

FIRST REGULAR SESSION

SENATE BILL NO. 402

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

Read 1st time February 18, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2033S.01I

AN ACT

To repeal section 115.127, RSMo, and to enact in lieu thereof one new section relating to the period for filing a declaration of candidacy for certain offices.

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

Section A. Section 115.127, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 115.127, to read as follows:

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

18 2. Except as provided in subsections 1 and 4 of this section and in sections
19 115.521, 115.549 and 115.593, the election authority shall cause legal notice of

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

20 each election held in its jurisdiction to be published. The notice shall be
21 published in two newspapers of different political faith and qualified pursuant to
22 chapter 493 which are published within the bounds of the area holding the
23 election. If there is only one so-qualified newspaper, then notice shall be
24 published in only one newspaper. If there is no newspaper published within the
25 bounds of the election area, then the notice shall be published in two qualified
26 newspapers of different political faith serving the area. Notice shall be published
27 twice, the first publication occurring in the second week prior to the election, and
28 the second publication occurring within one week prior to the election. Each such
29 legal notice shall include the date and time of the election, the name of the officer
30 or agency calling the election and a sample ballot; and, unless notice has been
31 given as provided by section 115.129, the second publication of notice of the
32 election shall include the location of polling places. The election authority may
33 provide any additional notice of the election it deems desirable.

34 3. The election authority shall print the official ballot as the same appears
35 on the sample ballot, and no candidate's name or ballot issue which appears on
36 the sample ballot or official printed ballot shall be stricken or removed from the
37 ballot except on death of a candidate or by court order, but in no event shall a
38 candidate or issue be stricken or removed from the ballot less than eight weeks
39 before the date of the election.

40 4. In lieu of causing legal notice to be published in accordance with any
41 of the provisions of this chapter, the election authority in jurisdictions which have
42 less than seven hundred fifty registered voters and in which no newspaper
43 qualified pursuant to chapter 493 is published, may cause legal notice to be
44 mailed during the second week prior to the election, by first class mail, to each
45 registered voter at the voter's voting address. All such legal notices shall include
46 the date and time of the election, the location of the polling place, the name of the
47 officer or agency calling the election and a sample ballot.

48 5. If the opening date for filing a declaration of candidacy for any office
49 in a political subdivision or special district is not required by law or charter, the
50 opening filing date shall be 8:00 a.m., the [sixteenth] **seventeenth** Tuesday prior
51 to the election, except that for any home rule city with more than four hundred
52 thousand inhabitants and located in more than one county and any political
53 subdivision or special district located in such city, the opening filing date shall
54 be 8:00 a.m., the fifteenth Tuesday prior to the election. If the closing date for
55 filing a declaration of candidacy for any office in a political subdivision or special

56 district is not required by law or charter, the closing filing date shall be 5:00 p.m.,
57 the ~~[eleventh]~~ **fourteenth** Tuesday prior to the election. The political
58 subdivision or special district calling an election shall, before the ~~[sixteenth]~~
59 **seventeenth** Tuesday, or the fifteenth Tuesday for any home rule city with more
60 than four hundred thousand inhabitants and located in more than one county or
61 any political subdivision or special district located in such city, prior to any
62 election at which offices are to be filled, notify the general public of the opening
63 filing date, the office or offices to be filled, the proper place for filing and the
64 closing filing date of the election. Such notification may be accomplished by legal
65 notice published in at least one newspaper of general circulation in the political
66 subdivision or special district.

67 6. Except as provided for in sections 115.247 and 115.359, if there is no
68 additional cost for the printing or reprinting of ballots or if the candidate agrees
69 to pay any printing or reprinting costs, a candidate who has filed for an office or
70 who has been duly nominated for an office may, at any time after the certification
71 of the notice of election required in subsection 1 of section 115.125 but no later
72 than 5:00 p.m. on the eighth Tuesday before the election, withdraw as a candidate
73 pursuant to a court order, which, except for good cause shown by the election
74 authority in opposition thereto, shall be freely given upon application by the
75 candidate to the circuit court of the area of such candidate's residence.

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