

FIRST REGULAR SESSION

SENATE BILL NO. 158

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

0975S.01I

ADRIANE D. CROUSE, Secretary

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Section A. Section 115.127, RSMo, is repealed and one new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

115.127. 1. Except as provided in subsection 4 of
2 this section, upon receipt of notice of a special election
3 to fill a vacancy submitted pursuant to subsection 2 of
4 section 115.125, the election authority shall cause legal
5 notice of the special election to be published in a
6 newspaper of general circulation in its jurisdiction. The
7 notice shall include the name of the officer or agency
8 calling the election, the date and time of the election, the
9 name of the office to be filled and the date by which
10 candidates must be selected or filed for the office. Within
11 one week prior to each special election to fill a vacancy
12 held in its jurisdiction, the election authority shall cause
13 legal notice of the election to be published in two
14 newspapers of different political faith and general
15 circulation in the jurisdiction. The legal notice shall
16 include the date and time of the election, the name of the
17 officer or agency calling the election and a sample ballot.
18 If there is only one newspaper of general circulation in the

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

19 jurisdiction, the notice shall be published in the newspaper
20 within one week prior to the election. If there are two or
21 more newspapers of general circulation in the jurisdiction,
22 but no two of opposite political faith, the notice shall be
23 published in any two of the newspapers within one week prior
24 to the election.

25 2. Except as provided in subsections 1 and 4 of this
26 section and in sections 115.521, 115.549 and 115.593, the
27 election authority shall cause legal notice of each election
28 held in its jurisdiction to be published. The notice shall
29 be published in two newspapers of different political faith
30 and qualified pursuant to chapter 493 which are published
31 within the bounds of the area holding the election. If
32 there is only one so-qualified newspaper, then notice shall
33 be published in only one newspaper. If there is no
34 newspaper published within the bounds of the election area,
35 then the notice shall be published in two qualified
36 newspapers of different political faith serving the area.
37 Notice shall be published twice, the first publication
38 occurring in the second week prior to the election, and the
39 second publication occurring within one week prior to the
40 election. Each such legal notice shall include the date and
41 time of the election, the name of the officer or agency
42 calling the election and a sample ballot; and, unless notice
43 has been given as provided by section 115.129, the second
44 publication of notice of the election shall include the
45 location of polling places. The election authority may
46 provide any additional notice of the election it deems
47 desirable.

48 3. The election authority shall print the official
49 ballot as the same appears on the sample ballot, and no
50 candidate's name or ballot issue which appears on the sample

51 ballot or official printed ballot shall be stricken or
52 removed from the ballot except on death of a candidate or by
53 court order, but in no event shall a candidate or issue be
54 stricken or removed from the ballot less than eight weeks
55 before the date of the election.

56 4. In lieu of causing legal notice to be published in
57 accordance with any of the provisions of this chapter, the
58 election authority in jurisdictions which have less than
59 seven hundred fifty registered voters and in which no
60 newspaper qualified pursuant to chapter 493 is published,
61 may cause legal notice to be mailed during the second week
62 prior to the election, by first class mail, to each
63 registered voter at the voter's voting address. All such
64 legal notices shall include the date and time of the
65 election, the location of the polling place, the name of the
66 officer or agency calling the election and a sample ballot.

67 5. If the opening date for filing a declaration of
68 candidacy for any office in a political subdivision or
69 special district is not required by law or charter, the
70 opening filing date shall be 8:00 a.m., the [sixteenth]
71 **seventeenth** Tuesday prior to the election, except that for
72 any home rule city with more than four hundred thousand
73 inhabitants and located in more than one county and any
74 political subdivision or special district located in such
75 city, the opening filing date shall be 8:00 a.m., the
76 fifteenth Tuesday prior to the election. If the closing
77 date for filing a declaration of candidacy for any office in
78 a political subdivision or special district is not required
79 by law or charter, the closing filing date shall be 5:00
80 p.m., the [eleventh] **fourteenth** Tuesday prior to the
81 election. The political subdivision or special district
82 calling an election shall, before the [sixteenth]

83 **seventeenth** Tuesday, or the fifteenth Tuesday for any home
84 rule city with more than four hundred thousand inhabitants
85 and located in more than one county or any political
86 subdivision or special district located in such city, prior
87 to any election at which offices are to be filled, notify
88 the general public of the opening filing date, the office or
89 offices to be filled, the proper place for filing and the
90 closing filing date of the election. Such notification may
91 be accomplished by legal notice published in at least one
92 newspaper of general circulation in the political
93 subdivision or special district.

94 6. Except as provided for in sections 115.247 and
95 115.359, if there is no additional cost for the printing or
96 reprinting of ballots or if the candidate agrees to pay any
97 printing or reprinting costs, a candidate who has filed for
98 an office or who has been duly nominated for an office may,
99 at any time after the certification of the notice of
100 election required in subsection 1 of section 115.125 but no
101 later than 5:00 p.m. on the eighth Tuesday before the
102 election, withdraw as a candidate pursuant to a court order,
103 which, except for good cause shown by the election authority
104 in opposition thereto, shall be freely given upon
105 application by the candidate to the circuit court of the
106 area of such candidate's residence.

✓