

SENATE BILL NO. 1049

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

3977S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 115.124, RSMo, and to enact in lieu thereof two new sections relating to municipal elections, with a delayed effective date.

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

Section A. Section 115.124, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 115.124 and 115.710, to read as follows:

115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any [political subdivision or] special district [including municipal elections in any city, town, or village] with two thousand or fewer inhabitants that have adopted a proposal pursuant to subsection 3 of this section [but excluding municipal elections in any city, town, or village with more than two thousand inhabitants,] if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation as defined in section 493.050 in the district, and if the number of candidates for each office in [a particular political subdivision,] **the** special district[, or municipality] is equal to the number of positions for each office within the [political subdivision,] special district[, or municipality] to be filled by the election and no ballot measure is placed on the ballot such that a particular political subdivision will owe no proportional elections costs if an election is

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

19 not held, no election shall be held, and the candidates
20 shall assume the responsibilities of their offices at the
21 same time and in the same manner as if they had been
22 elected. If no election is held for a particular [political
23 subdivision,] special district[, or municipality] as
24 provided in this section, the election authority shall
25 publish a notice containing the names of the candidates that
26 shall assume the responsibilities of office under this
27 section. Such notice shall be published in at least one
28 newspaper of general circulation as defined in section
29 493.050 in such [political subdivision or] district by the
30 first of the month in which the election would have
31 occurred, had it been contested. Notwithstanding any other
32 provision of law to the contrary, if at any election the
33 number of candidates filing for a particular office exceeds
34 the number of positions to be filled at such election, the
35 election authority shall hold the election as scheduled,
36 even if a sufficient number of candidates withdraw from such
37 contest for that office so that the number of candidates
38 remaining after the filing deadline is equal to the number
39 of positions to be filled.

40 2. The election authority or political subdivision
41 responsible for the oversight of the filing of candidates in
42 any nonpartisan election in any [political subdivision or]
43 special district shall clearly designate where candidates
44 shall form a line to effectuate such filings and determine
45 the order of such filings; except that, in the case of
46 candidates who file a declaration of candidacy with the
47 election authority or political subdivision prior to 5:00
48 p.m. on the first day for filing, the election authority or
49 political subdivision may determine by random drawing the
50 order in which such candidates' names shall appear on the

51 ballot. If a drawing is conducted pursuant to this
52 subsection, it shall be conducted so that each candidate, or
53 candidate's representative if the candidate filed under
54 subsection 2 of section 115.355, may draw a number at random
55 at the time of filing. If such drawing is conducted, the
56 election authority or political subdivision shall record the
57 number drawn with the candidate's declaration of candidacy.
58 If such drawing is conducted, the names of candidates filing
59 on the first day of filing for each office on each ballot
60 shall be listed in ascending order of the numbers so drawn.

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

115.710. 1. **Each declaration of candidacy for any**
2 **city, town, or village office, or any township office in a**
3 **township organization county shall state the candidate's**
4 **full name, residence address, office for which such**
5 **candidate proposes to be a candidate, the party ticket on**
6 **which he or she wishes to be a candidate, and that if**

7 elected he or she will qualify. The declaration shall be in
8 substantially the following form:

9 I, _____, a resident and registered voter of the
10 county of _____ and the state of Missouri,
11 residing at _____, do announce myself a candidate
12 for the office of _____ on the _____ party
13 ticket, to be voted for at the general municipal
14 election to be held on the _____ day of _____,
15 _____, and I further declare that if elected to
16 such office I will qualify.

17 _____ Subscribed and sworn
18 Signature of candidate to before me this
19 _____ day of
20 _____, _____

21 _____
22 Residence address Signature of election
23 official or other
24 officer
25 authorized to
26 administer oaths

27 _____
28 Mailing address (if
29 different)

30 _____
31 Telephone Number
32 (Optional)

33 2. If the declaration is to be filed in person, it
34 shall be subscribed and sworn to by the candidate before an
35 official authorized to accept his or her declaration of
36 candidacy. If the declaration is to be filed by certified
37 mail or any other means, it shall be subscribed and sworn to

38 by the candidate before a notary public or other officer
39 authorized by law to administer oaths.

Section B. Section A of this act shall become
2 effective on January 1, 2023.

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