

SECOND REGULAR SESSION

SENATE BILL NO. 710

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DePASCO.

Read 1st time January 12, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S3162.011

AN ACT

To repeal sections 115.133, 115.199, 115.369, 115.377, 115.381 and 115.437, RSMo 1994, and sections 105.492, 115.123, 115.125, 115.151, 115.155, 115.275, 115.277, 115.283 and 115.387, RSMo Supp. 1997, relating to elections, and to enact in lieu thereof fifteen new sections relating to the same subject.

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

Section A. Sections 115.133, 115.199, 115.369, 115.377, 115.381 and 115.437, RSMo 1994, and sections 105.492, 115.123, 115.125, 115.151, 115.155, 115.275, 115.277, 115.283 and 115.387, RSMo Supp. 1997, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 105.492, 115.123, 115.125, 115.133, 115.151, 115.155, 115.199, 115.275, 115.277, 115.283, 115.369, 115.377, 115.381, 115.387 and 115.437, to read as follows:

105.492. 1. Any person required in sections 105.483 to 105.492 to file a financial interest statement who fails to file such statement by the times required in section 105.487 shall, if such person receives any compensation or other remuneration from public funds for the person's services, not be paid such compensation or receive such remuneration until the person has filed a financial interest statement as required by sections 105.483 to 105.492. Any person required in sections 105.483 to 105.492 to file a financial statement who fails to file such statement by the time required in section 105.487 and continues to fail to file the required financial interest statement for thirty or more days after receiving notice from the commission shall be subject to suspension from office in the manner otherwise provided by law or the constitution. The attorney general or prosecuting or circuit attorney, at the request of the commission, may take appropriate legal action to enforce the provisions of this section.

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

2. If a candidate for office does not file a financial interest statement by the close of business on the [twenty-fifth] **twenty-first** day after the last day for filing for election for which the person is a candidate, the commission shall notify the official who accepted such candidate's declaration of candidacy that the candidate is disqualified. Such election official shall remove the candidate's name from the ballot.

3. Failure of any elected official or judge to file a financial interest statement thirty days after notice from the appropriate filing officer shall be grounds for removal from office as may be otherwise provided by law or the constitution.

4. Any person who knowingly misrepresents or omits any facts required to be contained in any financial interest statement filed as required by sections 105.483 to 105.496 is guilty of a class B misdemeanor. Venue for any criminal proceeding brought pursuant to this section shall be the county in which the defendant resided at the time the defendant filed the financial interest statement.

5. Any lobbyist who fails to timely file a lobbying disclosure report as required by section 105.473 shall be assessed a late filing fee of ten dollars for every day such report is late.

115.123. 1. All public elections shall be held on Tuesday. Except as provided in subsections 2, 3 and 4 of this section, and section 247.180, RSMo, all public elections shall be held on the general election day, the primary election day, the general municipal election day, the first Tuesday after the first Monday in February or November, or on [another day] **the first Tuesday after the first Monday in March if** expressly provided by city or county charter.

2. Notwithstanding the provisions of subsection 1 of this section, school districts may hold elections on the first Tuesday after the first Monday in June and in nonprimary years on the first Tuesday after the first Monday in August, and municipalities may hold elections in nonprimary years on the first Tuesday after the first Monday in August.

3. The following elections shall be exempt from the provisions of subsection 1 of this section:

- (1) Bond elections necessitated by fire, vandalism or natural disaster;
- (2) Elections for which ownership of real property is required by law for voting; and
- (3) Special elections to fill vacancies and to decide tie votes or election contests.

4. After August 28, 1997, no city or county shall adopt a charter or charter amendment which calls for elections to be held on dates other than those established in subsection 1 of this section.

5. Nothing in this section prohibits a charter city or county from having its primary election **on the first Tuesday after the first Monday** in March if the charter provided for a March primary before August 28, 1997.

6. Nothing in this section shall prohibit elections held pursuant to section 65.600, RSMo, but no other issues shall be on the March ballot.

115.125. 1. Not later than 5:00 p.m. on the tenth Tuesday prior to any election, except a special election to decide an election contest, tie vote [or an election to elect seven members to serve on a school board of a district pursuant to section 162.241, RSMo], or a delay in notification pursuant to subsection 2 of this section, or pursuant to the provisions of section 115.399, the officer or agency calling the election shall notify the election authorities responsible for conducting the election. The notice shall be in writing, shall specify the name of the officer or agency calling the election and shall include a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127. The notice and any other information required by this section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 p.m. on the tenth Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three business days from the date of the facsimile transmission. In lieu of a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127, each notice of a special election to fill a vacancy shall include the name of the office to be filled, the date of the election and the date by which candidates must be selected or filed for the office. Not later than the fourth Tuesday prior to any special election to fill a vacancy called by a political subdivision or special district, the officer or agency calling the election shall certify a sample ballot to the election authorities responsible for conducting the election.

2. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the political subdivision or special district calling for the election agrees to pay any printing or reprinting costs, a political subdivision or special district may, at any time after certification required in subsection 1 of this section, but no later than 5:00 p.m. on the sixth Tuesday before the election, be permitted to make late notification to the election authority pursuant to court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the political subdivision or special district to the circuit court of the area of such subdivision or district.

115.133. 1. Except as provided in subsection 2 of this section, any citizen of the United States who is a resident of the state of Missouri and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his eighteenth birthday.

2. No person who is adjudged incapacitated shall be entitled to register or vote. No person shall be entitled to vote:

- (1) While confined under a sentence of imprisonment;
- (2) While on probation or parole after conviction of a felony, until finally discharged from such probation or parole; or
- (3) After conviction of a felony, or a misdemeanor connected with the right of suffrage.

115.151. 1. Each qualified applicant who appears before the election authority shall be

deemed registered as of the time the applicant's completed, signed and sworn registration application is witnessed by the election authority or deputy registration official.

2. Each applicant who registers by mail shall be deemed to be registered as of the date the application is postmarked, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to [section 115.159] **subsection 3 of section 115.155** is not returned as undeliverable by the postal service.

3. Each applicant who registers at a voter registration agency or the division of motor vehicle and drivers licensing of the department of revenue shall be deemed to be registered as of the date the application is signed by the applicant, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to [section 115.159] **subsection 3 of section 115.155** is not returned as undeliverable by the postal service.

115.155. 1. The election authority shall provide for the registration of each voter. Each application shall be in substantially the following form:

APPLICATION FOR REGISTRATION

.....
.....	Township (or Ward)
Name
.....	Precinct
.....
Home Address	Required Personal
.....	Identification Information
.....
City ZIP
.....
Date of Birth	Place of Birth
.....	[.....]
Telephone Number	Mother's Maiden Name
(Optional)	(Optional)]
[.....]
Occupation (Optional)]	Last Place Previously Registered
.....
Last four digits of	Under What Name
Social Security Number
[(Optional)] (Required for registration)
Remarks:
.....	When

I am a citizen of the United States and a resident of the state of Missouri. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony, or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I do solemnly swear that all statements made on this card are true to the best of my knowledge and belief.

.....
Signature of Voter

.....
Date

.....
Signature of Election Official

2. After supplying all information necessary for the registration records, each applicant who appears in person before the election authority shall swear or affirm the statements on the registration application by signing his or her full name, witnessed by the signature of the election authority or such authority's deputy registration official. Each applicant who applies to register by mail pursuant to section 115.159, or pursuant to the provisions of section 115.160 or 115.162, shall attest to the statements on the application by his or her signature.

3. Upon receipt by mail of a completed and signed voter registration application, a voter registration application forwarded by the division of motor vehicle and drivers licensing of the department of revenue pursuant to section 115.160, or a voter registration agency pursuant to section 115.162, the election authority shall, if satisfied that the applicant is entitled to register, transfer all data necessary for the registration records from the application to its registration system. Within seven business days after receiving the application, the election authority shall send the applicant a verification notice. If such notice is returned as undeliverable by the postal service within the time established by the election authority, the election authority shall not place the applicant's name on the voter registration file.

4. If, upon receipt by mail of a voter registration application or a voter registration application forwarded pursuant to section 115.160 or 115.162, the election authority determines that the applicant is not entitled to register, such authority shall, within seven business days after receiving the application, so notify the applicant by mail and state the reason such authority has determined the applicant is not qualified. The applicant may have such determination reviewed pursuant to the provisions of section 115.223.

5. It shall be the responsibility of the secretary of state to prescribe specifications for voter registration documents so that they are uniform throughout the state of Missouri and comply with the National Voter Registration Act of 1993, including the reporting requirements, and so that registrations, name changes and transfers of registrations within the state may take place as allowed by law.

6. All voter registration applications shall be preserved in the office of the election authority.

115.199. Each election authority shall remove from its registration records the names of voters reported dead or adjudicated [incompetent] **incapacitated** and shall determine the voting qualifications of those reported convicted or pardoned.

115.275. As used in sections 115.275 to 115.304, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Absentee ballot", any of the ballots a person is authorized to cast away from a polling place pursuant to the provisions of sections 115.275 to 115.304;

(2) "Interstate former resident", a former resident and registered voter in this state who moves from Missouri to another state after the deadline to register to vote in any presidential election in the new state and who otherwise possesses the qualifications to register and vote in such state;

(3) "Intrastate new resident", a registered voter of this state who moves from one election authority's jurisdiction in the state to another election authority's jurisdiction in the state after the last day authorized in this chapter to register to vote in an election and otherwise possesses the qualifications to vote;

(4) "New resident", a person who moves to this state after the last date authorized in this chapter to register to vote in any presidential election;

(5) "Persons in federal service" includes:

(a) Members of the armed forces of the United States, while in active service, and their spouses and dependents;

(b) Active members of the merchant marine of the United States and their spouses and dependents;

(c) Civilian employees of the United States government working outside the boundaries of the United States, and their spouses and dependents;

(d) Active members of religious or welfare organizations assisting servicemen, and their spouses and dependents;

(e) Persons who have been honorably discharged from the armed forces or who have terminated their service or employment in any group mentioned in this section within sixty days of an election, and their spouses and dependents;

(6) "Overseas voter", a person who resides outside the United States and was a resident of Missouri immediately before leaving the United States.

115.277. 1. Except as provided in subsections 3, 4 [and], 5 **and 6** of this section, any registered voter of this state may vote by absentee ballot for all candidates and issues for which such voter would be eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day due to:

(1) Absence on election day from the jurisdiction of the election authority in which such voter is registered to vote;

- (2) Incapacity or confinement due to illness or physical disability;
- (3) Religious belief or practice;
- (4) Employment as an election authority, as a member of an election authority, or by an election authority at a location other than such voter's polling place;
- (5) Incarceration, provided all qualifications for voting are retained.

2. Any person in federal service, as defined in section 115.275, who is eligible to register and vote in any election in this state may vote in the election even if the person is not registered. Each person in federal service may vote by absentee ballot or, upon submitting an affidavit that the person is qualified to vote in the election, may vote at the person's polling place.

3. Any interstate former resident, as defined in section 115.275, may vote by absentee ballot for presidential and vice presidential electors.

4. Any intrastate new resident, as defined in section 115.275, may vote by absentee ballot at the election for presidential and vice presidential electors, United States senator, representative in Congress, statewide elected officials and statewide questions, propositions and amendments from such resident's new jurisdiction of residence after registering to vote in such resident's new jurisdiction of residence.

5. Any overseas voter, as defined in section 115.275, may vote by absentee ballot at the election for presidential and vice presidential electors, United States senator, representative in Congress, statewide elected officials and statewide questions, propositions and amendments.

6. Any new resident, as defined in section 115.275, may vote by absentee ballot for presidential and vice presidential electors after registering to vote in such resident's new jurisdiction of residence.

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state the voter's name, the voter's voting address, the voter's mailing address and the voter's reason for voting an absentee ballot. On the form, the voter shall also state, under penalties of perjury that the voter is qualified to vote in the election, that the voter has not previously voted and will not vote again in the election, that the voter has personally marked the voter's ballot in secret or supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable to seal it, and that all information contained in the statement is true. Persons authorized to vote only for federal and statewide officers shall also state their former Missouri residence.

2. The statement for persons voting absentee ballots who are registered voters shall be in substantially the following form:

State of Missouri

County (City) of

I,(print name), a registered voter of County (City of St. Louis, Kansas City), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

..... absence on election day from the jurisdiction of the election authority in which I am registered;

..... incapacity or confinement due to illness or physical disability;

..... religious belief or practice;

..... employment as an election authority or by an election authority at a location other than my polling place;

..... incarceration, although I have retained all the necessary qualifications for voting.

I hereby state under penalties of perjury that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

.....
Signature of Voter

.....
Signature of Person Assisting
Voter (if applicable)

.....
Address of Voter

Subscribed and sworn to
before me this day
of , [19]....

.....
.....
Mailing addresses
(if different)

.....
Signature of notary or other
officer authorized to administer oaths

3. The statement for persons voting absentee ballots pursuant to the provisions of subsection 2, 3, [or] 4 or 5 of section 115.277 [without being registered] shall be in substantially the following form:

State of Missouri
County (City) of.....

I, (print name), declare under the penalties of perjury that **I am** a citizen of the United States and eighteen years of age or older. I am not adjudged incapacitated by any court of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I hereby state under penalties of perjury that I am qualified to vote at this election.

(1) I am a resident of the state of Missouri and (check one):

- am a member of the U.S. armed forces in active service;
- am an active member of the U.S. merchant marine;
- am a civilian employee of the U.S. government working outside the United States;
- am an active member of a religious or welfare organization assisting servicemen;
- have been honorably discharged or terminated my service in one of the groups mentioned above within sixty days of this election;
- am a spouse or dependent of one of the above;
- am a registered voter in County and moved from that county to County, Missouri, after the last day to register to vote in this election.

OR (check if applicable)

(2) **I am** an interstate former resident of Missouri and authorized to vote for presidential and vice presidential electors. I further state under penalties of perjury that I have not voted and will not vote other than by this ballot at this election; I marked the enclosed ballot in secret or am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

OR (check if applicable)

(3) I am an overseas voter and am authorized to vote for presidential and vice presidential electors, United States senator, representative in Congress, statewide elected officials and statewide questions, propositions and amendments.

.....	Subscribed to and sworn
Signature of Voter	before me this day
	of.....,
.....
Address of Voter	Signature of notary or other
	officer authorized to
	administer oaths
.....
Mailing Address	
(if different)	
.....
Signature of Person	
Assisting Voter
(if applicable)	Address of Last Missouri
	Residence
	(for persons authorized to

vote for federal officers by
federal law)

4. The statement for persons voting absentee ballots who are entitled to vote at the election under the provisions of subsection 2 of section 115.137 shall be in substantially the following form:

State of Missouri

County (City) of

I, (print name), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one): absence on election day from the jurisdiction of the election authority in which I am directed to vote;
..... incapacity or confinement due to illness or physical disability;
..... religious belief or practice;
..... employment as an election authority or by an election authority at a location other than my polling place;
..... incarceration, although I have retained all the necessary qualifications of voting.

I hereby state under penalties of perjury that I own property in the district and am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read and write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

.....
Signature of Voter

Subscribed and sworn to
before me this
day of,

.....
.....
Address

.....
Signature of notary or
other officer authorized
to administer oaths

.....
Signature of Person
Assisting Voter
(if applicable)

5. Notwithstanding any other provision of this section, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the armed forces of the United States or members of their immediate family living with them or persons who are permanently disabled if they have filed a statement by a physician attesting to their permanent disability which would require the person to vote an absentee ballot with the

election authority within the jurisdiction of their residence or if the person's name is entered on such election authority's list pursuant to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his absentee ballot.

6. Notwithstanding any other provision of this section or section 115.291 to the contrary, the subscription, signature and seal of a notary or other officer authorized to administer oaths shall not be required on any ballot, ballot envelope, or statement required by this section if the reason for the voter voting absentee is due to illness or physical disability.

115.369. Upon notification of a vacancy authorized to be filled by a nominating committee under the provisions of section 115.363, the secretary of state or the election authority shall, not later than twenty-four hours after receiving such notification, notify the chairman of the appropriate nominating committee. If it is impossible to notify the chairman of the nominating committee, the secretary of state or the election authority shall notify the vice chairman of the [chairman's county] **appropriate nominating** committee. If it is impossible to notify the vice chairman, the secretary of state or the election authority shall notify any member of the nominating committee **or the chair of the county committee**. The chairman of the nominating committee shall, as soon as possible, but in no case later than two weeks after being notified of the vacancy, call a meeting of the nominating committee for the purpose of selecting a candidate to fill the vacancy. The meeting shall be called at a place located in the area the candidate is to represent. If the chairman does not call a meeting within the time specified, any member of the nominating committee may do so. The person calling the meeting shall notify each member of the nominating committee of the time and place of the meeting.

115.377. 1. Each selection of a candidate made by a party nominating committee under the provisions of section 115.363 shall be certified by the chairman or acting chairman of the nominating committee and filed with the election official authorized to receive declarations of candidacy for the office, **provided, however, that no committee member may act as chairman for purposes of certifying his or her own selection as the candidate**. Each such certification shall be subscribed and sworn to by the chairman or acting chairman before the election official accepting the certification or a notary public and shall be in substantially the following form: I,, Chairman (Acting Chairman) of the party nominating committee duly authorized to nominate a candidate to fill the vacancy created by the death (withdrawal, disqualification, resignation) of, do hereby certify that on the day of, [19]..., the nominating committee met and duly selected as the party candidate for nomination (election) to (fill the unexpired term in) the office of, district, at the primary (general, special) election to be held on the day of, [19]... I further certify that before the meeting, each member of the nominating committee was properly notified of the time and place of the meeting, a majority of the members of the nominating committee were present at the meeting, and was duly selected by a majority **vote** of

the members present at the meeting.

.....

Signature of chairman
or acting chairman

Subscribed and sworn to before
me this day of,
[19]..... .

.....

Signature of election official
or notary public

2. Each selection of a candidate made by the chairman of a party nominating committee under the provisions of section 115.375 shall be certified by the chairman of the nominating committee and filed in the office of the election official authorized to receive declarations of candidacy for the office. Each such certification shall be subscribed and sworn to by the chairman before the election official accepting the certification or a notary public and shall be as far as practicable in the form provided in subsection 1 of this section.

3. When submitted for filing, each certification made by the chairman or acting chairman of a party nominating committee under the provisions of this section shall be accompanied by a declaration of candidacy and any filing fee required for the candidate selected by the nominating committee or its chairman. The declaration candidacy shall state the candidate's full name, residence address, office for which he proposes to be a candidate, the party upon whose ticket he is to be a candidate and that if nominated and elected he will qualify. Each such declaration shall be in substantially the following form:

I,, a resident and registered voter of the precinct of the town of, or the precinct of the ward of the city of, or the precinct of the township of the county of and the state of Missouri, do announce myself a candidate for the office of on the party ticket, to be voted for at the primary (general, special) election to be held on the day of, [19]....., and I further declare that if nominated and elected (elected) to such office I will qualify.

.....

Signature of candidate

Subscribed and sworn to before
me this day of,
[19]..... .

.....

Residence address

.....
Signature of election official
or officer authorized to
administer oaths

Each such declaration shall be subscribed and sworn to by the candidate before the election official accepting the certification, a notary public or other officer authorized by law to administer oaths.

4. Neither the secretary of state nor any election authority shall accept any certification, declaration of candidacy or filing fee submitted by the chairman or acting chairman of a party

nominating committee after the deadline provided for submitting such certification in section 115.373 or 115.375. Any selection made by a party nominating committee or by the chairman of a party committee which is not made in accordance with the provisions of sections 115.363 to 115.377 shall be null and void.

115.381. Whenever a selection is properly certified to the secretary of state by the chairman or acting chairman of a party nominating committee for a special election or after the secretary of state has certified the names of candidates pursuant to section 115.387 or 115.401, the secretary of state shall **[immediately] as soon as practicable** notify all appropriate election authorities of the selection.

115.387. Not later than the tenth Tuesday before each primary election, the secretary of state shall transmit to each election authority a certified list containing the name and address of each person who has filed a declaration of candidacy in the secretary's office and is entitled to be voted for at the primary election, together with a designation of the office for which the person is a candidate and the party the person represents. In the **[person's]** certification, the secretary of state shall also include the order in which the candidates for each office are to be listed on the official ballot.

115.437. An election judge shall enter the date of the vote in the appropriate place **[on the card] in the record.**

Bill ✓

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