

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1446

99TH GENERAL ASSEMBLY

Reported from the Committee on Local Government and Elections, May 7, 2018, with recommendation that the Senate Committee Substitute do pass.

4467S.06C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 65.610, 65.620, 88.770, 94.900, 115.124, 115.157, and 162.441, RSMo, 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:

Section A. Sections 65.610, 65.620, 88.770, 94.900, 115.124, 115.157, and
2 162.441, RSMo, are repealed and seven new sections enacted in lieu thereof, to
3 be known as sections 65.610, 65.620, 88.770, 94.900, 115.124, 115.157, and
4 162.441, to read as follows:

65.610. 1. Upon the petition of at least ten percent of voters at the last
2 general election of any county having heretofore adopted township organization,
3 praying therefor, the county commission shall submit the question of the abolition
4 of township organization to the voters of the county at a general or special
5 election. **The question shall include a countywide tax levy for road and**
6 **bridge purposes.** The total vote for governor at the last general election before
7 the filing of the petition where a governor was elected shall be used to determine
8 the number of voters necessary to sign the petition. If the petition is filed six
9 months or more prior to a general election, the proposition shall be submitted at
10 a special election to be ordered by the county commission within sixty days after
11 the petition is filed; if the petition is filed less than six months before a general
12 election, then the proposition shall be submitted at the general election next
13 succeeding the filing of the petition. The election shall be conducted, the vote
14 canvassed and the result declared in the same manner as provided by law in
15 respect to elections of county officers. The clerk of the county commission shall
16 give notice that a proposition for the abolition of township organization form of

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

17 county government in the county is to be voted upon by causing a copy of the
 18 order of the county commission authorizing such election to be published at least
 19 once each week for three successive weeks, the last insertion to be not more than
 20 one week prior to the election, in some newspaper published in the county where
 21 the election is to be held, if there is a newspaper published in the county and, if
 22 not, by posting printed or written handbills in at least two public places in each
 23 election precinct in the county at least twenty-one days prior to the date of
 24 election. The clerk of the county commission shall provide the ballot which shall
 25 be printed and in substantially the following form:

26 OFFICIAL BALLOT

27 (Check the one for which you wish to vote)

28 Shall township organization form of county government be
 29 abolished in _____ County **and a countywide tax at a**
 30 **rate of collected for road and bridge purposes?**

31 YES

NO

32 If a majority of the electors voting upon the proposition shall vote for the
 33 abolition thereof the township organization form of county government shall be
 34 declared to have been abolished; and township organization shall cease in said
 35 county; and except as provided in section 65.620 all laws in force in relation to
 36 counties not having township organization shall immediately take effect and be
 37 in force in such county.

38 2. No election or any proposal for either the adoption of township
 39 organization or for the abolition of township organization in any county shall be
 40 held within two years after an election is held under this section.

65.620. 1. Whenever any county abolishes township organization the
 2 county treasurer and ex officio collector shall immediately settle his accounts as
 3 treasurer with the county commission and shall thereafter perform all duties,
 4 exercise all powers, have all rights and be subject to all liabilities imposed and
 5 conferred upon the county collector of revenue under chapter 52 until the first
 6 Monday in March after the general election next following the abolishment of
 7 township organization and until a collector of revenue for the county is elected
 8 and qualified. The person elected collector at the general election as aforesaid,
 9 if that election is not one for collector of revenue under chapter 52, shall serve
 10 until the first Monday in March following the election and qualification of a
 11 collector of revenue under chapter 52. Upon abolition of township organization
 12 a county treasurer shall be appointed to serve until the expiration of the term of

13 such officer pursuant to chapter 54.

14 2. Upon abolition of township organization, title to all property of all
15 kinds theretofore owned by the several townships of the county shall vest in the
16 county and the county shall be liable for all outstanding obligations and liabilities
17 of the several townships.

18 3. The terms of office of all township officers shall expire on the abolition
19 of township organization and the township trustee of each township shall
20 immediately settle his accounts with the county clerk and all township officers
21 shall promptly deliver to the appropriate county officers, as directed by the
22 county commission, all books, papers, records and property pertaining to their
23 offices.

24 [4. For a period of one calendar year following the abolition of the
25 townships or until the voters of the county have approved a tax levy for road and
26 bridge purposes, whichever occurs first, the county collector shall continue to
27 collect a property tax on a countywide basis in an amount equal to the tax levied
28 by the township that had the lowest total tax rate in the county immediately
29 prior to the abolishment of the townships. The continued collection of the tax
30 shall be considered a continuation of an existing tax and shall not be considered
31 a new tax levy.]

88.770. 1. The board of aldermen may provide for and regulate the
2 lighting of streets and the erection of lamp posts, poles and lights therefor, and
3 may make contracts with any person, association or corporation, either private
4 or municipal, for the lighting of the streets and other public places of the city
5 with gas, electricity or otherwise, except that each initial contract shall be
6 ratified by a majority of the voters of the city voting on the question and any
7 renewal contract or extension shall be subject to voter approval of the majority
8 of the voters voting on the question, pursuant to the provisions of section
9 88.251. The board of aldermen may erect, maintain and operate gas works,
10 electric light works, or light works of any other kind or name, and to erect lamp
11 posts, electric light poles, or any other apparatus or appliances necessary to light
12 the streets, avenues, alleys or other public places, and to supply private lights for
13 the use of the inhabitants of the city and its suburbs, and may regulate the same,
14 and may prescribe and regulate the rates to be paid by the consumers thereof,
15 and may acquire by purchase, donation or condemnation suitable grounds within
16 or without the city upon which to erect such works and the right-of-way to and
17 from such works, and also the right-of-way for laying gas pipes, electric wires

18 under or above the grounds, and erecting posts and poles and such other
19 apparatus and appliances as may be necessary for the efficient operation of such
20 works. The board of aldermen may, in its discretion, grant the right to any
21 person, persons or corporation, to erect such works and lay the pipe, wires, and
22 erect the posts, poles and other necessary apparatus and appliances therefor,
23 upon such terms as may be prescribed by ordinance. Such rights shall not extend
24 for a longer time than twenty years, but may be renewed for another period or
25 periods not to exceed twenty years per period. Every initial grant shall be
26 approved by a majority of the voters of the municipality voting on the question,
27 and each renewal or extension of such rights shall be subject to voter approval of
28 the majority of the voters voting on the question, pursuant to the provisions of
29 section 88.251. Nothing herein contained shall be so construed as to prevent the
30 board of aldermen from contracting with any person, persons or corporation for
31 furnishing the city with gas or electric lights in cities where franchises have
32 already been granted, and where gas or electric light plants already exist, without
33 a vote of the people, except that the board of aldermen may sell, convey,
34 encumber, lease, abolish or otherwise dispose of any public utilities owned by the
35 city including electric light systems, electric distribution systems or transmission
36 lines, or any part of the electric light systems, electric or other heat systems,
37 electric or other power systems, electric or other railways, gas plants, telephone
38 systems, telegraph systems, transportation systems of any kind, waterworks,
39 equipments and all public utilities not herein enumerated and everything
40 acquired therefor, after first having passed an ordinance setting forth the terms
41 of the sale, conveyance or encumbrance and when ratified by two-thirds of the
42 voters voting on the question, **except for the sale of a water or wastewater**
43 **system, or the sale of a gas plant, which shall be authorized by a simple**
44 **majority vote of the voters voting on the question. In the event of the**
45 **proposed sale of a water or wastewater system, or a gas plant, the**
46 **board of alderman shall hold a public meeting on such proposed sale**
47 **at least thirty days prior to the vote.**

48 2. The ballots shall be substantially in the following form and shall
49 indicate the property, or portion thereof, and whether the same is to be sold,
50 leased or encumbered:

51 Shall _____ (Indicate the property by stating
52 whether electric distribution system, electric transmission lines or
53 waterworks, etc.) be _____ (Indicate whether sold, leased or

54 encumbered.)?

94.900. 1. (1) The governing body of the following cities may impose a
2 tax as provided in this section:

3 (a) Any city of the third classification with more than ten thousand eight
4 hundred but less than ten thousand nine hundred inhabitants located at least
5 partly within a county of the first classification with more than one hundred
6 eighty-four thousand but less than one hundred eighty-eight thousand
7 inhabitants;

8 (b) Any city of the fourth classification with more than four thousand five
9 hundred but fewer than five thousand inhabitants;

10 (c) Any city of the fourth classification with more than eight thousand
11 nine hundred but fewer than nine thousand inhabitants;

12 (d) Any home rule city with more than forty-eight thousand but fewer
13 than forty-nine thousand inhabitants;

14 (e) Any home rule city with more than seventy-three thousand but fewer
15 than seventy-five thousand inhabitants;

16 (f) Any city of the fourth classification with more than thirteen thousand
17 five hundred but fewer than sixteen thousand inhabitants; [or]

18 (g) Any city of the fourth classification with more than seven thousand but
19 fewer than eight thousand inhabitants;

20 **(h) Any city of the fourth classification with more than four**
21 **thousand but fewer than four thousand five hundred inhabitants and**
22 **located in any county of the first classification with more than one**
23 **hundred fifty thousand but fewer than two hundred thousand**
24 **inhabitants; or**

25 **(i) Any city of the third classification with more than thirteen**
26 **thousand but fewer than fifteen thousand inhabitants and located in**
27 **any county of the third classification without a township form of**
28 **government and with more than thirty-three thousand but fewer than**
29 **thirty-seven thousand inhabitants.**

30 (2) The governing body of any city listed in subdivision (1) of this
31 subsection is hereby authorized to impose, by ordinance or order, a sales tax in
32 the amount of up to one-half of one percent on all retail sales made in such city
33 which are subject to taxation under the provisions of sections 144.010 to 144.525
34 for the purpose of improving the public safety for such city, including but not
35 limited to expenditures on equipment, city employee salaries and benefits, and

36 facilities for police, fire and emergency medical providers. The tax authorized by
37 this section shall be in addition to any and all other sales taxes allowed by law,
38 except that no ordinance or order imposing a sales tax pursuant to the provisions
39 of this section shall be effective unless the governing body of the city submits to
40 the voters of the city, at a county or state general, primary or special election, a
41 proposal to authorize the governing body of the city to impose a tax.

42 2. If the proposal submitted involves only authorization to impose the tax
43 authorized by this section, the ballot of submission shall contain, but need not be
44 limited to, the following language:

45 Shall the city of _____ (city's name) impose a citywide sales tax of
46 _____ (insert amount) for the purpose of improving the public
47 safety of the city?

48 YES NO

49 If you are in favor of the question, place an "X" in the box opposite "YES". If you
50 are opposed to the question, place an "X" in the box opposite "NO".

51 If a majority of the votes cast on the proposal by the qualified voters voting
52 thereon are in favor of the proposal submitted pursuant to this subsection, then
53 the ordinance or order and any amendments thereto shall be in effect on the first
54 day of the second calendar quarter after the director of revenue receives
55 notification of adoption of the local sales tax. If a proposal receives less than the
56 required majority, then the governing body of the city shall have no power to
57 impose the sales tax herein authorized unless and until the governing body of the
58 city shall again have submitted another proposal to authorize the governing body
59 of the city to impose the sales tax authorized by this section and such proposal
60 is approved by the required majority of the qualified voters voting
61 thereon. However, in no event shall a proposal pursuant to this section be
62 submitted to the voters sooner than twelve months from the date of the last
63 proposal pursuant to this section.

64 3. All revenue received by a city from the tax authorized under the
65 provisions of this section shall be deposited in a special trust fund and shall be
66 used solely for improving the public safety for such city for so long as the tax
67 shall remain in effect.

68 4. Once the tax authorized by this section is abolished or is terminated by
69 any means, all funds remaining in the special trust fund shall be used solely for
70 improving the public safety for the city. Any funds in such special trust fund
71 which are not needed for current expenditures may be invested by the governing

72 body in accordance with applicable laws relating to the investment of other city
73 funds.

74 5. All sales taxes collected by the director of the department of revenue
75 under this section on behalf of any city, less one percent for cost of collection
76 which shall be deposited in the state's general revenue fund after payment of
77 premiums for surety bonds as provided in section 32.087, shall be deposited in a
78 special trust fund, which is hereby created, to be known as the "City Public Safety
79 Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be
80 state funds and shall not be commingled with any funds of the state. The
81 provisions of section 33.080 to the contrary notwithstanding, money in this fund
82 shall not be transferred and placed to the credit of the general revenue fund. The
83 director of the department of revenue shall keep accurate records of the amount
84 of money in the trust and which was collected in each city imposing a sales tax
85 pursuant to this section, and the records shall be open to the inspection of officers
86 of the city and the public. Not later than the tenth day of each month the
87 director of the department of revenue shall distribute all moneys deposited in the
88 trust fund during the preceding month to the city which levied the tax; such
89 funds shall be deposited with the city treasurer of each such city, and all
90 expenditures of funds arising from the trust fund shall be by an appropriation act
91 to be enacted by the governing body of each such city. Expenditures may be made
92 from the fund for any functions authorized in the ordinance or order adopted by
93 the governing body submitting the tax to the voters.

94 6. The director of the department of revenue may make refunds from the
95 amounts in the trust fund and credited to any city for erroneous payments and
96 overpayments made, and may redeem dishonored checks and drafts deposited to
97 the credit of such cities. If any city abolishes the tax, the city shall notify the
98 director of the department of revenue of the action at least ninety days prior to
99 the effective date of the repeal and the director of the department of revenue may
100 order retention in the trust fund, for a period of one year, of two percent of the
101 amount collected after receipt of such notice to cover possible refunds or
102 overpayment of the tax and to redeem dishonored checks and drafts deposited to
103 the credit of such accounts. After one year has elapsed after the effective date of
104 abolition of the tax in such city, the director of the department of revenue shall
105 remit the balance in the account to the city and close the account of that
106 city. The director of the department of revenue shall notify each city of each
107 instance of any amount refunded or any check redeemed from receipts due the

108 city.

109 7. Except as modified in this section, all provisions of sections 32.085 and
110 32.087 shall apply to the tax imposed pursuant to this section.

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] two** thousand or fewer
4 inhabitants that have adopted a proposal pursuant to subsection 3 of this section
5 but excluding municipal elections in any city, town, or village with more than
6 **[one] two** 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] **if the number of candidates for each office in a particular**
12 **political subdivision, special district, or municipality is equal to the**
13 **number of positions for each office within the political subdivision,**
14 **special district, or municipality to be filled by the election and no**
15 **ballot measure is placed on the ballot such that a particular political**
16 **subdivision will owe no proportional elections costs if an election is not**
17 **held, no election shall be held,** and the candidates shall assume the
18 responsibilities of their offices at the same time and in the same manner as if
19 they had been elected. If no election is held for [such office] **a particular**
20 **political subdivision, special district, or municipality** as provided in this
21 section, the election authority shall publish a notice containing the names of the
22 candidates that shall assume the responsibilities of office under this
23 section. Such notice shall be published in at least one newspaper of general
24 circulation as defined in section 493.050 in such political subdivision or district
25 by the first of the month in which the election would have occurred, had it been
26 contested. Notwithstanding any other provision of law to the contrary, if at any
27 election the number of candidates filing for a particular office exceeds the number
28 of positions to be filled at such election, the election authority shall hold the
29 election as scheduled, even if a sufficient number of candidates withdraw from
30 such contest for that office so that the number of candidates remaining after the
31 filing deadline is equal to the number of positions to be filled.

32 2. The election authority or political subdivision responsible for the
33 oversight of the filing of candidates in any nonpartisan election in any political

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

48 3. The governing body of any city, town, or village with [one] **two**
49 thousand or fewer inhabitants may submit to the voters at any available election,
50 a question to adopt the provisions of subsection 1 of this section for municipal
51 elections. If a majority of the votes cast by the qualified voters voting thereon are
52 in favor of the question, then the city, town, or village shall conduct nonpartisan
53 municipal elections as provided in subsection 1 of this section for all nonpartisan
54 elections remaining in the year in which the proposal was adopted and for the six
55 calendar years immediately following such approval. At the end of such six-year
56 period, each such city, town, or village shall be prohibited from conducting such
57 elections in such a manner unless such a question is again adopted by the
58 majority of qualified voters as provided in this subsection.

115.157. 1. The election authority may place all information on any
2 registration cards in computerized form in accordance with section 115.158. No
3 election authority or secretary of state shall furnish to any member of the public
4 electronic media or printout showing any registration information, except as
5 provided in this section. Except as provided in subsection 2 of this section, the
6 election authority or secretary of state shall make available electronic media or
7 printouts showing unique voter identification numbers, voters' names, dates of
8 birth, addresses, townships or wards, and precincts. Electronic data shall be
9 maintained in at least the following separate fields:

- 10 (1) Voter identification number;
11 (2) First name;

- 12 (3) Middle initial;
- 13 (4) Last name;
- 14 (5) Suffix;
- 15 (6) Street number;
- 16 (7) Street direction;
- 17 (8) Street name;
- 18 (9) Street suffix;
- 19 (10) Apartment number;
- 20 (11) City;
- 21 (12) State;
- 22 (13) Zip code;
- 23 (14) Township;
- 24 (15) Ward;
- 25 (16) Precinct;
- 26 (17) Senatorial district;
- 27 (18) Representative district;
- 28 (19) Congressional district.

29 **2.** All election authorities shall enter voter history in their computerized
30 registration systems and shall, not more than six months after the election,
31 forward such data to the Missouri voter registration system established in section
32 115.158. In addition, election authorities shall forward registration and other
33 data in a manner prescribed by the secretary of state to comply with the Help
34 America Vote Act of 2002.

35 **3.** Except as provided in subsection [2] **6** of this section, the election
36 authority shall [also] furnish, for a fee, electronic media or a printout showing
37 the names, dates of birth and addresses of voters, or any part thereof, within the
38 jurisdiction of the election authority who voted in any specific election, including
39 primary elections, by township, ward or precinct, provided that nothing in this
40 chapter shall require such voter information to be released to the public over the
41 internet.

42 **4.** Except as provided in subsection **6** of this section, upon a
43 request by a candidate, a duly authorized representative of a campaign
44 committee, or political party committee, the secretary of state shall
45 furnish, for a fee determined by the secretary of state and in
46 compliance with section 610.026, media in an electronic format or, if so
47 requested, in a printed format, showing the names, addresses, and voter

48 **identification numbers of voters within the jurisdiction of a specific**
49 **election authority who applied for an absentee ballot under section**
50 **115.279 for any specific election involving a ballot measure or an office**
51 **for which the declaration of candidacy is required to be filed with the**
52 **secretary of state pursuant to section 115.353, including primary**
53 **elections, by township, ward, or precinct. Nothing in this section shall**
54 **require such voter information to be released to the public over the**
55 **internet. For purposes of this section, the terms "candidate", "campaign**
56 **committee", and "political party committee" shall have the same**
57 **meaning given to such terms in section 130.011.**

58 **5.** The amount of fees charged for information provided in this section
59 shall be established pursuant to chapter 610. All revenues collected by the
60 secretary of state pursuant to this section shall be deposited in the state treasury
61 and credited to the secretary of state's technology trust fund account established
62 pursuant to section 28.160. In even-numbered years, each election authority
63 shall, upon request, supply the voter registration list for its jurisdiction to all
64 candidates and party committees for a charge established pursuant to chapter
65 610. Except as provided in subsection [2] **6** of this section, all election authorities
66 shall make the information described in this section available pursuant to chapter
67 610. Any election authority who fails to comply with the requirements of this
68 section shall be subject to the provisions of chapter 610.

69 **[2.] 6.** Any person working as an undercover officer of a local, state or
70 federal law enforcement agency, persons in witness protection programs, and
71 victims of domestic violence and abuse who have received orders of protection
72 pursuant to chapter 455 shall be entitled to apply to the circuit court having
73 jurisdiction in his or her county of residence to have the residential address on
74 his or her voter registration records closed to the public if the release of such
75 information could endanger the safety of the person. Any person working as an
76 undercover agent or in a witness protection program shall also submit a
77 statement from the chief executive officer of the agency under whose direction he
78 or she is serving. The petition to close the residential address shall be
79 incorporated into any petition for protective order provided by circuit clerks
80 pursuant to chapter 455. If satisfied that the person filing the petition meets the
81 qualifications of this subsection, the circuit court shall issue an order to the
82 election authority to keep the residential address of the voter a closed record and
83 the address may be used only for the purposes of administering elections

84 pursuant to this chapter. The election authority may require the voter who has
85 a closed residential address record to verify that his or her residential address
86 has not changed or to file a change of address and to affirm that the reasons
87 contained in the original petition are still accurate prior to receiving a ballot. A
88 change of address within an election authority's jurisdiction shall not require that
89 the voter file a new petition. Any voter who no longer qualifies pursuant to this
90 subsection to have his or her residential address as a closed record shall notify
91 the circuit court. Upon such notification, the circuit court shall void the order
92 closing the residential address and so notify the election authority.

162.441. 1. If any school district desires to be attached **to a community**
2 **college district organized under sections 178.770 to 178.890 or** to one or
3 more adjacent seven-director school districts for school purposes, upon the receipt
4 of a petition setting forth such fact, signed either by voters of the district equal
5 in number to ten percent of those voting in the last school election at which
6 school board members were elected or by a majority of the voters of the district,
7 whichever is the lesser, the school board of the district desiring to be so attached
8 shall submit the question to the voters.

9 2. As an alternative to the procedure in subsection 1 of this section, a
10 seven-director district may, by a majority vote of its board of education, propose
11 a plan to the voters of the district to attach the district to one or more adjacent
12 seven-director districts and call [for] an election upon the question of such plan.

13 3. **As an alternative to the procedures in subsection 1 or 2 of this**
14 **section, a community college district organized under sections 178.770**
15 **to 178.890 may, by a majority vote of its board of trustees, propose a**
16 **plan to the voters of the school district to attach the school district to**
17 **the community college district, levy the tax rate applicable to the**
18 **community college district at the time of the vote of the board of**
19 **trustees, and call an election upon the question of such plan. The**
20 **community college district shall be responsible for the costs associated**
21 **with the election.**

22 4. A plat of the proposed changes to all affected districts shall be
23 published and posted with the notice of election.

24 [4.] 5. The question shall be submitted in substantially the following
25 form:

26 Shall the _____ school district be annexed to the _____ school
27 districts effective the _____ day of _____, _____?

28 [5.] 6. If a majority of the votes cast in the district proposing annexation
29 favor annexation, the secretary shall certify the fact, with a copy of the record,
30 to the board of the district and to the boards of the districts to which annexation
31 is proposed; whereupon the boards of the seven-director districts to which
32 annexation is proposed shall meet to consider the advisability of receiving the
33 district or a portion thereof, and if a majority of all the members of each board
34 favor annexation, the boundary lines of the seven-director school districts from
35 the effective date shall be changed to include the district, and the board shall
36 immediately notify the secretary of the district which has been annexed of its
37 action.

38 [6.] 7. Upon the effective date of the annexation, all indebtedness,
39 property and money on hand belonging thereto shall immediately pass to the
40 seven-director school district. If the district is annexed to more than one district,
41 the provisions of sections 162.031 and 162.041 shall apply.

✓

Bill

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