

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

SENATE BILL NO. 99

97TH GENERAL ASSEMBLY

2013

0160H.02T

AN ACT

To repeal sections 11.010, 32.087, 77.030, 78.090, 79.070, 94.270, 115.003, 115.005, 115.007, 115.249, 115.259, 115.281, 115.299, 115.300, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.493, 115.601, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, 144.615, 473.730, 473.733, and 473.737, RSMo, and section 77.030 as truly agreed to and finally passed by house bill no. 163, ninety-seventh general assembly, first regular session, and to enact in lieu thereof forty-two new sections relating to elections, with an emergency clause for certain sections.

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

Section A. Sections 11.010, 32.087, 77.030, 78.090, 79.070, 94.270, 115.003, 115.005, 115.007, 115.249, 115.259, 115.281, 115.299, 115.300, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.493, 115.601, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, 144.615, 473.730, 473.733, and 473.737, RSMo, and section 77.030 as truly agreed to and finally passed by house bill no. 163, ninety-seventh general assembly, first regular session, are repealed and forty-two new sections enacted in lieu thereof, to be known as sections 11.010, 11.025, 32.087, 67.1009, 77.030, 78.090, 79.070, 94.270, 115.003, 115.005, 115.007, 115.249, 115.259, 115.281, 115.299, 115.300, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.493, 115.601, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, 144.615, 473.730, 473.733, 473.737, and 1 to read as follows:

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

11.010. The official manual, commonly known as the "Blue Book",
2 compiled and electronically published by the secretary of state on its official
3 website is the official manual of this state, and it is unlawful for any officer or
4 employee of this state **except the secretary of state or a designated**
5 **employee of the secretary of state**, or any board, or department or any officer
6 or employee thereof, to cause to be printed, at state expense, any duplication or
7 rearrangement of any part of the manual. It is also unlawful for the secretary of
8 state to publish, or permit to be published in the manual any duplication, or
9 rearrangement of any part of any report, or other document, required to be
10 printed at the expense of the state which has been submitted to and rejected by
11 him or her as not suitable for publication in the manual.

11.025. Notwithstanding any other provision of law, the secretary
2 **of state may enter into an agreement directly with a nonprofit**
3 **organization for such nonprofit organization to print and distribute**
4 **copies of the official manual. The secretary of state shall provide to the**
5 **organization the electronic version of the official manual prepared and**
6 **published under this chapter. The nonprofit organization shall charge**
7 **a fee for a copy of the official manual to cover the cost of production**
8 **and distribution.**

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

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

12 3. Every retailer within the jurisdiction of one or more taxing entities
13 which has imposed one or more local sales taxes under the local sales tax law
14 shall add all taxes so imposed along with the tax imposed by the sales tax law of
15 the state of Missouri to the sale price and, when added, the combined tax shall
16 constitute a part of the price, and shall be a debt of the purchaser to the retailer
17 until paid, and shall be recoverable at law in the same manner as the purchase

18 price. The combined rate of the state sales tax and all local sales taxes shall be
19 the sum of the rates, multiplying the combined rate times the amount of the sale.

20 4. The brackets required to be established by the director of revenue
21 under the provisions of section 144.285 shall be based upon the sum of the
22 combined rate of the state sales tax and all local sales taxes imposed under the
23 provisions of the local sales tax law.

24 5. (1) The ordinance or order imposing a local sales tax under the local
25 sales tax law shall impose a tax upon all [sellers a tax for the privilege of
26 engaging in the business of selling tangible personal property or rendering
27 taxable services at retail] **transactions upon which the Missouri state sales**
28 **tax is imposed** to the extent and in the manner provided in sections 144.010 to
29 144.525, and the rules and regulations of the director of revenue issued pursuant
30 thereto; except that the rate of the tax shall be the sum of the combined rate of
31 the state sales tax or state highway use tax and all local sales taxes imposed
32 under the provisions of the local sales tax law.

33 (2) **Notwithstanding any other provision of law to the contrary,**
34 **local taxing jurisdictions, except those in which voters have previously**
35 **approved a local use tax under section 144.757, shall have placed on the**
36 **ballot on or after the general election in November 2014, but no later**
37 **than the general election in November 2016, whether to repeal**
38 **application of the local sales tax to the titling of motor vehicles,**
39 **trailers, boats, and outboard motors that are subject to state sales tax**
40 **under section 144.020 and purchased from a source other than a**
41 **licensed Missouri dealer. The ballot question presented to the local**
42 **voters shall contain substantially the following language:**

43 Shall the (local jurisdiction's name) discontinue
44 applying and collecting the local sales tax on the titling of motor
45 vehicles, trailers, boats, and outboard motors that were purchased from
46 a source other than a licensed Missouri dealer? Approval of this
47 measure will result in a reduction of local revenue to provide for vital
48 services for (local jurisdiction's name) and it will place
49 Missouri dealers of motor vehicles, outboard motors, boats, and trailers
50 at a competitive disadvantage to non-Missouri dealers of motor
51 vehicles, outboard motors, boats, and trailers.

52 YES NO

53 If you are in favor of the question, place an "X" in the box opposite

54 **"YES". If you are opposed to the question, place an "X" in the box**
55 **opposite "NO".**

56 **(3) If the ballot question set forth in subdivision (2) of this**
57 **subsection receives a majority of the votes cast in favor of the proposal,**
58 **or if the local taxing jurisdiction fails to place the ballot question**
59 **before the voters on or before the general election in November 2016,**
60 **the local taxing jurisdiction shall cease applying the local sales tax to**
61 **the titling of motor vehicles, trailers, boats, and outboard motors that**
62 **were purchased from a source other than a licensed Missouri dealer.**

63 **(4) In addition to the requirement that the ballot question set**
64 **forth in subdivision (2) of this subsection be placed before the voters,**
65 **the governing body of any local taxing jurisdiction that had previously**
66 **imposed a local use tax on the use of motor vehicles, trailers, boats, and**
67 **outboard motors may, at any time, place a proposal on the ballot at any**
68 **election to repeal application of the local sales tax to the titling of**
69 **motor vehicles, trailers, boats, and outboard motors purchased from a**
70 **source other than a licensed Missouri dealer. If a majority of the votes**
71 **cast by the registered voters voting thereon are in favor of the proposal**
72 **to repeal application of the local sales tax to such titling, then the local**
73 **sales tax shall no longer be applied to the titling of motor vehicles,**
74 **trailers, boats, and outboard motors purchased from a source other**
75 **than a licensed Missouri dealer. If a majority of the votes cast by the**
76 **registered voters voting thereon are opposed to the proposal to repeal**
77 **application of the local sales tax to such titling, such application shall**
78 **remain in effect.**

79 **(5) In addition to the requirement that the ballot question set**
80 **forth in subdivision (2) of this subsection be placed before the voters**
81 **on or after the general election in November 2014, and on or before the**
82 **general election in November 2016, whenever the governing body of any**
83 **local taxing jurisdiction imposing a local sales tax on the sale of motor**
84 **vehicles, trailers, boats, and outboard motors receives a petition, signed**
85 **by fifteen percent of the registered voters of such jurisdiction voting**
86 **in the last gubernatorial election, calling for a proposal to be placed on**
87 **the ballot at any election to repeal application of the local sales tax to**
88 **the titling of motor vehicles, trailers, boats, and outboard motors**
89 **purchased from a source other than a licensed Missouri dealer, the**
90 **governing body shall submit to the voters of such jurisdiction a**

91 **proposal to repeal application of the local sales tax to such titling. If**
92 **a majority of the votes cast by the registered voters voting thereon are**
93 **in favor of the proposal to repeal application of the local sales tax to**
94 **such titling, then the local sales tax shall no longer be applied to the**
95 **titling of motor vehicles, trailers, boats, and outboard motors**
96 **purchased from a source other than a licensed Missouri dealer. If a**
97 **majority of the votes cast by the registered voters voting thereon are**
98 **opposed to the proposal to repeal application of the local sales tax to**
99 **such titling, such application shall remain in effect.**

100 **(6) Nothing in this subsection shall be construed to authorize the**
101 **voters of any jurisdiction to repeal application of any state sales or use**
102 **tax.**

103 **(7) If any local sales tax on the titling of motor vehicles, trailers,**
104 **boats, and outboard motors purchased from a source other than a**
105 **licensed Missouri dealer is repealed, such repeal shall take effect on**
106 **the first day of the second calendar quarter after the election. If any**
107 **local sales tax on the titling of motor vehicles, trailers, boats, and**
108 **outboard motors purchased from a source other than a licensed**
109 **Missouri dealer is required to cease to be applied or collected due to**
110 **failure of a local taxing jurisdiction to hold an election pursuant to**
111 **subdivision (2) of this subsection, such cessation shall take effect on**
112 **March 1, 2017.**

113 6. On and after the effective date of any local sales tax imposed under the
114 provisions of the local sales tax law, the director of revenue shall perform all
115 functions incident to the administration, collection, enforcement, and operation
116 of the tax, and the director of revenue shall collect in addition to the sales tax for
117 the state of Missouri all additional local sales taxes authorized under the
118 authority of the local sales tax law. All local sales taxes imposed under the local
119 sales tax law together with all taxes imposed under the sales tax law of the state
120 of Missouri shall be collected together and reported upon such forms and under
121 such administrative rules and regulations as may be prescribed by the director
122 of revenue.

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

127 8. All exemptions granted to agencies of government, organizations,
128 persons and to the sale of certain articles and items of tangible personal property
129 and taxable services under the provisions of sections 144.010 to 144.525, as these
130 sections now read and as they may hereafter be amended, it being the intent of
131 this general assembly to ensure that the same sales tax exemptions granted from
132 the state sales tax law also be granted under the local sales tax law, are hereby
133 made applicable to the imposition and collection of all local sales taxes imposed
134 under the local sales tax law.

135 9. The same sales tax permit, exemption certificate and retail certificate
136 required by sections 144.010 to 144.525 for the administration and collection of
137 the state sales tax shall satisfy the requirements of the local sales tax law, and
138 no additional permit or exemption certificate or retail certificate shall be
139 required; except that the director of revenue may prescribe a form of exemption
140 certificate for an exemption from any local sales tax imposed by the local sales tax
141 law.

142 10. All discounts allowed the retailer under the provisions of the state
143 sales tax law for the collection of and for payment of taxes under the provisions
144 of the state sales tax law are hereby allowed and made applicable to any local
145 sales tax collected under the provisions of the local sales tax law.

146 11. The penalties provided in section 32.057 and sections 144.010 to
147 144.525 for a violation of the provisions of those sections are hereby made
148 applicable to violations of the provisions of the local sales tax law.

149 12. (1) For the purposes of any local sales tax imposed by an ordinance
150 or order under the local sales tax law, all sales, except the sale of motor vehicles,
151 trailers, boats, and outboard motors **required to be titled under the laws of**
152 **the state of Missouri**, shall be deemed to be consummated at the place of
153 business of the retailer unless the tangible personal property sold is delivered by
154 the retailer or his agent to an out-of-state destination. In the event a retailer has
155 more than one place of business in this state which participates in the sale, the
156 sale shall be deemed to be consummated at the place of business of the retailer
157 where the initial order for the tangible personal property is taken, even though
158 the order must be forwarded elsewhere for acceptance, approval of credit,
159 shipment or billing. A sale by a retailer's agent or employee shall be deemed to
160 be consummated at the place of business from which he works.

161 (2) For the purposes of any local sales tax imposed by an ordinance or
162 order under the local sales tax law, **the sales tax upon the titling of all [sales**

163 of] motor vehicles, trailers, boats, and outboard motors shall be [deemed to be
164 consummated] **imposed** at the **rate in effect at the location of the** residence
165 of the purchaser and not at the place of business of the retailer, or the place of
166 business from which the retailer's agent or employee works.

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

172 13. Local sales taxes [imposed pursuant to the local sales tax law] **shall**
173 **not be imposed on the seller** [on the purchase and sale] of motor vehicles,
174 trailers, boats, and outboard motors [shall not be collected and remitted by the
175 seller,] **required to be titled under the laws of the state of Missouri**, but
176 shall be collected **from the purchaser** by the director of revenue at the time
177 application is made for a certificate of title, if the address of the applicant is
178 within a taxing entity imposing a local sales tax under the local sales tax law.

179 14. The director of revenue and any of his deputies, assistants and
180 employees who have any duties or responsibilities in connection with the
181 collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting,
182 or recording of funds which come into the hands of the director of revenue under
183 the provisions of the local sales tax law shall enter a surety bond or bonds
184 payable to any and all taxing entities in whose behalf such funds have been
185 collected under the local sales tax law in the amount of one hundred thousand
186 dollars for each such tax; but the director of revenue may enter into a blanket
187 bond covering himself and all such deputies, assistants and employees. The cost
188 of any premium for such bonds shall be paid by the director of revenue from the
189 share of the collections under the sales tax law retained by the director of
190 revenue for the benefit of the state.

191 15. The director of revenue shall annually report on his management of
192 each trust fund which is created under the local sales tax law and administration
193 of each local sales tax imposed under the local sales tax law. He shall provide
194 each taxing entity imposing one or more local sales taxes authorized by the local
195 sales tax law with a detailed accounting of the source of all funds received by him
196 for the taxing entity. Notwithstanding any other provisions of law, the state
197 auditor shall annually audit each trust fund. A copy of the director's report and
198 annual audit shall be forwarded to each taxing entity imposing one or more local

199 sales taxes.

200 16. Within the boundaries of any taxing entity where one or more local
201 sales taxes have been imposed, if any person is delinquent in the payment of the
202 amount required to be paid by him under the local sales tax law or in the event
203 a determination has been made against him for taxes and penalty under the local
204 sales tax law, the limitation for bringing suit for the collection of the delinquent
205 tax and penalty shall be the same as that provided in sections 144.010 to
206 144.525. Where the director of revenue has determined that suit must be filed
207 against any person for the collection of delinquent taxes due the state under the
208 state sales tax law, and where such person is also delinquent in payment of taxes
209 under the local sales tax law, the director of revenue shall notify the taxing entity
210 in the event any person fails or refuses to pay the amount of any local sales tax
211 due so that appropriate action may be taken by the taxing entity.

212 17. Where property is seized by the director of revenue under the
213 provisions of any law authorizing seizure of the property of a taxpayer who is
214 delinquent in payment of the tax imposed by the state sales tax law, and where
215 such taxpayer is also delinquent in payment of any tax imposed by the local sales
216 tax law, the director of revenue shall permit the taxing entity to join in any sale
217 of property to pay the delinquent taxes and penalties due the state and to the
218 taxing entity under the local sales tax law. The proceeds from such sale shall
219 first be applied to all sums due the state, and the remainder, if any, shall be
220 applied to all sums due such taxing entity.

221 18. If a local sales tax has been in effect for at least one year under the
222 provisions of the local sales tax law and voters approve reimposition of the same
223 local sales tax at the same rate at an election as provided for in the local sales
224 tax law prior to the date such tax is due to expire, the tax so reimposed shall
225 become effective the first day of the first calendar quarter after the director
226 receives a certified copy of the ordinance, order or resolution accompanied by a
227 map clearly showing the boundaries thereof and the results of such election,
228 provided that such ordinance, order or resolution and all necessary accompanying
229 materials are received by the director at least thirty days prior to the expiration
230 of such tax. Any administrative cost or expense incurred by the state as a result
231 of the provisions of this subsection shall be paid by the city or county reimposing
232 such tax.

67.1009. 1. The governing body of the following cities may impose
2 **a tax as provided in this section:**

3 (1) Any city of the fourth classification with more than eight
4 hundred thirty but fewer than nine hundred inhabitants and located in any
5 county with a charter form of government and with more than nine
6 hundred fifty thousand inhabitants;

7 (2) Any city of the fourth classification with more than four
8 thousand fifty but fewer than four thousand two hundred inhabitants and
9 located in any county with a charter form of government and with more
10 than nine hundred fifty thousand inhabitants.

11 2. The governing body of any city listed in subsection 1 of this
12 section may impose a tax on the charges for all sleeping rooms paid by the
13 transient guests of hotels or motels situated in the city, which shall be not
14 more than six tenths of one percent per occupied room per night, except
15 that such tax shall not become effective unless the governing body of the
16 city or county submits to the voters of the city or county at a state general
17 or primary election a proposal to authorize the governing body of the city
18 to impose a tax pursuant to this section. The tax authorized by this section
19 shall be in addition to the charge for the sleeping room and shall be in
20 addition to any and all taxes imposed by law. Such tax shall be stated
21 separately from all other charges and taxes.

22 3. The ballot of submission for any tax authorized in this section
23 shall be in substantially the following form:

24 Shall (insert the name of the city) impose a tax on the charges for all
25 sleeping rooms paid by the transient guests of hotels and motels situated
26 in (name of city) at a rate of (insert rate of percent up to six tenths of one
27 percent)?

28 YES NO

29 If a majority of the votes cast on the question by the qualified voters voting
30 thereon are in favor of the question, then the tax shall become effective on
31 the first day of the second calendar quarter following the calendar quarter
32 in which the election was held. If a majority of the votes cast on the
33 question by the qualified voters voting thereon are opposed to the question,
34 then the tax shall not become effective unless and until the question is
35 resubmitted under this section to the qualified voters and such question is
36 approved by a majority of the qualified voters voting on the question.

37 4. As used in this section, "transient guests" means a person or
38 persons who occupy a room or rooms in a hotel or motel for thirty-one days
39 or less during any calendar quarter.

77.030. 1. Unless it elects to be governed by subsection 2 of this section,

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

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

20 **3. (1) Council members may serve four-year terms if the two-**
 21 **year terms provided under subsection 1 or 2 of this section have been**
 22 **extended to four years by approval of a majority of the voters voting on**
 23 **the proposal.**

24 **(2) The ballot of submission shall be in substantially the**
 25 **following form:**

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

29 **YES** **NO**

30 **(3) If a majority of the voters voting approve the proposal**
 31 **authorized in this subsection, the members of council who would serve**
 32 **two years under subsections 1 and 2 of this section shall be elected to**
 33 **four-year terms beginning with any election occurring after approval**
 34 **of the ballot question.**

78.090. 1. Candidates to be voted for at all general municipal elections
 2 at which a mayor and councilmen are to be elected under the provisions of
 3 sections 78.010 to [78.420] **78.400** shall be nominated by a primary election,

4 **except as provided in this section**, and no other names shall be placed upon
5 the general ballot except those selected in the manner herein prescribed. The
6 primary election for such nomination shall be held on the first Tuesday after the
7 first Monday in February preceding the municipal election.

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

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

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

79.070. No person shall be an alderman unless he or she is at least
2 [twenty-one] **eighteen** years of age, a citizen of the United States, and an
3 inhabitant and resident of the city for one year next preceding his or her election,
4 and a resident, at the time he or she files and during the time he or she serves,
5 of the ward from which he or she is elected.

94.270. 1. The mayor and board of aldermen shall have power and
2 authority to regulate and to license and to levy and collect a license tax on
3 auctioneers, druggists, hawkers, peddlers, banks, brokers, pawnbrokers,
4 merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns,
5 hotels, public boardinghouses, billiard and pool tables and other tables, bowling

6 alleys, lumber dealers, real estate agents, loan companies, loan agents, public
7 buildings, public halls, opera houses, concerts, photographers, bill posters, artists,
8 agents, porters, public lecturers, public meetings, circuses and shows, for parades
9 and exhibitions, moving picture shows, horse or cattle dealers, patent right
10 dealers, stockyards, inspectors, gaugers, mercantile agents, gas companies,
11 insurance companies, insurance agents, express companies, and express agents,
12 telegraph companies, light, power and water companies, telephone companies,
13 manufacturing and other corporations or institutions, automobile agencies, and
14 dealers, public garages, automobile repair shops or both combined, dealers in
15 automobile accessories, gasoline filling stations, soft drink stands, ice cream
16 stands, ice cream and soft drink stands combined, soda fountains, street railroad
17 cars, omnibuses, drays, transfer and all other vehicles, traveling and auction
18 stores, plumbers, and all other business, trades and avocations whatsoever, and
19 fix the rate of carriage of persons, drayage and cartage of property; and to license,
20 tax, regulate and suppress ordinaries, money brokers, money changers,
21 intelligence and employment offices and agencies, public masquerades, balls,
22 street exhibitions, dance houses, fortune tellers, pistol galleries, corn doctors,
23 private venereal hospitals, museums, menageries, equestrian performances,
24 horoscopic views, telescopic views, lung testers, muscle developers, magnifying
25 glasses, ten pin alleys, ball alleys, billiard tables, pool tables and other tables,
26 theatrical or other exhibitions, boxing and sparring exhibitions, shows and
27 amusements, tippling houses, and sales of unclaimed goods by express companies
28 or common carriers, auto wrecking shops and junk dealers; to license, tax and
29 regulate hackmen, draymen, omnibus drivers, porters and all others pursuing like
30 occupations, with or without vehicles, and to prescribe their compensation; and
31 to regulate, license and restrain runners for steamboats, cars, and public houses;
32 and to license ferries, and to regulate the same and the landing thereof within
33 the limits of the city, and to license and tax auto liveries, auto drays and jitneys.

34 2. Notwithstanding any other law to the contrary, no city of the fourth
35 classification with more than eight hundred but less than nine hundred
36 inhabitants and located in any county with a charter form of government and
37 with more than one million inhabitants shall levy or collect a license fee on hotels
38 or motels in an amount in excess of twenty-seven dollars per room per year. No
39 hotel or motel in such city shall be required to pay a license fee in excess of such
40 amount, and any license fee in such city that exceeds the limitations of this
41 subsection shall be automatically reduced to comply with this subsection.

42 3. Notwithstanding any other law to the contrary, no city of the fourth
43 classification with more than four thousand one hundred but less than four
44 thousand two hundred inhabitants and located in any county with a charter form
45 of government and with more than one million inhabitants shall levy or collect
46 a license fee on hotels or motels in an amount in excess of thirteen dollars and
47 fifty cents per room per year. No hotel or motel in such city shall be required to
48 pay a license fee in excess of such amount, and any license fee in such city that
49 exceeds the limitations of this subsection shall be automatically reduced to
50 comply with this subsection.

51 4. Notwithstanding any other law to the contrary, on or after January 1,
52 2006, no city of the fourth classification with more than fifty-one thousand three
53 hundred and eighty but less than fifty-one thousand four hundred inhabitants
54 and located in any county with a charter form of government and with more than
55 two hundred eighty thousand but less than two hundred eighty-five thousand or
56 no city of the fourth classification with more than fifty-one thousand but fewer
57 than fifty-two thousand inhabitants and located in any county with a charter
58 form of government and with more than two hundred eighty thousand but less
59 than two hundred eighty-five thousand shall levy or collect a license fee on hotels
60 or motels in an amount in excess of one thousand dollars per year. No hotel or
61 motel in such city shall be required to pay a license fee in excess of such amount,
62 and any license fee in such city that exceeds the limitation of this subsection
63 shall be automatically reduced to comply with this subsection.

64 5. Any city under subsection 4 of this section may increase a hotel and
65 motel license tax by five percent per year but the total tax levied under this
66 section shall not exceed one-eighth of one percent of such hotels' or motels' gross
67 revenue.

68 6. Any city under [subsections] **subsection 1**, 2, and 3] of this section
69 may increase a hotel and motel license tax by five percent per year but the total
70 tax levied under this section shall not exceed the greater of:

- 71 (1) One-eighth of one percent of such hotels' or motels' gross revenue; or
72 (2) The business license tax rate for such hotel or motel on May 1, 2005.

73 7. The provisions of subsection 6 of this section shall not apply to any tax
74 levied by a city when the revenue from such tax is restricted for use to a project
75 from which bonds are outstanding as of May 1, 2005.

 115.003. The purpose of sections 115.001 to 115.[641] **801** [and sections
2 51.450 and 51.460] is to simplify, clarify and harmonize the laws governing

3 elections. It shall be construed and applied so as to accomplish its purpose.

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

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

115.249. No voting machine shall be used unless it:

2 (1) Permits voting in absolute secrecy;

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

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

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

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

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

14 (7)] (6) Correctly registers or records and accurately counts all votes cast
15 for each candidate and for and against each question;

16 [(8)] (7) Is provided with a lock or locks which prevent any movement of
17 the voting or registering mechanism and any tampering with the mechanism;

18 [(9)] (8) Is provided with a protective counter or other device whereby
19 any operation of the machine before or after an election will be detected;

20 [(10)] (9) Is provided with a counter which shows at all times during the
21 election how many people have voted on the machine;

22 [(11)] (10) Is provided with a proper light which enables each voter,
23 while voting, to clearly see the ballot labels[;

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

115.259. At each polling place using voting machines, the exterior of the
2 voting machines shall be in plain view of the election judges. [Each voting
3 machine shall be so placed that, unless its construction requires otherwise, the

4 ballot labels can be plainly seen by the election judges when not in use by
5 voters.] The election judges shall not be nor permit any other person to be in any
6 position, or near any position, that enables them to see how any voter votes or
7 has voted. The election judges may inspect any machine as necessary to make
8 sure the ballot label is in its proper place and that the machine has not been
9 damaged.

115.281. 1. Except as provided in subsection 3 of this section, not later
2 than the sixth Tuesday prior to each election, or within fourteen days after
3 candidates' names or questions are certified pursuant to section 115.125, the
4 election authority shall cause to have printed and made available a sufficient
5 quantity of absentee ballots, ballot envelopes and mailing envelopes. As soon as
6 possible after the proper officer calls a special state or county election, the
7 election authority shall cause to have printed and made available a sufficient
8 quantity of absentee ballots, ballot envelopes and mailing envelopes.

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

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

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

5 2. The teams so appointed shall meet on election day after the time fixed
6 by law for the opening of the polls at a central location designated by the election
7 authority. The election authority shall deliver the absentee ballots to the teams,
8 and shall maintain a record of the delivery. The record shall include the number
9 of ballots delivered to each team and shall include a signed receipt from two
10 judges, one from each major political party. The election authority shall provide
11 each team with a ballot box, tally sheets and statements of returns as are
12 provided to a polling place.

13 3. Each team shall count votes on all absentee ballots designated by the

14 election authority.

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

115.300. In each jurisdiction, the election authority may start, not earlier
2 than the fifth day prior to the election, the preparation of absentee ballots for
3 tabulation on the election day. The election authority shall give notice to the
4 county chairman of each major political party forty-eight hours prior to beginning
5 preparation of absentee ballot envelopes. Absentee ballot preparation shall be
6 completed by teams of election authority employees or teams of election judges,
7 with each team consisting of one member from each major political
8 party. [Absentee ballots shall not be counted by the same persons as those who
9 removed such ballots from their envelopes.]

115.383. Any election authority duly notified that a name is to be removed
2 from the ballot or that a new candidate has been selected shall have the proper
3 corrections made on the ballot before the ballot is delivered to or while it is in the
4 hands of the printer. [If time does not permit correction of the printed ballot, the
5 election authority shall have prepared small pasters, suitable for covering the
6 name to be removed on the ballots, ballot labels or on the protective covering of
7 each voting machine. If a candidate is replaced by a candidate pursuant to the
8 provisions of sections 115.361 to 115.377, the paster shall contain the name to be

9 substituted in letters of the same size and type as all other names on the
10 ballot. The appropriate election authorities shall see that such pasters are
11 properly applied to the ballots, ballot labels or voting machines before they are
12 used for voting.]

115.419. Before the time fixed by law for the opening of the polls, the
2 election authority shall deliver to each polling place a sufficient number of sample
3 ballots[,] **and** ballot cards [or ballot labels] which shall be a different color but
4 otherwise exact copies of the official ballot. The samples shall be printed in the
5 form of a diagram, showing the form of the ballot or the front of the marking
6 device or voting machine as it will appear on election day. The secretary of state
7 may develop multilingual sample ballots to be made available to election
8 authorities.

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

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

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

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

12 box.

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

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

4 (1) When a voter desires to vote for a candidate, the voter shall place a
5 [cross (X)] **distinguishing** mark [in the square directly to the left of]
6 **immediately beside** the name of the candidate for which the voter intends to
7 vote;

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

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

19 No voter shall vote for the same person more than once for the same office at the
20 same election.

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

24 3. If voting machines are used, the voter shall, immediately upon direction
25 by the judges, go alone to a voting machine, close the curtain and vote in

26 substantially the same manner provided in subsection 1 of this section. Rather
27 than placing cross (X) marks on the ballot, however, the voter shall cause the
28 designations to appear on the face of the voting machine, cast any write-in votes
29 and register his votes as directed in the instructions for use of the machine.

30 **4.] 2.** If the voter accidentally spoils his ballot or ballot card or makes an
31 error, he may return it to an election judge and receive another. The election
32 judge shall mark "SPOILED" across the ballot or ballot card and place it in an
33 envelope marked "SPOILED BALLOTS". After another ballot has been prepared
34 in the manner provided in section 115.433, the ballot shall be given to the voter
35 for voting.

36 **[5.** The election authority may authorize the use of a sticker or other item
37 containing a write-in candidate's name, in lieu of a handwritten name. All such
38 stickers and items used by election authorities shall conform to rules and
39 regulations promulgated by the secretary of state regarding the form of such
40 stickers and items. The secretary of state shall promulgate rules and regulations
41 to prescribe uniform specifications for the form of such stickers and items. If
42 authorized, such sticker or item shall contain a cross (X) mark, or other mark as
43 described in subsection 2 of this section, in the square directly left of the
44 candidate's name and the office for which the candidate is a write-in candidate. A
45 write-in vote that does not meet the requirements of this subsection which
46 appears on a ballot shall not be counted pursuant to sections 115.447 to 115.525.
47 In those jurisdictions using an electronic voting system which utilizes mark sense
48 or optical scan technology and if the election authority authorizes the use of
49 stickers for write-ins, such system shall be programmed to identify and separate
50 those ballots which contain an office in which write-in candidates are eligible to
51 receive votes, and which contain less votes than a voter is entitled to cast. In
52 addition, such sticker shall be considered "printed matter" as defined in
53 subsection 8 of section 130.031, and as such shall contain the designation
54 required by subsection 8 of section 130.031.

55 **6.] 3.** Any rule or portion of a rule, as that term is defined in section
56 536.010, that is created under the authority delegated in this section shall
57 become effective only if it complies with and is subject to all of the provisions of
58 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
59 nonseverable and if any of the powers vested with the general assembly pursuant
60 to chapter 536 to review, to delay the effective date or to disapprove and annul
61 a rule are subsequently held unconstitutional, then the grant of rulemaking

62 authority and any rule proposed or adopted after August 28, 2002, shall be
63 invalid and void.

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

6 2. One counting judge, closely observed by the other counting judge, shall
7 take the ballots out of the ballot box one at a time and, holding each ballot in
8 such a way that the other counting judge may read it, shall read the name of each
9 candidate properly voted for and the office sought by each. As each vote is called
10 out, the recording judges shall each record the vote on a tally sheet. The votes
11 for and against all questions shall likewise be read and recorded. If more than
12 one political subdivision or special district is holding an election on the same day
13 at the same polling place and using separate ballots, the counting judges may
14 separate the ballots of each political subdivision and special district and first read
15 one set, then the next and so on until all proper votes have been counted.

16 [3. After all of the proper votes on a ballot have been counted, the ballot
17 shall be strung on a wire or string in the order read. After all the ballots have
18 been read and strung and after the recording judges agree on the count, the wire
19 or string shall be tied in a firm knot, and the knot shall be sealed so that it
20 cannot be untied without breaking the seal. Rejected and spoiled ballots shall not
21 be strung but shall be placed in separate containers marked "REJECTED" and
22 "SPOILED".

23 4.] 3. After the recording of all proper votes, the recording judges shall
24 compare their tallies. When the recording judges agree on the count, they shall
25 sign both of the tally sheets, and one of the recording judges shall announce in
26 a loud voice the total number of votes for each candidate and for and against each
27 question.

28 [5.] 4. After the announcement of the vote, the election judges shall
29 record the vote totals in the appropriate places on each statement of returns. If
30 any tally sheet or statement of returns contains no heading for any question, the
31 election judges shall write the necessary headings on the tally sheet or statement
32 of returns.

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

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

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

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

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

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

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

12 (c) If a ballot is determined to be damaged, the bipartisan team shall spoil
13 the original ballot and duplicate the voter's intent on the new ballot, provided
14 that there is an undisputed method of matching the duplicate card with its
15 original after it has been placed with the remainder of the ballot cards from the
16 precinct; and

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

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

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

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

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

28 (3) Whenever a hand recount of votes is ordered of punch card ballots, the

29 provisions of this subsection shall be used to determine voter intent.

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

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

36 (2) In jurisdictions using precinct-based tabulators, the voter who cast the
37 ballot shall review the ballot if rejected, if the voter wishes to make any changes
38 to the ballot, or if the voter would like to spoil the ballot and receive another
39 ballot.

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

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

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

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

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

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

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

55 (a) A distinguishing mark in the designated location preceding the name
56 of the candidate;

57 (b) The name of the candidate. If the name of the candidate as written
58 by the voter is substantially as declared by the candidate it shall be counted, or
59 in those circumstances where the names of candidates are similar, the names of
60 candidates as shown on voter registration records shall be counted; and

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

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

64 [3.] 2. The election authority shall be responsible for ensuring that the

65 standards provided for in this subsection are followed when counting ballots cast
66 using paper ballots.

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

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

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

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

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

75 (a) A distinguishing mark in the square immediately preceding the name
76 of the candidate;

77 (b) The name of the candidate. If the name of the candidate as written
78 by the voter is substantially as declared by the candidate it shall be counted, or
79 in those circumstances where the names of candidates are similar, the names of
80 candidates as shown on voter registration records shall be counted; and

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

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

84 [4. When write-in stickers are used, the sticker shall contain the name of
85 a candidate, the office sought, and a distinguishing mark in the square
86 immediately preceding the name of the candidate and shall be approximately one
87 inch by three inches in size with black print on a white background. The sticker
88 shall be placed by the voter on the write-in line designating the office sought or
89 the sticker shall be placed by the voter on the write-in line on the secrecy
90 envelope.

91 5.] 3. Notwithstanding any other provision of law, a distinguishing mark
92 indicating a general preference for or against the candidates of one political party
93 shall not be considered a vote for or against any specific candidate.

115.493. The election authority shall keep all voted ballots, ballot cards,
2 processed ballot materials in electronic form and write-in forms, and all
3 applications, statements, certificates, affidavits and computer programs relating
4 to each election for [twelve] **twenty-two** months after the date of the
5 election. During the time that voted ballots, ballot cards, processed ballot
6 materials in electronic form and write-in forms are kept by the election authority,
7 it shall not open or inspect them or allow anyone else to do so, except upon order

8 of a legislative body trying an election contest, a court or a grand jury. After
9 [twelve] **twenty-two** months, the ballots, ballot cards, processed ballot materials
10 in electronic form, write-in forms, applications, statements, certificates, affidavits
11 and computer programs relating to each election may be destroyed. If an election
12 contest, grand jury investigation or civil or criminal case relating to the election
13 is pending at the time, however, the materials shall not be destroyed until the
14 contest, investigation or case is finally determined.

115.601. 1. Any contestant in a primary or other election contest who was
2 defeated by less than one percent of the votes cast for the office and any
3 contestant who received the second highest number of votes cast for that office if
4 two or more are to be elected and who was defeated by less than one percent of
5 the votes cast, or any person whose position on a question was defeated by less
6 than one percent of the votes cast on the question, shall have the right to a
7 recount of the votes cast for the office or on the question.

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

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

27 4. Whenever a recount is requested pursuant to subsection 3 of this
28 section, the secretary of state shall determine the number of persons necessary
29 to assist with the recount and shall appoint such persons equally from lists

30 submitted by the contestant and the opponent who received more votes or a
31 person whose position on a question received more votes than the contestant's
32 position on that question. Each person appointed pursuant to this section shall
33 be a disinterested person and a registered voter of the area in which the
34 contested election was held. Each person so appointed shall take the oath
35 prescribed for and receive the same pay as an election judge in the jurisdiction
36 where the person is registered. After being sworn not to disclose any facts
37 uncovered by the recount, except those which are contained in the report, the
38 contestant and the opponent who received more votes or a person whose position
39 on a question received more votes than the contestant's position on that question
40 shall be permitted to be present in person or represented by an attorney at the
41 recount and to observe the recount. Each recount shall be completed under the
42 supervision of the secretary of state with the assistance of the election authorities
43 involved, and the persons appointed to assist with the recount shall perform such
44 duties as the secretary of state directs. Upon completion of any duties prescribed
45 by the secretary of state the persons appointed to assist with the recount shall
46 make a written and signed report of their findings. The findings of the persons
47 appointed to assist with the recount shall be prima facie evidence of the facts
48 stated therein, but any person present at the examination of the votes may be a
49 witness to contradict the findings. No one other than the secretary of state, the
50 election authorities involved, the contestant and the other witnesses described in
51 this subsection, their attorneys, and those specifically appointed by the secretary
52 of state to assist with the recount shall be present during any recount conducted
53 pursuant to this section.

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

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

8 (1) Upon every retail sale in this state of tangible personal property,
9 [including but not limited to] **excluding** motor vehicles, trailers, motorcycles,
10 mopeds, motortricycles, boats and outboard motors **required to be titled under the**

11 **laws of the state of Missouri and subject to tax under subdivision (9) of this**
12 **subsection**, a tax equivalent to four percent of the purchase price paid or charged,
13 or in case such sale involves the exchange of property, a tax equivalent to four percent
14 of the consideration paid or charged, including the fair market value of the property
15 exchanged at the time and place of the exchange, except as otherwise provided in
16 section 144.025;

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

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

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

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

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

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

42 (8) A tax equivalent to four percent of the amount paid or charged for rental
43 or lease of tangible personal property, provided that if the lessor or renter of any
44 tangible personal property had previously purchased the property under the
45 conditions of "sale at retail" or leased or rented the property and the tax was paid at
46 the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall
47 not apply or collect the tax on the subsequent lease, sublease, rental or subrental
48 receipts from that property. The purchase, rental or lease of motor vehicles, trailers,

49 motorcycles, mopeds, motortricycles, boats, and outboard motors shall be taxed and
50 the tax paid as provided in this section and section 144.070. In no event shall the
51 rental or lease of boats and outboard motors be considered a sale, charge, or fee to,
52 for or in places of amusement, entertainment or recreation nor shall any such rental
53 or lease be subject to any tax imposed to, for, or in such places of amusement,
54 entertainment or recreation. Rental and leased boats or outboard motors shall be
55 taxed under the provisions of the sales tax laws as provided under such laws for
56 motor vehicles and trailers. Tangible personal property which is exempt from the
57 sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the
58 sales or use tax upon the lease or rental thereof.

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

65 2. All tickets sold which are sold under the provisions of sections 144.010 to
66 144.525 which are subject to the sales tax shall have printed, stamped or otherwise
67 endorsed thereon, the words "This ticket is subject to a sales tax."

144.021. The purpose and intent of sections 144.010 to 144.510 is to impose
2 a tax upon the privilege of engaging in the business, in this state, of selling tangible
3 personal property and those services listed in section 144.020 **and for the privilege**
4 **of titling new and used motor vehicles, trailers, boats, and outboard motors**
5 **purchased or acquired for use on the highways or waters of this state**
6 **which are required to be registered under the laws of the state of**
7 **Missouri. Except as otherwise provided,** the primary tax burden is placed upon
8 the seller making the taxable sales of property or service and is levied at the rate
9 provided for in section 144.020. Excluding **subdivision (9) of subsection 1 of**
10 **section 144.020 and** sections 144.070, 144.440 and 144.450, the extent to which a
11 seller is required to collect the tax from the purchaser of the taxable property or
12 service is governed by section 144.285 and in no way affects sections 144.080 and
13 144.100, which require all sellers to report to the director of revenue their "gross
14 receipts", defined herein to mean the aggregate amount of the sales price of all sales
15 at retail, and remit tax at four percent of their gross receipts.

144.069. All sales **taxes associated with the titling** of motor vehicles,
2 trailers, boats and outboard motors **under the laws of Missouri** shall be [deemed
3 to be consummated] **imposed at the rate in effect at the location of the address**
4 **of the owner thereof, and all sales taxes associated with the titling of vehicles**

5 **under** leases of over sixty-day duration of motor vehicles, trailers, boats and outboard
6 motors [subject to sales taxes under this chapter] shall be [deemed to be
7 consummated] **imposed at the rate in effect**, unless the vehicle, trailer, boat or
8 motor has been registered and sales taxes have been paid prior to the consummation
9 of the lease agreement at the **location of the** address of the lessee thereof on the
10 date the lease is consummated, and all applicable sales taxes levied by any political
11 subdivision shall be collected on such sales **from the purchaser or lessee** by the
12 state department of revenue on that basis.

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

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

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

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

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

19 144.440. 1. [In addition to all other taxes now or hereafter levied and
20 imposed upon every person for the privilege of using the highways or waterways of
21 this state, there is hereby levied and imposed a tax equivalent to four percent of the
22 purchase price, as defined in section 144.070, which is paid or charged on new and
23 used motor vehicles, trailers, boats, and outboard motors purchased or acquired for
24 use on the highways or waters of this state which are required to be registered under
25 the laws of the state of Missouri.

26 2.] At the time the owner of any [such] motor vehicle, trailer, boat, or
27 outboard motor makes application to the director of revenue for an official certificate
28 of title and the registration of the same as otherwise provided by law, he shall present
29 to the director of revenue evidence satisfactory to the director showing the purchase
30 price paid by or charged to the applicant in the acquisition of the motor vehicle,

31 trailer, boat, or outboard motor, or that the motor vehicle, trailer, boat, or outboard
32 motor is not subject to the tax herein provided and, if the motor vehicle, trailer, boat,
33 or outboard motor is subject to the tax herein provided, the applicant shall pay or
34 cause to be paid to the director of revenue the tax provided herein.

35 [3.] 2. In the event that the purchase price is unknown or undisclosed, or
36 that the evidence thereof is not satisfactory to the director of revenue, the same shall
37 be fixed by appraisalment by the director.

38 [4.] 3. No certificate of title shall be issued for such motor vehicle, trailer,
39 boat, or outboard motor unless the tax for the privilege of using the highways or
40 waters of this state has been paid or the vehicle, trailer, boat, or outboard motor is
41 registered under the provisions of subsection 5 of this section.

42 [5.] 4. The owner of any motor vehicle, trailer, boat, or outboard motor which
43 is to be used exclusively for rental or lease purposes may pay the tax due thereon
44 required in section 144.020 at the time of registration or in lieu thereof may pay a
45 [use] sales tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A
46 [use] sales tax shall be charged and paid on the amount charged for each rental or
47 lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled
48 in the state. If the owner elects to pay upon each rental or lease, he shall make an
49 affidavit to that effect in such form as the director of revenue shall require and shall
50 remit the tax due at such times as the director of revenue shall require.

51 [6.] 5. In the event that any leasing company which rents or leases motor
52 vehicles, trailers, boats, or outboard motors elects to collect a [use] sales tax[,] all of
53 its lease receipts would be subject to the [use] sales tax[,] regardless of whether or
54 not the leasing company previously paid a sales tax when the vehicle, trailer, boat,
55 or outboard motor was originally purchased.

56 [7.] 6. The provisions of this section, and the tax imposed by this section,
57 shall not apply to manufactured homes.

144.450. In order to avoid double taxation under the provisions of sections
2 144.010 to 144.510, any person who purchases a motor vehicle, trailer, manufactured
3 home, boat, or outboard motor in any other state and seeks to register or obtain a
4 certificate of title for it in this state shall be credited with the amount of any sales tax
5 or use tax shown to have been previously paid by him on the purchase price of such
6 motor vehicle, trailer, boat, or outboard motor in such other state. The tax imposed
7 by **subdivision (9) of subsection 1 of section [144.440] 144.020** shall not apply:

8 (1) [To motor vehicles, trailers, boats, or outboard motors on account of which
9 the sales tax provided by sections 144.010 to 144.510 shall have been paid;

10 (2)] To motor vehicles, trailers, boats, or outboard motors brought into this
11 state by a person moving any such vehicle, trailer, boat, or outboard motor into

12 Missouri from another state who shall have registered and in good faith regularly
 13 operated any such motor vehicle, trailer, boat, or outboard motor in such other state
 14 at least ninety days prior to the time it is registered in this state;

15 [(3)] (2) To motor vehicles, trailers, boats, or outboard motors acquired by
 16 registered dealers for resale;

17 [(4)] (3) To motor vehicles, trailers, boats, or outboard motors purchased,
 18 owned or used by any religious, charitable or eleemosynary institution for use in the
 19 conduct of regular religious, charitable or eleemosynary functions and activities;

20 [(5)] (4) To motor vehicles owned and used by religious organizations in
 21 transferring pupils to and from schools supported by such organization;

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

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

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

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

144.525. Notwithstanding any other provision of law, the amount of any state
 2 and local sales [or use] taxes due on the purchase of a motor vehicle, trailer, boat or
 3 outboard motor required to be registered under the provisions of sections 301.001 to
 4 301.660 and sections 306.010 to 306.900 shall be computed on the rate of such taxes
 5 in effect on the date the purchaser submits application for a certificate of ownership
 6 to the director of revenue; except that, in the case of a sale at retail, of an outboard
 7 motor by a retail business which is not required to be registered under the provisions
 8 of section 301.251, the amount of state and local [sales and use] taxes due shall be
 9 computed on the rate of such taxes in effect as of the calendar date of the retail sale.

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

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

20 3. **Because this section no longer imposes a Missouri use tax on the**
21 **storage, use, or consumption of motor vehicles, trailers, motorcycles,**
22 **mopeds, motortricycles, boats, and outboard motors required to be titled**
23 **under the laws of the state of Missouri, in that the state sales tax is now**
24 **imposed on the titling of such property, the local sales tax, rather than the**
25 **local use tax, applies.**

144.613. Notwithstanding the provisions of section 144.655, at the time the
2 owner of any new or used boat or boat motor which was acquired after December 31,
3 1979, in a transaction subject to [use] tax under [the Missouri use tax law] **this**
4 **chapter** makes application to the director of revenue for the registration of the boat
5 or boat motor, he shall present to the director of revenue evidence satisfactory to the
6 director of revenue showing the purchase price, exclusive of any charge incident to the
7 extension of credit, paid by or charged to the applicant in the acquisition of the boat
8 or boat motor, or that no sales or use tax was incurred in its acquisition, and, if [sales
9 or use] tax was incurred in its acquisition, that the same has been paid, or the
10 applicant shall pay or cause to be paid to the director of revenue the [use] tax
11 provided by [the Missouri use tax law] **this chapter** in addition to the registration
12 fees now or hereafter required according to law, and the director of revenue shall not
13 issue a registration for any new or used boat or boat motor subject to [use] tax [as

14 provided in the Missouri use tax law] **in this chapter** until the tax levied for the use
15 of the same under [sections 144.600 to 144.748] **this chapter** has been paid.

144.615. There are specifically exempted from the taxes levied in sections
2 144.600 to 144.745:

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

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

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

10 (4) Motor vehicles, trailers, boats, and outboard motors subject to the tax
11 imposed by section [144.440] **144.020**;

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

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

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

473.730. 1. Every county in this state, [and] **except** the city of St. Louis,
2 shall elect a public administrator at the general election in the year 1880, and
3 every four years thereafter, who shall be ex officio public guardian and
4 conservator in and for the public administrator's county. A candidate for public
5 administrator shall be at least twenty-one years of age and a resident of the state
6 of Missouri and the county in which he or she is a candidate for at least one year
7 prior to the date of the general election for such office. The candidate shall also
8 be a registered voter and shall be current in the payment of all personal and
9 business taxes. Before entering on the duties of the public administrator's office,
10 the public administrator shall take the oath required by the constitution, and
11 enter into bond to the state of Missouri in a sum not less than ten thousand
12 dollars, with two or more securities, approved by the court and conditioned that

13 the public administrator will faithfully discharge all the duties of the public
14 administrator's office, which bond shall be given and oath of office taken on or
15 before the first day of January following the public administrator's election, and
16 it shall be the duty of the judge of the court to require the public administrator
17 to make a statement annually, under oath, of the amount of property in the public
18 administrator's hands or under the public administrator's control as such
19 administrator, for the purpose of ascertaining the amount of bond necessary to
20 secure such property; and such court may from time to time, as occasion shall
21 require, demand additional security of such administrator, and, in default of
22 giving the same within twenty days after such demand, may remove the
23 administrator and appoint another.

24 2. The public administrator in all counties, in the performance of the
25 duties required by chapters 473, 474, and 475, is a public officer. The duties
26 specified by section 475.120 are discretionary. The county shall defend and
27 indemnify the public administrator against any alleged breach of duty, provided
28 that any such alleged breach of duty arose out of an act or omission occurring
29 within the scope of duty or employment.

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

33 4. **The public administrator for the city of St. Louis shall be**
34 **appointed by a majority of the circuit judges and associate circuit**
35 **judges of the twenty-second judicial circuit, en banc. Such public**
36 **administrator shall meet the same qualifications and requirements**
37 **specified in subsection 1 of this section for elected public**
38 **administrators. The elected public administrator holding office on the**
39 **effective date of this section shall continue to hold such office for the**
40 **remainder of his or her term.**

473.733. The public administrator's certificate of election, **if applicable**,
2 official oath and bond shall be filed and recorded with the probate clerk, and
3 copies thereof, certified under the seal of such court, shall be evidence. Any
4 person injured by the breach of such bond may sue upon the same in the name
5 of the state for his own use.

473.737. 1. Each public administrator elected **or appointed**, as now or
2 as hereafter provided for in sections 473.730 to 473.767, is hereby declared to be
3 an officer for the county in which such administrator is elected [and for the city

4 of St. Louis, if elected therein] **or appointed**. The county commissions of each
5 county in this state shall make suitable provision for an office for the public
6 administrator in the courthouse of the county if suitable space may be had for
7 such an office, and shall be provided as soon as the county commission shall be
8 of the opinion that the business in charge of the public administrator is such as
9 to reasonably require a separate office for the convenience of the public. The
10 public administrator of the city of St. Louis shall have suitable and convenient
11 offices provided for him or her in the civil courts building by that city.

12 2. Each public administrator of a county, except a county of the first
13 classification having a charter form of government, in which a state mental
14 hospital is located, or any county of the second classification which contains a
15 habilitation center operated by the department of mental health and which does
16 not adjoin a county of the first classification shall be entitled to one secretary for
17 one hundred cases or more handled by the office of the public administrator in
18 the immediately preceding calendar year. Each secretary employed pursuant to
19 the provisions of this subsection shall be paid in the same pay range as a court
20 clerk II in the circuit court personnel system. All compensation paid secretaries
21 employed pursuant to the provisions of this subsection shall be paid out of the
22 county treasury and the commissioner of administration shall annually reimburse
23 each county for the compensation so paid upon proper demand being made out of
24 appropriations made for that purpose. The public administrator in such counties
25 may also appoint a person to act as public administrator to serve during the
26 absence of the public administrator.

27 3. The governing bodies of each county and each city not within a county
28 of this state may provide clerical personnel, not qualifying as status of deputy,
29 for the public administrator of the county, and such personnel shall be provided
30 when the governing body is of the opinion that the business in charge of the
31 public administrator is such as to reasonably require such personnel for the
32 welfare of the public.

**Section 1. Notwithstanding the provisions of section 1.140 to the
2 contrary, the provisions of sections 32.087, 144.020, 144.021, 144.069,
3 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615,
4 as amended by this act, shall be nonseverable, and if any provision is
5 for any reason held to be invalid, such decision shall invalidate all of
6 the remaining provisions of section 32.087, 144.020, 144.021, 144.069,
7 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615,**

8 **as amended by this act.**

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

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

25 **3. (1) Council members may serve four-year terms if**
 26 **the two-year terms provided under subsection 1 or 2 of this**
 27 **section have been extended to four years by ordinance or by**
 28 **approval of a majority of the voters voting on the proposal.**

29 **(2) The ballot of submission shall be in substantially**
 30 **the following form:**

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

34 **YES** **NO**

35 **(3) If an ordinance is passed or a majority of the voters**
 36 **voting approve the proposal authorized in this subsection, the**
 37 **members of council who would serve two years under**
subsections 1 and 2 of this section shall be elected to four-year

38 **terms beginning with any election occurring after the**
39 **adoption of the ordinance or approval of the ballot question.]**

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

✓
Bill
Unofficial
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