

SECOND REGULAR SESSION

SENATE BILL NO. 1032

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WIELAND.

Read 1st time February 4, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6351S.011

AN ACT

To repeal section 115.124, RSMo, and to enact in lieu thereof one new section relating to filing for nonpartisan elections in certain charter counties.

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

Section A. Section 115.124, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 115.124, to read as follows:

115.124. 1. Notwithstanding any other law to the contrary, in a
2 nonpartisan election in any political subdivision or special district including
3 municipal elections in any city, town, or village with one thousand or fewer
4 inhabitants that have adopted a proposal pursuant to subsection [3] 4 of this
5 section but excluding municipal elections in any city, town, or village with more
6 than one thousand inhabitants, if the notice provided for in subsection 5 of
7 section 115.127 has been published in at least one newspaper of general
8 circulation as defined in section 493.050 in the district, and if the number of
9 candidates who have filed for a particular office is equal to the number of
10 positions in that office to be filled by the election, no election shall be held for
11 such office, and the candidates shall assume the responsibilities of their offices
12 at the same time and in the same manner as if they had been elected. If no
13 election is held for such office as provided in this section, the election authority
14 shall publish a notice containing the names of the candidates that shall assume
15 the responsibilities of office under this section. Such notice shall be published in
16 at least one newspaper of general circulation as defined in section 493.050 in such
17 political subdivision or district by the first of the month in which the election
18 would have occurred, had it been contested. Notwithstanding any other provision
19 of law to the contrary, if at any election the number of candidates filing for a

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

20 particular office exceeds the number of positions to be filled at such election, the
21 election authority shall hold the election as scheduled, even if a sufficient number
22 of candidates withdraw from such contest for that office so that the number of
23 candidates remaining after the filing deadline is equal to the number of positions
24 to be filled.

25 2. The election authority or political subdivision responsible for the
26 oversight of the filing of candidates in any nonpartisan election in any political
27 subdivision or special district shall clearly designate where candidates shall form
28 a line to effectuate such filings and determine the order of such filings; except
29 that, in the case of candidates who file a declaration of candidacy with the
30 election authority or political subdivision prior to 5:00 p.m. on the first day for
31 filing, the election authority or political subdivision may determine by random
32 drawing the order in which such candidates' names shall appear on the ballot. If
33 a drawing is conducted pursuant to this subsection, it shall be conducted so that
34 each candidate, or candidate's representative if the candidate filed under
35 subsection 2 of section 115.355, may draw a number at random at the time of
36 filing. If such drawing is conducted, the election authority or political subdivision
37 shall record the number drawn with the candidate's declaration of candidacy. If
38 such drawing is conducted, the names of candidates filing on the first day of filing
39 for each office on each ballot shall be listed in ascending order of the numbers so
40 drawn.

41 **3. (1) For any nonpartisan election in any political subdivision**
42 **or special district in a county with a charter form of government and**
43 **with more than one hundred ninety-eight thousand but fewer than one**
44 **hundred ninety-nine thousand two hundred inhabitants, the election**
45 **authority or political subdivision responsible for the oversight of filing**
46 **for such election may designate the county clerk as the entity**
47 **responsible for the oversight of filing.**

48 **(2) In the event that the election authority or political**
49 **subdivision designates the county clerk as the entity responsible for**
50 **the oversight of filing, the county clerk shall assume such**
51 **responsibility.**

52 **(3) The election authority or political subdivision which**
53 **designates the county clerk as the entity responsible for the oversight**
54 **of filing shall cause legal notice to be published, indicating as**
55 **such. The notice shall be published in two newspapers of different**

56 **political faith and qualified pursuant to chapter 493 which are**
57 **published within the bounds of the area holding the election. If there**
58 **is only one so qualified newspaper, then notice shall be published in**
59 **only one newspaper. If there is no newspaper published within the**
60 **bounds of the election area, then the notice shall be published in two**
61 **qualified newspapers of different political faith serving the**
62 **area. Notice shall be published twice, the first publication occurring**
63 **in the second week prior to the election, and the second publication**
64 **occurring within one week prior to the election.**

65 4. The governing body of any city, town, or village with one thousand or
66 fewer inhabitants may submit to the voters at any available election, a question
67 to adopt the provisions of subsection 1 of this section for municipal elections. If
68 a majority of the votes cast by the qualified voters voting thereon are in favor of
69 the question, then the city, town, or village shall conduct nonpartisan municipal
70 elections as provided in subsection 1 of this section for all nonpartisan elections
71 remaining in the year in which the proposal was adopted and for the six calendar
72 years immediately following such approval. At the end of such six-year period,
73 each such city, town, or village shall be prohibited from conducting such elections
74 in such a manner unless such a question is again adopted by the majority of
75 qualified voters as provided in this subsection.

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