

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/House Bill No. 1428, Page 1, Section A, Line 3,

by inserting after all of said line the following:

"26.018. 1. In case of death, resignation, removal from office, conviction after impeachment, or vacancy from any cause in the office of lieutenant governor at any time prior to one hundred twenty days before the general election after the lieutenant governor's term begins, the governor shall, within thirty days, issue a writ of election to fill the vacancy for the remainder of the term in which such vacancy occurred and until the successor is elected, commissioned, and qualified. Such special election shall be held at the next general election.

2. The candidates for the special election shall be nominated at a special primary election to be held on a Tuesday at least forty-nine days prior to the date of the special election. Filing for the office shall be as provided for in sections 115.306 to 115.359, provided that section 115.349 to the contrary notwithstanding, the secretary of state shall accept filing for the primary special election until forty-nine days prior to primary election. If at the end of forty-nine days there is only one candidate there shall be no primary election.

3. In the case of impeachment, the office shall remain

1 vacant until such impeachment is determined. If acquitted, the
2 lieutenant governor shall be reinstated in office. If any
3 vacancy from any cause occurs in the office of lieutenant
4 governor after one hundred twenty days before the first general
5 election after the lieutenant governor's term begins, the office
6 shall remain vacant for the remainder of the term in which such
7 vacancy occurred and until a successor is elected, commissioned,
8 and qualified."; and

9 Further amend said bill, page 3, section 105.030, line 27,
10 by inserting after all of said line the following:

11 "115.125. 1. Not later than 5:00 p.m. on the tenth Tuesday
12 prior to any election, except a special election to decide an
13 election contest, tie vote or an election to elect seven members
14 to serve on a school board of a district pursuant to section
15 162.241, or a delay in notification pursuant to subsection 2 of
16 this section, or pursuant to the provisions of section 115.399,
17 the officer or agency calling the election shall notify the
18 election authorities responsible for conducting the election.
19 The notice shall be in writing, shall specify the name of the
20 officer or agency calling the election and shall include a
21 certified copy of the legal notice to be published pursuant to
22 subsection 2 of section 115.127. The notice and any other
23 information required by this section may, with the prior
24 notification to the election authority receiving the notice, be
25 accepted by facsimile transmission prior to 5:00 p.m. on the
26 tenth Tuesday prior to the election, provided that the original
27 copy of the notice and a certified copy of the legal notice to be
28 published shall be received in the office of the election
29 authority within three business days from the date of the

1 facsimile transmission. In lieu of a certified copy of the legal
2 notice to be published pursuant to subsection 2 of section
3 115.127, each notice of a special election to fill a vacancy
4 shall include the name of the office to be filled, the date of
5 the primary election for the special election, if applicable, the
6 date of the special election, and the date by which candidates
7 must be selected or filed for the office. Not later than the
8 fourth Tuesday prior to any special election to fill a vacancy
9 called by a political subdivision or special district, or any
10 special election called pursuant to section 26.018 or any
11 preceding primary election for such special election, the officer
12 or agency calling the election shall certify a sample ballot to
13 the election authorities responsible for conducting the election.

14 2. Except as provided for in sections 115.247 and 115.359,
15 if there is no additional cost for the printing or reprinting of
16 ballots or if the political subdivision or special district
17 calling for the election agrees to pay any printing or reprinting
18 costs, a political subdivision or special district may, at any
19 time after certification required in subsection 1 of this
20 section, but no later than 5:00 p.m. on the sixth Tuesday before
21 the election, be permitted to make late notification to the
22 election authority pursuant to court order, which, except for
23 good cause shown by the election authority in opposition thereto,
24 shall be freely given upon application by the political
25 subdivision or special district to the circuit court of the area
26 of such subdivision or district. No court shall have the
27 authority to order an individual or issue be placed on the ballot
28 less than six weeks before the date of the election, except as
29 provided in sections 115.361 and 115.379.

1 115.127. 1. Except as provided in subsection 4 of this
2 section, upon receipt of notice of a special election to fill a
3 vacancy submitted pursuant to section 115.125, the election
4 authority shall cause legal notice of the special election and,
5 if applicable, the primary election for a special election to be
6 published in a newspaper of general circulation in its
7 jurisdiction. The notice shall include the name of the officer
8 or agency calling the election, the date and time of the special
9 election and, if applicable, the primary election for such
10 special election, the name of the office to be filled and the
11 date by which candidates must be selected or filed for the
12 office. Within one week prior to each primary election for a
13 special election and each special election to fill a vacancy held
14 in its jurisdiction, the election authority shall cause legal
15 notice of the election to be published in two newspapers of
16 different political faith and general circulation in the
17 jurisdiction. The legal notice shall include the date and time
18 of the election, the name of the officer or agency calling the
19 election and a sample ballot. If there is only one newspaper of
20 general circulation in the jurisdiction, the notice shall be
21 published in the newspaper within one week prior to the election.
22 If there are two or more newspapers of general circulation in the
23 jurisdiction, but no two of opposite political faith, the notice
24 shall be published in any two of the newspapers within one week
25 prior to the election.

26 2. Except as provided in subsections 1 and 4 of this
27 section and in sections 115.521, 115.549 and 115.593, the
28 election authority shall cause legal notice of each election held
29 in its jurisdiction to be published. The notice shall be

1 published in two newspapers of different political faith and
2 qualified pursuant to chapter 493 which are published within the
3 bounds of the area holding the election. If there is only one so
4 qualified newspaper, then notice shall be published in only one
5 newspaper. If there is no newspaper published within the bounds
6 of the election area, then the notice shall be published in two
7 qualified newspapers of different political faith serving the
8 area. Notice shall be published twice, the first publication
9 occurring in the second week prior to the election, and the
10 second publication occurring within one week prior to the
11 election. Each such legal notice shall include the date and time
12 of the election, the name of the officer or agency calling the
13 election and a sample ballot; and, unless notice has been given
14 as provided by section 115.129, the second publication of notice
15 of the election shall include the location of polling places.
16 The election authority may provide any additional notice of the
17 election it deems desirable.

18 3. The election authority shall print the official ballot
19 as the same appears on the sample ballot, and no candidate's name
20 or ballot issue which appears on the sample ballot or official
21 printed ballot shall be stricken or removed from the ballot
22 except on death of a candidate or by court order.

23 4. In lieu of causing legal notice to be published in
24 accordance with any of the provisions of this chapter, the
25 election authority in jurisdictions which have less than seven
26 hundred fifty registered voters and in which no newspaper
27 qualified pursuant to chapter 493 is published, may cause legal
28 notice to be mailed during the second week prior to the election,
29 by first class mail, to each registered voter at the voter's

1 voting address. All such legal notices shall include the date
2 and time of the election, the location of the polling place, the
3 name of the officer or agency calling the election and a sample
4 ballot.

5 5. If the opening date for filing a declaration of
6 candidacy for any office in a political subdivision or special
7 district is not required by law or charter, the opening filing
8 date shall be 8:00 a.m., the sixteenth Tuesday prior to the
9 election, except that for any home rule city with more than four
10 hundred thousand inhabitants and located in more than one county
11 and any political subdivision or special district located in such
12 city, the opening filing date shall be 8:00 a.m., the fifteenth
13 Tuesday prior to the election. If the closing date for filing a
14 declaration of candidacy for any office in a political
15 subdivision or special district is not required by law or
16 charter, the closing filing date shall be 5:00 p.m., the eleventh
17 Tuesday prior to the election. The political subdivision or
18 special district calling an election shall, before the sixteenth
19 Tuesday, or the fifteenth Tuesday for any home rule city with
20 more than four hundred thousand inhabitants and located in more
21 than one county or any political subdivision or special district
22 located in such city, prior to any election at which offices are
23 to be filled, notify the general public of the opening filing
24 date, the office or offices to be filled, the proper place for
25 filing and the closing filing date of the election. Such
26 notification may be accomplished by legal notice published in at
27 least one newspaper of general circulation in the political
28 subdivision or special district.

29 6. Except as provided for in sections 115.247 and 115.359,

1 if there is no additional cost for the printing or reprinting of
2 ballots or if the candidate agrees to pay any printing or
3 reprinting costs, a candidate who has filed for an office or who
4 has been duly nominated for an office may, at any time after the
5 certification required in section 115.125 but no later than 5:00
6 p.m. on the sixth Tuesday before the election, withdraw as a
7 candidate pursuant to a court order, which, except for good cause
8 shown by the election authority in opposition thereto, shall be
9 freely given upon application by the candidate to the circuit
10 court of the area of such candidate's residence."; and

11 Further amend the title and enacting clause accordingly.