

FIRST REGULAR SESSION

HOUSE BILL NO. 834

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DEEKEN.

Read 1st time February 12, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2026L.011

AN ACT

To repeal sections 115.061 and 115.077, RSMo, and to enact in lieu thereof two new sections relating to the costs of special elections.

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

Section A. Sections 115.061 and 115.077, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 115.061 and 115.077, to read as follows:

115.061. 1. When any question or candidate is submitted to a vote of all voters in the
2 state and no other question or candidate is submitted at the same election, all costs of the election
3 shall be paid from the general revenue of the state.

4 2. After [an audit] **a review** by the [commissioner] **secretary** of [administration] **state**,
5 the state treasurer shall pay the amounts claimed by and due the respective counties and cities
6 out of moneys appropriated by the general assembly for the purpose.

115.077. 1. Special districts, cities, townships in township organization counties,
2 villages and the state shall pay the election costs required by this subchapter to each election
3 authority conducting its elections.

4 2. Not later than the fifth Tuesday prior to any election to be conducted for the state, a
5 special district or political subdivision, the election authority shall estimate the cost of
6 conducting the election for the state and each political subdivision and special district submitting
7 a candidate or question at the election. Not later than the third Tuesday prior to the election, the
8 state, each special district and political subdivision submitting a candidate or question at the
9 election, except the county, shall deposit with the election authority an amount equal to the

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.

10 estimated cost of conducting the election for the state, the political subdivision or special district.
11 All payments of election costs received by an election authority under the provisions of this
12 subsection shall be placed by the election authority in a special account and used by the election
13 authority only to pay the costs incurred in conducting the election. If the amount paid to an
14 election authority by the state or any political subdivision or special district exceeds the cost of
15 conducting the election for the state, political subdivision or special district, the election
16 authority shall promptly refund to the state, political subdivision or special district the difference
17 between the amount deposited with it and the cost of conducting the election. If the amount
18 deposited with an election authority by the state or any political subdivision or special district
19 is less than the cost of conducting the election for the state, political subdivision or special
20 district, the state, political subdivision or special district shall, not later than the fifth Tuesday
21 after the election, pay to the election authority the difference between the amount deposited and
22 the cost of conducting the election.

23 3. Except as provided in section 115.061, all payments of election costs received by an
24 election authority under the provisions of this section shall be placed by the election authority
25 in a special account and used by the election authority only to pay the costs incurred in
26 conducting elections.

27 4. When the state or any political subdivision or special district willfully fails to make
28 payment of an election cost required by this subchapter by the time provided in this subchapter,
29 it shall pay a penalty of fifty dollars for each day after the time provided in this subchapter proper
30 payment is not made. Any such penalty shall be payable to the election authority authorized to
31 receive payment of the election cost and shall be deposited in the general revenue fund of such
32 election authority's city or county.

33 5. There is hereby created the "State Election Subsidy Fund" in the state treasury which
34 shall be funded by appropriations from the general assembly for the purpose of the state making
35 advance payments of election costs as required by this section. To meet the state's funding
36 obligation to maintain expenditures pursuant to Section 254(a)(7) of the Help America Vote Act
37 of 2002, [the commissioner of the office of administration] **there shall be** annually [transfer]
38 **transferred** from general revenue to the state election subsidy fund an amount not less than the
39 amount expended in the fiscal year that ended June 30, 2000. At the end of each fiscal year, any
40 amounts in the state election subsidy fund not expended or obligated to meet the state's
41 obligations pursuant to section 115.065 and this section shall be transferred to the election
42 administration improvements fund authorized pursuant to section 115.078 and used to meet the
43 maintenance of effort funding requirements of Section 254(a)(7) of the Help America Vote Act
44 of 2002. Any other law to the contrary notwithstanding, the funds received pursuant to Sections
45 251 and 252 of the Help America Vote Act of 2002 shall be expended according to the state plan

46 developed pursuant to the provisions of Section 254 of said act. The secretary of state shall
47 develop the state plan through the committee appointed by the secretary of state under the
48 provisions of Section 255 of the Help America Vote Act of 2002.

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