

CONFERENCE COMMITTEE SUBSTITUTE NO. 2

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 104

AN ACT

To repeal sections 115.342, 115.348, 115.350, 116.190, 162.481, 162.491, 178.820, RSMo, and sections 162.025 and 162.491 as enacted by house bill no. 63, ninety-eighth general assembly, first regular session, and to enact in lieu thereof seven new sections relating to elections.

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

1 Section A. Sections 115.342, 115.348, 115.350, 116.190,
2 162.481, 162.491, 178.820, RSMo, and sections 162.025 and 162.491
3 as enacted by house bill no. 63, ninety-eighth general assembly,
4 first regular session, are repealed and seven new sections
5 enacted in lieu thereof, to be known as sections 115.306,
6 115.308, 116.190, 162.481, 162.491, 178.820, and 1, to read as
7 follows:

8 115.306. 1. No person shall qualify as a candidate for
9 elective public office in the state of Missouri who has been
10 found guilty of or pled guilty to a felony or misdemeanor under
11 the federal laws of the United States of America or to a felony
12 under the laws of this state or an offense committed in another
13 state that would be considered a felony in this state.

14 2. (1) Any person who files as a candidate for election to
15 a public office shall be disqualified from participation in the

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

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

12 AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

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

23 Candidate's Signature

24 Printed Name of Candidate

25 (3) Upon receipt of a complaint alleging a delinquency of
26 the candidate in the filing or payment of any state income taxes,
27 personal property taxes, municipal taxes, real property taxes on
28 the place of residence, as stated on the declaration of

1 candidacy, or if the person is a past or present corporate
2 officer of any fee office that owes any taxes to the state, the
3 department of revenue shall investigate such potential candidate
4 to verify the claim contained in the complaint. If the
5 department of revenue finds a positive affirmation to be false,
6 the department shall contact the secretary of state, or the
7 election official who accepted such candidate's declaration of
8 candidacy, and the potential candidate. The department shall
9 notify the candidate of the outstanding tax owed and give the
10 candidate thirty days to remit any such outstanding taxes owed
11 which are not the subject of dispute between the department and
12 the candidate. If the candidate fails to remit such amounts in
13 full within thirty days, the candidate shall be disqualified from
14 participating in the current election and barred from refiling
15 for an entire election cycle even if the individual pays all of
16 the outstanding taxes that were the subject of the complaint.

17 115.308. Sections 115.307 to 115.405 shall not apply to
18 candidates for special district offices; township offices in
19 township organization counties; or city, town, and village
20 offices.

21 116.190. 1. Any citizen who wishes to challenge the
22 official ballot title or the fiscal note prepared for a proposed
23 constitutional amendment submitted by the general assembly, by
24 initiative petition, or by constitutional convention, or for a
25 statutory initiative or referendum measure, may bring an action
26 in the circuit court of Cole County. The action must be brought
27 within ten days after the official ballot title is certified by
28 the secretary of state in accordance with the provisions of this

1 chapter.

2 2. The secretary of state shall be named as a party
3 defendant in any action challenging the official ballot title
4 prepared by the secretary of state. When the action challenges
5 the fiscal note or the fiscal note summary prepared by the
6 auditor, the state auditor shall also be named as a party
7 defendant. The president pro tem of the senate, the speaker of
8 the house and the sponsor of the measure and the secretary of
9 state shall be the named party defendants in any action
10 challenging the official summary statement, fiscal note or fiscal
11 note summary prepared pursuant to section 116.155.

12 3. The petition shall state the reason or reasons why the
13 summary statement portion of the official ballot title is
14 insufficient or unfair and shall request a different summary
15 statement portion of the official ballot title. Alternatively,
16 the petition shall state the reasons why the fiscal note or the
17 fiscal note summary portion of the official ballot title is
18 insufficient or unfair and shall request a different fiscal note
19 or fiscal note summary portion of the official ballot title.

20 4. The action shall be placed at the top of the civil
21 docket. Insofar as the action challenges the summary statement
22 portion of the official ballot title, the court shall consider
23 the petition, hear arguments, and in its decision certify the
24 summary statement portion of the official ballot title to the
25 secretary of state. Insofar as the action challenges the fiscal
26 note or the fiscal note summary portion of the official ballot
27 title, the court shall consider the petition, hear arguments, and
28 in its decision, either certify the fiscal note or the fiscal

1 note summary portion of the official ballot title to the
2 secretary of state or remand the fiscal note or the fiscal note
3 summary to the auditor for preparation of a new fiscal note or
4 fiscal note summary pursuant to the procedures set forth in
5 section 116.175. Any party to the suit may appeal to the supreme
6 court within ten days after a circuit court decision. In making
7 the legal notice to election authorities under section 116.240,
8 and for the purposes of section 116.180, the secretary of state
9 shall certify the language which the court certifies to him.

10 5. Any action brought under this section that is not fully
11 and finally adjudicated within one hundred eighty days of filing,
12 and more than fifty-six days prior to election in which the
13 measure is to appear, including all appeals, shall be
14 extinguished, unless a court extends such period upon a finding
15 of good cause for such extension. Such good cause shall consist
16 only of court-related scheduling issues and shall not include
17 requests for continuance by the parties.

18 162.481. 1. Except as otherwise provided in this section
19 and in section 162.492, all elections of school directors in
20 urban school districts shall be held biennially at the same times
21 and places as municipal elections.

22 2. [In any urban district which includes all or the major
23 part of a city which first obtained a population of more than
24 seventy-five thousand inhabitants by reason of the 1960 federal
25 decennial census, elections of directors shall be held on
26 municipal election days of even-numbered years. The directors of
27 the prior district shall continue as directors of the urban
28 district until their successors are elected as herein provided.

1 On the first Tuesday in April, 1964, four directors shall be
2 elected, two for terms of two years to succeed the two directors
3 of the prior district who were elected in 1960 and two for terms
4 of six years to succeed the two directors of the prior district
5 who were elected in 1961. The successors of these directors
6 shall be elected for terms of six years. On the first Tuesday in
7 April, 1968, two directors shall be elected for terms to commence
8 on November 5, 1968, and to terminate on the first Tuesday in
9 April, 1974, when their successors shall be elected for terms of
10 six years. No director shall serve more than two consecutive
11 six-year terms after October 13, 1963.

12 3.] Except as otherwise provided in subsections 3, 4, and 5
13 of this section, hereafter when a seven-director district becomes
14 an urban school district, the directors of the prior seven-
15 director district shall continue as directors of the urban school
16 district until the expiration of the terms for which they were
17 elected and until their successors are elected as provided in
18 this subsection. The first biennial school election for
19 directors shall be held in the urban school district at the time
20 provided in subsection 1 which is on the date of or subsequent to
21 the expiration of the terms of the directors of the prior
22 district which are first to expire, and directors shall be
23 elected to succeed the directors of the prior district whose
24 terms have expired. If the terms of two directors only have
25 expired, the directors elected at the first biennial school
26 election in the urban school district shall be elected for terms
27 of six years. If the terms of four directors have expired, two
28 directors shall be elected for terms of six years and two shall

1 be elected for terms of four years. At the next succeeding
2 biennial election held in the urban school district, successors
3 for the remaining directors of the prior seven-director district
4 shall be elected. If only two directors are to be elected they
5 shall be elected for terms of six years each. If four directors
6 are to be elected, two shall be elected for terms of six years
7 and two shall be elected for terms of two years. After seven
8 directors of the urban school this subsection, their successors
9 shall be elected for terms of six years.

10 [4.] 3. In any school district in [any city with a
11 population of one hundred thousand or more inhabitants which is
12 located within a county of the first classification that adjoins
13 no other county of the first classification, or any school
14 district which becomes an urban school district by reason of the
15 2000 federal decennial census] which a majority of the district
16 is located in any home rule city with more than one hundred
17 fifty-five thousand but fewer than two hundred thousand
18 inhabitants, elections shall be held annually at the same times
19 and places as general municipal elections for all years where one
20 or more terms expire, and the terms shall be for three years and
21 until their successors are duly elected and qualified for all
22 directors elected on and after August 28, 1998.

23 4. For any school district which becomes an urban school
24 district by reason of the 2000 federal decennial census,
25 elections shall be held annually at the same times and places as
26 general municipal elections for all years where one or more terms
27 expire, and the terms shall be for three years and until their
28 successors are duly elected and qualified for all directors

1 elected on and after August 28, 2001.

2 5. In any school district in any county with a charter form
3 of government and with more than three hundred thousand but fewer
4 than four hundred fifty thousand inhabitants which becomes an
5 urban school district by reason of the 2010 federal decennial
6 census, elections shall be held annually at the same times and
7 places as general municipal elections for all years where one or
8 more terms expire, and the terms shall be for three years and
9 until their successors are duly elected and qualified for all
10 directors elected on and after April 2, 2012.

11 6. In any urban school district in a county of the first
12 classification with more than eighty-three thousand but fewer
13 than ninety-two thousand inhabitants and with a home rule city
14 with more than seventy-six thousand but fewer than ninety-one
15 thousand inhabitants as the county seat, elections shall be held
16 annually at the same times and places as general municipal
17 elections for all years where one or more terms expire, and upon
18 expiration of any term after August 28, 2015, the term of office
19 shall be for three years and until their successors are duly
20 elected and qualified.

21 162.491. 1. Directors for urban school districts, other
22 than those districts containing the greater part of a city of
23 over one hundred thirty thousand inhabitants, may be nominated by
24 petition to be filed with the secretary of the board and signed
25 by a number of voters in the district equal to ten percent of the
26 total number of votes cast for the director receiving the highest
27 number of votes cast at the next preceding biennial election,
28 except as provided in subsection 4 of this section.

1 2. This section shall not be construed as providing the
2 sole method of nominating candidates for the office of school
3 director in urban districts which do not contain the greater part
4 of a city of over three hundred thousand inhabitants.

5 3. A director for any urban school district containing a
6 city of greater than one hundred thirty thousand inhabitants and
7 less than three hundred thousand inhabitants may be nominated as
8 an independent candidate by filing with the secretary of the
9 board a petition signed by five hundred registered voters of such
10 school district.

11 4. In any urban school district located in a county of the
12 first classification with more than eighty-three thousand but
13 fewer than ninety-two thousand inhabitants and with a home rule
14 city with more than seventy-six thousand but fewer than ninety-
15 one thousand inhabitants as the county seat, a candidate for
16 director shall file a declaration of candidacy with the secretary
17 of the board and shall not be required to submit a petition.

18 178.820. 1. In the organization election, six trustees
19 shall be elected at large throughout the entire proposed
20 district. The two candidates receiving the greatest number of
21 votes shall be elected for terms of six years each, the two
22 receiving the next greatest number of votes for terms of four
23 years each, the two receiving the next greatest number of votes
24 for terms of two years each, and such terms shall be effective
25 until the first Tuesday in April coinciding with or next
26 following such period of years, or until the successors to such
27 trustees have been duly elected and qualified. Thereafter, the
28 trustees shall be elected for terms of six years each.

1 2. Following the initial election, the board of trustees
2 may, at any duly called meeting, adopt a resolution calling for
3 the formation of a redistricting committee to consider the
4 formation of subdistricts within the community college district
5 from which trustees are thereafter to be elected. Upon adoption
6 of any such resolution, the secretary of the board of trustees
7 shall forward a certified copy thereof to the coordinating board
8 for higher education with the request that a redistricting
9 committee be appointed in order to divide the community college
10 districts into at least two and not more than six subdistricts
11 for the purpose of electing trustees. The redistricting
12 committee shall consist of three residents within the affected
13 district, appointed by the board of trustees of the affected
14 district, plus three additional persons residents within the
15 affected district, appointed by the coordinating board for higher
16 education. Thereafter, the redistricting committee shall meet,
17 organize itself with a chairman and secretary, and proceed with
18 the adoption of a redistricting plan specifying at least two but
19 not more than six subdistricts which are to the extent possible
20 so apportioned on the basis of population that the population of
21 any such subdistrict divided by the number of trustees to be
22 selected therefrom substantially equals the population of any
23 other subdistrict divided by the number of trustees to be
24 selected therefrom. The redistricting plan referred to herein,
25 in lieu of requiring all trustees to be elected from
26 subdistricts, may provide for the election of one or more
27 trustees at large and the remainder from subdistricts, or for the
28 election of all the trustees at large with the requirement that

1 each must reside in a certain subdistrict, so long as in any plan
2 adopted, subdistricts are apportioned as provided above.

3 Notwithstanding the above, the board of trustees of any community
4 college district which contains more than four hundred fifty
5 thousand residents shall, at the first duly called meeting
6 following August 13, 1972, and thereafter within ninety days
7 following the publication of the decennial census figures, adopt
8 a resolution calling for the formation of a redistricting
9 committee; and the redistricting committee shall adopt a
10 redistricting plan specifying the establishment of not less than
11 four nor more than six subdistricts compact and contiguous in
12 territory and apportioned as provided above.

13 3. In any district which shall contain a city not within a
14 county, if four subdistricts are established, then at least one
15 subdistrict shall be within said city, and if five or six
16 subdistricts are established, then at least two subdistricts
17 shall be within said city.

18 4. Any person running for election as a trustee of a
19 subdistrict shall be domiciled and a resident therein. Any plan
20 proposed to be adopted must receive approval of a majority of the
21 whole redistricting committee. Upon adoption the redistricting
22 committee shall forward a copy of the plan certified by the
23 secretary to the coordinating board for higher education for its
24 approval or disapproval. The coordinating board for higher
25 education shall approve any redistricting plan in which the
26 population of any subdistrict divided by the number of trustees
27 to be selected therefrom substantially equals the population of
28 any other subdistrict divided by the number of trustees to be

1 elected therefrom. Upon approval, the redistricting plan shall
2 become effective and all trustees elected thereafter shall be
3 required to be elected from subdistricts in which they are
4 resident. If the plan is not approved, then it shall be returned
5 to the redistricting committee for revision and resubmission.
6 Until approval of a plan by the coordinating board for higher
7 education, trustees of a district shall continue to run at large.
8 Upon approval of any plan, the board of trustees shall determine
9 by resolution the assignment of trustees to subdistricts. Any
10 such assignment shall not affect the term of office of any such
11 trustee. Once a district has been divided into subdistricts in
12 accordance with the provisions hereof, it shall remain so divided
13 until one year following the publication of the decennial census
14 figures, by which date a new plan shall have been adopted or the
15 trustees shall again be required to run in the district at large;
16 provided, however, that if during the period between publications
17 of decennial census figures the area of a district is increased
18 or decreased, a new plan shall be adopted within one year
19 thereafter or the trustees shall be required to run in the
20 district at large. No member of the redistricting committee
21 shall serve on the board of trustees for a period of six years
22 following his service on the redistricting committee.

23 5. Candidates for the office of trustee shall be citizens
24 of the United States, at least twenty-one years of age, who have
25 been voters of the district for at least one whole year preceding
26 the election, and if trustees are elected other than at large
27 they shall be voters of the subdistricts for at least one whole
28 year next preceding the election. All candidates for the first

1 board of a district shall file their declaration of candidacy
2 with the coordinating board for higher education.

3 6. Notwithstanding the provisions of this section or any
4 other law to the contrary, the board of trustees of the community
5 college district in any district that contains a city not within
6 a county shall be composed of seven members, six of whom shall
7 each be elected to a six-year term, and one at-large member who
8 shall be appointed to a six-year term by the coordinating board
9 for higher education, beginning with the board election occurring
10 immediately after August 28, 2015, subject to the following
11 procedures:

12 (1) The appointed member shall be a citizen of the United
13 States, at least twenty-one years of age, and a registered voter
14 of the district for at least one year preceding the appointment;

15 (2) No member, elected or appointed, shall be an employee
16 of such community college district;

17 (3) Whenever a vacancy occurs in the appointed member's
18 seat due to death, resignation, removal from the district, or by
19 operation of law or otherwise, the coordinating board for higher
20 education shall, in a like manner, appoint a competent person to
21 fill such vacancy and shall communicate his or her action to the
22 board secretary of the district. Such appointed member shall
23 hold office for the remainder of the unexpired term

24 (4) If a board member is found by unanimous vote of the
25 other board members to have moved his or her residence to a
26 district other than the district from which such board member was
27 appointed or elected, or to have violated a duly promulgated
28 bylaw of the district, then the office of such board member shall

1 be vacant;

2 (5) The board shall have the power to make such bylaws or
3 ordinances, rules, and regulations as it may judge most expedient
4 for the accomplishment of the trust reposed in it, for the
5 government of its officers and employees, to secure its
6 accountability, and to delegate its authority as it may deem
7 necessary to such officers and employees or to committees
8 appointed by the board;

9 (6) Except as specifically provided in this section, the
10 appointment or election and term of office for members of the
11 board, and all other duties and responsibilities of the board,
12 shall comply with the provisions of state law regarding trustees
13 of community college districts.

14 Section 1. If any provision of this act or the application
15 thereof to anyone or to any circumstance is held invalid, the
16 remainder of those sections and the application of such
17 provisions to others or other circumstances shall not be affected
18 thereby.

19 [115.342. 1. Any person who files as a candidate
20 for election to a public office shall be disqualified
21 from participation in the election for which the
22 candidate has filed if such person is delinquent in the
23 payment of any state income taxes, personal property
24 taxes, municipal taxes, real property taxes on the
25 place of residence, as stated on the declaration of
26 candidacy, or if the person is a past or present
27 corporate officer of any fee office that owes any taxes
28 to the state.

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

35 AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:
36 I hereby declare under penalties of perjury that I am

1 not currently aware of any delinquency in the filing or
2 payment of any state income taxes, personal property
3 taxes, municipal taxes, real property taxes on the
4 place of residence, as stated on the declaration of
5 candidacy, or that I am a past or present corporate
6 officer of any fee office that owes any taxes to the
7 state, other than those taxes which may be in dispute.
8 I declare under penalties of perjury that I am not
9 aware of any information that would prohibit me from
10 fulfilling any bonding requirements for the office for
11 which I am filing.
12

13 Candidate's Signature

14
15 Printed Name of
16 Candidate.

17 3. Upon receipt of a complaint alleging a
18 delinquency of the candidate in the filing or payment
19 of any state income taxes, personal property taxes,
20 municipal taxes, real property taxes on the place of
21 residence, as stated on the declaration of candidacy,
22 or if the person is a past or present corporate officer
23 of any fee office that owes any taxes to the state, the
24 department of revenue shall investigate such potential
25 candidate to verify the claim contained in the
26 complaint. If the department of revenue finds a
27 positive affirmation to be false, the department shall
28 contact the secretary of state, or the election
29 official who accepted such candidate's declaration of
30 candidacy, and the potential candidate. The department
31 shall notify the candidate of the outstanding tax owed
32 and give the candidate thirty days to remit any such
33 outstanding taxes owed which are not the subject of
34 dispute between the department and the candidate. If
35 the candidate fails to remit such amounts in full
36 within thirty days, the candidate shall be disqualified
37 from participating in the current election and barred
38 from refiling for an entire election cycle even if the
39 individual pays all of the outstanding taxes that were
40 the subject of the complaint.]
41

42 [115.348. No person shall qualify as a candidate
43 for elective public office in the state of Missouri who
44 has been found guilty of or pled guilty to a felony or
45 misdemeanor under the federal laws of the United States
46 of America.]
47

48 [115.350. No person shall qualify as a candidate
49 for elective public office in the state of Missouri who
50 has been convicted of or found guilty of or pled guilty
51 to a felony under the laws of this state.]

1 [162.025. No person shall be a candidate for a
2 member or director of the school board in any district
3 in this state if such person has previously been
4 employed by the district as the district's
5 superintendent.]
6

7 [162.491. 1. Directors for urban school
8 districts, other than those districts containing the
9 greater part of a city of over one hundred thirty
10 thousand inhabitants, may be nominated by petition to
11 be filed with the secretary of the board and signed by
12 a number of voters in the district equal to ten percent
13 of the total number of votes cast for the director
14 receiving the highest number of votes cast at the next
15 preceding biennial election, except as provided in
16 subsection 4 of this section.

17 2. This section shall not be construed as
18 providing the sole method of nominating candidates for
19 the office of school director in urban districts which
20 do not contain the greater part of a city of over three
21 hundred thousand inhabitants.

22 3. A director for any urban school district
23 containing a city of greater than one hundred thirty
24 thousand inhabitants and less than three hundred
25 thousand inhabitants may be nominated as an independent
26 candidate by filing with the secretary of the board a
27 petition signed by five hundred registered voters of
28 such school district.

29 4. In any urban school district located in a home
30 rule city with more than seventy-one thousand but fewer
31 than seventy-nine thousand inhabitants, a candidate for
32 director shall file a declaration of candidacy with the
33 secretary of the board and shall not be required to
34 submit a petition.]
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43 Will Kraus

Tony Dugger