

FIRST REGULAR SESSION

SENATE BILL NO. 386

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LeVOTA.

Read 1st time February 26, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1529S.03I

AN ACT

To repeal sections 115.017, 115.021, 115.027, 115.029, 115.353, and 115.607, RSMo, and to enact in lieu thereof six new sections relating to elections.

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

Section A. Sections 115.017, 115.021, 115.027, 115.029, 115.353, and
2 115.607, RSMo, are repealed and six new sections enacted in lieu thereof, to be
3 known as sections 115.017, 115.021, 115.027, 115.029, 115.353, and 115.607, to
4 read as follows:

115.017. There shall be a board of election commissioners:

2 (1) In each county which has or hereafter has over nine hundred thousand
3 inhabitants;

4 (2) In each city not situated in a county;

5 (3) [In each city which has over three hundred thousand inhabitants on
6 January 1, 1978, and is situated in more than one county;

7 (4)] In each county of the first classification containing any part of a city
8 which has over three hundred thousand inhabitants; provided that the county
9 commission of a county which becomes a county of the first classification after
10 December 31, 1998, may, prior to such date, adopt an order retaining the county
11 clerk as the election authority. The county may subsequently establish a board
12 of election commissioners as provided in subdivision [(5)] (4) of this section;

13 [(5)] (4) In each county of the first class which elects to have such a
14 board through procedures provided in section 115.019.

115.021. 1. [In each city which has over three hundred thousand
2 inhabitants on January 1, 1978, and is situated in more than one county, the
3 board of election commissioners for the city shall have jurisdiction in that part

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

4 of the city situated in the county containing the major portion of the city.

5 2. In each county of the first class containing the major portion of a city
6 which has over three hundred thousand inhabitants, the board of election
7 commissioners shall have jurisdiction in that part of the county outside the city.

8 3.] In each city not situated in a county, the board of election
9 commissioners shall have jurisdiction throughout the city.

10 [4.] 2. In all other counties, the election authority shall have jurisdiction
11 throughout the county.

12 **3. In each county with a charter form of government and with**
13 **more than six hundred thousand but fewer than seven hundred**
14 **thousand inhabitants and the portion of a home rule city with more**
15 **than four hundred thousand inhabitants and located in more than one**
16 **county, that is located in such county with a charter form of**
17 **government, the board of election commissioners shall have jurisdiction**
18 **throughout such area.**

 115.027. 1. Each board of election commissioners shall be composed of
2 four members, appointed by the governor with the advice and consent of the
3 senate. Two commissioners on each board shall be members of one major political
4 party, and two commissioners on each board shall be members of the other major
5 political party. In no case shall more than two commissioners on a board be
6 members of the same political party. When appointing commissioners, the
7 governor shall designate one commissioner on each board to be chairman of the
8 board and one commissioner on each board to be secretary of the board. The
9 chairman and secretary of a board shall not be members of the same political
10 party.

11 2. In jurisdictions with boards of election commissioners as the election
12 authority, the governor may appoint to the board one representative from each
13 established political party. The representative shall not be a member of the
14 board for purposes of subsection 1 of this section. The state chair of each
15 established political party shall submit a list of no more than four names from
16 which the governor shall select the representative for that party. The
17 representative shall not have voting status, and shall not be compensated, but
18 shall be allowed to participate in discussions and be informed of any meeting of
19 the board.

20 **3. Notwithstanding the provisions of subsection 1 of this section**
21 **to the contrary, in each county with a charter form of government and**

22 **with more than six hundred thousand but fewer than seven hundred**
23 **thousand inhabitants and the portion of a home rule city with more**
24 **than four hundred thousand inhabitants and located in more than one**
25 **county, that is located in such county with a charter form of**
26 **government, the board of election commissioners shall be composed of**
27 **the chairperson and vice chairperson of each of the following board of**
28 **election commissioners holding office at the time of the enactment of**
29 **this subsection until such commissioners are appointed pursuant to**
30 **subsection 1 of section 115.029:**

31 **(1) The board of election commissioners that, at the time of the**
32 **enactment of this subsection, has jurisdiction in the part of a home rule**
33 **city with more than four hundred thousand inhabitants and located in**
34 **more than one county that is situated in the county containing the**
35 **major portion of the city; and**

36 **(2) The board of election commissioners that, at the time of the**
37 **enactment of this section, has jurisdiction in the part of a county with**
38 **a charter form of government and with more than six hundred**
39 **thousand but fewer than seven hundred thousand inhabitants that is**
40 **located outside of the city referenced in subdivision (1) of this**
41 **subsection.**

115.029. 1. In each county [of the first class containing the major portion
2 of a city which has more than three hundred thousand inhabitants] **with a**
3 **charter form of government and with more than six hundred thousand**
4 **but fewer than seven hundred thousand inhabitants and the portion of**
5 **a home rule city with more than four hundred thousand inhabitants**
6 **and located in more than one county, that is located in such county**
7 **with a charter form of government,** each election commissioner shall be
8 appointed [on April 21, 1982,] for a term of four years and until his successor is
9 appointed, confirmed and sworn. Successors shall be appointed in like manner
10 for a term of four years and until their successors are appointed, confirmed and
11 sworn.

12 2. In each county containing a portion but not the major portion of a city
13 which has more than three hundred thousand inhabitants, each election
14 commissioner shall be appointed on June 15, 1981, for a term of four years and
15 until his successor is appointed, confirmed and sworn. Successors shall be
16 appointed in like manner for a term of four years and until their successors are
17 appointed, confirmed and sworn. The first two election commissioners appointed

18 after May 10, 1994, shall be appointed for terms of two years and until their
19 successors are appointed, confirmed and sworn. One of those appointed to a
20 two-year term shall be a member of one major political party and one shall be a
21 member of the other major political party.

22 The next two election commissioners appointed, and all successors, shall be
23 appointed for terms of four years and until their successors are appointed,
24 confirmed and sworn.

25 3. In all other cities and counties which have or hereafter have a board
26 of election commissioners, each commissioner's term of office shall coincide with
27 the term of the governor who appoints him and until the commissioner's successor
28 is appointed, confirmed and sworn.

115.353. All declarations of candidacy shall be filed as follows:

2 (1) For presidential elector, United States senator, representative in
3 Congress, statewide office, circuit judge not subject to the provisions of article V,
4 section 25 of the Missouri Constitution, state senator and state representative,
5 in the office of the secretary of state;

6 (2) For all county offices which for the purpose of election procedures shall
7 include associate circuit judges not subject to the provisions of article V, section
8 25 of the Missouri Constitution, in the office of the county election authority;

9 (3) For all county offices, in the office of the county election authority. In
10 any county in which there [are two boards] **is a board** of election commissioners,
11 the [county clerk] **board of elections** shall be deemed to be the election
12 authority for purposes of this section.

115.607. 1. No person shall be elected or shall serve as a member of a
2 county committee who is not, for one year next before the person's election, both
3 a registered voter of and a resident of the county and the committee district from
4 which the person is elected if such district shall have been so long established,
5 and if not, then of the district or districts from which the same shall have been
6 taken. **No person who is an employee of a county or has any contractual**
7 **relationship with such county shall be elected to, or serve on, the**
8 **county committee of such county unless such election or**
9 **commencement of service occurs on or before November 4, 2013.** Except
10 as provided in subsections 2, 3, 4, 5, and 6 of this section, the membership of a
11 county committee of each established political party shall consist of a man and
12 a woman elected from each township or ward in the county.

13 2. In each county of the first classification containing the major portion

14 of a city which has over three hundred thousand inhabitants, two members of the
15 committee, a man and a woman, shall be elected from each ward in the city. Any
16 township entirely contained in the city shall have no additional representation
17 on the county committee. The election authority for the county shall, not later
18 than six months after the decennial census has been reported to the President of
19 the United States, divide the most populous township outside the city into eight
20 subdistricts of contiguous and compact territory and as nearly equal in population
21 as practicable. The subdistricts shall be numbered from one upward
22 consecutively, which numbers shall, insofar as practicable, be retained upon
23 reapportionment. Two members of the county committee, a man and a woman,
24 shall be elected from each such subdistrict. Six members of the committee, three
25 men and three women, shall be elected from the second and third most populous
26 townships outside the city. Four members of the committee, two men and two
27 women, shall be elected from the other townships outside the city.

28 3. In any city which has over three hundred thousand inhabitants, the
29 major portion of which is located in a county with a charter form of government,
30 for the portion of the city located within such county and notwithstanding section
31 82.110, it shall be the duty of the election authority, not later than six months
32 after the decennial census has been reported to the President of the United
33 States, to divide such cities into not less than twenty-four nor more than
34 twenty-five wards after each decennial census. Wards shall be so divided that the
35 number of inhabitants in any ward shall not exceed any other ward of the city
36 and within the same county, by more than five percent, measured by the number
37 of the inhabitants determined at the preceding decennial census.

38 4. In each county of the first classification containing a portion, but not
39 the major portion, of a city which has over three hundred thousand inhabitants,
40 ten members of the committee, five men and five women, shall be elected from the
41 district of each state representative wholly contained in the county in the
42 following manner: within six months after each legislative reapportionment, the
43 election authority shall divide each legislative district wholly contained in the
44 county into five committee districts of contiguous territory as compact and as
45 nearly equal in population as may be; two members of the committee, a man and
46 a woman, shall be elected from each committee district. The election authority
47 shall divide the area of the county located within legislative districts not wholly
48 contained in the county into similar committee districts; two members of the
49 committee, a man and a woman, shall be elected from each committee district.

50 5. In each city not situated in a county, two members of the committee,
51 a man and a woman, shall be elected from each ward.

52 6. In all counties with a charter form of government and a population of
53 over nine hundred thousand inhabitants, the county committee persons shall be
54 elected from each township. Within ninety days after August 28, 2002, and
55 within six months after each decennial census has been reported to the President
56 of the United States, the election authority shall divide the county into
57 twenty-eight compact and contiguous townships containing populations as nearly
58 equal in population to each other as is practical.

59 7. If any election authority has failed to adopt a reapportionment plan by
60 the deadline set forth in this section, the county commission, sitting as a
61 reapportionment commission, shall within sixty days after the deadline, adopt a
62 reapportionment plan. Changes of township, ward, or precinct lines shall not
63 affect the terms of office of incumbent party committee members elected from
64 districts as constituted at the time of their election.

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Bill

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