections shall be held on the general election day, the primary election day, the general municipal election day, the first Tuesday after the first Monday in [February or] November, or on another day expressly provided by city or county charter, [the first Tuesday after the first Monday in June] and in nonprimary years on the first Tuesday after the first Monday in August. **Bond elections may be held on the first Tuesday after the first Monday in February but no other issue shall be included on the ballot for such election.**

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

3. The following elections shall be exempt from the provisions of 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 voting; [and]
- 16 (3) Special elections to fill vacancies and to decide tie votes or election contests; **and**
- 17 **(4) Tax elections necessitated by a financial hardship due to a five percent or**
- 18 **greater decline in per-pupil state revenue to a school district from the previous year.**

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

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

23 [6.] **5.** Nothing in this section shall prohibit elections held pursuant to section 65.600,
24 but no other issues shall be on the March ballot except pursuant to this chapter.

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

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

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

17 Candidate's Signature Printed Name of Candidate."

18 3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or
19 payment of any state income taxes, personal property taxes, real property taxes on the place of
20 residence, as stated on the declaration of candidacy, or if the person is a past or present corporate
21 officer of any fee office that owes any taxes to the state, the department of revenue shall
22 investigate such potential candidate to verify the claim contained in the complaint. If the
23 department of revenue finds a positive affirmation to be false, the department shall contact the
24 secretary of state, or the election official who accepted such candidate's declaration of candidacy,
25 and the potential candidate. The department shall notify the candidate of the outstanding tax

26 owed and give the candidate thirty days to remit any such outstanding taxes owed which are not
27 the subject of dispute between the department and the candidate. If the candidate fails to remit
28 such amounts in full within thirty days, the candidate shall be disqualified from participating in
29 the current election and barred from refiling for an entire election cycle even if the individual
30 pays all of the outstanding taxes that were the subject of the complaint.

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

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

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

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

16 (4) On the part of any candidate for election to any office of honor, trust, or profit,
17 offering or promising to discharge the duties of such office for a less sum than the salary, fees,
18 or emoluments as fixed by law or promising to pay back or donate to any public or private
19 interest any portion of such salary, fees, or emolument as an inducement to voters;

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

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

31 (7) On the part of any person authorized or employed to print official ballots, or any
32 person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any
33 ballot to or by any person other than the official under whose direction the ballots are being
34 printed, any ballot in any form other than that prescribed by law, or with unauthorized names,
35 with names misspelled, or with the names of candidates arranged in any way other than that
36 authorized by law;

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

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

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

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

48 (12) On the part of any election authority or official, willfully neglecting, refusing, or
49 omitting to perform any duty required of him by law with respect to holding and conducting an
50 election, receiving and counting out the ballots, or making proper returns;

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

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

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

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

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

64 (18) Exit polling, surveying, sampling, electioneering, distributing election literature,
65 posting signs or placing vehicles bearing signs with respect to any candidate or question to be
66 voted on at an election on election day inside the building in which a polling place is located or

67 within twenty-five feet of the building's outer door closest to the polling place, or, on the part of
68 any person, refusing to remove or permit removal from property owned or controlled by him, any
69 such election sign or literature located within such distance on such day after request for removal
70 by any person;

71 (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on
72 private property, except that this subdivision shall not be construed to interfere with the right of
73 any private property owner to take any action with regard to campaign yard signs on the owner's
74 property and this subdivision shall not be construed to interfere with the right of any candidate,
75 or the candidate's designee, to remove the candidate's campaign yard sign from the owner's
76 private property after the election day;

77 **(20) On the part of any election authority or political subdivision, or an employee**
78 **thereof who is responsible for the oversight of the filing of candidates, discouraging,**
79 **hampering, pressuring, or attempting to prevent another person from filing for public**
80 **office for the purpose of eliminating the requirement to hold an election because the**
81 **number of candidates filing is the same as the number of positions to be filled under section**
82 **115.124.**

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

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

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

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

19 2. The state or national party organization of an established political party that adopts
20 rules imposing signature requirements to be met before a candidate can be listed as an official

21 candidate shall notify the secretary of state by October first of the year preceding the presidential
22 primary.

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

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

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

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