

SECOND REGULAR SESSION

SENATE BILL NO. 1094

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

4171S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 108.240, 115.127, 116.250, and 190.050, RSMo, and to enact in lieu thereof four new sections relating to elections.

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

Section A. Sections 108.240, 115.127, 116.250, and 190.050, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 108.240, 115.127, 116.250, and 190.050, to read as follows:

108.240. 1. Before any general obligation bearer bond or general obligation registered bond, hereafter issued by any county, township, city, town, village or school district or special road district or fire protection district or by virtue of the provisions of chapters 243, 245, 248, and sections 242.010 to 242.690 for any purpose whatever, shall obtain validity or be negotiated:

(1) If such bonds are in bearer form, such bonds shall first be presented to the state auditor, who, other provisions of law notwithstanding, shall certify by manual or facsimile endorsement of such bonds that all conditions of the laws have been complied with in its issue, if that be the case, and also that the conditions of the contract, under which they were ordered to be issued, have also been complied with and the evidence of that fact shall be filed and preserved by the auditor. The state auditor may endorse

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

17 bearer bonds with the auditor's facsimile signature in lieu
18 of manual signature after filing the auditor's manual
19 signature, certified by the auditor under oath, with the
20 secretary of state; and

21 (2) If such bonds are in registered form, the
22 proceedings relating to the issuance of such registered
23 bonds shall first be presented to the state auditor, who
24 shall examine the same and shall issue a certificate that
25 such proceedings comply with all conditions of the laws, if
26 that be the case, and also that the conditions of the
27 contract, under which they were ordered to be issued, have
28 also been complied with, and the evidence of these facts
29 shall be filed and preserved by the auditor. The state
30 auditor shall also maintain the following information: the
31 name of the issuer of the bonds; the amount thereof; the
32 maturity dates thereof; the interest rates thereon; and the
33 provisions with respect to prepayment, if any.

34 2. Such bearer bonds after receiving the said
35 certificate of the auditor as herein provided and such
36 registered bonds after the issuance of the said certificate
37 as herein provided shall thereafter be held in every action,
38 suit or proceeding in which their validity is, or may be,
39 brought into question, *prima facie*, valid and binding
40 obligations, and in every action brought to enforce
41 collection of such bonds, the certificate of such auditor,
42 or a duly certified copy thereof, shall be admitted and
43 received in evidence of the validity of such bonds, together
44 with the coupons thereto attached if any; provided, the only
45 defense which can be offered against the validity of such
46 bonds shall be for forgery or fraud. But this section shall
47 not be construed to give validity to any such bonds as may
48 be issued in excess of the limit fixed by the constitution,

49 or contrary to its provisions, but all such bonds shall, to
50 the extent of such excess, be held void; and provided
51 further, that the remedy of injunction shall also lie at the
52 instance of any taxpayer of the respective county, city,
53 town, village, township or school district or special road
54 district or fire protection district or drainage district or
55 levy district to prevent the registration of any bonds,
56 alleged to be illegally issued or funded.

57 **3. For purposes of subsection 1 of this section, once
58 the time period set forth in section 115.557 has expired, if
59 no election contest has been brought, all conditions of
60 chapter 115 shall be deemed as having been complied with in
61 the issuance of the bond.**

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
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]
26 **subsection 3** of this section and in sections 115.521,
27 115.549 and 115.593, the election authority shall cause
28 legal notice of each election held in its jurisdiction to be
29 published. The notice shall be published in [two newspapers
30 of different political faith and] **at least one newspaper**
31 qualified pursuant to chapter 493 which [are published
32 within the bounds of the area holding the election] **is**
33 **circulated in the jurisdiction of the election authority.**

34 [If there is only one so-qualified newspaper, then notice
35 shall be published in only one newspaper.] If there is no
36 newspaper [published within the bounds of the election area]
37 **circulated in the jurisdiction of the election authority,**
38 then the notice shall be published in [two qualified
39 newspapers of different political faith serving the area] **a**
40 **newspaper reasonably expected to inform the area holding the**
41 **election.** Notice shall be published twice[, the first
42 publication occurring in the second week] **within six weeks**
43 prior to the election[, and the second publication occurring
44 within one week prior to the election]. Each such legal
45 notice shall include the date and time of the election, the
46 name of the officer or agency calling the election and a
47 sample ballot; and, unless notice has been given as provided
48 by section 115.129, [the second publication of notice] **one**
49 **of the notices** of the election shall include the location of
50 polling places. The election authority may provide any
51 additional notice of the election it deems desirable.

52 [3.] 2. The election authority shall print the
53 official ballot as the same appears on the sample ballot,
54 and no candidate's name or ballot issue which appears on the
55 sample ballot or official printed ballot shall be stricken
56 or removed from the ballot except on death of a candidate or
57 by court order, but in no event shall a candidate or issue
58 be stricken or removed from the ballot less than eight weeks
59 before the date of the election.

60 [4.] 3. In lieu of causing legal notice to be
61 published in accordance with any of the provisions of this
62 chapter, the election authority [in jurisdictions which have
63 less than seven hundred fifty registered voters and in which
64 no newspaper qualified pursuant to chapter 493 is
65 published,] may cause legal notice to be mailed [during the
66 second week prior to the election, by first class mail,]
67 **within six weeks prior to the election** to each registered
68 voter at the voter's voting address. **An election authority**
69 **may exclude from this mailing any voter that is designated**
70 **as an inactive voter under the provisions of subsection 5 of**
71 **section 115.193.** All such legal notices shall include the
72 date and time of the election, the location of the polling
73 place, the name of the officer or agency calling the
74 election and a sample ballot.

75 [5.] 4. If the opening date for filing a declaration
76 of candidacy for any office in a political subdivision or
77 special district is not required by law or charter, the
78 opening filing date shall be 8:00 a.m., the seventeenth
79 Tuesday prior to the election. If the closing date for
80 filing a declaration of candidacy for any office in a
81 political subdivision or special district is not required by
82 law or charter, the closing filing date shall be 5:00 p.m.,
83 the fourteenth Tuesday prior to the election. The political

84 subdivision or special district calling an election shall,
85 before the seventeenth Tuesday, prior to any election at
86 which offices are to be filled, notify the general public of
87 the opening filing date, the office or offices to be filled,
88 the proper place for filing and the closing filing date of
89 the election. Such notification may be accomplished by
90 legal notice published in at least one newspaper of general
91 circulation in the political subdivision or special district.

92 [6.] 5. Except as provided for in sections 115.247 and
93 115.359, if there is no additional cost for the printing or
94 reprinting of ballots or if the candidate agrees to pay any
95 printing or reprinting costs, a candidate who has filed for
96 an office or who has been duly nominated for an office may,
97 at any time after the certification of the notice of
98 election required in subsection 1 of section 115.125 but no
99 later than 5:00 p.m. on the eighth Tuesday before the
100 election, withdraw as a candidate pursuant to a court order,
101 which, except for good cause shown by the election authority
102 in opposition thereto, shall be freely given upon
103 application by the candidate to the circuit court of the
104 area of such candidate's residence.

116.250. On receiving a notice under section 116.240,
2 each election authority shall cause the legal notice to be
3 published in accordance with subsection [2] 1 of section
4 115.127.

190.050. 1. After the ambulance district has been
2 declared organized, the declaring county commission, except
3 in counties of the second class having more than one hundred
4 five thousand inhabitants located adjacent to a county of
5 the first class having a charter form of government which
6 has a population of over nine hundred thousand inhabitants,
7 shall divide the district into six election districts as

8 equal in population as possible, and shall by lot number the
9 districts from one to six inclusive. The county commission
10 shall cause an election to be held in the ambulance district
11 within ninety days after the order establishing the
12 ambulance district to elect ambulance district directors.
13 Each voter shall vote for one director from the ambulance
14 election district in which the voter resides. The directors
15 elected from districts one and four shall serve for a term
16 of one year, the directors elected from districts two and
17 five shall serve for a term of two years, and the directors
18 from districts three and six shall serve for a term of three
19 years; thereafter, the terms of all directors shall be three
20 years. All directors shall serve the term to which they
21 were elected or appointed, and until their successors are
22 elected and qualified, except in cases of resignation or
23 disqualification. The county commission shall reapportion
24 the ambulance districts within sixty days after the
25 population of the county is reported to the governor for
26 each decennial census of the United States. Notwithstanding
27 any other provision of law, if the number of candidates for
28 the office of director is no greater than the number of
29 directors to be elected, no election shall be held, and the
30 candidates shall assume the responsibilities of their
31 offices at the same time and in the same manner as if they
32 have been elected.

33 2. In all counties of the second class having more
34 than one hundred five thousand inhabitants located adjacent
35 to a county of the first class having a charter form of
36 government which has a population of over nine hundred
37 thousand inhabitants, the voters shall vote for six
38 directors elected at large from within the district for a
39 term of three years. Those directors holding office in any

40 district in such a county on August 13, 1976, shall continue
41 to hold office until the expiration of their terms, and
42 their successors shall be elected from the district at large
43 for a term of three years. In any district formed in such
44 counties after August 13, 1976, the governing body of the
45 county shall cause an election to be held in that district
46 within ninety days after the order establishing the
47 ambulance district to elect ambulance district directors.
48 Each voter shall vote for six directors. The two candidates
49 receiving the highest number of votes at such election shall
50 be elected for a term of three years, the two candidates
51 receiving the third and fourth highest number of votes shall
52 be elected for a term of two years, the two candidates
53 receiving the fifth and sixth highest number of votes shall
54 be elected for a term of one year; thereafter, the term of
55 all directors shall be three years.

56 3. A candidate for director of the ambulance district
57 shall, at the time of filing, be a citizen of the United
58 States, a qualified voter of the election district as
59 provided in subsection 1 of this section, a resident of the
60 district for two years next preceding the election, and
61 shall be at least twenty-four years of age. In an
62 established district which is located within the
63 jurisdiction of more than one election authority, the
64 candidate shall file his or her declaration of candidacy
65 with the secretary of the board. In all other districts, a
66 candidate shall file a declaration of candidacy with the
67 county clerk of the county in which he or she resides. A
68 candidate shall file a statement under oath that he or she
69 possesses the required qualifications. No candidate's name
70 shall be printed on any official ballot unless the candidate
71 has filed a written declaration of candidacy pursuant to

72 subsection [5] 4 of section 115.127. If the time between the
73 county commission's call for a special election and the date
74 of the election is not sufficient to allow compliance with
75 subsection [5] 4 of section 115.127, the county commission
76 shall, at the time it calls the special election, set the
77 closing date for filing declarations of candidacy.

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