

FIRST REGULAR SESSION

# SENATE BILL NO. 41

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LeVOTA.

Pre-filed December 1, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0332S.011

## AN ACT

To repeal sections 115.017, 115.021, 115.027, 115.029, 115.115, and 115.353, RSMo, and to enact in lieu thereof six new sections relating to elections.

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

Section A. Sections 115.017, 115.021, 115.027, 115.029, 115.115, and  
2 115.353, RSMo, are repealed and six new sections enacted in lieu thereof, to be  
3 known as sections 115.017, 115.021, 115.027, 115.029, 115.115, and 115.353, to  
4 read as follows:

115.017. There shall be a board of election commissioners:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20           **3. Notwithstanding the provisions of subsection 1 of this section**

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

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

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

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

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

17 appointed, confirmed and sworn. The first two election commissioners appointed  
18 after May 10, 1994, shall be appointed for terms of two years and until their  
19 successors are appointed, confirmed and sworn. One of those appointed to a  
20 two-year term shall be a member of one major political party and one shall be a  
21 member of the other major political party. The next two election commissioners  
22 appointed, and all successors, shall be appointed for terms of four years and until  
23 their successors are appointed, confirmed and sworn.

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

115.115. 1. Except as provided in subsection 2 of this section or in section  
2 115.436, for each election within its jurisdiction, the election authority shall  
3 designate a polling place for each precinct within which any voter is entitled to  
4 vote at the election.

5 2. For any election, the election authority shall have the right to  
6 consolidate two or more adjoining precincts for voting at a single polling place  
7 and to designate one set of judges to conduct the election for such  
8 precincts. Voters shall be notified of the place for voting in the manner provided  
9 in section 115.127 or 115.129.

10 3. No person shall be required to go to more than one polling place to vote  
11 on the same day.

12 4. Prior to the opening of the polling places on any election day, if  
13 candidates or issues for more than one political subdivision or district are to be  
14 voted for at one precinct, the election authority for that precinct shall provide  
15 color-coded ballots, or ballots with other distinguishing codes, to show what  
16 candidates and issues the voter is eligible to vote, based on the voter's place of  
17 residence, so that on election day no voter will have an opportunity to vote for  
18 candidates or issues for which the voter is not entitled to vote. If such ballots are  
19 not available, the election authority shall be notified and voting at that precinct  
20 shall not begin until appropriate ballots are available.

21 5. **With the exception of the election authority described in**  
22 **subsection 3 of section 115.021**, each local election authority shall designate  
23 one common site and may designate up to four additional common sites as  
24 election day central polling places designed for accessibility to voters who have  
25 physical disabilities, the elderly, and any other registered voter authorized by law

26 to vote at a central polling place. **The election authority described in**  
27 **subsection 3 of section 115.021 shall designate two common sites and**  
28 **may designate up to four additional common sites with one such site to**  
29 **be located within the home rule city in that jurisdiction and the other**  
30 **to be located within the county seat outside of such city in that**  
31 **jurisdiction.** Such sites shall conform to nationally accepted accessibility  
32 standards. In addition to being able to supply such voters with their appropriate  
33 ballots, and being open during regular voting hours, such a polling place shall  
34 otherwise be staffed and operated in accordance with law, especially as provided  
35 in subsection 3 of section 115.436 and subsection 3 of section 115.445, and like  
36 any other polling place, insofar as possible.

37         6. Subject to receipt of sufficient Section 261 funds authorized by the Help  
38 America Vote Act of 2002, the secretary of state shall develop a comprehensive  
39 plan for increased polling place accessibility. The secretary of state shall apply  
40 for funds pursuant to Section 261 of the Help America Vote Act of 2002 and may  
41 allocate Section 101 of the Help America Vote Act of 2002 funding after reaching  
42 full compliance of Title III of the Help America Vote Act of 2002. Any funds  
43 received pursuant to Section 291 of the Help America Vote Act of 2002 may be  
44 used for provisions of this section. The plan shall include:

45         (1) Completion of a comprehensive audit of current polling place  
46 accessibility using nationally accepted standards for architectural accessibility  
47 such as the Federal Election Commission Polling Place Accessibility Survey or  
48 other survey developed using the Americans with Disabilities Act Accessibility  
49 Guidelines. Audits shall be completed no later than twelve months after receipt  
50 of Section 261 of the Help America Vote Act of 2002 funds. The audit shall  
51 include recommendations and cost estimates for each polling place to achieve  
52 accessibility and shall be procured in accordance with chapter 34;

53         (2) Development of the plan, including time lines for barrier removal and  
54 funding needed to achieve one hundred percent polling place accessibility within  
55 twenty-four months after the completion of the audit. The implementation plan  
56 may be used by local election authorities in applying for any available federal and  
57 state funds available to improve polling place accessibility and shall be submitted  
58 to the general assembly by the secretary of state for use in determining future  
59 requirements and funding needs for polling place accessibility;

60         (3) Establishment of an oversight committee made up of individuals with  
61 disabilities, disability organizations, advocates, and election officials to assist the

62 activities pursuant to this section.

63 Nothing in this section shall be construed to limit the ability of local election  
64 authorities to apply for and receive grants for polling place accessibility pursuant  
65 to Section 261 of the Help America Vote Act of 2002 prior to the completion of the  
66 survey authorized pursuant to this section. Improvements to polling places made  
67 with grants received pursuant to Section 261 of the Help America Vote Act of  
68 2002 shall be used to meet standards as outlined in this section unless the  
69 requirements of the grant exceed these requirements.

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

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

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

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

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