

SENATE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 199

AN ACT

To repeal 32.087, 77.030, 115.003, 115.005, 115.007, 115.121, 115.249, 115.259, 115.281, 115.299, 115.300, 115.341, 115.349, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.493, 115.607, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, 144.615, 190.335, 473.730, 473.733, and 473.737, RSMo, and to enact in lieu thereof forty-one new sections relating to elections, with an effective date for certain sections and an emergency clause for a certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 32.087, 77.030, 115.003, 115.005,
2 115.007, 115.121, 115.249, 115.259, 115.281, 115.299, 115.300,
3 115.341, 115.349, 115.383, 115.419, 115.423, 115.433, 115.436,
4 115.439, 115.449, 115.455, 115.456, 115.493, 115.607, 144.020,
5 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525,
6 144.610, 144.613, 144.615, 190.335, 473.730, 473.733, and
7 473.737, RSMo, are repealed and forty-one new sections enacted in
8 lieu thereof, to be known as sections 32.087, 77.030, 96.229,
9 115.003, 115.005, 115.007, 115.121, 115.249, 115.259, 115.281,
10 115.299, 115.300, 115.341, 115.349, 115.383, 115.419, 115.423,
11 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.493,
12 115.607, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450,

1 144.455, 144.525, 144.610, 144.613, 144.615, 190.335, 473.730,
2 473.733, 473.737, and 1, to read as follows:

3 32.087. 1. Within ten days after the adoption of any
4 ordinance or order in favor of adoption of any local sales tax
5 authorized under the local sales tax law by the voters of a
6 taxing entity, the governing body or official of such taxing
7 entity shall forward to the director of revenue by United States
8 registered mail or certified mail a certified copy of the
9 ordinance or order. The ordinance or order shall reflect the
10 effective date thereof.

11 2. Any local sales tax so adopted shall become effective on
12 the first day of the second calendar quarter after the director
13 of revenue receives notice of adoption of the local sales tax,
14 except as provided in subsection 18 of this section, and shall be
15 imposed on all transactions on which the Missouri state sales tax
16 is imposed.

17 3. Every retailer within the jurisdiction of one or more
18 taxing entities which has imposed one or more local sales taxes
19 under the local sales tax law shall add all taxes so imposed
20 along with the tax imposed by the sales tax law of the state of
21 Missouri to the sale price and, when added, the combined tax
22 shall constitute a part of the price, and shall be a debt of the
23 purchaser to the retailer until paid, and shall be recoverable at
24 law in the same manner as the purchase price. The combined rate
25 of the state sales tax and all local sales taxes shall be the sum
26 of the rates, multiplying the combined rate times the amount of
27 the sale.

28 4. The brackets required to be established by the director

1 of revenue under the provisions of section 144.285 shall be based
2 upon the sum of the combined rate of the state sales tax and all
3 local sales taxes imposed under the provisions of the local sales
4 tax law.

5 5. (1) The ordinance or order imposing a local sales tax
6 under the local sales tax law shall impose a tax upon all
7 [sellers a tax for the privilege of engaging in the business of
8 selling tangible personal property or rendering taxable services
9 at retail] transactions upon which the Missouri state sales tax
10 is imposed to the extent and in the manner provided in sections
11 144.010 to 144.525, and the rules and regulations of the director
12 of revenue issued pursuant thereto; except that the rate of the
13 tax shall be the sum of the combined rate of the state sales tax
14 or state highway use tax and all local sales taxes imposed under
15 the provisions of the local sales tax law.

16 (2) Notwithstanding any other provision of law to the
17 contrary, local taxing jurisdictions, except those in which
18 voters have previously approved a local use tax under section
19 144.757, shall have placed on the ballot on or after the general
20 election in November 2014, but no later than the general election
21 in November 2016, whether to repeal application of the local
22 sales tax to the titling of motor vehicles, trailers, boats, and
23 outboard motors that are subject to state sales tax under section
24 144.020 and purchased from a source other than a licensed
25 Missouri dealer. The ballot question presented to the local
26 voters shall contain substantially the following language:

27 Shall the (local
28 jurisdiction's name) discontinue applying and collecting the

1 local sales tax on the titling of motor vehicles, trailers,
2 boats, and outboard motors that were purchased from a source
3 other than a licensed Missouri dealer? Approval of this measure
4 will result in a reduction of local revenue to provide for vital
5 services for (local jurisdiction's name)
6 and it will place Missouri dealers of motor vehicles, outboard
7 motors, boats, and trailers at a competitive disadvantage to non-
8 Missouri dealers of motor vehicles, outboard motors, boats, and
9 trailers.

10 YES NO

11 If you are in favor of the question, place an "X" in the box
12 opposite "YES". If you are opposed to the question, place an "X"
13 in the box opposite "NO".

14 (3) If the ballot question set forth in subdivision (2) of
15 this subsection receives a majority of the votes cast in favor of
16 the proposal, or if the local taxing jurisdiction fails to place
17 the ballot question before the voters on or before the general
18 election in November 2016, the local taxing jurisdiction shall
19 cease applying the local sales tax to the titling of motor
20 vehicles, trailers, boats, and outboard motors that were
21 purchased from a source other than a licensed Missouri dealer.

22 (4) In addition to the requirement that the ballot question
23 set forth in subdivision (2) of this subsection be placed before
24 the voters, the governing body of any local taxing jurisdiction
25 that had previously imposed a local use tax on the use of motor
26 vehicles, trailers, boats, and outboard motors may, at any time,
27 place a proposal on the ballot at any election to repeal
28 application of the local sales tax to the titling of motor

1 vehicles, trailers, boats, and outboard motors purchased from a
2 source other than a licensed Missouri dealer. If a majority of
3 the votes cast by the registered voters voting thereon are in
4 favor of the proposal to repeal application of the local sales
5 tax to such titling, then the local sales tax shall no longer be
6 applied to the titling of motor vehicles, trailers, boats, and
7 outboard motors purchased from a source other than a licensed
8 Missouri dealer. If a majority of the votes cast by the
9 registered voters voting thereon are opposed to the proposal to
10 repeal application of the local sales tax to such titling, such
11 application shall remain in effect.

12 (5) In addition to the requirement that the ballot question
13 set forth in subdivision (2) of this subsection be placed before
14 the voters on or after the general election in November 2014, and
15 on or before the general election in November 2016, whenever the
16 governing body of any local taxing jurisdiction imposing a local
17 sales tax on the sale of motor vehicles, trailers, boats, and
18 outboard motors receives a petition, signed by fifteen percent of
19 the registered voters of such jurisdiction voting in the last
20 gubernatorial election, calling for a proposal to be placed on
21 the ballot at any election to repeal application of the local
22 sales tax to the titling of motor vehicles, trailers, boats, and
23 outboard motors purchased from a source other than a licensed
24 Missouri dealer, the governing body shall submit to the voters of
25 such jurisdiction a proposal to repeal application of the local
26 sales tax to such titling. If a majority of the votes cast by
27 the registered voters voting thereon are in favor of the proposal
28 to repeal application of the local sales tax to such titling,

1 then the local sales tax shall no longer be applied to the
2 titling of motor vehicles, trailers, boats, and outboard motors
3 purchased from a source other than a licensed Missouri dealer.
4 If a majority of the votes cast by the registered voters voting
5 thereon are opposed to the proposal to repeal application of the
6 local sales tax to such titling, such application shall remain in
7 effect.

8 (6) Nothing in this subsection shall be construed to
9 authorize the voters of any jurisdiction to repeal application of
10 any state sales or use tax.

11 (7) If any local sales tax on the titling of motor
12 vehicles, trailers, boats, and outboard motors purchased from a
13 source other than a licensed Missouri dealer is repealed, such
14 repeal shall take effect on the first day of the second calendar
15 quarter after the election. If any local sales tax on the
16 titling of motor vehicles, trailers, boats, and outboard motors
17 purchased from a source other than a licensed Missouri dealer is
18 required to cease to be applied or collected due to failure of a
19 local taxing jurisdiction to hold an election pursuant to
20 subdivision (2) of this subsection, such cessation shall take
21 effect on March 1, 2017.

22 6. On and after the effective date of any local sales tax
23 imposed under the provisions of the local sales tax law, the
24 director of revenue shall perform all functions incident to the
25 administration, collection, enforcement, and operation of the
26 tax, and the director of revenue shall collect in addition to the
27 sales tax for the state of Missouri all additional local sales
28 taxes authorized under the authority of the local sales tax law.

1 All local sales taxes imposed under the local sales tax law
2 together with all taxes imposed under the sales tax law of the
3 state of Missouri shall be collected together and reported upon
4 such forms and under such administrative rules and regulations as
5 may be prescribed by the director of revenue.

6 7. All applicable provisions contained in sections 144.010
7 to 144.525 governing the state sales tax and section 32.057, the
8 uniform confidentiality provision, shall apply to the collection
9 of any local sales tax imposed under the local sales tax law
10 except as modified by the local sales tax law.

11 8. All exemptions granted to agencies of government,
12 organizations, persons and to the sale of certain articles and
13 items of tangible personal property and taxable services under
14 the provisions of sections 144.010 to 144.525, as these sections
15 now read and as they may hereafter be amended, it being the
16 intent of this general assembly to ensure that the same sales tax
17 exemptions granted from the state sales tax law also be granted
18 under the local sales tax law, are hereby made applicable to the
19 imposition and collection of all local sales taxes imposed under
20 the local sales tax law.

21 9. The same sales tax permit, exemption certificate and
22 retail certificate required by sections 144.010 to 144.525 for
23 the administration and collection of the state sales tax shall
24 satisfy the requirements of the local sales tax law, and no
25 additional permit or exemption certificate or retail certificate
26 shall be required; except that the director of revenue may
27 prescribe a form of exemption certificate for an exemption from
28 any local sales tax imposed by the local sales tax law.

1 10. All discounts allowed the retailer under the provisions
2 of the state sales tax law for the collection of and for payment
3 of taxes under the provisions of the state sales tax law are
4 hereby allowed and made applicable to any local sales tax
5 collected under the provisions of the local sales tax law.

6 11. The penalties provided in section 32.057 and sections
7 144.010 to 144.525 for a violation of the provisions of those
8 sections are hereby made applicable to violations of the
9 provisions of the local sales tax law.

10 12. (1) For the purposes of any local sales tax imposed by
11 an ordinance or order under the local sales tax law, all sales,
12 except the sale of motor vehicles, trailers, boats, and outboard
13 motors required to be titled under the laws of the state of
14 Missouri, shall be deemed to be consummated at the place of
15 business of the retailer unless the tangible personal property
16 sold is delivered by the retailer or his agent to an out-of-state
17 destination. In the event a retailer has more than one place of
18 business in this state which participates in the sale, the sale
19 shall be deemed to be consummated at the place of business of the
20 retailer where the initial order for the tangible personal
21 property is taken, even though the order must be forwarded
22 elsewhere for acceptance, approval of credit, shipment or
23 billing. A sale by a retailer's agent or employee shall be
24 deemed to be consummated at the place of business from which he
25 works.

26 (2) For the purposes of any local sales tax imposed by an
27 ordinance or order under the local sales tax law, the sales tax
28 upon the titling of all [sales of] motor vehicles, trailers,

1 boats, and outboard motors shall be [deemed to be consummated]
2 imposed at the rate in effect at the location of the residence of
3 the purchaser and not at the place of business of the retailer,
4 or the place of business from which the retailer's agent or
5 employee works.

6 (3) For the purposes of any local tax imposed by an
7 ordinance or under the local sales tax law on charges for mobile
8 telecommunications services, all taxes of mobile
9 telecommunications service shall be imposed as provided in the
10 Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116
11 through 124, as amended.

12 13. Local sales taxes [imposed pursuant to the local sales
13 tax law] shall not be imposed on the seller [on the purchase and
14 sale] of motor vehicles, trailers, boats, and outboard motors
15 [shall not be collected and remitted by the seller,] required to
16 be titled under the laws of the state of Missouri, but shall be
17 collected from the purchaser by the director of revenue at the
18 time application is made for a certificate of title, if the
19 address of the applicant is within a taxing entity imposing a
20 local sales tax under the local sales tax law.

21 14. The director of revenue and any of his deputies,
22 assistants and employees who have any duties or responsibilities
23 in connection with the collection, deposit, transfer,
24 transmittal, disbursement, safekeeping, accounting, or recording
25 of funds which come into the hands of the director of revenue
26 under the provisions of the local sales tax law shall enter a
27 surety bond or bonds payable to any and all taxing entities in
28 whose behalf such funds have been collected under the local sales

1 tax law in the amount of one hundred thousand dollars for each
2 such tax; but the director of revenue may enter into a blanket
3 bond covering himself and all such deputies, assistants and
4 employees. The cost of any premium for such bonds shall be paid
5 by the director of revenue from the share of the collections
6 under the sales tax law retained by the director of revenue for
7 the benefit of the state.

8 15. The director of revenue shall annually report on his
9 management of each trust fund which is created under the local
10 sales tax law and administration of each local sales tax imposed
11 under the local sales tax law. He shall provide each taxing
12 entity imposing one or more local sales taxes authorized by the
13 local sales tax law with a detailed accounting of the source of
14 all funds received by him for the taxing entity. Notwithstanding
15 any other provisions of law, the state auditor shall annually
16 audit each trust fund. A copy of the director's report and
17 annual audit shall be forwarded to each taxing entity imposing
18 one or more local sales taxes.

19 16. Within the boundaries of any taxing entity where one or
20 more local sales taxes have been imposed, if any person is
21 delinquent in the payment of the amount required to be paid by
22 him under the local sales tax law or in the event a determination
23 has been made against him for taxes and penalty under the local
24 sales tax law, the limitation for bringing suit for the
25 collection of the delinquent tax and penalty shall be the same as
26 that provided in sections 144.010 to 144.525. Where the director
27 of revenue has determined that suit must be filed against any
28 person for the collection of delinquent taxes due the state under

1 the state sales tax law, and where such person is also delinquent
2 in payment of taxes under the local sales tax law, the director
3 of revenue shall notify the taxing entity in the event any person
4 fails or refuses to pay the amount of any local sales tax due so
5 that appropriate action may be taken by the taxing entity.

6 17. Where property is seized by the director of revenue
7 under the provisions of any law authorizing seizure of the
8 property of a taxpayer who is delinquent in payment of the tax
9 imposed by the state sales tax law, and where such taxpayer is
10 also delinquent in payment of any tax imposed by the local sales
11 tax law, the director of revenue shall permit the taxing entity
12 to join in any sale of property to pay the delinquent taxes and
13 penalties due the state and to the taxing entity under the local
14 sales tax law. The proceeds from such sale shall first be
15 applied to all sums due the state, and the remainder, if any,
16 shall be applied to all sums due such taxing entity.

17 18. If a local sales tax has been in effect for at least
18 one year under the provisions of the local sales tax law and
19 voters approve reimposition of the same local sales tax at the
20 same rate at an election as provided for in the local sales tax
21 law prior to the date such tax is due to expire, the tax so
22 reimposed shall become effective the first day of the first
23 calendar quarter after the director receives a certified copy of
24 the ordinance, order or resolution accompanied by a map clearly
25 showing the boundaries thereof and the results of such election,
26 provided that such ordinance, order or resolution and all
27 necessary accompanying materials are received by the director at
28 least thirty days prior to the expiration of such tax. Any

1 administrative cost or expense incurred by the state as a result
2 of the provisions of this subsection shall be paid by the city or
3 county reimposing such tax.

4 77.030. 1. Unless it elects to be governed by subsection 2
5 of this section, the council shall by ordinance divide the city
6 into not less than four wards, and two councilmen shall be
7 elected from each of such wards by the qualified voters thereof
8 at the first election for councilmen in cities hereafter adopting
9 the provisions of this chapter; the one receiving the highest
10 number of votes in each ward shall hold his office for two years,
11 and the one receiving the next highest number of votes shall hold
12 his office for one year; but thereafter each ward shall elect
13 annually one councilman, who shall hold his office for two years.

14 2. In lieu of electing councilmen as provided in subsection
15 1 of this section, the council may elect to establish wards and
16 elect councilmen as provided in this subsection. If the council
17 so elects, it shall, by ordinance, divide the city into not less
18 than four wards, and one councilman shall be elected from each of
19 such wards by the qualified voters thereof at the first election
20 for councilmen held in the city after it adopts the provisions of
21 this subsection. At the first election held under this
22 subsection the councilmen elected from the odd-numbered wards
23 shall be elected for a term of one year and the councilmen
24 elected from the even-numbered wards shall be elected for a term
25 of two years. At each annual election held thereafter,
26 successors for councilmen whose terms expire in such year shall
27 be elected for a term of two years.

28 3. (1) Council members may serve four-year terms if the

1 two-year terms provided under subsection 1 or 2 of this section
2 have been extended to four years by ordinance or by approval of a
3 majority of the voters voting on the proposal.

4 (2) The ballot of submission shall be in substantially the
5 following form:

6 Shall the terms of council members which are currently set
7 at two years in..... (city) be extended to four
8 years for members elected after August 28, 2013?

9 YES NO

10 (3) If an ordinance is passed or a majority of the voters
11 voting approve the proposal authorized in this subsection, the
12 members of council who would serve two years under subsections 1
13 and 2 of this section shall be elected to four-year terms
14 beginning with any election occurring after the adoption of the
15 ordinance or approval of the ballot question.

16 96.229. 1. Notwithstanding subsection 5 of section 96.150
17 regarding the lease of substantially all of a hospital where the
18 board of trustees is lessor, a city in which a hospital is
19 located that:

20 (1) Is organized and operated under this chapter;

21 (2) Has not accepted appropriated funds from the city
22 during the prior twenty years; and

23 (3) Is licensed by the department of health and senior
24 services for two hundred beds or more pursuant to sections
25 197.010 to 197.120,

26
27 shall not have authority to sell, lease, or otherwise transfer
28 all or substantially all of the property from a hospital

1 organized under this chapter, both real and personal, except in
2 accordance with this section.

3 2. Upon filing with the city clerk of a resolution adopted
4 by no less than two-thirds of the incumbent members of the board
5 of trustees to sell, lease, or otherwise transfer all or
6 substantially all of the hospital property, both real and
7 personal, for reasons specified in the resolution, the clerk
8 shall present the resolution to the city council. If a majority
9 of the incumbent members of the city council determine that sale,
10 lease, or other transfer of the hospital property is desirable,
11 the city council shall submit to the voters of the city the
12 question in substantially the following form:

13 "Shall the city council of _____, Missouri and the
14 board of trustees of _____ hospital be authorized to
15 sell (or lease or otherwise transfer) the property, real and
16 personal, of _____ hospital as approved by, and in
17 accordance with, the resolution of the board of trustees
18 authorizing such sale (or lease or transfer)?"

19
20 A majority of the votes cast on such question shall be required
21 in order to approve and authorize such sale, lease or other
22 transfer. If the question receives less than the required
23 majority, then the city council and the board of trustees shall
24 have no power to sell, lease or otherwise transfer the property,
25 real and personal, of the hospital unless and until the city
26 council has submitted another question to authorize such sale,
27 lease or transfer authorized under this section and such question
28 is approved by the required majority of the qualified voters

1 voting thereon. However, in no event shall a question under this
2 section be submitted to the voters sooner than twelve months
3 from the date of the last question under this section and after
4 the adoption of another resolution by no less than two-thirds of
5 the board of trustees and a subsequent vote by a majority of the
6 city council to again submit the question to the voters.

7 3. Upon passage of such question by the voters, the board
8 of trustees shall sell and dispose of such property, or lease or
9 transfer such property, in the manner proposed by the board of
10 trustees. The deed of the board of trustees, duly authorized by
11 the board of trustees and duly acknowledged and recorded, shall
12 be sufficient to convey to the purchaser all the rights, title,
13 interest, and estate in the hospital property.

14 4. No sale, lease, or other transfer of such hospital
15 property shall be authorized or effective unless such transaction
16 provides sufficient proceeds to be available to be applied to the
17 payment of all interest and principal of any outstanding valid
18 indebtedness incurred for purchase of the site or construction of
19 the hospital, or for any repairs, alterations, improvements, or
20 additions thereto, or for operation of the hospital.

21 5. Assets donated to the hospital pursuant to section
22 96.210 shall be used to provide health care services in the city
23 and in the geographic region previously served by the hospital,
24 except as otherwise prescribed by the terms of the deed, gift,
25 devise, or bequest.

26 115.003. The purpose of sections 115.001 to 115.[641] 801
27 [and sections 51.450 and 51.460] is to simplify, clarify and
28 harmonize the laws governing elections. It shall be construed

1 and applied so as to accomplish its purpose.

2 115.005. Notwithstanding any other provision of law to the
3 contrary, sections 115.001 to 115.[641] 801 shall apply to all
4 public elections in the state, except elections for which
5 ownership of real property is required by law for voting.

6 115.007. No part of sections 115.001 to 115.[641] 801 [and
7 sections 51.450 and 51.460] shall be construed as impliedly
8 amended or repealed by subsequent legislation if such
9 construction can be reasonably avoided.

10 115.121. 1. The general election day shall be the first
11 Tuesday after the first Monday in November of even-numbered
12 years.

13 2. The primary election day shall be the [first] third
14 Tuesday after the first Monday in [August] June of even-numbered
15 years.

16 3. The election day for the election of political
17 subdivision and special district officers shall be the first
18 Tuesday after the first Monday in April each year; and shall be
19 known as the general municipal election day.

20 4. In addition to the primary election day provided for in
21 subsection 2 of this section, for the year 2003, the first
22 Tuesday after the first Monday in August, 2003, also shall be a
23 primary election day for the purpose of permitting school
24 districts and other political subdivisions of Missouri to incur
25 debt in accordance with the provisions of article VI, section
26 26(a) through 26(g) of the Missouri Constitution, with the
27 approval of four-sevenths of the eligible voters of such school
28 district or other political subdivision voting thereon, to

1 provide funds for the acquisition, construction, equipping,
2 improving, restoration, and furnishing of facilities to replace,
3 repair, reconstruct, reequip, restore, and refurnish facilities
4 damaged, destroyed, or lost due to severe weather, including,
5 without limitation, windstorms, hail storms, flooding, tornadic
6 winds, rainstorms and the like which occurred during the month of
7 April or May, 2003.

8 5. Notwithstanding the provisions of subsection 1 of
9 section 115.125, the officer or agency calling an election on the
10 first Tuesday after the first Monday of August, 2003, shall
11 notify the election authorities responsible for conducting the
12 election not later than 5:00 p.m. on the sixth Tuesday prior to
13 the election. For purposes of any such election, all references
14 in section 115.125 to the tenth Tuesday prior to such election
15 shall be deemed to refer to the sixth Tuesday prior to such
16 election.

17 6. In addition to the general election day provided for in
18 subsection 1 of this section, for the year 2009 the first Tuesday
19 after the first Monday in November shall be a general election
20 day for the purpose of permitting school districts to incur debt
21 in accordance with the provisions of article VI, section 26(a)
22 through 26(g) of the Missouri Constitution, with the approval of
23 four-sevenths of the eligible voters of such school district, to
24 provide funds for school districts to acquire, construct, equip,
25 improve, restore, and furnish public school facilities in
26 accordance with the provisions of Section 54F of the Internal
27 Revenue Code of 1986, as amended, which provides for qualified
28 school construction bonds and the provisions of Section 54AA of

1 the Internal Revenue Code of 1986, as amended, which provides for
2 build America bonds, as well as in accordance with the provisions
3 of Section 103 of the Internal Revenue Code of 1986, as amended,
4 which provides for traditional government bonds.

5 7. Notwithstanding the provisions of subsection 3 of this
6 section to the contrary, if the general municipal election date
7 falls on Passover, the general municipal election may be
8 conducted on the Tuesday following the last day of Passover at
9 the discretion of the election authority.

10 115.249. No voting machine shall be used unless it:

11 (1) Permits voting in absolute secrecy;

12 (2) Permits each voter to vote for as many candidates for
13 each office as he is lawfully entitled to vote for, and no other;

14 (3) Permits each voter to vote for or against as many
15 questions as he is lawfully entitled to vote on, and no more;

16 (4) Provides facilities for each voter to cast as many
17 write-in votes for each office as he is lawfully entitled to
18 cast;

19 (5) Permits each voter in a primary election to vote for
20 the candidates of only one party announced by the voter in
21 advance;

22 [(6) Permits each voter at a presidential election to vote
23 by use of a single lever for the candidates of one party or group
24 of petitioners for president, vice president and their
25 presidential electors;

26 (7)] (6) Correctly registers or records and accurately
27 counts all votes cast for each candidate and for and against each
28 question;

1 [(8)] (7) Is provided with a lock or locks which prevent
2 any movement of the voting or registering mechanism and any
3 tampering with the mechanism;

4 [(9)] (8) Is provided with a protective counter or other
5 device whereby any operation of the machine before or after an
6 election will be detected;

7 [(10)] (9) Is provided with a counter which shows at all
8 times during the election how many people have voted on the
9 machine;

10 [(11)] (10) Is provided with a proper light which enables
11 each voter, while voting, to clearly see the ballot labels[;

12 (12) Is provided with a mechanical model, illustrating the
13 manner of voting on the machine, suitable for the instruction of
14 voters].

15 115.259. At each polling place using voting machines, the
16 exterior of the voting machines shall be in plain view of the
17 election judges. [Each voting machine shall be so placed that,
18 unless its construction requires otherwise, the ballot labels can
19 be plainly seen by the election judges when not in use by
20 voters.] The election judges shall not be nor permit any other
21 person to be in any position, or near any position, that enables
22 them to see how any voter votes or has voted. The election
23 judges may inspect any machine as necessary to make sure the
24 ballot label is in its proper place and that the machine has not
25 been damaged.

26 115.281. 1. Except as provided in subsection 3 of this
27 section, not later than the sixth Tuesday prior to each election,
28 or within fourteen days after candidates' names or questions are

1 certified pursuant to section 115.125, the election authority
2 shall cause to have printed and made available a sufficient
3 quantity of absentee ballots, ballot envelopes and mailing
4 envelopes. As soon as possible after the proper officer calls a
5 special state or county election, the election authority shall
6 cause to have printed and made available a sufficient quantity of
7 absentee ballots, ballot envelopes and mailing envelopes.

8 2. All absentee ballots for an election shall be in the
9 same form as the official ballots for the election[, except that
10 in lieu of the words "Official Ballot" at the top of the ballot,
11 the words "Official Absentee Ballot" shall appear].

12 3. Not later than forty-five days before each general,
13 primary, and special election for federal office, the election
14 authority shall cause to have printed and made available a
15 sufficient quantity of absentee ballots, ballot envelopes, and
16 mailing envelopes for absent uniformed services voters and
17 overseas voters and shall begin transmitting such ballots to
18 absent uniformed services and overseas voters who have submitted
19 an absentee ballot application.

20 115.299. 1. To count absentee votes on election day, the
21 election authority shall appoint a sufficient number of teams of
22 election judges comprised of an equal number of judges [. Each
23 team shall consist of four judges, two] from each major political
24 party.

25 2. The teams so appointed shall meet on election day after
26 the time fixed by law for the opening of the polls at a central
27 location designated by the election authority. The election
28 authority shall deliver the absentee ballots to the teams, and

1 shall maintain a record of the delivery. The record shall
2 include the number of ballots delivered to each team and shall
3 include a signed receipt from two judges, one from each major
4 political party. The election authority shall provide each team
5 with a ballot box, tally sheets and statements of returns as are
6 provided to a polling place.

7 3. Each team shall count votes on all absentee ballots
8 designated by the election authority.

9 4. One member of each team, closely observed by another
10 member of the team from a different political party, shall open
11 each envelope and call the voter's name in a clear voice.
12 Without unfolding the ballot, two team members, one from each
13 major political party, shall initial the ballot, and an election
14 judge shall place the ballot, still folded, in a ballot box. No
15 ballot box shall be opened until all of the ballots a team is
16 counting have been placed in the box. The votes shall be tallied
17 and the returns made as provided in sections 115.447 to 115.525
18 for paper ballots. After the votes on all ballots assigned to a
19 team have been counted, the ballots and ballot envelopes shall be
20 placed on a string and enclosed in sealed containers marked
21 "voted absentee ballots and ballot envelopes from the election
22 held, 20....". All rejected absentee
23 ballots and envelopes shall be enclosed and sealed in a separate
24 container marked "rejected absentee ballots and envelopes from
25 the election held, 20....". On the outside
26 of each voted ballot and rejected ballot container, each member
27 of the team shall write his name, and all such containers shall
28 be returned to the election authority. Upon receipt of the

1 returns and ballots, the election authority shall tabulate the
2 absentee vote along with the votes certified from each polling
3 place in its jurisdiction.

4 5. Election judges shall count votes on all absentee
5 ballots pursuant to sections 115.453 and 115.455.

6 115.300. In each jurisdiction, the election authority may
7 start, not earlier than the fifth day prior to the election, the
8 preparation of absentee ballots for tabulation on the election
9 day. The election authority shall give notice to the county
10 chairman of each major political party forty-eight hours prior to
11 beginning preparation of absentee ballot envelopes. Absentee
12 ballot preparation shall be completed by teams of election
13 authority employees or teams of election judges, with each team
14 consisting of one member from each major political party.

15 [Absentee ballots shall not be counted by the same persons as
16 those who removed such ballots from their envelopes.]

17 115.341. For the nomination of candidates to be elected at
18 the next general election, a primary election shall be held on
19 the [first] third Tuesday after the first Monday in [August] June
20 of even-numbered years.

21 115.349. 1. Except as otherwise provided in sections
22 115.361 to 115.383 or sections 115.755 to 115.785, no candidate's
23 name shall be printed on any official primary ballot unless the
24 candidate has filed a written declaration of candidacy in the
25 office of the appropriate election official by 5:00 p.m. on the
26 [last] first Tuesday in [March] February immediately preceding
27 the primary election.

28 2. No declaration of candidacy for nomination in a primary

1 election shall be accepted for filing prior to 8:00 a.m. on the
2 [last] second Tuesday in [February] January immediately preceding
3 the primary election.

4 3. Each declaration of candidacy for nomination in a
5 primary election shall state the candidate's full name, residence
6 address, office for which such candidate proposes to be a
7 candidate, the party ticket on which he or she wishes to be a
8 candidate and that if nominated and elected he or she will
9 qualify. The declaration shall be in substantially the following
10 form:

11 I,, a resident and registered voter of
12 the county of and the state of Missouri, residing at
13, do announce myself a candidate for the office of
14 on the party ticket, to be voted for at the primary
15 election to be held on the day of, ..., and I further
16 declare that if nominated and elected to such office I will
17 qualify.

18 Subscribed and sworn to
19 Signature of candidate before me this day
20 of,

21
22 Residence address Signature of election
23 official or other officer
24 authorized to administer oaths

25
26 Mailing address (if different)
27
28 Telephone Number (Optional)

1 If the declaration is to be filed in person, it shall be
2 subscribed and sworn to by the candidate before an official
3 authorized to accept his or her declaration of candidacy. If the
4 declaration is to be filed by certified mail pursuant to the
5 provisions of subsection 2 of section 115.355, it shall be
6 subscribed and sworn to by the candidate before a notary public
7 or other officer authorized by law to administer oaths.

8 115.383. Any election authority duly notified that a name
9 is to be removed from the ballot or that a new candidate has been
10 selected shall have the proper corrections made on the ballot
11 before the ballot is delivered to or while it is in the hands of
12 the printer. [If time does not permit correction of the printed
13 ballot, the election authority shall have prepared small pasters,
14 suitable for covering the name to be removed on the ballots,
15 ballot labels or on the protective covering of each voting
16 machine. If a candidate is replaced by a candidate pursuant to
17 the provisions of sections 115.361 to 115.377, the paster shall
18 contain the name to be substituted in letters of the same size
19 and type as all other names on the ballot. The appropriate
20 election authorities shall see that such pasters are properly
21 applied to the ballots, ballot labels or voting machines before
22 they are used for voting.]

23 115.419. Before the time fixed by law for the opening of
24 the polls, the election authority shall deliver to each polling
25 place a sufficient number of sample ballots[,] and ballot cards
26 [or ballot labels] which shall be a different color but otherwise
27 exact copies of the official ballot. The samples shall be
28 printed in the form of a diagram, showing the form of the ballot

1 or the front of the marking device or voting machine as it will
2 appear on election day. The secretary of state may develop
3 multilingual sample ballots to be made available to election
4 authorities.

5 115.423. [After the time fixed by law for the opening of the
6 polls but] Not more than one hour before the voting begins, the
7 election judges shall open the ballot box and show to all present
8 that it is empty. The ballot box shall then be locked and the
9 key kept by one of the election judges. The ballot box shall not
10 be opened or removed from public view from the time it is shown
11 to be empty until the polls close or until the ballot box is
12 delivered for counting pursuant to section 115.451. If voting
13 machines are used, the election judges shall call attention to
14 the counter on the face of each voting machine and show to all
15 present that it is set at zero.

16 115.433. After the voter's identification certificate has
17 been initialed, two judges of different political parties, or one
18 judge from a major political party and one judge with no
19 political affiliation, shall, where paper ballots [or ballot
20 cards] are used, initial the voter's ballot or ballot card.

21 115.436. 1. In jurisdictions using paper ballots and
22 electronic voting systems, when any physically disabled voter
23 within two hundred feet of a polling place is unable to enter the
24 polling place, two election judges, one of each major political
25 party, shall take a ballot, equipment and materials necessary for
26 voting to the voter. The voter shall mark the ballot, and the
27 election judges shall place the ballot in an envelope[, seal it]
28 and place it in the ballot box.

1 2. In jurisdictions using voting machines, when any
2 physically disabled voter within two hundred feet of a polling
3 place is unable to enter the polling place, two election judges,
4 one of each major political party, shall take an absentee ballot
5 to the voter. The voter shall mark the ballot, and the election
6 judges shall place the ballot in an envelope[, seal it] and place
7 it in the ballot box.

8 3. Upon request to the election authority, the election
9 authority in any jurisdiction shall designate a polling place
10 accessible to any physically disabled voter other than the
11 polling place to which that voter would normally be assigned to
12 vote, provided that the candidates and issues voted on are
13 consistent for both the designated location and the voting
14 location for the voter's precinct. Upon request, the election
15 authority may also assign members of the physically disabled
16 voter's household and such voter's caregiver to the same voting
17 location as the physically disabled voter. In no event shall a
18 voter be assigned under this section to a designated location
19 apart from the established voting location for the voter's
20 precinct if the voter objects to the assignment to another
21 location.

22 115.439. 1. If paper ballots [or ballot cards] are used,
23 the voter shall, immediately upon receiving his ballot, go alone
24 to a voting booth and vote his ballot in the following manner:

25 (1) When a voter desires to vote for a candidate, the voter
26 shall place a [cross (X)] distinguishing mark [in the square
27 directly to the left of] immediately beside the name of the
28 candidate for which the voter intends to vote;

1 (2) [If the voter desires to vote for a person whose name
2 does not appear on the ballot, the voter may cross out a name
3 which appears on the ballot for the office and write the name of
4 the person for whom he wishes to vote above or below the
5 crossed-out name and place a cross (X) mark in the square
6 directly to the left of the crossed-out name.] If a write-in
7 line appears on the ballot, the voter may write the name of the
8 person for whom he or she wishes to vote on the line and place a
9 [cross (X)] distinguishing mark [in the square directly to the
10 left of] immediately beside the name;

11 (3) If the ballot is one which contains no candidates, the
12 voter shall place a [cross (X)] distinguishing mark [in the
13 square] directly to the left of each "yes" or "no" he desires to
14 vote.

15
16 No voter shall vote for the same person more than once for the
17 same office at the same election.

18 [2. For purposes of this section, a punch or sensor mark or
19 any other mark clearly indicating that the voter intends to mark
20 that particular square shall be equivalent to a cross (X) mark.

21 3. If voting machines are used, the voter shall,
22 immediately upon direction by the judges, go alone to a voting
23 machine, close the curtain and vote in substantially the same
24 manner provided in subsection 1 of this section. Rather than
25 placing cross (X) marks on the ballot, however, the voter shall
26 cause the designations to appear on the face of the voting
27 machine, cast any write-in votes and register his votes as
28 directed in the instructions for use of the machine.

1 4.] 2. If the voter accidentally spoils his ballot or
2 ballot card or makes an error, he may return it to an election
3 judge and receive another. The election judge shall mark
4 "SPOILED" across the ballot or ballot card and place it in an
5 envelope marked "SPOILED BALLOTS". After another ballot has been
6 prepared in the manner provided in section 115.433, the ballot
7 shall be given to the voter for voting.

8 [5. The election authority may authorize the use of a
9 sticker or other item containing a write-in candidate's name, in
10 lieu of a handwritten name. All such stickers and items used by
11 election authorities shall conform to rules and regulations
12 promulgated by the secretary of state regarding the form of such
13 stickers and items. The secretary of state shall promulgate
14 rules and regulations to prescribe uniform specifications for the
15 form of such stickers and items. If authorized, such sticker or
16 item shall contain a cross (X) mark, or other mark as described
17 in subsection 2 of this section, in the square directly left of
18 the candidate's name and the office for which the candidate is a
19 write-in candidate. A write-in vote that does not meet the
20 requirements of this subsection which appears on a ballot shall
21 not be counted pursuant to sections 115.447 to 115.525. In those
22 jurisdictions using an electronic voting system which utilizes
23 mark sense or optical scan technology and if the election
24 authority authorizes the use of stickers for write-ins, such
25 system shall be programmed to identify and separate those ballots
26 which contain an office in which write-in candidates are eligible
27 to receive votes, and which contain less votes than a voter is
28 entitled to cast. In addition, such sticker shall be considered

1 "printed matter" as defined in subsection 8 of section 130.031,
2 and as such shall contain the designation required by subsection
3 8 of section 130.031.

4 6.] 3. Any rule or portion of a rule, as that term is
5 defined in section 536.010, that is created under the authority
6 delegated in this section shall become effective only if it
7 complies with and is subject to all of the provisions of chapter
8 536 and, if applicable, section 536.028. This section and
9 chapter 536 are nonseverable and if any of the powers vested with
10 the general assembly pursuant to chapter 536 to review, to delay
11 the effective date or to disapprove and annul a rule are
12 subsequently held unconstitutional, then the grant of rulemaking
13 authority and any rule proposed or adopted after August 28, 2002,
14 shall be invalid and void.

15 115.449. 1. As soon as the polls close in each polling
16 place using paper ballots, the election judges shall begin to
17 count the votes. If earlier counting is begun pursuant to
18 section 115.451, the election judges shall complete the count in
19 the manner provided by this section. Once begun, no count shall
20 be adjourned or postponed until all proper votes have been
21 counted.

22 2. One counting judge, closely observed by the other
23 counting judge, shall take the ballots out of the ballot box one
24 at a time and, holding each ballot in such a way that the other
25 counting judge may read it, shall read the name of each candidate
26 properly voted for and the office sought by each. As each vote
27 is called out, the recording judges shall each record the vote on
28 a tally sheet. The votes for and against all questions shall

1 likewise be read and recorded. If more than one political
2 subdivision or special district is holding an election on the
3 same day at the same polling place and using separate ballots,
4 the counting judges may separate the ballots of each political
5 subdivision and special district and first read one set, then the
6 next and so on until all proper votes have been counted.

7 [3. After all of the proper votes on a ballot have been
8 counted, the ballot shall be strung on a wire or string in the
9 order read. After all the ballots have been read and strung and
10 after the recording judges agree on the count, the wire or string
11 shall be tied in a firm knot, and the knot shall be sealed so
12 that it cannot be untied without breaking the seal. Rejected and
13 spoiled ballots shall not be strung but shall be placed in
14 separate containers marked "REJECTED" and "SPOILED".

15 4.] 3. After the recording of all proper votes, the
16 recording judges shall compare their tallies. When the recording
17 judges agree on the count, they shall sign both of the tally
18 sheets, and one of the recording judges shall announce in a loud
19 voice the total number of votes for each candidate and for and
20 against each question.

21 [5.] 4. After the announcement of the vote, the election
22 judges shall record the vote totals in the appropriate places on
23 each statement of returns. If any tally sheet or statement of
24 returns contains no heading for any question, the election judges
25 shall write the necessary headings on the tally sheet or
26 statement of returns.

27 115.455. Election judges shall count votes on each question
28 in the following manner:

1 (1) If a [cross (X)] distinguishing mark appears [in the
2 square] immediately beside or below the "YES", the question shall
3 be counted as voted for. If a [cross (X)] distinguishing mark
4 appears [in the square] immediately beside or below the "NO", the
5 question shall be counted as voted against;

6 (2) If a [cross (X)] distinguishing mark appears [in the
7 square] immediately beside or below the "YES" and [in the square]
8 immediately beside or below the "NO", the question shall neither
9 be counted as voted for nor as voted against.

10 115.456. 1. [The election authority shall be responsible
11 for ensuring that the standards provided for in this subsection
12 are followed when counting ballots cast using punch card voting
13 systems.

14 (1) Prior to tabulating ballots, all ballot cards shall be
15 inspected by the election authority for hanging chad and damaged
16 ballots. Inspection of ballot cards shall be conducted using the
17 following guidelines:

18 (a) The election authority shall appoint a bipartisan team
19 to inspect all ballots where a question exists about the
20 condition of a ballot or existence of a hanging chad;

21 (b) All ballot card inspections conducted under this
22 section shall be conducted by examining the ballot card from the
23 back of the card;

24 (c) If a ballot is determined to be damaged, the bipartisan
25 team shall spoil the original ballot and duplicate the voter's
26 intent on the new ballot, provided that there is an undisputed
27 method of matching the duplicate card with its original after it
28 has been placed with the remainder of the ballot cards from the

1 precinct; and

2 (d) If a chad is determined to be hanging by two or less
3 corners, it shall be removed prior to being tabulated.

4 (2) In jurisdictions using punch card systems, a valid vote
5 for a write-in candidate shall include the following:

6 (a) A distinguishing mark in the square immediately
7 preceding the name of the candidate;

8 (b) The name of the candidate. If the name of the
9 candidate as written by the voter is substantially as declared by
10 the candidate it shall be counted, or in those circumstances
11 where the names of candidates are similar, the names of
12 candidates as shown on voter registration records shall be
13 counted; and

14 (c) The name of the office for which the candidate is to be
15 elected.

16 (3) Whenever a hand recount of votes is ordered of punch
17 card ballots, the provisions of this subsection shall be used to
18 determine voter intent.

19 2.] The election authority shall be responsible for
20 ensuring that the standards provided for in this subsection are
21 followed when counting ballots cast using optical scan voting
22 systems.

23 (1) Prior to tabulating ballots, all machines shall be
24 programmed to reject blank ballots where no votes are recorded or
25 where an overvote is registered in any race.

26 (2) In jurisdictions using precinct-based tabulators, the
27 voter who cast the ballot shall review the ballot if rejected, if
28 the voter wishes to make any changes to the ballot, or if the

1 voter would like to spoil the ballot and receive another ballot.

2 (3) In jurisdictions using centrally based tabulators, if a
3 ballot is so rejected it shall be reviewed by a bipartisan team
4 using the following criteria:

5 (a) If a ballot is determined to be damaged, the bipartisan
6 team shall spoil the original ballot and duplicate the voter's
7 intent on the new ballot, provided that there is an undisputed
8 method of matching the duplicate card with its original after it
9 has been placed with the remainder of the ballot cards from such
10 precinct; and

11 (b) Voter intent shall be determined using the following
12 criteria:

13 a. There is a distinguishing mark in the printed oval or
14 divided arrow adjacent to the name of the candidate or issue
15 preference;

16 b. There is a distinguishing mark adjacent to the name of
17 the candidate or issue preference; or

18 c. The name of the candidate or issue preference is
19 circled.

20 (4) In jurisdictions using optical scan systems, a valid
21 vote for a write-in candidate shall include the following:

22 (a) A distinguishing mark in the designated location
23 preceding the name of the candidate;

24 (b) The name of the candidate. If the name of the
25 candidate as written by the voter is substantially as declared by
26 the candidate it shall be counted, or in those circumstances
27 where the names of candidates are similar, the names of
28 candidates as shown on voter registration records shall be

1 counted; and

2 (c) The name of the office for which the candidate is to be
3 elected.

4 (5) Whenever a hand recount of votes of optical scan
5 ballots is ordered, the provisions of this subsection shall be
6 used to determine voter intent.

7 [3.] 2. The election authority shall be responsible for
8 ensuring that the standards provided for in this subsection are
9 followed when counting ballots cast using paper ballots.

10 (1) Voter intent shall be determined using the following
11 criteria:

12 (a) There is a distinguishing mark in the square adjacent
13 to the name of the candidate or issue preference;

14 (b) There is a distinguishing mark adjacent to the name of
15 the candidate or issue preference; or

16 (c) The name of the candidate or issue preference is
17 circled.

18 (2) In jurisdictions using paper ballots, a valid vote for
19 a write-in candidate shall include the following:

20 (a) A distinguishing mark in the square immediately
21 preceding the name of the candidate;

22 (b) The name of the candidate. If the name of the
23 candidate as written by the voter is substantially as declared by
24 the candidate it shall be counted, or in those circumstances
25 where the names of candidates are similar, the names of
26 candidates as shown on voter registration records shall be
27 counted; and

28 (c) The name of the office for which the candidate is to be

1 elected.

2 (3) Whenever a hand recount of votes of paper ballots is
3 ordered, the provisions of this subsection shall be used to
4 determine voter intent.

5 [4. When write-in stickers are used, the sticker shall
6 contain the name of a candidate, the office sought, and a
7 distinguishing mark in the square immediately preceding the name
8 of the candidate and shall be approximately one inch by three
9 inches in size with black print on a white background. The
10 sticker shall be placed by the voter on the write-in line
11 designating the office sought or the sticker shall be placed by
12 the voter on the write-in line on the secrecy envelope.

13 5.] 3. Notwithstanding any other provision of law, a
14 distinguishing mark indicating a general preference for or
15 against the candidates of one political party shall not be
16 considered a vote for or against any specific candidate.

17 115.493. The election authority shall keep all voted
18 ballots, ballot cards, processed ballot materials in electronic
19 form and write-in forms, and all applications, statements,
20 certificates, affidavits and computer programs relating to each
21 election for [twelve] twenty-two months after the date of the
22 election. During the time that voted ballots, ballot cards,
23 processed ballot materials in electronic form and write-in forms
24 are kept by the election authority, it shall not open or inspect
25 them or allow anyone else to do so, except upon order of a
26 legislative body trying an election contest, a court or a grand
27 jury. After [twelve] twenty-two months, the ballots, ballot
28 cards, processed ballot materials in electronic form, write-in

1 forms, applications, statements, certificates, affidavits and
2 computer programs relating to each election may be destroyed. If
3 an election contest, grand jury investigation or civil or
4 criminal case relating to the election is pending at the time,
5 however, the materials shall not be destroyed until the contest,
6 investigation or case is finally determined.

7 115.607. 1. No person shall be elected or shall serve as a
8 member of a county committee who is not, for one year next before
9 the person's election, both a registered voter of and a resident
10 of the county and the committee district from which the person is
11 elected if such district shall have been so long established, and
12 if not, then of the district or districts from which the same
13 shall have been taken. Except as provided in subsections 2, 3,
14 4, 5, and 6 of this section, the membership of a county committee
15 of each established political party shall consist of a man and a
16 woman elected from each township or ward in the county.

17 2. In each county of the first classification containing
18 the major portion of a city which has over three hundred thousand
19 inhabitants, [two members of the committee, a man and a woman,
20 shall be elected from each ward in the city. Any township
21 entirely contained in the city shall have no additional
22 representation on the county committee. The election authority
23 for the county shall, not later than six months after the
24 decennial census has been reported to the President of the United
25 States, divide the most populous township outside the city into
26 eight subdistricts of contiguous and compact territory and as
27 nearly equal in population as practicable. The subdistricts
28 shall be numbered from one upward consecutively, which numbers

1 shall, insofar as practicable, be retained upon reapportionment.
2 Two members of the county committee, a man and a woman, shall be
3 elected from each such subdistrict. Six members of the
4 committee, three men and three women, shall be elected from the
5 second and third most populous townships outside the city. Four
6 members of the committee, two men and two women, shall be elected
7 from the other townships outside the city] members of the
8 committee shall be elected from the districts of each state
9 representative that are in any way contained in the county in the
10 following manner: within six months after each legislative
11 reapportionment, each portion of a legislative district contained
12 in the county shall constitute a single committee district. Two
13 men and two women shall be elected from each committee district
14 formed from a legislative district that is wholly contained in
15 the county as members of the committee, two men and two women
16 shall be elected from each committee district formed from a
17 legislative district that is predominantly contained in the
18 county as members of the committee, and one man and one woman
19 shall be elected from each committee district formed from a
20 legislative district that is partially but not predominantly
21 contained in the county as members of the committee.

22 3. [In any city which has over three hundred thousand
23 inhabitants, the major portion of which is located in a county
24 with a charter form of government, for the portion of the city
25 located within such county and notwithstanding section 82.110, it
26 shall be the duty of the election authority, not later than six
27 months after the decennial census has been reported to the
28 President of the United States, to divide such cities into not

1 less than twenty-four nor more than twenty-five wards after each
2 decennial census. Wards shall be so divided that the number of
3 inhabitants in any ward shall not exceed any other ward of the
4 city and within the same county, by more than five percent,
5 measured by the number of the inhabitants determined at the
6 preceding decennial census.

7 4.] In each county of the first classification containing a
8 portion, but not the major portion, of a city which has over
9 three hundred thousand inhabitants, ten members of the committee,
10 five men and five women, shall be elected from the district of
11 each state representative wholly contained in the county in the
12 following manner: within six months after each legislative
13 reapportionment, the election authority shall divide each
14 legislative district wholly contained in the county into five
15 committee districts of contiguous territory as compact and as
16 nearly equal in population as may be; two members of the
17 committee, a man and a woman, shall be elected from each
18 committee district. The election authority shall divide the area
19 of the county located within legislative districts not wholly
20 contained in the county into similar committee districts; two
21 members of the committee, a man and a woman, shall be elected
22 from each committee district.

23 [5.] 4. In each city not situated in a county, two members
24 of the committee, a man and a woman, shall be elected from each
25 ward.

26 [6.] 5. In all counties with a charter form of government
27 and a population of over nine hundred thousand inhabitants, the
28 county committee persons shall be elected from each township.

1 Within ninety days after August 28, 2002, and within six months
2 after each decennial census has been reported to the President of
3 the United States, the election authority shall divide the county
4 into twenty-eight compact and contiguous townships containing
5 populations as nearly equal in population to each other as is
6 practical.

7 [7.] 6. If any election authority has failed to adopt a
8 reapportionment plan by the deadline set forth in this section,
9 the county commission, sitting as a reapportionment commission,
10 shall within sixty days after the deadline, adopt a
11 reapportionment plan. Changes of township, ward, or precinct
12 lines shall not affect the terms of office of incumbent party
13 committee members elected from districts as constituted at the
14 time of their election.

15 144.020. 1. A tax is hereby levied and imposed for the
16 privilege of titling new and used motor vehicles, trailers,
17 boats, and outboard motors purchased or acquired for use on the
18 highways or waters of this state which are required to be titled
19 under the laws of the state of Missouri and, except as provided
20 in subdivision (9) of this subsection, upon all sellers for the
21 privilege of engaging in the business of selling tangible
22 personal property or rendering taxable service at retail in this
23 state. The rate of tax shall be as follows:

24 (1) Upon every retail sale in this state of tangible
25 personal property, [including but not limited to] excluding motor
26 vehicles, trailers, motorcycles, mopeds, motortricycles, boats
27 and outboard motors required to be titled under the laws of the
28 state of Missouri and subject to tax under subdivision (9) of

1 this subsection, a tax equivalent to four percent of the purchase
2 price paid or charged, or in case such sale involves the exchange
3 of property, a tax equivalent to four percent of the
4 consideration paid or charged, including the fair market value of
5 the property exchanged at the time and place of the exchange,
6 except as otherwise provided in section 144.025;

7 (2) A tax equivalent to four percent of the amount paid for
8 admission and seating accommodations, or fees paid to, or in any
9 place of amusement, entertainment or recreation, games and
10 athletic events;

11 (3) A tax equivalent to four percent of the basic rate paid
12 or charged on all sales of electricity or electrical current,
13 water and gas, natural or artificial, to domestic, commercial or
14 industrial consumers;

15 (4) A tax equivalent to four percent on the basic rate paid
16 or charged on all sales of local and long distance
17 telecommunications service to telecommunications subscribers and
18 to others through equipment of telecommunications subscribers for
19 the transmission of messages and conversations and upon the sale,
20 rental or leasing of all equipment or services pertaining or
21 incidental thereto; except that, the payment made by
22 telecommunications subscribers or others, pursuant to section
23 144.060, and any amounts paid for access to the internet or
24 interactive computer services shall not be considered as amounts
25 paid for telecommunications services;

26 (5) A tax equivalent to four percent of the basic rate paid
27 or charged for all sales of services for transmission of messages
28 of telegraph companies;

1 (6) A tax equivalent to four percent on the amount of sales
2 or charges for all rooms, meals and drinks furnished at any
3 hotel, motel, tavern, inn, restaurant, eating house, drugstore,
4 dining car, tourist cabin, tourist camp or other place in which
5 rooms, meals or drinks are regularly served to the public;

6 (7) A tax equivalent to four percent of the amount paid or
7 charged for intrastate tickets by every person operating a
8 railroad, sleeping car, dining car, express car, boat, airplane
9 and such buses and trucks as are licensed by the division of
10 motor carrier and railroad safety of the department of economic
11 development of Missouri, engaged in the transportation of persons
12 for hire;

13 (8) A tax equivalent to four percent of the amount paid or
14 charged for rental or lease of tangible personal property,
15 provided that if the lessor or renter of any tangible personal
16 property had previously purchased the property under the
17 conditions of "sale at retail" or leased or rented the property
18 and the tax was paid at the time of purchase, lease or rental,
19 the lessor, sublessor, renter or subrenter shall not apply or
20 collect the tax on the subsequent lease, sublease, rental or
21 subrental receipts from that property. The purchase, rental or
22 lease of motor vehicles, trailers, motorcycles, mopeds,
23 motortricycles, boats, and outboard motors shall be taxed and the
24 tax paid as provided in this section and section 144.070. In no
25 event shall the rental or lease of boats and outboard motors be
26 considered a sale, charge, or fee to, for or in places of
27 amusement, entertainment or recreation nor shall any such rental
28 or lease be subject to any tax imposed to, for, or in such places

1 of amusement, entertainment or recreation. Rental and leased
2 boats or outboard motors shall be taxed under the provisions of
3 the sales tax laws as provided under such laws for motor vehicles
4 and trailers. Tangible personal property which is exempt from
5 the sales or use tax under section 144.030 upon a sale thereof is
6 likewise exempt from the sales or use tax upon the lease or
7 rental thereof.

8 (9) A tax equivalent to four percent of the purchase price,
9 as defined in section 144.070, of new and used motor vehicles,
10 trailers, boats, and outboard motors purchased or acquired for
11 use on the highways or waters of this state which are required to
12 be registered under the laws of the state of Missouri. This tax
13 is imposed on the person titling such property, and shall be paid
14 according to the procedures in section 144.440.

15 2. All tickets sold which are sold under the provisions of
16 sections 144.010 to 144.525 which are subject to the sales tax
17 shall have printed, stamped or otherwise endorsed thereon, the
18 words "This ticket is subject to a sales tax."

19 144.021. The purpose and intent of sections 144.010 to
20 144.510 is to impose a tax upon the privilege of engaging in the
21 business, in this state, of selling tangible personal property
22 and those services listed in section 144.020 and for the
23 privilege of titling new and used motor vehicles, trailers,
24 boats, and outboard motors purchased or acquired for use on the
25 highways or waters of this state which are required to be
26 registered under the laws of the state of Missouri. Except as
27 otherwise provided, the primary tax burden is placed upon the
28 seller making the taxable sales of property or service and is

1 levied at the rate provided for in section 144.020. Excluding
2 subdivision (9) of subsection 1 of section 144.020 and sections
3 144.070, 144.440 and 144.450, the extent to which a seller is
4 required to collect the tax from the purchaser of the taxable
5 property or service is governed by section 144.285 and in no way
6 affects sections 144.080 and 144.100, which require all sellers
7 to report to the director of revenue their "gross receipts",
8 defined herein to mean the aggregate amount of the sales price of
9 all sales at retail, and remit tax at four percent of their gross
10 receipts.

11 144.069. All sales taxes associated with the titling of
12 motor vehicles, trailers, boats and outboard motors under the
13 laws of Missouri shall be [deemed to be consummated] imposed at
14 the rate in effect at the location of the address of the owner
15 thereof, and all sales taxes associated with the titling of
16 vehicles under leases of over sixty-day duration of motor
17 vehicles, trailers, boats and outboard motors [subject to sales
18 taxes under this chapter] shall be [deemed to be consummated]
19 imposed at the rate in effect, unless the vehicle, trailer, boat
20 or motor has been registered and sales taxes have been paid prior
21 to the consummation of the lease agreement at the location of the
22 address of the lessee thereof on the date the lease is
23 consummated, and all applicable sales taxes levied by any
24 political subdivision shall be collected on such sales from the
25 purchaser or lessee by the state department of revenue on that
26 basis.

27 144.071. 1. In all cases where the purchaser of a motor
28 vehicle, trailer, boat or outboard motor rescinds the sale of

1 that motor vehicle, trailer, boat or outboard motor and receives
2 a refund of the purchase price and returns the motor vehicle,
3 trailer, boat or outboard motor to the seller within sixty
4 calendar days from the date of the sale, any [the sales or use]
5 tax paid to the department of revenue shall be refunded to the
6 purchaser upon proper application to the director of revenue.

7 2. In any rescission whereby a seller reacquires title to
8 the motor vehicle, trailer, boat or outboard motor sold by him
9 and the reacquisition is within sixty calendar days from the date
10 of the original sale, the person reacquiring the motor vehicle,
11 trailer, boat or outboard motor shall be entitled to a refund of
12 any [sales or use] tax paid as a result of the reacquisition of
13 the motor vehicle, trailer, boat or outboard motor, upon proper
14 application to the director of revenue.

15 3. Any city or county [sales or use] tax refunds shall be
16 deducted by the director of revenue from the next remittance made
17 to that city or county.

18 4. Each claim for refund must be made within one year after
19 payment of the tax on which the refund is claimed.

20 5. As used in this section, the term "boat" includes all
21 motorboats and vessels as the terms "motorboat" and "vessel" are
22 defined in section 306.010.

23 144.440. 1. [In addition to all other taxes now or
24 hereafter levied and imposed upon every person for the privilege
25 of using the highways or waterways of this state, there is hereby
26 levied and imposed a tax equivalent to four percent of the
27 purchase price, as defined in section 144.070, which is paid or
28 charged on new and used motor vehicles, trailers, boats, and

1 outboard motors purchased or acquired for use on the highways or
2 waters of this state which are required to be registered under
3 the laws of the state of Missouri.

4 2.] At the time the owner of any [such] motor vehicle,
5 trailer, boat, or outboard motor makes application to the
6 director of revenue for an official certificate of title and the
7 registration of the same as otherwise provided by law, he shall
8 present to the director of revenue evidence satisfactory to the
9 director showing the purchase price paid by or charged to the
10 applicant in the acquisition of the motor vehicle, trailer, boat,
11 or outboard motor, or that the motor vehicle, trailer, boat, or
12 outboard motor is not subject to the tax herein provided and, if
13 the motor vehicle, trailer, boat, or outboard motor is subject to
14 the tax herein provided, the applicant shall pay or cause to be
15 paid to the director of revenue the tax provided herein.

16 [3.] 2. In the event that the purchase price is unknown or
17 undisclosed, or that the evidence thereof is not satisfactory to
18 the director of revenue, the same shall be fixed by appraisement
19 by the director.

20 [4.] 3. No certificate of title shall be issued for such
21 motor vehicle, trailer, boat, or outboard motor unless the tax
22 for the privilege of using the highways or waters of this state
23 has been paid or the vehicle, trailer, boat, or outboard motor is
24 registered under the provisions of subsection 5 of this section.

25 [5.] 4. The owner of any motor vehicle, trailer, boat, or
26 outboard motor which is to be used exclusively for rental or
27 lease purposes may pay the tax due thereon required in section
28 144.020 at the time of registration or in lieu thereof may pay a

1 [use] sales tax as provided in sections 144.010, 144.020, 144.070
2 and 144.440. A [use] sales tax shall be charged and paid on the
3 amount charged for each rental or lease agreement while the motor
4 vehicle, trailer, boat, or outboard motor is domiciled in the
5 state. If the owner elects to pay upon each rental or lease, he
6 shall make an affidavit to that effect in such form as the
7 director of revenue shall require and shall remit the tax due at
8 such times as the director of revenue shall require.

9 [6.] 5. In the event that any leasing company which rents
10 or leases motor vehicles, trailers, boats, or outboard motors
11 elects to collect a [use] sales tax[,] all of its lease receipts
12 would be subject to the [use] sales tax[,] regardless of whether
13 or not the leasing company previously paid a sales tax when the
14 vehicle, trailer, boat, or outboard motor was originally
15 purchased.

16 [7.] 6. The provisions of this section, and the tax
17 imposed by this section, shall not apply to manufactured homes.

18 144.450. In order to avoid double taxation under the
19 provisions of sections 144.010 to 144.510, any person who
20 purchases a motor vehicle, trailer, manufactured home, boat, or
21 outboard motor in any other state and seeks to register or obtain
22 a certificate of title for it in this state shall be credited
23 with the amount of any sales tax or use tax shown to have been
24 previously paid by him on the purchase price of such motor
25 vehicle, trailer, boat, or outboard motor in such other state.
26 The tax imposed by subdivision (9) of subsection 1 of section
27 [144.440] 144.020 shall not apply:

28 (1) [To motor vehicles, trailers, boats, or outboard motors

1 on account of which the sales tax provided by sections 144.010 to
2 144.510 shall have been paid;

3 (2) To motor vehicles, trailers, boats, or outboard motors
4 brought into this state by a person moving any such vehicle,
5 trailer, boat, or outboard motor into Missouri from another state
6 who shall have registered and in good faith regularly operated
7 any such motor vehicle, trailer, boat, or outboard motor in such
8 other state at least ninety days prior to the time it is
9 registered in this state;

10 [(3)] (2) To motor vehicles, trailers, boats, or outboard
11 motors acquired by registered dealers for resale;

12 [(4)] (3) To motor vehicles, trailers, boats, or outboard
13 motors purchased, owned or used by any religious, charitable or
14 eleemosynary institution for use in the conduct of regular
15 religious, charitable or eleemosynary functions and activities;

16 [(5)] (4) To motor vehicles owned and used by religious
17 organizations in transferring pupils to and from schools
18 supported by such organization;

19 [(6)] (5) Where the motor vehicle, trailer, boat, or
20 outboard motor has been acquired by the applicant for a
21 certificate of title therefor by gift or under a will or by
22 inheritance, and the tax hereby imposed has been paid by the
23 donor or decedent;

24 [(7)] (6) To any motor vehicle, trailer, boat, or outboard
25 motor owned or used by the state of Missouri or any other
26 political subdivision thereof, or by an educational institution
27 supported by public funds; or

28 [(8)] (7) To farm tractors.

1 144.455. The tax imposed by subdivision (9) of subsection 1
2 of section [144.440] 144.020 on motor vehicles and trailers is
3 levied for the purpose of providing revenue to be used by this
4 state to defray in whole or in part the cost of constructing,
5 widening, reconstructing, maintaining, resurfacing and repairing
6 the public highways, roads and streets of this state, and the
7 cost and expenses incurred in the administration and enforcement
8 of subdivision (9) of subsection 1 of section 144.020 and
9 sections 144.440 to 144.455, and for no other purpose whatsoever,
10 and all revenue collected or received by the director of revenue
11 from the tax imposed by subdivision (9) of subsection 1 of
12 section [144.440] 144.020 on motor vehicles and trailers shall be
13 promptly deposited [in the state treasury to the credit of the
14 state highway department fund] as dictated by article IV, section
15 30(b) of the Constitution of Missouri.

16 144.525. Notwithstanding any other provision of law, the
17 amount of any state and local sales [or use] taxes due on the
18 purchase of a motor vehicle, trailer, boat or outboard motor
19 required to be registered under the provisions of sections
20 301.001 to 301.660 and sections 306.010 to 306.900 shall be
21 computed on the rate of such taxes in effect on the date the
22 purchaser submits application for a certificate of ownership to
23 the director of revenue; except that, in the case of a sale at
24 retail, of an outboard motor by a retail business which is not
25 required to be registered under the provisions of section
26 301.251, the amount of state and local [sales and use] taxes due
27 shall be computed on the rate of such taxes in effect as of the
28 calendar date of the retail sale.

1 144.610. 1. A tax is imposed for the privilege of storing,
2 using or consuming within this state any article of tangible
3 personal property, excluding motor vehicles, trailers,
4 motorcycles, mopeds, motortricycles, boats, and outboard motors
5 required to be titled under the laws of the state of Missouri and
6 subject to tax under subdivision (9) of subsection 1 of section
7 144.020, purchased on or after the effective date of sections
8 144.600 to 144.745 in an amount equivalent to the percentage
9 imposed on the sales price in the sales tax law in section
10 144.020. This tax does not apply with respect to the storage,
11 use or consumption of any article of tangible personal property
12 purchased, produced or manufactured outside this state until the
13 transportation of the article has finally come to rest within
14 this state or until the article has become commingled with the
15 general mass of property of this state.

16 2. Every person storing, using or consuming in this state
17 tangible personal property subject to the tax in subsection 1 of
18 this section is liable for the tax imposed by this law, and the
19 liability shall not be extinguished until the tax is paid to this
20 state, but a receipt from a vendor authorized by the director of
21 revenue under the rules and regulations that he prescribes to
22 collect the tax, given to the purchaser in accordance with the
23 provisions of section 144.650, relieves the purchaser from
24 further liability for the tax to which receipt refers.

25 3. Because this section no longer imposes a Missouri use
26 tax on the storage, use, or consumption of motor vehicles,
27 trailers, motorcycles, mopeds, motortricycles, boats, and
28 outboard motors required to be titled under the laws of the state

1 of Missouri, in that the state sales tax is now imposed on the
2 titling of such property, the local sales tax, rather than the
3 local use tax, applies.

4 144.613. Notwithstanding the provisions of section 144.655,
5 at the time the owner of any new or used boat or boat motor which
6 was acquired after December 31, 1979, in a transaction subject to
7 [use] tax under [the Missouri use tax law] this chapter makes
8 application to the director of revenue for the registration of
9 the boat or boat motor, he shall present to the director of
10 revenue evidence satisfactory to the director of revenue showing
11 the purchase price, exclusive of any charge incident to the
12 extension of credit, paid by or charged to the applicant in the
13 acquisition of the boat or boat motor, or that no sales or use
14 tax was incurred in its acquisition, and, if [sales or use] tax
15 was incurred in its acquisition, that the same has been paid, or
16 the applicant shall pay or cause to be paid to the director of
17 revenue the [use] tax provided by [the Missouri use tax law] this
18 chapter in addition to the registration fees now or hereafter
19 required according to law, and the director of revenue shall not
20 issue a registration for any new or used boat or boat motor
21 subject to [use] tax [as provided in the Missouri use tax law] in
22 this chapter until the tax levied for the use of the same under
23 [sections 144.600 to 144.748] this chapter has been paid.

24 144.615. There are specifically exempted from the taxes
25 levied in sections 144.600 to 144.745:

26 (1) Property, the storage, use or consumption of which this
27 state is prohibited from taxing pursuant to the constitution or
28 laws of the United States or of this state;

1 (2) Property, the gross receipts from the sale of which are
2 required to be included in the measure of the tax imposed
3 pursuant to the Missouri sales tax law;

4 (3) Tangible personal property, the sale or other transfer
5 of which, if made in this state, would be exempt from or not
6 subject to the Missouri sales tax pursuant to the provisions of
7 subsection 2 of section 144.030;

8 (4) Motor vehicles, trailers, boats, and outboard motors
9 subject to the tax imposed by section ~~[144.440]~~ 144.020;

10 (5) Tangible personal property which has been subjected to
11 a tax by any other state in this respect to its sales or use;
12 provided, if such tax is less than the tax imposed by sections
13 144.600 to 144.745, such property, if otherwise taxable, shall be
14 subject to a tax equal to the difference between such tax and the
15 tax imposed by sections 144.600 to 144.745;

16 (6) Tangible personal property held by processors,
17 retailers, importers, manufacturers, wholesalers, or jobbers
18 solely for resale in the regular course of business;

19 (7) Personal and household effects and farm machinery used
20 while an individual was a bona fide resident of another state and
21 who thereafter became a resident of this state, or tangible
22 personal property brought into the state by a nonresident for his
23 own storage, use or consumption while temporarily within the
24 state.

25 190.335. 1. In lieu of the tax levy authorized under
26 section 190.305 for emergency telephone services, the county
27 commission of any county may impose a county sales tax for the
28 provision of central dispatching of fire protection, including

1 law enforcement agencies, emergency ambulance service or any
2 other emergency services, including emergency telephone services,
3 which shall be collectively referred to herein as "emergency
4 services", and which may also include the purchase and
5 maintenance of communications and emergency equipment, including
6 the operational costs associated therein, in accordance with the
7 provisions of this section.

8 2. Such county commission may, by a majority vote of its
9 members, submit to the voters of the county, at a public
10 election, a proposal to authorize the county commission to impose
11 a tax under the provisions of this section. If the residents of
12 the county present a petition signed by a number of residents
13 equal to ten percent of those in the county who voted in the most
14 recent gubernatorial election, then the commission shall submit
15 such a proposal to the voters of the county.

16 3. The ballot of submission shall be in substantially the
17 following form:

18 Shall the county of
19 (insert name of county) impose a county sales tax of
20 (insert rate of percent) percent for the purpose of providing
21 central dispatching of fire protection, emergency ambulance
22 service, including emergency telephone services, and other
23 emergency services?

24 YES NO

25 If a majority of the votes cast on the proposal by the qualified
26 voters voting thereon are in favor of the proposal, then the
27 ordinance shall be in effect as provided herein. If a majority
28 of the votes cast by the qualified voters voting are opposed to

1 the proposal, then the county commission shall have no power to
2 impose the tax authorized by this section unless and until the
3 county commission shall again have submitted another proposal to
4 authorize the county commission to impose the tax under the
5 provisions of this section, and such proposal is approved by a
6 majority of the qualified voters voting thereon.

7 4. The sales tax may be imposed at a rate not to exceed one
8 percent on the receipts from the sale at retail of all tangible
9 personal property or taxable services at retail within any county
10 adopting such tax, if such property and services are subject to
11 taxation by the state of Missouri under the provisions of
12 sections 144.010 to 144.525. The sales tax shall not be
13 collected prior to thirty-six months before operation of the
14 central dispatching of emergency services.

15 5. Except as modified in this section, all provisions of
16 sections 32.085 and 32.087 shall apply to the tax imposed under
17 this section.

18 6. Any tax imposed pursuant to section 190.305 shall
19 terminate at the end of the tax year in which the tax imposed
20 pursuant to this section for emergency services is certified by
21 the board to be fully operational. Any revenues collected from
22 the tax authorized under section 190.305 shall be credited for
23 the purposes for which they were intended.

24 7. At least once each calendar year, the board shall
25 establish a tax rate, not to exceed the amount authorized, that
26 together with any surplus revenues carried forward will produce
27 sufficient revenues to fund the expenditures authorized by this
28 act. Amounts collected in excess of that necessary within a

1 given year shall be carried forward to subsequent years. The
2 board shall make its determination of such tax rate each year no
3 later than September first and shall fix the new rate which shall
4 be collected as provided in this act. Immediately upon making
5 its determination and fixing the rate, the board shall publish in
6 its minutes the new rate, and it shall notify every retailer by
7 mail of the new rate.

8 8. Immediately upon the affirmative vote of voters of such
9 a county on the ballot proposal to establish a county sales tax
10 pursuant to the provisions of this section, the county commission
11 shall appoint the initial members of a board to administer the
12 funds and oversee the provision of emergency services in the
13 county. Beginning with the general election in 1994, all board
14 members shall be elected according to this section and other
15 applicable laws of this state. At the time of the appointment of
16 the initial members of the board, the commission shall relinquish
17 and no longer exercise the duties prescribed in this chapter with
18 regard to the provision of emergency services and such duties
19 shall be exercised by the board.

20 9. The initial board shall consist of seven members
21 appointed without regard to political affiliation, who shall be
22 selected from, and who shall represent, the fire protection
23 districts, ambulance districts, sheriff's department,
24 municipalities, any other emergency services and the general
25 public. This initial board shall serve until its successor board
26 is duly elected and installed in office. The commission shall
27 ensure geographic representation of the county by appointing no
28 more than four members from each district of the county

1 commission.

2 10. Beginning in 1994, three members shall be elected from
3 each district of the county commission and one member shall be
4 elected at large, such member to be the chairman of the board.
5 Of those first elected, four members from districts of the county
6 commission shall be elected for terms of two years and two
7 members from districts of the county commission and the member at
8 large shall be elected for terms of four years. In 1996, and
9 thereafter, all terms of office shall be four years.

10 Notwithstanding any other provision of law, if there is no
11 candidate for an open position on the board, then no election
12 shall be held for that position and it shall be considered
13 vacant, to be filled pursuant to the provisions of section
14 190.339, and, if there is only one candidate for each open
15 position, no election shall be held and the candidate or
16 candidates shall assume office at the same time and in the same
17 manner as if elected.

18 11. Notwithstanding the provisions of subsections 8 to 10
19 of this section to the contrary, in any county of the first
20 classification with more than two hundred forty thousand three
21 hundred but fewer than two hundred forty thousand four hundred
22 inhabitants, any emergency telephone service 911 board appointed
23 by the county under section 190.309 which is in existence on the
24 date the voters approve a sales tax under this section shall
25 continue to exist and shall have the powers set forth under
26 section 190.339.

27 12. (1) Notwithstanding the provisions of subsections 8 to
28 10 of this section to the contrary, in any county of the second

1 classification with more than fifty-four thousand two hundred but
2 fewer than fifty-four thousand three hundred inhabitants or any
3 county of the first classification with more than fifty thousand
4 but fewer than seventy thousand inhabitants that has approved a
5 sales tax under this section, the county commission shall appoint
6 the members of the board to administer the funds and oversee the
7 provision of emergency services in the county.

8 (2) The board shall consist of seven members appointed
9 without regard to political affiliation. Except as provided in
10 subdivision (4) of this subsection, each member shall be one of
11 the following:

12 (a) The head of any of the county's fire protection
13 districts, or a designee;

14 (b) The head of any of the county's ambulance districts, or
15 a designee;

16 (c) The county sheriff, or a designee;

17 (d) The head of any of the police departments in the
18 county, or a designee; and

19 (e) The head of any of the county's emergency management
20 organizations, or a designee.

21 (3) Upon the appointment of the board under this
22 subsection, the board shall have the power provided in section
23 190.339 and shall exercise all powers and duties exercised by the
24 county commission under this chapter, and the commission shall
25 relinquish all powers and duties relating to the provision of
26 emergency services under this chapter to the board.

27 (4) In any county of the first classification with more
28 than fifty thousand but fewer than seventy thousand inhabitants,

1 each of the entities listed in subdivision (2) of this subsection
2 shall be represented on the board by at least one member.

3 473.730. 1. Every county in this state, [and] except the
4 city of St. Louis, shall elect a public administrator at the
5 general election in the year 1880, and every four years
6 thereafter, who shall be ex officio public guardian and
7 conservator in and for the public administrator's county. A
8 candidate for public administrator shall be at least twenty-one
9 years of age and a resident of the state of Missouri and the
10 county in which he or she is a candidate for at least one year
11 prior to the date of the general election for such office. The
12 candidate shall also be a registered voter and shall be current
13 in the payment of all personal and business taxes. Before
14 entering on the duties of the public administrator's office, the
15 public administrator shall take the oath required by the
16 constitution, and enter into bond to the state of Missouri in a
17 sum not less than ten thousand dollars, with two or more
18 securities, approved by the court and conditioned that the public
19 administrator will faithfully discharge all the duties of the
20 public administrator's office, which bond shall be given and oath
21 of office taken on or before the first day of January following
22 the public administrator's election, and it shall be the duty of
23 the judge of the court to require the public administrator to
24 make a statement annually, under oath, of the amount of property
25 in the public administrator's hands or under the public
26 administrator's control as such administrator, for the purpose of
27 ascertaining the amount of bond necessary to secure such
28 property; and such court may from time to time, as occasion shall

1 require, demand additional security of such administrator, and,
2 in default of giving the same within twenty days after such
3 demand, may remove the administrator and appoint another.

4 2. The public administrator in all counties, in the
5 performance of the duties required by chapters 473, 474, and 475,
6 is a public officer. The duties specified by section 475.120 are
7 discretionary. The county shall defend and indemnify the public
8 administrator against any alleged breach of duty, provided that
9 any such alleged breach of duty arose out of an act or omission
10 occurring within the scope of duty or employment.

11 3. After January 1, 2001, all salaried public
12 administrators shall be considered county officials for purposes
13 of section 50.333, subject to the minimum salary requirements set
14 forth in section 473.742.

15 4. The public administrator for the city of St. Louis shall
16 be appointed by a majority of the circuit judges and associate
17 circuit judges of the twenty-second judicial circuit, en banc.
18 Such public administrator shall meet the same qualifications and
19 requirements specified in subsection 1 of this section for
20 elected public administrators. The elected public administrator
21 holding office on the effective date of this section shall
22 continue to hold such office for the remainder of his or her
23 term.

24 473.733. The public administrator's certificate of
25 election, if applicable, official oath and bond shall be filed
26 and recorded with the probate clerk, and copies thereof,
27 certified under the seal of such court, shall be evidence. Any
28 person injured by the breach of such bond may sue upon the same

1 in the name of the state for his own use.

2 473.737. 1. Each public administrator elected or
3 appointed, as now or as hereafter provided for in sections
4 473.730 to 473.767, is hereby declared to be an officer for the
5 county in which such administrator is elected [and for the city
6 of St. Louis, if elected therein] or appointed. The county
7 commissions of each county in this state shall make suitable
8 provision for an office for the public administrator in the
9 courthouse of the county if suitable space may be had for such an
10 office, and shall be provided as soon as the county commission
11 shall be of the opinion that the business in charge of the public
12 administrator is such as to reasonably require a separate office
13 for the convenience of the public. The public administrator of
14 the city of St. Louis shall have suitable and convenient offices
15 provided for him or her in the civil courts building by that
16 city.

17 2. Each public administrator of a county, except a county
18 of the first classification having a charter form of government,
19 in which a state mental hospital is located, or any county of the
20 second classification which contains a habilitation center
21 operated by the department of mental health and which does not
22 adjoin a county of the first classification shall be entitled to
23 one secretary for one hundred cases or more handled by the office
24 of the public administrator in the immediately preceding calendar
25 year. Each secretary employed pursuant to the provisions of this
26 subsection shall be paid in the same pay range as a court clerk
27 II in the circuit court personnel system. All compensation paid
28 secretaries employed pursuant to the provisions of this

1 subsection shall be paid out of the county treasury and the
2 commissioner of administration shall annually reimburse each
3 county for the compensation so paid upon proper demand being made
4 out of appropriations made for that purpose. The public
5 administrator in such counties may also appoint a person to act
6 as public administrator to serve during the absence of the public
7 administrator.

8 3. The governing bodies of each county and each city not
9 within a county of this state may provide clerical personnel, not
10 qualifying as status of deputy, for the public administrator of
11 the county, and such personnel shall be provided when the
12 governing body is of the opinion that the business in charge of
13 the public administrator is such as to reasonably require such
14 personnel for the welfare of the public.

15 Section 1. Notwithstanding the provisions of section 1.140
16 to the contrary, the provisions of sections 32.087, 144.020,
17 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525,
18 144.610, 144.613, and 144.615, as amended by this act, shall be
19 nonseverable, and if any provision is for any reason held to be
20 invalid, such decision shall invalidate all of the remaining
21 provisions of section 32.087, 144.020, 144.021, 144.069, 144.071,
22 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and
23 144.615, as amended by this act.

24 Section B. The repeal and reenactment of sections 115.121,
25 115.341, and 115.349 shall become effective on January 1, 2016.

26 Section C. Because of the need to ensure local hospitals
27 can continue the purpose of providing the best care and treatment
28 of the sick, disabled, and infirm persons as decided on by the

1 people in the affected community and because of the detrimental
2 impact that lost local revenues has had on the domestic economy
3 by placing Missouri dealers of motor vehicles, outboard motors,
4 boats and trailers at a competitive disadvantage to non-Missouri
5 dealers of motor vehicles, outboard motors, boats and trailers,
6 the repeal and reenactment of sections 32.087, 144.020, 144.021,
7 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610,
8 144.613, and 144.615 and the enactment of sections 96.229 and 1
9 of this act is deemed necessary for the immediate preservation of
10 the public health, welfare, peace and safety, and is hereby
11 declared to be an emergency act within the meaning of the
12 constitution, repeal and reenactment of sections 32.087, 144.020,
13 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525,
14 144.610, 144.613, and 144.615 and the enactment of sections
15 96.229 and 1 of this act shall be in full force and effect upon
16 its passage and approval.