

FIRST REGULAR SESSION

HOUSE BILL NO. 481

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES YATES (Sponsor), PRATT AND DUSENBERG (Co-sponsors).

Read 1st time February 8, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1547L.011

AN ACT

To repeal section 115.127, RSMo, and to enact in lieu thereof one new section relating to notice of elections.

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Section A. Section 115.127, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.127, to read as follows: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 receipt of notice of a special election to fill a vacancy submitted pursuant to section 115.125, the election authority shall cause legal notice of the special election to be published in a newspaper of general circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the election, the date and time of the election, the name of the office to be filled and the date by which candidates must be selected or filed for the office. Within one week prior to each special election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to be published in two newspapers of different political faith and general circulation in the jurisdiction. The legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the newspapers within one week prior to the election.

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

29 3. The election authority shall print the official ballot as the same appears on the sample
30 ballot, and no candidate's name or ballot issue which appears on the sample ballot or official
31 printed ballot shall be stricken or removed from the ballot except on death of a candidate or by
32 court order.

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

40 5. If the opening date for filing a declaration of candidacy for any office in a political
41 subdivision or special district is not required by law or charter, the opening filing date shall be
42 8:00 a.m., the sixteenth Tuesday prior to the election, except that for any home rule city with
43 more than four hundred thousand inhabitants and located in more than one county [and any
44 political subdivision or special district located in such city], the opening filing date shall be 8:00
45 a.m., the fifteenth Tuesday prior to the election. If the closing date for filing a declaration of
46 candidacy for any office in a political subdivision or special district is not required by law or
47 charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to the election. The
48 political subdivision or special district calling an election shall, before the sixteenth Tuesday, or
49 the fifteenth Tuesday for any home rule city with more than four hundred thousand inhabitants
50 and located in more than one county [or any political subdivision or special district located in
51 such city], prior to any election at which offices are to be filled, notify the general public of the
52 opening filing date, the office or offices to be filled, the proper place for filing and the closing

53 filing date of the election. Such notification may be accomplished by legal notice published in
54 at least one newspaper of general circulation in the political subdivision or special district.

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