

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 253
95TH GENERAL ASSEMBLY

1242L.08C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 28.190, 29.280, 30.060, 30.070, 30.080, 53.010, 60.010, 67.456, 67.1401, 67.1421, 67.1451, 67.1461, 67.1521, 67.1545, 67.1551, 78.090, 105.030, 105.040, 105.050, 105.966, 115.124, 115.305, 115.350, 115.601, 115.635, 115.637, 130.021, 137.073, 162.492, 238.202, 238.208, 238.216, 238.220, 238.235, 238.257, and 238.275, RSMo, and section 115.348 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 353, ninety-third general assembly, first regular session, and section 115.348 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session, and to enact in lieu thereof forty new sections relating to elections, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 28.190, 29.280, 30.060, 30.070, 30.080, 53.010, 60.010, 67.456,
2 67.1401, 67.1421, 67.1451, 67.1461, 67.1521, 67.1545, 67.1551, 78.090, 105.030, 105.040,
3 105.050, 105.966, 115.124, 115.305, 115.350, 115.601, 115.635, 115.637, 130.021, 137.073,
4 162.492, 238.202, 238.208, 238.216, 238.220, 238.235, 238.257, and 238.275, RSMo, and
5 section 115.348 as enacted by conference committee substitute for senate substitute for senate
6 committee substitute for house committee substitute for house bill no. 353, ninety-third general
7 assembly, first regular session, and section 115.348 as enacted by conference committee
8 substitute for senate substitute for senate committee substitute for house committee substitute
9 for house bill no. 58, ninety-third general assembly, first regular session, are repealed and forty
10 new sections enacted in lieu thereof, to be known as sections 26.016, 27.015, 28.190, 29.280,

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.

11 30.060, 30.080, 53.010, 60.010, 67.456, 67.1401, 67.1421, 67.1451, 67.1461, 67.1521, 67.1545,
12 67.1551, 78.090, 105.030, 105.040, 105.050, 105.966, 115.124, 115.278, 115.305, 115.350,
13 115.601, 115.635, 115.637, 130.021, 137.073, 162.492, 162.1035, 238.202, 238.208, 238.216,
14 238.220, 238.235, 238.257, 238.275, and 1, to read as follows:

26.016. In the case of any vacancy for any cause in the office of lieutenant governor, the governor shall immediately fill such vacancy by special election as provided in section 105.030, RSMo, for the remainder of the term in which the vacancy occurred until a successor is elected and qualified at the next election scheduled for the lieutenant governor under section 17, article IV, Constitution of Missouri. The governor shall take charge of such office and superintend the business of the office until a successor is elected and qualified. In cases of impeachment as provided in chapter 106, RSMo, the lieutenant governor shall be suspended until the impeachment is determined. If the lieutenant governor is acquitted, the lieutenant governor shall be reinstated to office. If the lieutenant governor is convicted, the vacancy shall be filled in the same manner as provided in this section.

27.015. In the case of any vacancy for any cause in the office of attorney general, the governor shall immediately fill such vacancy by special election as provided in section 105.030, RSMo, for the remainder of the term in which the vacancy occurred until a successor is elected and qualified at the next election scheduled for the attorney general under section 17, article IV, Constitution of Missouri. The governor shall take charge of such office and superintend the business of the office until a successor is elected and qualified. In cases of impeachment as provided in chapter 106, RSMo, the attorney general shall be suspended until the impeachment is determined. If the attorney general is acquitted, the attorney general shall be reinstated to office. If the attorney general is convicted, the vacancy shall be filled in the same manner as provided in this section.

28.190. In case of death, resignation, removal from office, impeachment, or vacancy from any cause in the office of secretary of state, the governor shall immediately [appoint a qualified person to] fill such vacancy **by special election as provided in section 105.030, RSMo**, for the remainder of the term in which such vacancy occurred [and] until [his] a successor is elected [or appointed, commissioned] and qualified[; and] **at the next election scheduled for the secretary of state under section 17, article IV, Constitution of Missouri.** The governor shall take charge of the office and superintend its business until such person is [appointed, commissioned] **elected** and qualified[; except that] . In case of impeachment **as provided in chapter 106, RSMo**, the governor shall appoint a qualified person to serve only until such impeachment is determined, when the suspended officer, if acquitted, shall be reinstated in office[, or] . If the suspended officer is convicted, [a new appointment shall be

12 made] **the vacancy shall be filled** by the governor as [in the case of other vacancies] **provided**
13 **in this section.**

29.280. When a vacancy occurs in the office of state auditor, the governor shall
2 immediately appoint an **acting** auditor to fill such vacancy **until the vacancy is filled by special**
3 **election as provided in section 105.030, RSMo,** for the residue of the term in which the
4 vacancy occurred[, and] until [his] a successor is elected [or appointed, commissioned] and
5 qualified **at the next election scheduled for the state auditor under section 17, article IV,**
6 **Constitution of Missouri. The acting auditor shall take charge of such office and**
7 **superintend the business of the office until a successor is elected and qualified. In cases of**
8 **impeachment as provided in chapter 106, RSMo, the auditor shall be suspended until the**
9 **impeachment is determined. If the auditor is acquitted, the auditor shall be reinstated to**
10 **office. If the auditor is convicted, the vacancy shall be filled in the same manner as**
11 **provided in this section.**

30.060. In case of death, resignation, removal from office, impeachment, or vacancy
2 from any cause[,] in the office of the state treasurer, the governor shall **immediately fill such**
3 **vacancy by special election as provided in section 105.030, RSMo, for the remainder of the**
4 **term in which such vacancy occurred until a successor is elected and qualified at the next**
5 **election scheduled for the state treasurer under section 17, article IV, Constitution of**
6 **Missouri. The governor shall** take charge of such office and superintend the business thereof
7 until a successor is [appointed, commissioned] **elected** and qualified [except] . In case of
8 impeachment **as provided in chapter 106, RSMo,** when no [appointment] **election** shall be
9 made until a determination of the matter is had, when, in the event of an acquittal, the suspended
10 officer shall be reinstated in office. **If the treasurer is convicted, the vacancy shall be filled**
11 **in the same manner as provided in this section.**

30.080. Immediately after the [appointment] **election** and qualification of a state
2 treasurer, made to fill any vacancy occurring in said office, or the resumption of [his] duties by
3 said officer, after the removal of any disability or temporary suspension therefrom the general
4 assembly if in session, or, if such assembly be not in session, then the governor, shall cause a
5 settlement to be made of the accounts of the former state treasurer, or any such office ad interim,
6 remaining unsettled, and ascertain what balance, if any, is due the state or such officer, as the
7 case may be.

53.010. 1. At the general election in the year 1948 and every four years thereafter the
2 qualified voters in each county in this state shall elect a county assessor. Such county assessors
3 shall enter upon the discharge of their duties on the first day of September next after their
4 election, and shall hold office for a term of four years, and until their successors are elected and
5 qualified, unless sooner removed from office; provided, that this section shall not apply to the

6 city of St. Louis. The assessor shall be a resident of the county from which such person was
7 elected **and shall have resided in the county for six months prior to the election or**
8 **appointment.**

9 2. The office of county assessor is created in each county having township organization
10 and a county assessor shall be elected for each township organization county at the next general
11 election, or at a special election called for that purpose by the governing body of such county.
12 If a special election is called, the state and each political subdivision or special district submitting
13 a candidate or question at such election shall pay its proportional share of the costs of the
14 election, as provided by section 115.065, RSMo. Such assessor shall assume office immediately
15 upon his election and qualification, and shall serve until his successor is elected and qualified
16 under the provisions of subsection 1 of this section. Laws generally applicable to county
17 assessors, their offices, clerks, and deputies shall apply to and govern county assessors in
18 township organization counties, and laws applicable to county assessors, their offices, clerks, and
19 deputies in third class counties and laws applicable to county assessors, their offices, clerks, and
20 deputies in fourth class counties shall apply to and govern county assessors, their offices, clerks,
21 and deputies in township organization counties of the respective classes, except that when such
22 general laws and such laws applicable to third and fourth class counties conflict with the laws
23 specially applicable to county assessors, their offices, clerks, and deputies in township
24 organization counties, the laws specially applicable to county assessors, their offices, clerks, and
25 deputies in township organization counties shall govern.

60.010. 1. At the regular general election in the year 1948, and every four years
2 thereafter, the voters of each county of this state in counties of the second, third, and fourth
3 classification shall elect a registered land surveyor as county surveyor, who shall hold [his] office
4 for four years and until [his] a successor is duly elected, commissioned, and qualified. The
5 person elected shall be commissioned by the governor.

6 2. No person shall be elected or appointed surveyor unless [he be] **such person is** a
7 citizen of the United States, over the age of twenty-one years, [be] a registered land surveyor, and
8 shall have resided within the state one whole year. An elected surveyor shall have resided within
9 the county for which [he] **the person** is elected six months immediately prior to [his] election
10 and shall after [his] election continue to reside within the county for which [he] **the person** is
11 surveyor. An appointed surveyor need not reside within the county for which [he] **the person**
12 is surveyor.

13 3. Notwithstanding the provisions of subsection 1 of this section, or any other law to the
14 contrary, the county commission of any county of the third or fourth classification may appoint
15 a surveyor following [a general election in which] **the deadline for filing for** the office of
16 surveyor [is on the ballot,] if no qualified candidate [seeks said] **files for the office in a general**

17 **election in which the office would have been on the ballot, provided that the notice**
18 **required by section 115.345, RSMo, has been published in at least one newspaper of**
19 **general circulation in the county.** The appointed surveyor shall serve at the pleasure of the
20 county commission, however, an appointed surveyor shall forfeit said office once a qualified
21 individual, who has been duly elected at a regularly scheduled general election where the office
22 of surveyor is on the ballot and who has been commissioned by the governor, takes office. The
23 county commission shall fix appropriate compensation, which need not be equal to that of an
24 elected surveyor.

67.456. 1. The average maturity of bonds or notes issued under the neighborhood
2 improvement district act after August 28, 2004, shall not exceed one hundred twenty percent of
3 the average economic life of the improvements for which the bonds or notes are issued.

4 2. Any improvement for which a petition is filed or an election is held under section
5 67.457 after August 28, 2004, including improvements to or located on property owned by a city
6 or county, shall include provisions for maintenance of the project during the term of the bonds
7 or notes.

8 3. In the event that, after August 28, 2004, any parcel of property within the
9 neighborhood improvement district is divided into more than one parcel of property after the
10 final costs of the improvement are assessed, all unpaid final costs of the improvement assessed
11 to the original parcel that was divided [shall be recalculated and] **may, within sixty days after**
12 **recordation of proof of division of such parcel in the real property records of the county**
13 **or city not within a county where the district is located, be reallocated effective as of the**
14 **next ensuing January first following such division, but only as to the newly created parcels,**
15 **by the city or county that formed the district. Such reallocation shall be in accordance with**
16 **the method for assessment of the original parcel set forth in the ballot question or petition**
17 **related to the formation of the district described in section 67.457, with such amounts to**
18 **be certified to the county clerk and county collector, or the equivalent officers in a city not**
19 **within a county, and which amounts shall be used for reassessment of the newly created**
20 **parcels. If the city or county that formed the district does not reallocate the assessments**
21 **on the newly created parcels in accordance with the original method of assessment and**
22 **certify such information to the county clerk and county collector, or the equivalent officers**
23 **in a city not within a county, within sixty days of recordation of proof of the division of the**
24 **original parcel, the unpaid cost of the improvements assessed to the original parcel that**
25 **was divided shall be reassessed proportionally to each of the parcels resulting from the division**
26 of the original parcel, based on the assessed valuation of each resulting parcel. No parcel of
27 property which has had the assessment against it paid in full by the property owner shall be
28 reassessed under this section. No parcel of property shall have the initial assessment against it

29 changed, except for any changes for special, supplemental, or additional assessments authorized
30 under the state neighborhood improvement district act.

67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the
2 "Community Improvement District Act".

3 2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

4 (1) "Approval" or "approve", for purposes of elections pursuant to sections 67.1401 to
5 67.1571, a simple majority of those qualified voters voting in the election;

6 (2) "Assessed value", the assessed value of real property as reflected on the tax records
7 of the county clerk of the county in which the property is located, or the collector of revenue if
8 the property is located in a city not within a county, as of the last completed assessment;

9 (3) "Blighted area", an area which:

10 (a) By reason of the predominance of defective or inadequate street layout, insanitary or
11 unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting,
12 or the existence of conditions which endanger life or property by fire and other causes, or any
13 combination of such factors, retards the provision of housing accommodations or constitutes an
14 economic or social liability or a menace to the public health, safety, morals or welfare in its
15 present condition and use; or

16 (b) Has been declared blighted or found to be a blighted area pursuant to Missouri law
17 including, but not limited to, chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections
18 99.300 to 99.715, RSMo;

19 (4) "Board", if the district is a political subdivision, the board of directors of the district,
20 or if the district is a not-for-profit corporation, the board of directors of such corporation;

21 (5) "Director of revenue", the director of the department of revenue of the state of
22 Missouri;

23 (6) "District", a community improvement district, established pursuant to sections
24 67.1401 to 67.1571;

25 (7) "Election authority", the election authority having jurisdiction over the area in which
26 the boundaries of the district are located pursuant to chapter 115, RSMo;

27 (8) "Municipal clerk", the clerk of the municipality;

28 (9) "Municipality", any city, village, incorporated town, or county of this state, or in any
29 unincorporated area that is located in any county with a charter form of government and with
30 more than one million inhabitants;

31 (10) "Obligations", bonds, loans, debentures, notes, special certificates, or other
32 evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes
33 or to refund outstanding obligations;

34 (11) "Owner", for real property, the individual or individuals or entity or entities who
35 own a fee interest in real property that is located within the district or their legally authorized
36 representative **or representatives**; for business organizations and other entities, the owner shall
37 be deemed to be the individual **or individuals** which [is] **are** legally authorized to represent the
38 entity in regard to the district; **in the case of real property owned by individuals or entities**
39 **as joint tenants, tenants in common, tenants by the entirety, or tenants in partnership, such**
40 **joint tenants, tenants in common, tenants by the entirety, or tenants in partnership shall**
41 **be considered one owner collectively for purposes of any vote cast or petition executed;**

42 (12) "Per capita", one head count applied to each individual, entity or group of
43 individuals or entities having fee ownership of real property within the district whether such
44 individual, entity or group owns one or more parcels of real property in the district as joint
45 tenants, tenants in common, tenants by the entirety, tenants in partnership, except that with
46 respect to a condominium created under sections 448.1-101 to 448.4-120, RSMo, "per capita"
47 means one head count applied to the applicable unit owners' association and not to each unit
48 owner;

49 (13) "Petition", a petition to establish a district as it may be amended in accordance with
50 the requirements of section 67.1421;

51 (14) "Qualified voters",

52 (a) For purposes of elections for approval of real property taxes:

53 a. Registered voters; or

54 b. If no registered voters reside in the district, the owners of one or more parcels of real
55 property which is to be subject to such real property taxes and is located within the district per
56 the [tax] **real estate** records [for real property of the county clerk, or the collector of revenue if
57 the district is located in a city not within a county] **of the recorder of deeds where the district**
58 **is located**, as of the thirtieth day prior to the date of the applicable election;

59 (b) For purposes of elections for approval of business license taxes or sales taxes:

60 a. Registered voters; or

61 b. If no registered voters reside in the district, the owners of one or more parcels of real
62 property located within the district per the [tax] **real estate** records [for real property of the
63 county clerk] **of the recorder of deeds where the district is located** as of the thirtieth day
64 before the date of the applicable election; and

65 (c) For purposes of the election of directors of the board[.]:

66 a. Registered voters [and] ; **or**

67 b. **If no registered voters reside in the district, the owners of one or more parcels of**
68 **real property [which is not exempt from assessment or levy of taxes by the district and which is]**
69 **located within the district per the [tax] real estate records [for real property of the county clerk,**

70 or the collector of revenue if the district is located in a city not within a county] **of the recorder**
71 **of deeds where the district is located**, of the thirtieth day prior to the date of the applicable
72 election; and

73 (d) **Provided that, for the purposes of any election, each voter which is not an**
74 **individual shall determine how to cast its vote as provided for in its articles of**
75 **incorporation, articles of organization, articles of partnership, bylaws, or other document**
76 **which sets forth an applicable mechanism for action for such voter. If a voter has no such**
77 **mechanism, then its vote shall be cast by agreement of such individuals or entities as would**
78 **be required under applicable law to convey by deed the entire parcel of property owned;**

79 (15) "Registered voters", persons who reside within the district and who are qualified
80 and registered to vote pursuant to chapter 115, RSMo, pursuant to the records of the election
81 authority as of the thirtieth day prior to the date of the applicable election.

67.1421. 1. Upon receipt of a proper petition filed with its municipal clerk, the
2 governing body of the municipality in which the proposed district is located shall hold a public
3 hearing in accordance with section 67.1431 and may adopt an ordinance to establish the
4 proposed district.

5 2. A petition is proper if, based on the [tax] **real estate** records of the [county clerk, or
6 the collector of revenue if the district is located in a city not within a county] **recorder of deeds**
7 **where the district is located**, as of the time of filing the petition with the municipal clerk, it
8 meets the following requirements:

9 (1) It has been signed by property owners collectively owning more than fifty percent
10 by assessed value, **as reflected by the tax records of the county where the proposed district**
11 **is located**, of the real property within the boundaries of the proposed district;

12 (2) It has been signed by more than fifty percent per capita of all owners of real property
13 within the boundaries of the proposed district; and

14 (3) It contains the following information:

15 (a) The legal description of the proposed district, including a map illustrating the district
16 boundaries;

17 (b) The name of the proposed district;

18 (c) A notice that the signatures of the signers may not be withdrawn later than seven days
19 after the petition is filed with the municipal clerk;

20 (d) A five-year plan stating a description of the purposes of the proposed district, the
21 services it will provide, the improvements it will make and an estimate of costs of these services
22 and improvements to be incurred;

23 (e) A statement as to whether the district will be a political subdivision or a not for profit
24 corporation and if it is to be a not for profit corporation, the name of the not for profit
25 corporation;

26 (f) If the district is to be a political subdivision, a statement as to whether the district will
27 be governed by a board elected by the **qualified voters in the** district or whether the board will
28 be appointed by the municipality, and, if the board is to be elected by the **qualified voters in the**
29 district, the names and terms of the initial board may be stated;

30 (g) If the district is to be a political subdivision, the number of directors to serve on the
31 board;

32 (h) The total assessed value, **as reflected by the tax records of the county where the**
33 **proposed district is located**, of all real property within the proposed district;

34 (i) A statement as to whether the petitioners are seeking a determination that the
35 proposed district, or any legally described portion thereof, is a blighted area;

36 (j) The proposed length of time for the existence of the district;

37 (k) The maximum rates of real property taxes, and, business license taxes in the county
38 seat of a county of the first classification without a charter form of government containing a
39 population of at least two hundred thousand, that may be submitted to the qualified voters for
40 approval;

41 (l) The maximum rates of special assessments and respective methods of assessment that
42 may be proposed by petition;

43 (m) The limitations, if any, on the borrowing capacity of the district;

44 (n) The limitations, if any, on the revenue generation of the district;

45 (o) Other limitations, if any, on the powers of the district;

46 (p) A request that the district be established; and

47 (q) Any other items the petitioners deem appropriate; and

48 (4) The signature block for each real property owner signing the petition shall be in
49 substantially the following form and contain the following information:

50 Name of owner:

51 Owner's telephone number and mailing address:

52 If signer is different from owner:

53 Name of signer:

54 State basis of legal authority to sign:

55 Signer's telephone number and mailing address:

56 If the owner is an individual, state if owner is single or married:

57 If owner is not an individual, state what type of entity :.....

93 (2) At any time after the public hearing and prior to the adoption of an ordinance
94 establishing the proposed district; provided that, notice of the amendments to the petition is
95 given by publishing the notice in a newspaper of general circulation within the municipality and
96 by sending the notice via registered certified United States mail with a return receipt attached to
97 the address of record of each owner of record of real property within the boundaries of the
98 proposed district per the [tax records of the county clerk, or the collector of revenue if the district
99 is located in a city not within a county] **real estate records of the recorder of deeds where the**
100 **district is located as of a date no earlier than thirty days prior to the mailing.** Such notice
101 shall be published and mailed not less than ten days prior to the adoption of the ordinance
102 establishing the district;

103 (3) At any time after the adoption of any ordinance establishing the district a public
104 hearing on the amended petition is held and notice of the public hearing is given in the manner
105 provided in section 67.1431 and the governing body of the municipality in which the district is
106 located adopts an ordinance approving the amended petition after the public hearing is held.

107 6. Upon the creation of a district, the municipal clerk shall report in writing the creation
108 of such district to the Missouri department of economic development.

67.1451. 1. If a district is a political subdivision, the election and qualifications of
2 members to the district's board of directors shall be in accordance with this section. If a district
3 is a not-for-profit corporation, the election and qualification of members to its board of directors
4 shall be in accordance with chapter 355, RSMo.

5 2. The district shall be governed by a board consisting of at least five but not more than
6 thirty directors. Each director shall, during his or her entire term, be:

7 (1) At least eighteen years of age; and

8 (2) Be either:

9 (a) An owner, as defined in section 67.1401, of real property or of a business operating
10 within the district; or

11 (b) A registered voter residing within the district; and

12 (3) Any other qualifications set forth in the petition establishing the district. If there are
13 fewer than five owners of real property located within a district, the board may be comprised of
14 up to five legally authorized representatives of any of the owners of real property located within
15 the district **or of any of the businesses operating within the district.**

16 3. If the district is a political subdivision, the board shall be elected or appointed, as
17 provided in the petition.

18 4. If the board is to be elected, the procedure for election shall be as follows:

19 (1) The municipal clerk shall specify a date on which the election shall occur which date
20 shall be a Tuesday and shall not be earlier than the tenth Tuesday, and shall not be later than the
21 fifteenth Tuesday, after the effective date of the ordinance adopted to establish the district;

22 (2) The election shall be conducted in the same manner as provided for in section
23 67.1551, provided that the published notice of the election shall contain the information required
24 by section 67.1551 for published notices, except that it shall state that the purpose of the election
25 is for the election of directors, in lieu of the information related to taxes;

26 (3) Candidates shall pay the sum of five dollars as a filing fee and shall file not later than
27 the second Tuesday after the effective date of the ordinance establishing the district with the
28 municipal clerk a statement under oath that he or she possesses all of the qualifications set out
29 in this section for a director. Thereafter, such candidate shall have his or her name placed on the
30 ballot as a candidate for director;

31 (4) The director or directors to be elected shall be elected at large. The person receiving
32 the most votes shall be elected to the position having the longest term; the person receiving the
33 second highest votes shall be elected to the position having the next longest term and so forth.
34 For any district formed prior to August 28, 2003, of the initial directors, one-half shall serve for
35 a two-year term, one-half shall serve for a four-year term and if an odd number of directors are
36 elected, the director receiving the least number of votes shall serve for a two-year term, until
37 such director's successor is elected. For any district formed on or after August 28, 2003, for the
38 initial directors, one-half shall serve for a two-year term, and one-half shall serve for the term
39 specified by the district pursuant to subdivision (5) of this subsection, and if an odd number of
40 directors are elected, the director receiving the least number of votes shall serve for a two-year
41 term, until such director's successor is elected, **provided that if the terms of directors cannot**
42 **be divided in accordance with this section because such directors received the same**
43 **number of votes, the directors serving two- and four-year terms shall be designated either:**

44 (a) **By a majority vote of directors at the first meeting thereof; or**

45 (b) **If not determined under paragraph (a) of this subdivision, then thereafter by**
46 **lot conducted by the election authority, after notification to the candidates of the time and**
47 **place of such drawing;**

48 (5) Successor directors shall be elected in the same manner as the initial directors. The
49 date of the election of successor directors shall be specified by the municipal clerk which date
50 shall be a Tuesday and shall not be later than the date of the expiration of the stated term of the
51 expiring director. **If no registered voters reside in the district, then in lieu of the election**
52 **referenced in this subsection, successor directors may be elected by the qualified voters at**
53 **a meeting of the qualified voters called by the board for such purpose. For the purposes**
54 **of such meeting, qualified voters may participate and vote by proxy or in any manner**

55 **permitted by chapter 610, RSMo. If a qualified voter is participating in the meeting by**
56 **proxy, the proxy shall be granted in writing and filed with the board of directors of the**
57 **district at the meeting. At any such meeting, attendance by qualified voters owning in the**
58 **aggregate more than fifty percent of the total acreage owned by qualified voters shall**
59 **constitute a quorum. Each qualified voter shall be entitled to one vote per acre, prorated**
60 **to the nearest one-tenth of an acre.** Each successor director shall serve a term for the length
61 specified prior to the election by the **qualified voters of the** district, which term shall be at least
62 three years and not more than four years, and shall continue until such director's successor is
63 elected. In the event of a vacancy on the board of directors, the remaining directors shall elect
64 an interim director to fill the vacancy for the unexpired term.

65 5. If the petition provides that the board is to be appointed by the municipality, such
66 appointments shall be made by the chief elected officer of the municipality with the consent of
67 the governing body of the municipality. For any district formed prior to August 28, 2003, of the
68 initial appointed directors, one-half of the directors shall be appointed to serve for a two-year
69 term and the remaining one-half shall be appointed to serve for a four-year term until such
70 director's successor is appointed; provided that, if there is an odd number of directors, the last
71 person appointed shall serve a two-year term. For any district formed on or after August 28,
72 2003, of the initial appointed directors, one-half shall be appointed to serve for a two-year term,
73 and one-half shall be appointed to serve for the term specified by the district for successor
74 directors pursuant to this subsection, and if an odd number of directors are appointed, the last
75 person appointed shall serve for a two-year term; provided that each director shall serve until
76 such director's successor is appointed. Successor directors shall be appointed in the same manner
77 as the initial directors and shall serve for a term of years specified by the district prior to the
78 appointment, which term shall be at least three years and not more than four years.

79 6. If the petition states the names of the initial directors, those directors shall serve for
80 the terms specified in the petition and successor directors shall be determined either by the
81 above-listed election process or appointment process as provided in the petition.

82 7. Any director may be removed for cause by a two-thirds affirmative vote of the
83 directors of the board. Written notice of the proposed removal shall be given to all directors
84 prior to action thereon.

85 8. The board is authorized to act on behalf of the district, subject to approval of qualified
86 voters as required in this section; except that, all official acts of the board shall be by written
87 resolution approved by the board.

67.1461. 1. Each district shall have all the powers, except to the extent any such power
2 has been limited by the petition approved by the governing body of the municipality to establish

3 the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401
4 to 67.1571 including, but not limited to, the following:

5 (1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to
6 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

7 (2) To sue and be sued;

8 (3) To make and enter into contracts and other instruments, with public and private
9 entities, necessary or convenient to exercise its powers and carry out its duties pursuant to
10 sections 67.1401 to 67.1571;

11 (4) To accept grants, guarantees and donations of property, labor, services, or other
12 things of value from any public or private source;

13 (5) To employ or contract for such managerial, engineering, legal, technical, clerical,
14 accounting, or other assistance as it deems advisable;

15 (6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real
16 property [within its boundaries], personal property, or any interest in such property;

17 (7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise
18 encumber or dispose of any real or personal property or any interest in such property;

19 (8) To levy and collect special assessments and taxes as provided in sections 67.1401
20 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from
21 taxation pursuant to subdivision (5) of section 137.100, RSMo. Those exempt pursuant to
22 subdivision (5) of section 137.100, RSMo, may voluntarily participate in the provisions of
23 sections 67.1401 to 67.1571;

24 (9) If the district is a political subdivision, to levy real property taxes and business
25 license taxes in the county seat of a county of the first classification containing a population of
26 at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such
27 assessments or taxes shall be levied on any property exempt from taxation pursuant to
28 subdivisions (2) and (5) of section 137.100, RSMo. Those exempt pursuant to subdivisions (2)
29 and (5) of section 137.100, RSMo, may voluntarily participate in the provisions of sections
30 67.1401 to 67.1571;

31 (10) If the district is a political subdivision, to levy sales taxes pursuant to sections
32 67.1401 to 67.1571;

33 (11) To fix, charge, and collect fees, rents, and other charges for use of any of the
34 following:

35 (a) The district's real property, except for public rights-of-way for utilities;

36 (b) The district's personal property, except in a city not within a county; or

37 (c) Any of the district's interests in such real or personal property, except for public
38 rights-of-way for utilities;

- 39 (12) To borrow money from any public or private source and issue obligations and
40 provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;
- 41 (13) To loan money as provided in sections 67.1401 to 67.1571;
- 42 (14) To make expenditures, create reserve funds, and use its revenues as necessary to
43 carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;
- 44 (15) To enter into one or more agreements with the municipality for the purpose of
45 abating any public nuisance [within the boundaries of the district] including, but not limited to,
46 the stabilization, repair or maintenance or demolition and removal of buildings or structures,
47 provided that the municipality has declared the existence of a public nuisance;
- 48 (16) [Within its boundaries,] To provide assistance to or to construct, reconstruct, install,
49 repair, maintain, **operate**, and equip any of the following public improvements:
- 50 (a) Pedestrian or shopping malls and plazas;
- 51 (b) Parks, lawns, trees, and any other landscape;
- 52 (c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;
- 53 (d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic
54 signs and signals, utilities, drainage, water, storm and sewer systems, and other site
55 improvements;
- 56 (e) Parking lots, garages, or other facilities;
- 57 (f) Lakes, dams, and waterways;
- 58 (g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees,
59 awnings, canopies, walls, and barriers;
- 60 (h) Telephone and information booths, bus stop and other shelters, rest rooms, and
61 kiosks;
- 62 (i) Paintings, murals, display cases, sculptures, and fountains;
- 63 (j) Music, news, and child-care facilities; and
- 64 (k) Any other useful, necessary, or desired improvement;
- 65 (17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks,
66 parks, and other real property and improvements located within its boundaries for public use;
- 67 (18) [Within its boundaries and] With the municipality's consent, to prohibit or restrict
68 vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks,
69 and tunnels and to provide the means for access by emergency vehicles to or in such areas;
- 70 (19) [Within its boundaries,] To **acquire**, operate, **construct**, **improve**, or to contract
71 for the provision of music, news, child-care, or parking facilities[, and buses, minibuses, or other
72 modes of transportation];
- 73 (20) **To acquire, operate, or to contract for the provision of buses, minibuses, or**
74 **other modes of transportation;**

- 75 (21) Within its boundaries, to lease space for sidewalk café tables and chairs;
76 [(21) Within its boundaries,] (22) To provide or contract for the provision of security
77 personnel, equipment, or facilities for the protection of property and persons **within the**
78 **boundaries of the district;**
- 79 [(22)] (23) Within its boundaries, to provide or contract for cleaning, maintenance, and
80 other services to public and private property;
- 81 [(23)] (24) To produce and promote any tourism, recreational or cultural activity or
82 special event [in] **benefiting** the district by, but not limited to, advertising, decoration of any
83 public place in the district, promotion of such activity and special events, and furnishing music
84 in any public place;
- 85 [(24)] (25) To support business activity and economic development [in] **benefiting** the
86 district including, but not limited to, the promotion of business activity, development and
87 retention, and the recruitment of developers and businesses;
- 88 [(25)] (26) To provide or support training programs for employees of businesses within
89 the district;
- 90 [(26)] (27) To provide refuse collection and disposal services within the district;
- 91 [(27)] (28) To contract for or conduct economic, planning, marketing or other studies;
- 92 [(28)] (29) To repair, restore, or maintain any abandoned cemetery on public or private
93 land within the district; and
- 94 [(29)] (30) To carry out any other powers set forth in sections 67.1401 to 67.1571.
- 95 2. Each district which is located in a blighted area or which includes a blighted area shall
96 have the following additional powers:
- 97 (1) Within its blighted area, to contract with any private property owner to **acquire**
98 **property and to** demolish and remove, renovate, reconstruct, or rehabilitate any building or
99 structure owned **or to be owned** by such private property owner; and
- 100 (2) To expend its revenues or loan its revenues pursuant to a contract entered into
101 pursuant to this subsection, provided that the governing body of the municipality has determined
102 that the action to be taken pursuant to such contract is reasonably anticipated to remediate the
103 blighting conditions and will serve a public purpose.
- 104 3. Each district shall annually reimburse the municipality for the reasonable and actual
105 expenses incurred by the municipality to establish such district and review annual budgets and
106 reports of such district required to be submitted to the municipality; provided that, such annual
107 reimbursement shall not exceed one and one-half percent of the revenues collected by the district
108 in such year.
- 109 4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district
110 any sovereign right of municipalities to promote order, safety, health, morals, and general

111 welfare of the public, except those such police powers, if any, expressly delegated pursuant to
112 sections 67.1401 to 67.1571.

113 5. The governing body of the municipality establishing the district shall not decrease the
114 level of publicly funded services in the district existing prior to the creation of the district or
115 transfer the financial burden of providing the services to the district unless the services at the
116 same time are decreased throughout the municipality, nor shall the governing body discriminate
117 in the provision of the publicly funded services between areas included in such district and areas
118 not so included.

67.1521. 1. A district may levy by resolution one or more special assessments against
2 real property within its boundaries, upon receipt of and in accordance with a petition signed by:

3 (1) Owners of real property collectively owning more than fifty percent by assessed value
4 of real property within the boundaries of the district **which is to be subject to special**
5 **assessments**; and

6 (2) More than fifty percent per capita of the owners of all real property within the
7 boundaries of the district **which is to be subject to special assessments**.

8 2. The special assessment petition shall be in substantially the following form:

9 The (insert name of district) Community Improvement District
10 ("District") shall be authorized to levy special assessments against real property benefited within
11 the District for the purpose of providing revenue for (insert general description of
12 specific service and/or projects) in the district, such special assessments to be levied against each
13 tract, lot or parcel of real property listed below within the district which receives special benefit
14 as a result of such service and/or projects, the cost of which shall be allocated among this
15 property by (insert method of allocation, e.g., per square foot of property, per
16 square foot on each square foot of improvement, or by abutting foot of property abutting streets,
17 roads, highways, parks or other improvements, or any other reasonable method) in an amount
18 not to exceed dollars per (insert unit of measure). Such authorization to levy the special
19 assessment shall expire on (insert date). The tracts of land located in the district
20 which will receive special benefit from this service and/or projects are: (list of
21 properties by common addresses and legal descriptions).

22 3. The method for allocating such special assessments set forth in the petition may be
23 any reasonable method which results in imposing assessments upon real property benefited in
24 relation to the benefit conferred upon each respective tract, lot or parcel of real property and the
25 cost to provide such benefit.

26 4. By resolution of the board, the district may levy a special assessment rate lower than
27 the rate ceiling set forth in the petition authorizing the special assessment and may increase such
28 lowered special assessment rate to a level not exceeding the special assessment rate ceiling set

29 forth in the petition without further approval of the real property owners; provided that a district
30 imposing a special assessment pursuant to this section may not repeal or amend such special
31 assessment or lower the rate of such special assessment if such repeal, amendment or lower rate
32 will impair the district's ability to pay any liabilities that it has incurred, money that it has
33 borrowed or obligations that it has issued.

34 5. Each special assessment which is due and owing shall constitute a perpetual lien
35 against each tract, lot or parcel of property from which it is derived. Such lien may be foreclosed
36 in the same manner as any other special assessment lien as provided in section 88.861, RSMo.

37 6. A separate fund or account shall be created by the district for each special assessment
38 levied and each fund or account shall be identifiable by a suitable title. The proceeds of such
39 assessments shall be credited to such fund or account. Such fund or account shall be used solely
40 to pay the costs incurred in undertaking the specified service or project.

41 7. Upon completion of the specified service or project or both, the balance remaining in
42 the fund or account established for such specified service or project or both shall be returned or
43 credited against the amount of the original assessment of each parcel of property pro rata based
44 on the method of assessment of such special assessment.

45 8. Any funds in a fund or account created pursuant to this section which are not needed
46 for current expenditures may be invested by the board in accordance with applicable laws
47 relating to the investment of funds of the city in which the district is located.

48 9. The authority of the district to levy special assessments shall be independent of the
49 limitations and authorities of the municipality in which it is located; specifically, the provisions
50 of section 88.812, RSMo, shall not apply to any district.

67.1545. 1. Any district formed as a political subdivision may impose by resolution a
2 district sales and use tax on all retail sales made in such district which are subject to taxation
3 pursuant to sections 144.010 to 144.525, RSMo, except sales of motor vehicles, trailers, boats
4 or outboard motors and sales to or by public utilities and providers of communications, cable,
5 or video services. Any sales and use tax imposed pursuant to this section may be imposed in
6 increments of one-eighth of one percent, up to a maximum of one percent. Such district sales
7 and use tax may be imposed for any district purpose designated by the district in its ballot of
8 submission to its qualified voters; except that, no resolution adopted pursuant to this section shall
9 become effective unless the board of directors of the district submits to the qualified voters of
10 the district, by [mail-in ballot,] **any method specified in subsection 3 or 11 of this section**, a
11 proposal to authorize a sales and use tax pursuant to this section. **In the case of an election**, if
12 a majority of the votes cast by the qualified voters on the proposed sales tax are in favor of the
13 sales tax, then the resolution is adopted[.] , **and** if a majority of the votes cast by the qualified
14 voters are opposed to the sales tax, then the resolution is void.

15 2. The ballot shall be substantially in the following form:

16 Shall the (insert name of district) Community Improvement District
17 impose a community improvement districtwide sales and use tax at the maximum rate of
18 (insert amount) for a period of (insert number) years from the date on which
19 such tax is first imposed for the purpose of providing revenue for
20 (insert general description of the purpose)?

21 YES NO

22

23 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
24 to the question, place an "X" in the box opposite "NO".

25 **3. Upon passage of the resolution described in subsection 1 of this section, in lieu**
26 **of the election referenced in subsection 1 of this section, if no registered voters reside within**
27 **the district, one hundred percent of the owners of real property in the district, according**
28 **to real estate records of the recorder of deeds where the district is located as of the date of**
29 **the submission of the petition to the board of directors of such district as described in this**
30 **subsection, may authorize a sales and use tax by unanimous petition. Such petition shall**
31 **state that the undersigned approve the resolution of the board imposing the sales tax. The**
32 **signature block for each owner signing the petition shall be in substantially the form set**
33 **forth in subdivision (4) of subsection 2 of section 67.1421 and shall contain the same**
34 **information. Such petition shall be submitted to the board of directors of the district who**
35 **shall verify that no registered voters reside within the district and the signatures thereon**
36 **represent one hundred percent of the owners of real property in the district. The results**
37 **of such verification shall be entered into the records of the district, and the date of such**
38 **entry shall be equivalent of the date of the election held under subsection 1 of this section.**

39 **4.** Within ten days after the qualified voters have approved the imposition of the sales
40 and use tax, **or within ten days after district verification as provided in subsection 3 of this**
41 **section,** the district shall, in accordance with section 32.087, RSMo, notify the director of the
42 department of revenue. The sales and use tax authorized by this section shall become effective
43 on the first day of the second calendar quarter after the director of the department of revenue
44 receives notice of the adoption of such tax.

45 [4.] **5.** The director of the department of revenue shall collect any tax adopted pursuant
46 to this section pursuant to section 32.087, RSMo.

47 [5.] **6.** In each district in which a sales and use tax is imposed pursuant to this section,
48 every retailer shall add such additional tax imposed by the district to such retailer's sale price,
49 and when so added such tax shall constitute a part of the purchase price, shall be a debt of the

50 purchaser to the retailer until paid and shall be recoverable at law in the same manner as the
51 purchase price.

52 [6.] **7.** In order to allow retailers to collect and report the sales and use tax authorized by
53 this section as well as all other sales and use taxes required by law in the simplest and most
54 efficient manner possible, a district may establish appropriate brackets to be used in the district
55 imposing a tax pursuant to this section in lieu of the brackets provided in section 144.285,
56 RSMo.

57 [7.] **8.** The penalties provided in sections 144.010 to 144.525, RSMo, shall apply to
58 violations of this section.

59 [8.] **9.** All revenue received by the district from a sales and use tax imposed pursuant to
60 this section which is designated for a specific purpose shall be deposited into a special trust fund
61 and expended solely for such purpose. Upon the expiration of any sales and use tax adopted
62 pursuant to this section, all funds remaining in the special trust fund shall continue to be used
63 solely for the specific purpose designated in the resolution adopted by the qualified voters. Any
64 funds in such special trust fund which are not needed for current expenditures may be invested
65 by the board of directors pursuant to applicable laws relating to the investment of other district
66 funds.

67 [9.] **10.** A district may repeal by resolution any sales and use tax imposed pursuant to this
68 section before the expiration date of such sales and use tax unless the repeal of such sales and
69 use tax will impair the district's ability to repay any liabilities the district has incurred, moneys
70 the district has borrowed or obligation the district has issued to finance any improvements or
71 services rendered for the district.

72 [10.] **11.** Notwithstanding the provisions of [chapter 115, RSMo, an election for a district
73 sales and use tax under this section shall be conducted in accordance with the provisions of this
74 section] **sections 115.001 to 115.641, RSMo, the district may elect to proceed with the**
75 **election under the provisions of sections 115.001 to 115.646, RSMo, or sections 115.650 to**
76 **115.660, RSMo, whether or not registered voters reside within the district.**

67.1551. 1. Notwithstanding the provisions of chapter 115, RSMo, an election for real
2 estate tax pursuant to sections 67.1401 to 67.1571 shall be conducted in accordance with the
3 provisions of this section.

4 2. After the board has passed a resolution for the levy of real property tax and a vote of
5 the qualified voters is required, the board shall provide written notice of such resolution to the
6 election authority. The board shall be entitled to rescind such resolution provided that written
7 notice of such rescission is delivered to the election authority prior to the time the election
8 authority mails the ballots to the qualified voters.

9 3. Upon receipt of written notice of a district's resolution for the levy of a real property
10 tax the election authority shall:

11 (1) Specify a date upon which the election shall occur which date shall be a Tuesday, and
12 shall be not earlier than the tenth Tuesday, and not later than the fifteenth Tuesday, after the date
13 of the board's passage of the resolution and shall not be on the same day as an election conducted
14 pursuant to the provisions of chapter 115, RSMo;

15 (2) Publish notice of the election in a newspaper of general circulation within the
16 municipality two times. The first publication date shall be more than sixty days prior to the date
17 of the election and the second publication date shall be not more than thirty days and not less
18 than ten days prior to the date of the election. The published notice shall include, but not be
19 limited to, the following information:

20 (a) The name and general boundaries of the district;

21 (b) The type of tax proposed, its rate, purpose and duration;

22 (c) The date the ballots for the election shall be mailed to qualified voters;

23 (d) The date of the election;

24 (e) Qualified voters will consist of:

25 a. Such persons who reside within the district and who are registered voters pursuant to
26 the records of the election authority as of the thirtieth day prior to the date of the election; or

27 b. If no such registered voters reside in the district, the owners of real property located
28 within the district [pursuant to the tax records of the county clerk, or the collector of revenue if
29 the district is located in a city not within a county] **per the real estate records of the recorder
30 of deeds where the district is located**, for real property as of the thirtieth day prior to the date
31 of the election;

32 (f) A statement that persons residing in the district shall register to vote with the election
33 authority on or before the thirtieth day prior to the date of the election in order to be a qualified
34 voter for purposes of the election;

35 (g) A statement that the ballot must be returned to the election authority's office in
36 person, or by depositing the ballot in the United States mail addressed to the election authority's
37 office and postmarked, not later than the date of the election; and

38 (h) A statement that any qualified voter that did not receive a ballot in the mail or lost
39 the ballot received in the mail may pick up a mail-in ballot at the election authority's office,
40 specifying the dates and time such ballot will be available and the location of the election
41 authority's office;

42 (3) The election authority shall mail to each qualified voter not more than fifteen days
43 and not less than ten days prior to the date of the election together with a notice containing
44 substantially the same information as the published notice and a return addressed envelope

45 directed to the election authority's office with a sworn affidavit on the reverse side of such
 46 envelope for the qualified voter's signature. For purposes of mailing ballots to real property
 47 owners only one ballot shall be mailed per capita at the address shown on the records of the
 48 county clerk, or the collector of revenue if the district is located in a city not within a county.
 49 Such affidavit shall be in substantially the following form: FOR REGISTERED VOTERS:

50 I hereby declare under penalties of perjury that I reside in the (insert name)
 51 Community Improvement District and I am a registered voter and qualified to vote in this
 52 election.

53

54 Qualified Voter's Signature

55

56 Printed Name of Qualified Voter

57 FOR REAL PROPERTY OWNERS:

58 I hereby declare under penalty of perjury that I am the owner of real property in the
 59 (insert name) Community Improvement District and qualified to vote in this election,
 60 or authorized to affix my signature on behalf of the owner (named below) of real property in the
 61 (insert name) Community Improvement District which is qualified to vote in this
 62 election.

63

64 Signature

65

66 Print Name of Real Property Owner

67 If Signer is Different from Owner:

68 Name of Signer: State Basis of Legal Authority to Sign:
 69 All persons or entities having a fee ownership in the property shall sign the
 70 ballot. Additional signature pages may be affixed to this ballot to accommodate all required
 71 signatures.

72 4. Each qualified voter shall have one vote. Each voted ballot shall be signed with the
 73 authorized signature.

74 5. Mail-in ballots shall be returned to the election authority's office in person, or by
 75 depositing the ballot in the United States mail addressed to the election authority's office and
 76 postmarked, no later than the date of the election. The election authority shall transmit all voted
 77 ballots to a team of judges of not less than four, with an equal number from each of the two
 78 major political parties. The judges shall be selected by the municipal clerk from lists compiled
 79 by the election authority. Upon receipt of the voted ballots, the judges shall verify the
 80 authenticity of the ballots, canvass the votes, and certify the results. Certification by the election

81 judges shall be final and shall be immediately transmitted to the election authority. Any
82 qualified voter who voted in such election may contest the result in the same manner as provided
83 in chapter 115, RSMo.

84 6. The results of the election shall be entered upon the records of the election authority
85 and a certified copy of the election results shall be filed with the municipal clerk, who shall cause
86 the same to be entered upon the records of the municipal clerk.

87 7. The district shall reimburse the election authority for the costs it incurs to conduct an
88 election under this section.

78.090. 1. Candidates to be voted for at all general municipal elections at which a mayor
2 and councilmen are to be elected under the provisions of sections 78.010 to [78.420] **78.400** shall
3 be nominated by a primary election, **except as provided in this section**, and no other names
4 shall be placed upon the general ballot except those selected in the manner herein prescribed.
5 The primary election for such nomination shall be held on the first Tuesday after the first
6 Monday in February preceding the municipal election.

7 **2. (1) In lieu of conducting a primary election under this section, any city organized**
8 **under sections 78.010 to 78.400 may, by order or ordinance, provide for the elimination of**
9 **the primary election and the conduct of elections for mayor and councilman as provided**
10 **in this subsection.**

11 **(2) Any person desiring to become a candidate for mayor or councilman shall file**
12 **with the city clerk a signed statement of such candidacy, stating whether such person is a**
13 **resident of the city and a qualified voter of the city, that the person desires to be a**
14 **candidate for nomination to the office of mayor or councilman to be voted upon at the next**
15 **municipal election for such office, that the person is eligible for such office, that the person**
16 **requests to be placed on the ballot, and that such person will serve if elected. Such**
17 **statement shall be sworn to or affirmed before the city clerk.**

18 **(3) The city clerk shall cause the official ballots to be printed, and the names of the**
19 **candidates shall appear on the ballots in the order that their statements of candidacy were**
20 **filed with the city clerk. Above the names of the candidates shall appear the words "Vote**
21 **for (number to be elected)". The ballot shall also include a warning that voting for more**
22 **than the total number of candidates to be elected to any office invalidates the ballot.**

105.030. 1. Whenever any vacancy, caused in any manner or by any means whatsoever,
2 occurs or exists in any state or county office originally filled by election of the people, other than
3 in the offices of lieutenant governor, **attorney general, secretary of state, state auditor, state**
4 **treasurer**, state senator or representative, sheriff, or recorder of deeds in the city of St. Louis,
5 the vacancy shall be filled by appointment by the governor except that when a vacancy occurs
6 in the office of county assessor after a general election at which a person other than the

7 incumbent has been elected, the person so elected shall be appointed to fill the remainder of the
8 unexpired term; and the person appointed after duly qualifying and entering upon the discharge
9 of [his] the duties under the appointment shall continue in office until the first Monday in
10 January next following the first ensuing general election, at which general election a person shall
11 be elected to fill the unexpired portion of the term, or for the ensuing regular term, as the case
12 may be, and the person so elected shall enter upon the discharge of the duties of the office the
13 first Monday in January next following his election, except that when the term to be filled begins
14 on any day other than the first Monday in January, the appointee of the governor shall be entitled
15 to hold the office until such other date. This section shall not apply to vacancies in county
16 offices in any county which has adopted a charter for its own government under section 18,
17 article VI of the constitution. Any vacancy in the office of recorder of deeds in the city of St.
18 Louis shall be filled by appointment by the mayor of that city.

19 **2. Any vacancy occurring in the offices of lieutenant governor, attorney general,**
20 **secretary of state, state auditor, or state treasurer, except for vacancies occurring under**
21 **section 106.060, RSMo, shall be filled by a special election called by the governor for that**
22 **purpose. Upon receiving the notice of vacancies occurring under this subsection, the**
23 **governor shall without delay issue a writ of election to fill the vacancy. The secretary of**
24 **state shall conduct the special election as provided in chapter 115, RSMo.**

105.040. Whenever a vacancy in the office of senator of the United States from this state
2 exists, the governor[, unless otherwise provided by law,] shall [appoint a person to fill such
3 vacancy, who shall continue in office until a successor shall have been duly elected and qualified
4 according to law] **fill the office by a special election called by the governor for that purpose.**
5 **Upon receiving the notice of a vacancy occurring in the office, the governor shall without**
6 **delay issue a writ of election to fill the vacancy. The secretary of state shall conduct the**
7 **special election as provided in chapter 115, RSMo.**

105.050. If any vacancy shall happen from any cause in the office of the [attorney
2 general,] circuit attorney, prosecuting attorney or assistant prosecuting attorney, the governor,
3 upon being satisfied that such vacancy exists, shall appoint some competent person to fill the
4 same until the next regular election for [attorney general,] prosecuting attorney or assistant
5 prosecuting attorney, as the case may be; provided, in the case of a vacancy in the office of
6 prosecuting attorney, if there is no qualified person in the county who can or will accept such
7 appointment, then the governor may appoint any person who possesses all the qualifications set
8 forth in section 56.010, RSMo, except the qualification as to residence.

9 105.966. 1. [Except as provided in subsection 2 of this section,] The ethics commission
10 shall complete and make determinations pursuant to subsection 1 of section 105.961 on all

11 complaint investigations, except those complaint investigations assigned to a retired judge,
12 within ninety days of initiation.

13 2. [The commission may file a petition in the Cole County circuit court to request an
14 additional ninety days for investigation upon proving by a preponderance of the evidence that
15 additional time is needed. Upon filing the petition, the ninety-day period shall be tolled until the
16 court determines whether additional time is needed.

17 3. The hearing shall be held in camera before the Cole County circuit court and all
18 records of the proceedings shall be closed.

19 4.] The provisions of this section shall apply to all ongoing complaint investigations on
20 July 13, 1999.

21 [5.] 3. Any complaint investigation not completed and decided upon by the ethics
22 commission within the time allowed by this section shall be deemed to not have been a violation.

115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in
2 any [political subdivision or special district except for municipal elections] **township or village**
3 **as defined in chapter 72, RSMo**, if the notice provided for in subsection 5 of section 115.127
4 has been published in at least one newspaper of general circulation in the district, and if the
5 number of candidates who have filed for a particular office is equal to the number of positions
6 in that office to be filled by the election, no election shall be held for such office, and the
7 candidates shall assume the responsibilities of their offices at the same time and in the same
8 manner as if they had been elected. Notwithstanding any other provision of law to the contrary,
9 if at any election the number of candidates filing for a particular office exceeds the number of
10 positions to be filled at such election, the election authority shall hold the election as scheduled,
11 even if a sufficient number of candidates withdraw from such contest for that office so that the
12 number of candidates remaining after the filing deadline is equal to the number of positions to
13 be filled.

14 2. The election authority or political subdivision responsible for the oversight of the
15 filing of candidates in any nonpartisan election in any political subdivision or special district
16 shall clearly designate where candidates shall form a line to effectuate such filings and determine
17 the order of such filings; except that, in the case of candidates who file a declaration of candidacy
18 with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing,
19 the election authority or political subdivision may determine by random drawing the order in
20 which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to
21 this subsection, it shall be conducted so that each candidate may draw a number at random at the
22 time of filing. If such drawing is conducted, the election authority or political subdivision shall
23 record the number drawn with the candidate's declaration of candidacy. If such drawing is

24 conducted, the names of candidates filing on the first day of filing for each office on each ballot
25 shall be listed in ascending order of the numbers so drawn.

26 **3. This section shall be known and may be cited as the "Andrew Jackson Vote**
27 **Restoration Act".**

115.278. 1. As used in this section, "overseas voter" means any permanent resident
2 **of this state who is temporarily residing outside of the territorial limits of the United States**
3 **and the District of Columbia, who is a qualified voter, and who is:**

4 **(1) A member of the armed services of the United States while in active service, or**
5 **an eligible spouse or dependent of such member;**

6 **(2) A member of the merchant marine of the United States, or an eligible spouse or**
7 **dependent of such member; or**

8 **(3) Any other citizen of the United States who is covered under the federal**
9 **Uniformed and Overseas Citizens Absentee Voting Act, as amended.**

10 **2. The secretary of state shall establish a program and procedures to allow any**
11 **overseas voter to receive and cast an absentee ballot using the Internet. The secretary of**
12 **state shall consider software programs that are based on open source platforms, shall**
13 **provide support to any local election authority participating in the program, shall provide**
14 **adequate voter education information to overseas voters, and shall include funding from**
15 **alternate sources for such program, including making available to local election authorities**
16 **federal funds provided to the state under the federal Help America Vote Act of 2002, as**
17 **amended. The secretary shall also consider phased implementation of the program, and**
18 **such phased implementation shall begin no later than June 30, 2010, and shall be fully**
19 **implemented by January 1, 2012. Any program or software program chosen shall be**
20 **secure and shall protect the secrecy of the ballot. No provision in this chapter relating to**
21 **requirements for automated voting systems shall apply to any program established under**
22 **this section.**

115.305. This subchapter, **with the exception of section 115.342**, shall not apply to
2 candidates for special district offices, township offices in township organization counties, or city,
3 town and village offices; provided that, cities of the fourth class, except those in a county of the
4 first class with a charter form of government and which adjoins a city not within a county, may
5 elect, only by ordinance, to hold primary elections in accordance with the provisions of sections
6 115.305 to 115.405 or in accordance with the provisions of sections 78.470, 78.480 and 78.510,
7 RSMo, and the ordinance shall state which of these provisions of law are being adopted.

115.350. **Notwithstanding any provision of section 115.305 to the contrary**, no
2 person shall qualify as a candidate for **any** elective public office in the state of Missouri,
3 **including any elective public office of any political subdivision of this state**, who has:

4 (1) Been [convicted of or] found guilty of or pled guilty to a felony under the laws of this
5 state;

6 (2) **Been found guilty of or pled guilty to any crime in any other jurisdiction that**
7 **would be a felony if committed in this state;**

8 (3) **Been found guilty of or pled guilty to any felony under the federal laws of the**
9 **United States of America;**

10 (4) **Been found guilty of or pled guilty to any crime in this state or in any other**
11 **jurisdiction that involves misconduct in public office.**

115.601. 1. Any contestant in a primary or other election contest who was defeated by
2 less than one percent of the votes cast for the office and any contestant who received the second
3 highest number of votes cast for that office if two or more are to be elected and who was
4 defeated by less than one percent of the votes cast, or any person whose position on a question
5 was defeated by less than one percent of the votes cast on the question, **or any contestant who**
6 **was tied with another contestant or contestants in the number of votes cast for the office,**
7 shall have the right to a recount of the votes cast for the office or on the question.

8 2. In cases where the candidate filed or the ballot question was originally filed with an
9 election authority as defined in section 115.015, such recount shall be requested in accordance
10 with the provisions of section 115.531 or 115.577 and conducted under the direction of the court
11 or the commissioner representing the court trying the contest according to the provisions of this
12 subchapter.

13 3. In cases where the candidate filed or the ballot question was originally filed with the
14 secretary of state, the defeated **or tied** candidate or the person whose position on a question was
15 defeated by less than one percent of the votes cast on the question shall be allowed a recount
16 pursuant to this section by filing with the secretary of state a request for a recount stating that the
17 person or the person's position on a question was defeated by less than one percent of the votes
18 cast **or that the initial election count resulted in a tie vote.** Such request shall be filed not later
19 than seven days after certification of the election. The secretary of state shall notify all
20 concerned parties of the filing of the request for a recount. The secretary of state shall authorize
21 the election authorities to conduct a recount pursuant to this section if the requesting party or his
22 position on a question was defeated by less than one percent of the votes cast. The secretary of
23 state shall conduct and certify the results of the recount as the official results in the election
24 within twenty days of receipt of the aforementioned notice of recount.

25 4. Whenever a recount is requested pursuant to subsection 3 of this section, the secretary
26 of state shall determine the number of persons necessary to assist with the recount and shall
27 appoint such persons equally from lists submitted by the contestant and the opponent who
28 received more votes or a person whose position on a question received more votes than the

29 contestant's position on that question. Each person appointed pursuant to this section shall be
30 a disinterested person and a registered voter of the area in which the contested election was held.
31 Each person so appointed shall take the oath prescribed for and receive the same pay as an
32 election judge in the jurisdiction where the person is registered. After being sworn not to
33 disclose any facts uncovered by the recount, except those which are contained in the report, the
34 contestant and the opponent who received more votes or a person whose position on a question
35 received more votes than the contestant's position on that question shall be permitted to be
36 present in person or represented by an attorney at the recount and to observe the recount. Each
37 recount shall be completed under the supervision of the secretary of state with the assistance of
38 the election authorities involved, and the persons appointed to assist with the recount shall
39 perform such duties as the secretary of state directs. Upon completion of any duties prescribed
40 by the secretary of state the persons appointed to assist with the recount shall make a written and
41 signed report of their findings. The findings of the persons appointed to assist with the recount
42 shall be prima facie evidence of the facts stated therein, but any person present at the
43 examination of the votes may be a witness to contradict the findings. No one other than the
44 secretary of state, the election authorities involved, the contestant and the other witnesses
45 described in this subsection, their attorneys, and those specifically appointed by the secretary of
46 state to assist with the recount shall be present during any recount conducted pursuant to this
47 section.

48 5. For purposes of this section, "recount" means one additional counting of all votes
49 counted for the office or on the question with respect to which the recount is requested.

115.635. The following offenses, and any others specifically so described by law, shall
2 be class three election offenses and are deemed misdemeanors connected with the exercise of
3 the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment
4 of not more than one year or by fine of not more than two thousand five hundred dollars, or by
5 both such imprisonment and fine:

6 (1) Giving, lending, agreeing to give or lend, offering, promising, or endeavoring to
7 procure, any money or valuable consideration, office, or place of employment, to or for any
8 voter, to or for any person on behalf of any voter, or to or for any person, in order to induce any
9 voter to vote or refrain from voting or corruptly doing any such act on account of such voter
10 having already voted or refrained from voting at any election;

11 (2) Making use of, or threatening to make use of, any force, violence, or restraint, or
12 inflicting or threatening to inflict any injury, damage, harm or loss upon or against any person,
13 in order to induce or compel such person to vote or refrain from voting at any election;

14 (3) Impeding or preventing, or attempting to impede or prevent, by abduction, duress or
15 any fraudulent device or contrivance, the free exercise of the franchise of any voter or, by

16 abduction, duress, or any fraudulent device, compelling, inducing, or prevailing upon any voter
17 to vote or refrain from voting at any election;

18 (4) Giving, or making an agreement to give, any money, property, right in action, or
19 other gratuity or reward, in consideration of any grant or deputation of office;

20 (5) Bringing into this state any nonresident person with intent that such person shall vote
21 at an election without possessing the requisite qualifications;

22 (6) Asking for, receiving, or taking any money or other reward by way of gift, loan, or
23 other device or agreeing or contracting for any money, gift, office, employment, or other reward,
24 for giving, or refraining from giving, his or her vote in any election;

25 (7) Removing, destroying or altering any supplies or information placed in or near a
26 voting booth for the purpose of enabling a voter to prepare his or her ballot;

27 (8) Entering a voting booth or compartment except as specifically authorized by law;

28 (9) On the part of any election official, challenger, watcher or person assisting a person
29 to vote, revealing or disclosing any information as to how any voter may have voted, indicated
30 that the person had voted except as authorized by this chapter, indicated an intent to vote or
31 offered to vote, except to a grand jury or pursuant to a lawful subpoena in a court proceeding
32 relating to an election offense;

33 (10) On the part of any registration or election official, refusing to permit any person to
34 register to vote or to vote when such official knows the person is legally entitled to register or
35 legally entitled to vote;

36 (11) Attempting to commit or participating in an attempt to commit any class one or
37 class two election offense;

38 **(12) Using an electronic recording device to record, photograph, copy, or transmit**
39 **the content of a voted ballot to any person or destination not authorized by this chapter to**
40 **receive such information.**

115.637. The following offenses, and any others specifically so described by law, shall
2 be class four election offenses and are deemed misdemeanors not connected with the exercise
3 of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment
4 of not more than one year or by a fine of not more than two thousand five hundred dollars or by
5 both such imprisonment and fine:

6 (1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample
7 ballots that may be furnished by an organization or individual at or near any voting place on
8 election day, except that this subdivision shall not be construed so as to interfere with the right
9 of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate
10 and substituting the name of the person for whom he intends to vote; or to dispose of the
11 received sample ballot;

12 (2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent
13 sample ballots which appear on their face to be designed as a fraud upon voters;

14 (3) Purposefully giving a printed or written sample ballot to any qualified voter which
15 is intended to mislead the voter;

16 (4) On the part of any candidate for election to any office of honor, trust, or profit,
17 offering or promising to discharge the duties of such office for a less sum than the salary, fees,
18 or emoluments as fixed by law or promising to pay back or donate to any public or private
19 interest any portion of such salary, fees, or emolument as an inducement to voters;

20 (5) On the part of any canvasser appointed to canvass any registration list, willfully
21 failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to
22 perform [his] **the** duties in making such canvass or willfully neglecting any duties lawfully
23 assigned to [him] **the canvasser**;

24 (6) On the part of any employer, making, enforcing, or attempting to enforce any order,
25 rule, or regulation or adopting any other device or method to prevent an employee from engaging
26 in political activities, accepting candidacy for nomination to, election to, or the holding of,
27 political office, holding a position as a member of a political committee, soliciting or receiving
28 funds for political purpose, acting as [chairman] **chair** or participating in a political convention,
29 assuming the conduct of any political campaign, signing, or subscribing [his] **the employee's**
30 name to any initiative, referendum, or recall petition, or any other petition circulated pursuant
31 to law;

32 (7) On the part of any person authorized or employed to print official ballots, or any
33 person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any
34 ballot to or by any person other than the official under whose direction the ballots are being
35 printed, any ballot in any form other than that prescribed by law, or with unauthorized names,
36 with names misspelled, or with the names of candidates arranged in any way other than that
37 authorized by law;

38 (8) On the part of any election authority or official charged by law with the duty of
39 distributing the printed ballots, or any person acting on [his] **the election authority's or**
40 **official's** behalf, knowingly distributing or causing to be distributed any ballot in any manner
41 other than that prescribed by law;

42 (9) Any person [having in his possession] **possessing** any official ballot, except in the
43 performance of [his] **the** duty as an election authority or official, or in the act of exercising [his]
44 **the person's** individual voting privilege;

45 (10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

46 (11) On the part of any election judge, willfully [absenting himself] **being absent** from
47 the polls on election day without good cause or willfully detaining any election material or

48 equipment and not causing it to be produced at the voting place at the opening of the polls or
49 within fifteen minutes thereafter;

50 (12) On the part of any election authority or official, willfully neglecting, refusing, or
51 omitting to perform any duty required [of him] by law with respect to holding and conducting
52 an election, receiving and counting out the ballots, or making proper returns;

53 (13) On the part of any election judge, or party watcher or challenger, furnishing any
54 information tending in any way to show the state of the count to any other person prior to the
55 closing of the polls;

56 (14) On the part of any voter, except as otherwise provided by law, allowing [his] **the**
57 **voter's** ballot to be seen by any person with the intent of letting it be known how [he] **the voter**
58 is about to vote or has voted, or knowingly making a false statement as to [his] **the voter's**
59 inability to mark [his] **the** ballot;

60 (15) On the part of any election judge, disclosing to any person the name of any
61 candidate for whom a voter has voted;

62 (16) Interfering, or attempting to interfere, with any voter inside a polling place;

63 (17) On the part of any person at any registration site, polling place, counting location
64 or verification location, causing any breach of the peace or engaging in disorderly conduct,
65 violence, or threats of violence whereby such registration, election, count or verification is
66 impeded or interfered with;

67 (18) Exit polling, surveying, sampling, electioneering, distributing election literature,
68 posting signs or placing vehicles bearing signs with respect to any candidate or question to be
69 voted on at an election on election day inside the building in which a polling place is located or
70 within twenty-five feet of the building's outer door closest to the polling place, or, on the part of
71 any person, refusing to remove or permit removal from property owned or controlled by [him]
72 **the person**, any such election sign or literature located within such distance on such day after
73 request for removal by any person;

74 (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on
75 private property, except that this subdivision shall not be construed to interfere with the right of
76 any private property owner to take any action with regard to campaign yard signs on the owner's
77 property and this subdivision shall not be construed to interfere with the right of any candidate,
78 or the candidate's designee, to remove the candidate's campaign yard sign from the owner's
79 private property after the election day.

130.021. 1. Every committee shall have a treasurer who, except as provided in
2 subsection 10 of this section, shall be a resident of this state [and reside in the district or county
3 in which the committee sits]. A committee may also have a deputy treasurer who, except as
4 provided in subsection 10 of this section, shall be a resident of this state [and reside in the district

5 or county in which the committee sits], to serve in the capacity of committee treasurer in the
6 event the committee treasurer is unable for any reason to perform the treasurer's duties. **Each**
7 **treasurer and deputy treasurer of a political party committee shall reside in the district or**
8 **county in which the committee sits.**

9 2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed
10 a statement of exemption pursuant to that subsection and every candidate for offices listed in
11 subsection 6 of section 130.016 who is not excluded from filing a statement of organization and
12 disclosure reports pursuant to subsection 6 of **section 130.016** shall form a candidate committee
13 and appoint a treasurer. Thereafter, all contributions on hand and all further contributions
14 received by such candidate and any of the candidate's own funds to be used in support of the
15 person's candidacy shall be deposited in a candidate committee depository account established
16 pursuant to the provisions of subsection 4 of this section, and all expenditures shall be made
17 through the candidate, treasurer or deputy treasurer of the person's candidate committee. Nothing
18 in this chapter shall prevent a candidate from appointing himself or herself as a committee of one
19 and serving as the person's own treasurer, maintaining the candidate's own records and filing all
20 the reports and statements required to be filed by the treasurer of a candidate committee.

21 3. A candidate who has more than one candidate committee supporting the person's
22 candidacy shall designate one of those candidate committees as the committee responsible for
23 consolidating the aggregate contributions to all such committees under the candidate's control
24 and direction as required by section 130.041.

25 4. (1) Every committee shall have a single official fund depository within this state
26 which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan
27 association, or a federally or state-chartered credit union in which the committee shall open and
28 thereafter maintain at least one official depository account in its own name. An "official
29 depository account" shall be a checking account or some type of negotiable draft or negotiable
30 order of withdrawal account, and the official fund depository shall, regarding an official
31 depository account, be a type of financial institution which provides a record of deposits,
32 canceled checks or other canceled instruments of withdrawal evidencing each transaction by
33 maintaining copies within this state of such instruments and other transactions. All contributions
34 which the committee receives in money, checks and other negotiable instruments shall be
35 deposited in a committee's official depository account. Contributions shall not be accepted and
36 expenditures shall not be made by a committee except by or through an official depository
37 account and the committee treasurer, deputy treasurer or candidate. Contributions received by
38 a committee shall not be commingled with any funds of an agent of the committee, a candidate
39 or any other person, except that contributions from a candidate of the candidate's own funds to
40 the person's candidate committee shall be deposited to an official depository account of the

41 person's candidate committee. No expenditure shall be made by a committee when the office
42 of committee treasurer is vacant except that when the office of a candidate committee treasurer
43 is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

44 (2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a
45 committee's official depository account and deposit such funds in one or more savings accounts
46 in the committee's name in any bank, savings and loan association or credit union within this
47 state, and may also withdraw funds from an official depository account for investment in the
48 committee's name in any certificate of deposit, bond or security. Proceeds from interest or
49 dividends from a savings account or other investment or proceeds from withdrawals from a
50 savings account or from the sale of an investment shall not be expended or reinvested, except
51 in the case of renewals of certificates of deposit, without first redepositing such proceeds in an
52 official depository account. Investments, other than savings accounts, held outside the
53 committee's official depository account at any time during a reporting period shall be disclosed
54 by description, amount, any identifying numbers and the name and address of any institution or
55 person in which or through which it is held in an attachment to disclosure reports the committee
56 is required to file. Proceeds from an investment such as interest or dividends or proceeds from
57 its sale, shall be reported by date and amount. In the case of the sale of an investment, the names
58 and addresses of the persons involved in the transaction shall also be stated. Funds held in
59 savings accounts and investments, including interest earned, shall be included in the report of
60 money on hand as required by section 130.041.

61 5. The treasurer or deputy treasurer acting on behalf of any person or organization or
62 group of persons which is a committee by virtue of the definitions of committee in section
63 130.011 and any candidate who is not excluded from forming a committee in accordance with
64 the provisions of section 130.016 shall file a statement of organization with the appropriate
65 officer within twenty days after the person or organization becomes a committee but no later than
66 the date for filing the first report required pursuant to the provisions of section 130.046. The
67 statement of organization shall contain the following information:

68 (1) The name, mailing address and telephone number, if any, of the committee filing the
69 statement of organization. If the committee is deemed to be affiliated with a connected
70 organization as provided in subdivision (11) of section 130.011, the name of the connected
71 organization, or a legally registered fictitious name which reasonably identifies the connected
72 organization, shall appear in the name of the committee. If the committee is a candidate
73 committee, the name of the candidate shall be a part of the committee's name;

74 (2) The name, mailing address and telephone number of the candidate;

75 (3) The name, mailing address and telephone number of the committee treasurer, and the
76 name, mailing address and telephone number of its deputy treasurer if the committee has named
77 a deputy treasurer;

78 (4) The names, mailing addresses and titles of its officers, if any;

79 (5) The name and mailing address of any connected organizations with which the
80 committee is affiliated;

81 (6) The name and mailing address of its depository, and the name and account number
82 of each account the committee has in the depository. **The account number of each account**
83 **shall be redacted prior to disclosing the statement to the public;**

84 (7) Identification of the major nature of the committee such as a candidate committee,
85 campaign committee, continuing committee, political party committee, incumbent committee,
86 or any other committee according to the definition of committee in section 130.011;

87 (8) In the case of the candidate committee designated in subsection 3 of this section, the
88 full name and address of each other candidate committee which is under the control and direction
89 of the same candidate, together with the name, address and telephone number of the treasurer of
90 each such other committee;

91 (9) The name and office sought of each candidate supported or opposed by the
92 committee;

93 (10) The ballot measure concerned, if any, and whether the committee is in favor of or
94 opposed to such measure.

95 6. A committee may omit the information required in subdivisions (9) and (10) of
96 subsection 5 of this section if, on the date on which it is required to file a statement of
97 organization, the committee has not yet determined the particular candidates or particular ballot
98 measures it will support or oppose.

99 7. A committee which has filed a statement of organization and has not terminated shall
100 not be required to file another statement of organization, except that when there is a change in
101 any of the information previously reported as required by subdivisions (1) to (8) of subsection
102 5 of this section an amended statement of organization shall be filed within twenty days after the
103 change occurs, but no later than the date of the filing of the next report required to be filed by
104 that committee by section 130.046.

105 8. Upon termination of a committee, a termination statement indicating dissolution shall
106 be filed not later than ten days after the date of dissolution with the appropriate officer or officers
107 with whom the committee's statement of organization was filed. The termination statement shall
108 include: the distribution made of any remaining surplus funds and the disposition of any deficits;
109 and the name, mailing address and telephone number of the individual responsible for preserving
110 the committee's records and accounts as required in section 130.036.

111 9. Any statement required by this section shall be signed and attested by the committee
112 treasurer or deputy treasurer, and by the candidate in the case of a candidate committee.

113 10. A committee domiciled outside this state shall be required to file a statement of
114 organization and appoint a treasurer residing in this state and open an account in a depository
115 within this state; provided that either of the following conditions prevails:

116 (1) The aggregate of all contributions received from persons domiciled in this state
117 exceeds twenty percent in total dollar amount of all funds received by the committee in the
118 preceding twelve months; or

119 (2) The aggregate of all contributions and expenditures made to support or oppose
120 candidates and ballot measures in this state exceeds one thousand five hundred dollars in the
121 current calendar year.

122 11. If a committee domiciled in this state receives a contribution of one thousand five
123 hundred dollars or more from any committee domiciled outside of this state, the committee
124 domiciled in this state shall file a disclosure report with the commission. The report shall
125 disclose the full name, mailing address, telephone numbers and domicile of the contributing
126 committee and the date and amount of the contribution. The report shall be filed within
127 forty-eight hours of the receipt of such contribution if the contribution is received after the last
128 reporting date before the election.

129 12. Each legislative and senatorial district committee shall retain only one address in the
130 district it sits for the purpose of receiving contributions.

137.073. 1. As used in this section, the following terms mean:

2 (1) "General reassessment", changes in value, entered in the assessor's books, of a
3 substantial portion of the parcels of real property within a county resulting wholly or partly from
4 reappraisal of value or other actions of the assessor or county equalization body or ordered by
5 the state tax commission or any court;

6 (2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each
7 purpose of taxation of property a taxing authority is authorized to levy without a vote and any
8 tax rate authorized by election, including bond interest and sinking fund;

9 (3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the
10 provisions of this section or when a court has determined the tax rate[; except that, other
11 provisions of law to the contrary notwithstanding, a school district may levy the operating levy
12 for school purposes required for the current year pursuant to subsection 2 of section 163.021,
13 RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri
14 Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980
15 tax year]. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is
16 approved by voters of the political subdivision as provided in this section;

17 (4) "Tax revenue", when referring to the previous year, means the actual receipts from
18 ad valorem levies on all classes of property, including state-assessed property, in the immediately
19 preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not
20 collected in the fiscal year and plus an additional allowance for the revenue which would have
21 been collected from property which was annexed by such political subdivision but which was
22 not previously used in determining tax revenue pursuant to this section. The term "tax revenue"
23 shall not include any receipts from ad valorem levies on any property of a railroad corporation
24 or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by
25 the assessor of a county or city in the previous year but are assessed by the state tax commission
26 in the current year. All school districts and those counties levying sales taxes pursuant to chapter
27 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which
28 they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and
29 section 164.013, RSMo, or as excess home dock city or county fees as provided in subsection
30 4 of section 313.820, RSMo, in the immediately preceding fiscal year but not including any
31 amount calculated to adjust for prior years. For purposes of political subdivisions which were
32 authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate,
33 the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall
34 mean the revenues equal to the amount that would have been available if the voluntary rate
35 reduction had not been made.

36 2. Whenever changes in assessed valuation are entered in the assessor's books for any
37 personal property, in the aggregate, or for any subclass of real property as such subclasses are
38 established in section 4(b) of article X of the Missouri Constitution and defined in section
39 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each
40 political subdivision wholly or partially within the county or St. Louis City of the change in
41 valuation of each subclass of real property, individually, and personal property, in the aggregate,
42 exclusive of new construction and improvements. All political subdivisions shall immediately
43 revise the applicable rates of levy for each purpose for each subclass of real property,
44 individually, and personal property, in the aggregate, for which taxes are levied to the extent
45 necessary to produce from all taxable property, exclusive of new construction and improvements,
46 substantially the same amount of tax revenue as was produced in the previous year for each
47 subclass of real property, individually, and personal property, in the aggregate, except that the
48 rate may not exceed **the greater of the rate in effect in the 1984 tax year or the most recent**
49 **voter-approved rate. For the 2009 tax year, any political subdivision may levy a rate**
50 **sufficient to generate substantially the same amount of tax revenue as was produced in the**
51 **2007 tax year from all taxable property, exclusive of any new construction or**
52 **improvements attributable to tax years 2008 and 2009, except that such rate shall not**

53 **exceed the greater of the rate in effect for the 1984 tax year or the most recent voter**
54 **approved tax rate. Any school district may levy the operating levy for school purposes**
55 **required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all**
56 **adjustments required pursuant to article X, section 22 of the Missouri constitution and**
57 **under subdivision 4 of subsection 5 of this section, if such tax rate does not exceed the**
58 **highest tax rate in effect subsequent to the 1980 tax year.** Such tax revenue shall not include
59 any receipts from ad valorem levies on any real property which was assessed by the assessor of
60 a county or city in such previous year but is assessed by the assessor of a county or city in the
61 current year in a different subclass of real property. Where the taxing authority is a school
62 district for the purposes of revising the applicable rates of levy for each subclass of real property,
63 the tax revenues from state-assessed railroad and utility property shall be apportioned and
64 attributed to each subclass of real property based on the percentage of the total assessed valuation
65 of the county that each subclass of real property represents in the current taxable year. As
66 provided in section 22 of article X of the constitution, a political subdivision may also revise
67 each levy to allow for inflationary assessment growth occurring within the political subdivision.
68 The inflationary growth factor for any such subclass of real property or personal property shall
69 be limited to the actual assessment growth in such subclass or class, exclusive of new
70 construction and improvements, and exclusive of the assessed value on any real property which
71 was assessed by the assessor of a county or city in the current year in a different subclass of real
72 property, but not to exceed the consumer price index or five percent, whichever is lower. Should
73 the tax revenue of a political subdivision from the various tax rates determined in this subsection
74 be different than the tax revenue that would have been determined from a single tax rate as
75 calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then
76 the political subdivision shall revise the tax rates of those subclasses of real property,
77 individually, and/or personal property, in the aggregate, in which there is a tax rate reduction,
78 pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such
79 difference and shall be apportioned among such subclasses of real property, individually, and/or
80 personal property, in the aggregate, based on the relative assessed valuation of the class or
81 subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each
82 class or subclass shall be made by computing the percentage of current year adjusted assessed
83 valuation of each class or subclass with a tax rate reduction to the total current year adjusted
84 assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting
85 percentages by the revenue difference between the single rate calculation and the calculations
86 pursuant to this subsection and dividing by the respective adjusted current year assessed
87 valuation of each class or subclass to determine the adjustment to the rate to be levied upon each
88 class or subclass of property. The adjustment computed herein shall be multiplied by one

89 hundred, rounded to four decimals in the manner provided in this subsection, and added to the
90 initial rate computed for each class or subclass of property. Notwithstanding any provision of
91 this subsection to the contrary, no revision to the rate of levy for personal property shall cause
92 such levy to increase over the levy for personal property from the prior year.

93 3. (1) Where the taxing authority is a school district, it shall be required to revise the
94 rates of levy to the extent necessary to produce from all taxable property, including state-assessed
95 railroad and utility property, which shall be separately estimated in addition to other data
96 required in complying with section 164.011, RSMo, substantially the amount of tax revenue
97 permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be
98 adjusted to offset such district's reduction in the apportionment of state school moneys due to its
99 reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling
100 pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility
101 valuation or loss of state aid, discovers that the estimates used result in receipt of excess
102 revenues, which would have required a lower rate if the actual information had been known, the
103 school district shall reduce the tax rate ceiling in the following year to compensate for the excess
104 receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

105 (2) For any political subdivision which experiences a reduction in the amount of assessed
106 valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant
107 to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation
108 or recordation of any assessed valuation:

109 (a) Such political subdivision may revise the tax rate ceiling for each purpose it levies
110 taxes to compensate for the reduction in assessed value occurring after the political subdivision
111 calculated the tax rate ceiling for the particular subclass of real property or for personal property,
112 in the aggregate, in a prior year. Such revision by the political subdivision shall be made at the
113 time of the next calculation of the tax rate for the particular subclass of real property or for
114 personal property, in the aggregate, after the reduction in assessed valuation has been determined
115 and shall be calculated in a manner that results in the revised tax rate ceiling being the same as
116 it would have been had the corrected or finalized assessment been available at the time of the
117 prior calculation;

118 (b) In addition, for up to three years following the determination of the reduction in
119 assessed valuation as a result of circumstances defined in this subdivision, such political
120 subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling
121 provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive had
122 the corrected or finalized assessment been available at the time of the prior calculation.

123 4. (1) In order to implement the provisions of this section and section 22 of article X of
124 the Constitution of Missouri, the term "improvements" shall apply to both real and personal

125 property. In order to determine the value of new construction and improvements, each county
126 assessor shall maintain a record of real property valuations in such a manner as to identify each
127 year the increase in valuation for each political subdivision in the county as a result of new
128 construction and improvements. The value of new construction and improvements shall include
129 the additional assessed value of all improvements or additions to real property which were begun
130 after and were not part of the prior year's assessment, except that the additional assessed value
131 of all improvements or additions to real property which had been totally or partially exempt from
132 ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255,
133 RSMo, and section 353.110, RSMo, shall be included in the value of new construction and
134 improvements when the property becomes totally or partially subject to assessment and payment
135 of all ad valorem taxes. The aggregate increase in valuation of personal property for the current
136 year over that of the previous year is the equivalent of the new construction and improvements
137 factor for personal property. Notwithstanding any opt-out implemented pursuant to subsection
138 15 of section 137.115, the assessor shall certify the amount of new construction and
139 improvements and the amount of assessed value on any real property which was assessed by the
140 assessor of a county or city in such previous year but is assessed by the assessor of a county or
141 city in the current year in a different subclass of real property separately for each of the three
142 subclasses of real property for each political subdivision to the county clerk in order that political
143 subdivisions shall have this information for the purpose of calculating tax rates pursuant to this
144 section and section 22, article X, Constitution of Missouri. In addition, the state tax commission
145 shall certify each year to each county clerk the increase in the general price level as measured by
146 the Consumer Price Index for All Urban Consumers for the United States, or its successor
147 publications, as defined and officially reported by the United States Department of Labor, or its
148 successor agency. The state tax commission shall certify the increase in such index on the latest
149 twelve-month basis available on February first of each year over the immediately preceding prior
150 twelve-month period in order that political subdivisions shall have this information available in
151 setting their tax rates according to law and section 22 of article X of the Constitution of Missouri.
152 For purposes of implementing the provisions of this section and section 22 of article X of the
153 Missouri Constitution, the term "property" means all taxable property, including state-assessed
154 property.

155 (2) Each political subdivision required to revise rates of levy pursuant to this section or
156 section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized
157 to levy and, in establishing each tax rate, shall consider each provision for tax rate revision
158 provided in this section and section 22 of article X of the Constitution of Missouri, separately
159 and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section
160 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using

161 the calculation that produces the lowest tax rate ceiling. It is further the intent of the general
162 assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri,
163 that the provisions of such section be applicable to tax rate revisions mandated pursuant to
164 section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in
165 subsequent years, enforcement provisions, and other provisions not in conflict with section 22
166 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section
167 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established
168 pursuant to this section and section 22 of article X of the Constitution of Missouri, unless
169 otherwise provided by law.

170 5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section
171 shall not be increased unless approved by a vote of the people. Approval of the higher tax rate
172 shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval
173 by more than a simple majority pursuant to any provision of law or the constitution, the tax rate
174 increase must receive approval by at least the majority required.

175 (2) When voters approve an increase in the tax rate, the amount of the increase shall be
176 added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does
177 not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate
178 for approval rather than describing the amount of increase in the question, the stated tax rate
179 approved shall be adjusted as provided in this section and, so adjusted, shall be the current tax
180 rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that when applied
181 to the current total assessed valuation of the political subdivision, excluding new construction
182 and improvements since the date of the election approving such increase, the revenue derived
183 from the adjusted tax rate ceiling is equal to the sum of: the amount of revenue which would
184 have been derived by applying the voter-approved increased tax rate ceiling to total assessed
185 valuation of the political subdivision, as most recently certified by the city or county clerk on or
186 before the date of the election in which such increase is approved, increased by the percentage
187 increase in the consumer price index, as provided by law. Such adjusted tax rate ceiling may be
188 applied to the total assessed valuation of the political subdivision at the setting of the next tax
189 rate. If a ballot question presents a phased-in tax rate increase, upon voter approval, each tax rate
190 increase shall be adjusted in the manner prescribed in this section to yield the sum of: the
191 amount of revenue that would be derived by applying such voter-approved increased rate to the
192 total assessed valuation, as most recently certified by the city or county clerk on or before the
193 date of the election in which such increase was approved, increased by the percentage increase
194 in the consumer price index, as provided by law, from the date of the election to the time of such
195 increase and, so adjusted, shall be the current tax rate ceiling.

196 (3) The governing body of any political subdivision may levy a tax rate lower than its
197 tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level not
198 exceeding the tax rate ceiling without voter approval in the manner provided under subdivision
199 (4) of this subsection. Nothing in this section shall be construed as prohibiting a political
200 subdivision from voluntarily levying a tax rate lower than that which is required under the
201 provisions of this section or from seeking voter approval of a reduction to such political
202 subdivision's tax rate ceiling.

203 (4) In a year of general reassessment, a governing body whose tax rate is lower than its
204 tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section
205 as if its tax rate was at the tax rate ceiling. In a year following general reassessment, if such
206 governing body intends to increase its tax rate, the governing body shall conduct a public
207 hearing, and in a public meeting it shall adopt an ordinance, resolution, or policy statement
208 justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision
209 shall not apply to any political subdivision which levies a tax rate lower than its tax rate ceiling
210 solely due to a reduction required by law resulting from sales tax collections. The provisions of
211 this subdivision shall not apply to any political subdivision which has received voter approval
212 for an increase to its tax rate ceiling subsequent to setting its most recent tax rate.

213 6. (1) For the purposes of calculating state aid for public schools pursuant to section
214 163.031, RSMo, each taxing authority which is a school district shall determine its proposed tax
215 rate as a blended rate of the classes or subclasses of property. Such blended rate shall be
216 calculated by first determining the total tax revenue of the property within the jurisdiction of the
217 taxing authority, which amount shall be equal to the sum of the products of multiplying the
218 assessed valuation of each class and subclass of property by the corresponding tax rate for such
219 class or subclass, then dividing the total tax revenue by the total assessed valuation of the same
220 jurisdiction, and then multiplying the resulting quotient by a factor of one hundred. Where the
221 taxing authority is a school district, such blended rate shall also be used by such school district
222 for calculating revenue from state-assessed railroad and utility property as defined in chapter 151,
223 RSMo, and for apportioning the tax rate by purpose.

224 (2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk
225 of the county commission in the county or counties where the tax rate applies of its tax rate
226 ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a
227 fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one
228 dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth
229 of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to
230 the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a
231 cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next

232 higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data,
233 in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate
234 complies with Missouri law. All forms for the calculation of rates pursuant to this section shall
235 be promulgated as a rule and shall not be incorporated by reference. The state auditor shall
236 promulgate rules for any and all forms for the calculation of rates pursuant to this section which
237 do not currently exist in rule form or that have been incorporated by reference. In addition, each
238 taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as
239 shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service
240 complies with Missouri law. A tax rate proposed for annual debt service requirements will be
241 prima facie valid if, after making the payment for which the tax was levied, bonds remain
242 outstanding and the debt fund reserves do not exceed the following year's payments. The county
243 clerk shall keep on file and available for public inspection all such information for a period of
244 three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing
245 authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor.
246 The state auditor shall, within fifteen days of the date of receipt, examine such information and
247 return to the county clerk his or her findings as to compliance of the tax rate ceiling with this
248 section and as to compliance of any proposed tax rate for debt service with Missouri law. If the
249 state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri
250 law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor
251 may request a taxing authority to submit documentation supporting such taxing authority's
252 proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings
253 to the taxing authority and shall file a copy of the findings with the information received from
254 the taxing authority. The taxing authority shall have fifteen days from the date of receipt from
255 the county clerk of the state auditor's findings and any request for supporting documentation to
256 accept or reject in writing the rate change certified by the state auditor and to submit all requested
257 information to the state auditor. A copy of the taxing authority's acceptance or rejection and any
258 information submitted to the state auditor shall also be mailed to the county clerk. If a taxing
259 authority rejects a rate change certified by the state auditor and the state auditor does not receive
260 supporting information which justifies the taxing authority's original or any subsequent proposed
261 tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the
262 attorney general's office and the attorney general is authorized to obtain injunctive relief to
263 prevent the taxing authority from levying a violative tax rate.

264 7. No tax rate shall be extended on the tax rolls by the county clerk unless the political
265 subdivision has complied with the foregoing provisions of this section.

266 8. Whenever a taxpayer has cause to believe that a taxing authority has not complied
267 with the provisions of this section, the taxpayer may make a formal complaint with the

268 prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within
269 ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this
270 section and institute an action as representative of a class of all taxpayers within a taxing
271 authority if the class is so numerous that joinder of all members is impracticable, if there are
272 questions of law or fact common to the class, if the claims or defenses of the representative
273 parties are typical of the claims or defenses of the class, and if the representative parties will
274 fairly and adequately protect the interests of the class. In any class action maintained pursuant
275 to this section, the court may direct to the members of the class a notice to be published at least
276 once each week for four consecutive weeks in a newspaper of general circulation published in
277 the county where the civil action is commenced and in other counties within the jurisdiction of
278 a taxing authority. The notice shall advise each member that the court will exclude him or her
279 from the class if he or she so requests by a specified date, that the judgment, whether favorable
280 or not, will include all members who do not request exclusion, and that any member who does
281 not request exclusion may, if he or she desires, enter an appearance. In any class action brought
282 pursuant to this section, the court, in addition to the relief requested, shall assess against the
283 taxing authority found to be in violation of this section the reasonable costs of bringing the
284 action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any
285 attorney or association of attorneys who receive public funds from any source for their services.
286 Any action brought pursuant to this section shall be set for hearing as soon as practicable after
287 the cause is at issue.

288 9. If in any action, including a class action, the court issues an order requiring a taxing
289 authority to revise the tax rates as provided in this section or enjoins a taxing authority from the
290 collection of a tax because of its failure to revise the rate of levy as provided in this section, any
291 taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her
292 taxes in part, whether or not the taxes are paid under protest as provided in section 139.031,
293 RSMo, or otherwise contested. The part of the taxes paid erroneously is the difference in the
294 amount produced by the original levy and the amount produced by the revised levy. The
295 township or county collector of taxes or the collector of taxes in any city shall refund the amount
296 of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided
297 in this section shall make available to the collector all funds necessary to make refunds pursuant
298 to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him
299 or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall
300 be construed to require a taxing authority to refund any tax erroneously paid prior to or during
301 the third tax year preceding the current tax year.

302 10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
303 is created under the authority delegated in this section shall become effective only if it complies

304 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
305 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
306 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
307 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
308 grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be
309 invalid and void.

310 **11. (1) Whenever the governing body of any taxing authority receives a petition,**
311 **signed by at least thirty-three percent of the registered voters within such taxing**
312 **authority's boundaries, calling for an election to decrease the taxing authority's tax rates,**
313 **the governing body shall submit to the voters residing within the taxing authority's**
314 **boundaries a proposal to lower the tax rates of the taxing authority at the next regular**
315 **election. Such petition shall include the proposed tax rate and tax rate's purpose for such**
316 **taxing authority. If at least sixty-six percent of the votes cast on the question by the**
317 **qualified voters voting thereon are in favor of decreasing the tax rate, the lowered tax rate**
318 **shall become effective. If more than thirty-three percent of the votes cast on the question**
319 **by the qualified voters voting thereon are opposed to lowering the tax rate, then the tax**
320 **rate established under this section shall remain effective until such tax rate is revised as**
321 **provided in this section. No petition to lower the tax rate on levies imposed for debt service**
322 **shall be valid under this subsection, and this subsection shall not be construed to require**
323 **any taxing authority to lower the tax rate on levies imposed for debt service.**

324 **(2) The petition shall be in substantially the following form:**

325

326 **WARNING**

327

328 **It is a felony for anyone to sign a petition with any name other than his or her own, or to**
329 **knowingly sign his or her name more than once for the measure, or to sign such petition**
330 **when the person is not a legal voter.**

331

332 **INITIATIVE PETITION To the governing body of the (insert name of taxing**
333 **authority):**

334

335 **We the undersigned, citizens and voters of the state of Missouri and the (insert**
336 **taxing authority's name), respectfully order that an election be called to reduce the tax rate**
337 **for the purposes of (describe purpose of tax rate) of the taxing authority. The tax rate**
338 **decrease proposal shall be referred to the people of the district for their approval or**
339 **rejection, at the regular (special) election to be held on the day of, 20., and each for**

340 himself or herself says: I have personally signed this petition; I am a duly qualified elector
341 of the state and district; my residence and post office address are correctly written after
342 my name.

343

344 Name Residence Post Office

345 (if in a city, street and number)

346 (Here follow numbered lines for signatures).

347 (3) Every sheet for petitioners' signatures shall be attached to a full and correct
348 copy of the title and text of the measure proposed by the petition.

349 (4) Each sheet of every petition containing signatures shall be verified in
350 substantially the following form by the person who circulated the sheet, by that person's
351 affidavit thereon:

352

353 State of Missouri County of

354 I,....., being first duly sworn, say that each person whose name appears on this sheet signed
355 his or her name thereto in my presence; I believe that each has stated his or her name, post
356 office address, and residence correctly, and that each signer is a voter of the state of
357 Missouri and (insert name of taxing authority).

358 (signature and post office address of affiant)

359 Subscribed and sworn to before me this day of, (year)

360 (signature and title of officer before whom oath is made and his or her post office address).

361 (5) The ballot question for a decrease in a taxing authority's tax rate shall be
362 submitted in substantially the following form:

363 "Shall the tax rate of the (insert name of taxing authority) for the purpose of
364 (describe purpose of tax rate) be reduced from (insert amount) to (insert proposed tax
365 rate)?".

366 (6) The decreased tax rate as approved shall be adjusted such that when applied
367 to the current total assessed valuation of the political subdivision, excluding new
368 construction and improvements since the date of the election approving such decrease, the
369 revenue derived from the adjusted tax rate is equal to the sum of: the amount of revenue
370 which would have been derived by applying the voter-approved decreased tax rate to the
371 total assessed valuation of the political subdivision, as most recently certified by the city
372 or county clerk on or before the date of the election in which such decrease is approved,
373 increased by the percentage increase in the consumer price index, as certified by the state
374 tax commission under subdivision (1) of subsection 4 of this section. Such adjusted tax rate

375 **shall be the taxing authority's tax rate ceiling and may be applied to the total assessed**
376 **valuation of the political subdivision at the setting of the next tax rate.**

162.492. 1. In all urban districts containing the greater part of the population of a city
2 which has more than three hundred thousand inhabitants the terms of the members of the board
3 of directors in office in 1967 shall continue until the end of the respective terms to which each
4 of them has been elected to office and in each case thereafter until the next school election be
5 held and until their successors, then elected, are duly qualified as provided in this section.

6 2. In each urban district designated in subsection 1, the election authority of the city in
7 which the greater portion of the school district lies, and of the county if the district includes
8 territory not within the city limits, shall serve ex officio as a redistricting commission. The
9 commission shall on or before November 1, 1969, divide the school district into six subdistricts,
10 all subdistricts being of compact and contiguous territory and as nearly equal in the number of
11 inhabitants as practicable and thereafter the board shall redistrict the district into subdivisions
12 as soon as practicable after each United States decennial census. In establishing the subdistricts
13 each member shall have one vote and a majority vote of the total membership of the commission
14 is required to make effective any action of the commission.

15 3. School elections for the election of directors shall be held on municipal election days
16 in each even-numbered year. At the election in 1970, one member of the board of directors shall
17 be elected by the voters of each subdistrict. The seven candidates, one from each of the
18 subdistricts, who receive a plurality of the votes cast by the voters of that subdistrict shall be
19 elected and the at-large candidate receiving a plurality of the at-large votes shall be elected. In
20 addition to other qualifications prescribed by law, each member elected from a subdistrict must
21 be a resident of the subdistrict from which he is elected. The subdistricts shall be numbered from
22 one to six and the directors elected from subdistricts one, three and five shall hold office for
23 terms of two years and until their successors are elected and qualified, and the directors elected
24 from subdistricts two, four and six shall hold office for terms of four years and until their
25 successors are elected and qualified. Every two years thereafter a member of the board of
26 directors shall be elected for a term of four years and until his successor is elected and qualified
27 from each of the three subdistricts having a member on the board of directors whose term expires
28 in that year. Those members of the board of directors who were in office in 1967 shall, when
29 their terms of office expire, be succeeded by the members of the board of directors elected from
30 subdistricts. In addition to the directors elected by the voters of each subdistrict, additional
31 directors shall be elected at large by the voters of the entire school district as follows: In 1970
32 one director at large shall be elected for a two-year term. In 1972 one director at large shall be
33 elected for a four-year term. In 1974 two at-large directors shall be elected for a four-year term
34 and thereafter in alternative elections one director shall be elected for a four-year term and then

35 two directors shall be elected for a four-year term, so that from and after the 1970 election the
36 board of directors not including those members who were in office in 1967 shall consist of seven
37 members until the 1974 election and thereafter the board shall consist of nine members. In those
38 years in which one at-large director is to be elected each voter may vote for one candidate and
39 the candidate receiving a plurality of votes cast shall be elected. In those years in which two
40 at-large directors are to be elected each voter may vote for two candidates and the two receiving
41 the largest number of votes cast shall be elected.

42 4. The six candidates, one from each of the subdistricts, who receive a plurality of the
43 votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality of the
44 at-large votes shall be elected. The name of no candidate for nomination shall be printed on the
45 ballot unless the candidate has at least sixty days prior to the election filed a declaration of
46 candidacy with the secretary of the board of directors containing the signatures of at least two
47 hundred fifty registered voters who are residents of the subdistrict within which the candidate
48 for nomination to a subdistrict office resides, and in case of at-large candidates the signatures of
49 at least five hundred registered voters. The election authority shall determine the validity of all
50 signatures on declarations of candidacy.

51 5. In any election either for at-large candidates or candidates elected by the voters of
52 subdistricts, if there are more than two candidates, a majority of the votes are not required to
53 elect but the candidate having a plurality of the votes if there is only one office to be filled and
54 the candidates having the highest number of votes, if more than one office is to be filled, shall
55 be elected.

56 6. The names of all candidates shall appear upon the ballot without party designation and
57 in the order of the priority of the times of filing their petitions of nomination. No candidate may
58 file both at large and from a subdistrict and the names of all candidates shall appear only once
59 on the ballot, nor may any candidate file more than one declaration of candidacy. All
60 declarations shall designate the candidate's residence and whether the candidate is filing at large
61 or from a subdistrict and the numerical designation of the subdistrict or at-large area.

62 7. The provisions of all sections relating to seven-director school districts shall also
63 apply to and govern urban districts in cities of more than three hundred thousand inhabitants, to
64 the extent applicable and not in conflict with the provisions of those sections specifically relating
65 to such urban districts.

66 8. Vacancies which occur on the school board between the dates of election shall be
67 filled by [majority vote of the remaining members of the school board to serve until the time of
68 the next regular school board election. Subdistrict director vacancies shall be filled by
69 appointment of a resident of the subdistrict in which the vacancy occurs] **special election if such**
70 **vacancy happens more than six months prior to the time of holding a general municipal**

71 election, as provided in section 115.121, RSMo. The state board of education shall order
72 a special election to fill such a vacancy. A letter from the commissioner of education,
73 delivered by certified mail to the election authority or authorities that would normally
74 conduct an election for school board members shall be the authority for the election
75 authority or authorities to proceed with election procedures. If a vacancy occurs less than
76 six months prior to the time of holding a general municipal election, no special election
77 shall occur and the vacancy shall be filled at the next general municipal election.

162.1035. 1. Any school board may, by a majority vote, place the issue of open
2 enrollment by contract on the ballot for a primary or general election to become effective
3 the following July first. The issue may also be placed on the ballot for a primary or general
4 election upon a petition which shall be signed by ten percent of the registered voters in the
5 district or one hundred voters, whichever is the higher number. If a two-thirds majority
6 of the electors voting in such election vote in the affirmative, the district may offer open
7 enrollment by contract as set out in this section.

8 2. (1) Public schools not in the residence district or private schools that agree to
9 accept students under the terms of this section shall be considered contractors.

10 (2) Eligible students are those students currently attending public school in the
11 sending district who have attended for at least one continuous school year after the
12 effective date of this bill or those who have not attended any school in the district because
13 they are not yet of school age or because they have moved to the district recently enough
14 that they have not registered for or enrolled in school.

15 3. The contract amount shall be the product of the weighted average daily
16 attendance from the eligible students attending the contractor and the state adequacy
17 target, multiplied by the dollar value modifier for the district, plus local tax revenues per
18 weighted average daily attendance from the incidental and teachers' funds in excess of the
19 performance levy as defined in section 163.011, RSMo, plus all other state and federal aid
20 attributable to such pupils, or the contractor's cost of education, as stated in the contract,
21 whichever is less.

22 4. Except for a school operating under 167.131, RSMo, a public school district may
23 enroll pupils by contract with another school district under this section unless a majority
24 of the school board votes to opt out of participation. Before placing the issue of opting out
25 on the agenda, the board shall hold at least one public meeting with at least one week of
26 prior notice. The board shall make a good faith effort to publicize the meeting through
27 public service media announcements and any other method deemed likely to be effective
28 in reaching the patrons of the district. The receiving district shall, at least annually,
29 estimate the number of open seats in each grade at each school after taking into account

30 likely changes in the resident pupil count, and make public this information. The district
31 shall create a policy to address the acceptance of students for open seats when the number
32 of applicants exceeds the number of open seats. No school district shall intentionally take
33 pupils by contract when doing so will cause the student-teacher ratio to exceed the
34 minimum standards required for accreditation.

35 **5. (1) A private school may agree to receive public school students by contract by**
36 **an affirmative vote of its governing board or of the appropriate entity based on any district**
37 **or diocesan structure of which the school is a local unit. The school shall, at least annually,**
38 **estimate the number of open seats in each grade after taking into account likely changes**
39 **in the pupil count, and make public this information.**

40 **(2) Private school contractors shall certify to the district board before the board**
41 **agrees to a contract that:**

42 **(a) None of the funds received by them will be used for any sectarian purpose or**
43 **for building construction;**

44 **(b) They will not discriminate in admission on the basis of grade point average,**
45 **religion, race, or gender, unless the school is a single-gender school;**

46 **(c) They will provide an appropriate assessment agreed upon by the contractor and**
47 **the district.**

48 **6. A sending school district may opt out of open enrollment by contract by the same**
49 **procedure as described in subsection 1 of this section for opting in. A receiving public**
50 **school district may opt out of open enrollment by contract by the same procedure as**
51 **described in subsection 4 of this section for opting in. A private school may opt out of open**
52 **enrollment by contract by the same procedure as described in subsection 5 of this section**
53 **for opting in. In all instances, the school shall notify the students, their parents, and the**
54 **other affected schools as soon as possible when the issue is placed on the board's meeting**
55 **agenda.**

56 **7. A pupil participating in open enrollment by contract may return to the district**
57 **of residence and enroll at the semester break, once the parent or guardian has notified the**
58 **district of residence and the contractor in writing of the decision to enroll the pupil in the**
59 **district of residence.**

60 **8. A student who is suspended from a contractor shall be permitted to return to the**
61 **district of residence if the assigned school in the district would not have suspended the**
62 **student for the same offense. If the student would have been suspended in the residence**
63 **district and still wishes to return, the student shall meet any requirements of the residence**
64 **district for readmission. If the student wishes to be readmitted to the contractor, the**
65 **student shall meet any requirement of the contractor for readmission.**

238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

2 (1) "Board", the board of directors of a district;

3 (2) "Commission", the Missouri highways and transportation commission;

4 (3) "District", a transportation development district organized under sections 238.200
5 to 238.275;

6 (4) "Local transportation authority", a county, city, town, village, county highway
7 commission, special road district, interstate compact agency, or any local public authority or
8 political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake
9 or river port, airport, railroad, light rail or other transit improvement or service;

10 (5) **"Owner", the individual or individuals or entity or entities who own a fee**
11 **interest in real property that is located within the district or their legally authorized**
12 **representative or representatives; in the case of real property owned by individuals or**
13 **entities as joint tenants, tenants in common, tenants by the entirety, or tenants in**
14 **partnership, such joint tenants, tenants in common, tenants by the entirety, or tenants in**
15 **partnership shall be considered one owner collectively for purposes of any vote cast or**
16 **petition executed;**

17 (6) "Project" includes any bridge, street, road, highway, access road, interchange,
18 intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar,
19 shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or other mass transit
20 and any similar or related improvement or infrastructure.

21 2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of
22 Missouri, section 137.073, RSMo, and as used in sections 238.200 to 238.275, the following
23 terms shall have the meanings given:

24 (1) "Approval of the required majority" or "direct voter approval", a simple majority;

25 (2) "Qualified electors", "qualified voters" or "voters":

26 (a) Within a proposed or established district, [except for a district proposed under
27 subsection 1 of section 238.207,] any persons residing therein who have registered to vote
28 pursuant to chapter 115, RSMo; or

29 (b) [Within a district proposed or established under subsection 1 of section 238.207
30 which has no persons residing therein who have registered to vote pursuant to chapter 115,
31 RSMo] **If no persons eligible to be registered voters reside within the proposed district**, the
32 owners of record of all real property located in the district, who shall receive one vote per acre[,
33 provided that if a registered voter subsequent to the creation of the district becomes a resident
34 within the district and obtains ownership of property within the district, such registered voter
35 must elect whether to vote as an owner of real property or as a registered voter, which election
36 once made cannot thereafter be changed] **owned, prorated to the nearest one-tenth of an acre;**

37 (3) "Registered voters", persons qualified and registered to vote pursuant to chapter 115,
38 RSMo.

238.208. 1. The owners of property adjacent to a transportation district formed under
2 the Missouri transportation development district act may petition the court by unanimous petition
3 to add their property to the district. If the property owners within the transportation development
4 district unanimously approve of the addition of property, the adjacent properties in the petition
5 shall be added to the district. [Any property added under this section shall be subject to all
6 projects, taxes, and special assessments in effect as of the date of the court order adding the
7 property to the district. The owners of the added property shall be allowed to vote at the next
8 election scheduled for the district to fill vacancies on the board and on any other question
9 submitted to them by the board under this chapter. The owners of property added under this
10 section shall have one vote per acre in the same manner as provided in subdivision (2) of
11 subsection 2 of section 238.220.]

12 2. **(1) As an alternative to the method described in subsection 1 of this section, at**
13 **any time during the existence of a district, the board of directors of such district may pass**
14 **a resolution to add property to the district's boundaries; provided that:**

15 **(a) A verified petition signed by all of the qualified voters within the area proposed**
16 **to be added to the district requesting the additional property be added to the boundaries**
17 **of the district is filed with the board of directors. The petition shall include a notice that**
18 **the signatures of the owners may not be withdrawn later than seven days after the petition**
19 **is filed with the district; and**

20 **(b) The board of directors of the district holds a public hearing concerning the**
21 **matter not less than fourteen and not more than sixty days after the verified petition is**
22 **received and gives notice of the public hearing by publication in a newspaper of general**
23 **circulation within the district once a week for two consecutive weeks prior to the week of**
24 **the public hearing and registered or certified United States mail with a return receipt**
25 **attached to all of the qualified voters within the area proposed to be added to the district**
26 **not less than fifteen days prior to the public hearing. The published and mailed notices**
27 **shall include the following:**

28 **a. The date, time, and place of the public hearing;**

29 **b. A statement that a petition to amend the boundaries of the district has been filed**
30 **with the board of directors of the district;**

31 **c. A specific description of the property to be added to the district's boundaries and**
32 **a map illustrating the proposed boundaries;**

33 **d. A statement that a copy of the petition is available for review at the principal**
34 **office of the district during regular business hours; and**

35 e. A statement that all interested persons shall be given an opportunity to be heard
36 at the public hearing and may submit written objections to the proposed amendment to the
37 district's boundaries which shall be fairly and duly considered by the board of directors;

38 (c) The board of directors of the district finds that:

39 a. The amended district boundaries meet the requirements of subsection 3 of
40 section 238.207;

41 b. Any funding mechanism currently in effect within the district shall extend to the
42 additional property;

43 c. The district shall not be an undue burden on any owner of property within the
44 district; and

45 d. The amendment to the district's boundaries is not unjust or unreasonable; and

46 (d) No written objection to the proposed amendment to the district's boundaries
47 signed by at least ten percent of the qualified voters of the district is filed with the board
48 of directors of the district within seven days after the close of the public hearing.

49 (2) If a written objection to the proposed amendment to the district's boundaries
50 signed by at least ten percent of the qualified voters of the district is filed with the board
51 of directors of the district within seven days after the close of the public hearing, the board
52 of directors shall submit the question whether to amend the district's boundaries to the
53 qualified voters within the proposed limits of the district. If the question is approved by
54 the majority of qualified voters within the proposed limits of the district, the board of
55 directors shall extend the district's boundaries by resolution.

56 (3) Any resolution passed by the board of directors of a district under this
57 subsection shall include a specific description of the district's new boundary and the
58 funding mechanisms currently in effect within the district.

59 (4) Upon passage of a resolution under this subsection, the district shall file a
60 certified copy of the resolution and the verified petition with the circuit court of the county
61 in which the petition creating the district was filed and request that the court enter its
62 judgment that the district's boundaries be amended. The court shall hear the case without
63 a jury. If the resolution is not defective, the proposed amendment to the district's
64 boundary is not illegal, unconstitutional, unjust, or unreasonable and the district is not an
65 undue burden on any owner of property within the district, the court shall enter its
66 judgment to that effect.

67 (5) The district shall also cause a certified copy of the resolution to be filed with the
68 county clerk of each county in which a portion of the proposed district lies, who shall cause
69 the same to be spread upon the records of the county commission.

70 **3. Any property added to a district under subsection 1 or 2 of this section shall be**
71 **subject to all funding mechanisms, projects, and obligations of the district as of the date**
72 **of the court order adding the property to the district. The owners of the added property**
73 **shall have the same rights as any existing property owner within the district.**

74 **4.** The owners of all of the property located in a transportation development district
75 formed under this chapter may, by unanimous petition filed with the board of directors of the
76 district, remove any property from the district, so long as such removal will not materially affect
77 any obligations of the district.

 238.216. 1. Except as otherwise provided in section 238.220 with respect to the election
2 of directors, in order to call any election required or allowed under sections 238.200 to 238.275,
3 the circuit court shall:

4 (1) Order the county clerk to cause the questions to appear on the ballot on the next
5 regularly scheduled general, primary or special election day, which date shall be the same in each
6 county or portion of a county included within and voting upon the proposed district;

7 (2) If the election is to be a mail-in election, specify a date on which ballots for the
8 election shall be mailed, which date shall be a Tuesday, and shall be not earlier than the eighth
9 Tuesday from the issuance of the order, and shall not be on the same day as an election
10 conducted under the provisions of chapter 115, RSMo; or

11 (3) If all the owners of property in the district joined in the petition for formation of the
12 district, such owners may cast their ballot by unanimous verified petition approving any measure
13 submitted to them as voters pursuant to this chapter. Each owner shall receive one vote per acre
14 owned, **prorated to the nearest one-tenth of an acre.** [Fractional votes shall be allowed.] The
15 verified petition shall be filed with the circuit court clerk. The filing of a unanimous petition
16 shall constitute an election under sections 238.200 to 238.275 and the results of said election
17 shall be entered pursuant to subsection 6 of this section.

18 2. Application for a ballot shall be conducted as follows:

19 (1) Only qualified voters shall be entitled to apply for a ballot;

20 (2) Such persons shall apply with the clerk of the circuit court in which the petition was
21 filed;

22 (3) Each person applying shall provide:

23 (a) Such person's name, address, mailing address, and phone number;

24 (b) An authorized signature; and

25 (c) Evidence that such person is entitled to vote. Such evidence shall be:

26 a. For resident individuals, proof of registration from the election authority;

27 b. For owners of real property, a tax receipt or deed or other document which evidences
28 ownership, and identifies the real property by location;

29 (4) No person shall apply later than the fourth Tuesday before the date for mailing ballots
30 specified in the circuit court's order.

31 3. If the election is to be a mail-in election, the circuit court shall mail a ballot to each
32 qualified voter who applied for a ballot pursuant to subsection 2 of this section along with a
33 return addressed envelope directed to the circuit court clerk's office with a sworn affidavit on the
34 reverse side of such envelope for the voter's signature. Such affidavit shall be in the following
35 form:

36 I hereby declare under penalties of perjury that I am qualified to vote, or to affix my
37 authorized signature in the name of an entity which is entitled to vote, in this election.

38 Subscribed and sworn to before me this day of....., 20.....

39 Authorized Signature

40

41 Printed Name of Voter Signature of notary or other
42 officer authorized to
43 administer oaths.

44

45 Mailing Address of Voter
46 (if different)

47 4. Except as otherwise provided in subsection 2 of section 238.220, with respect to the
48 election of directors, each qualified voter shall have one vote, unless the qualified voters are
49 property owners under subdivision (2) of subsection 2 of section 238.202, in which case they
50 shall receive one vote per acre, **prorated to the nearest one-tenth of an acre**. Each voter which
51 is not an individual shall determine how to cast its vote as provided for in its articles of
52 incorporation, articles of organization, articles of partnership, bylaws, or other document which
53 sets forth an [appropriate] **applicable** mechanism for [the determination of the entity's vote]
54 **action for such voter**. If a voter has no such mechanism, then its vote shall be cast [as
55 determined by a majority of the persons who run the day-to-day affairs of the voter] **by**
56 **agreement of such individuals or entities as would be required under applicable law to**
57 **convey by deed the entire parcel of property owned**. Each voted ballot shall be signed with
58 the authorized signature.

59 5. Mail-in voted ballots shall be returned to the circuit court clerk's office by mail or
60 hand delivery no later than 5:00 p.m. on the sixth Tuesday after the date for mailing the ballots
61 as set forth in the circuit court's order. The circuit court's clerk shall transmit all voted ballots
62 to a team of judges of not less than four, with an equal number from each of the two major
63 political parties. The judges shall be selected by the circuit court from lists compiled by the
64 election authority. Upon receipt of the voted ballots, the judges shall verify the authenticity of

65 the ballots, canvass the votes, and certify the results. Certification by the election judges shall
66 be final and shall be immediately transmitted to the circuit court. Any qualified voter who voted
67 in such election may contest the result in the same manner as provided in chapter 115, RSMo.

68 6. The results of the election shall be entered upon the records of the circuit court of the
69 county in which the petition was filed. Also, a certified copy thereof shall be filed with the
70 county clerk of each county in which a portion of the proposed district lies, who shall cause the
71 same to be spread upon the records of the county commission.

238.220. 1. Notwithstanding anything to the contrary contained in section 238.216, if
2 any persons eligible to be registered voters reside within the district the following procedures
3 shall be followed:

4 (1) After the district has been declared organized, the court shall upon petition of any
5 interested person order the county clerk to cause an election to be held in all areas of the district
6 within one hundred twenty days after the order establishing the district, to elect the district board
7 of directors which shall be not less than five nor more than fifteen;

8 (2) Candidates shall pay the sum of five dollars as a filing fee to the county clerk and
9 shall file with the election authority of such county a statement under oath that he or she
10 possesses all of the qualifications set out in this section for a director. Thereafter, such candidate
11 shall have his or her name placed on the ballot as a candidate for director;

12 (3) The director or directors to be elected shall be elected at large. The candidate
13 receiving the most votes from qualified voters shall be elected to the position having the longest
14 term, the second highest total votes elected to the position having the next longest term, and so
15 forth. Each initial director shall serve the one-, two- or three-year term to which he or she was
16 elected, and until a successor is duly elected and qualified. Each successor director shall serve
17 a three-year term. The directors shall nominate and elect an interim director to complete any
18 unexpired term of a director caused by resignation or disqualification; and

19 (4) [Each director shall be a resident of the district.] Directors shall be registered voters
20 at least twenty-one years of age.

21 2. Notwithstanding anything to the contrary contained in section 238.216, if no persons
22 eligible to be registered voters reside within the district, the following procedures shall apply:

23 (1) Within thirty days after the district has been declared organized, the circuit clerk of
24 the county in which the petition was filed shall, upon giving notice by causing publication to be
25 made once a week for two consecutive weeks in a newspaper of general circulation in the county,
26 the last publication of which shall be at least ten days before the day of the meeting required by
27 this section, call a meeting of the owners of real property within the district at a day and hour
28 specified in a public place in the county in which the petition was filed for the purpose of
29 electing a board of not less than five and not more than fifteen directors, to be composed of

30 owners or representatives of owners of real property in the district; provided that, if all the
31 owners of property in the district joined in the petition for formation of the district, such meeting
32 may be called by order of the court without further publication[. For the purposes of determining
33 board membership, the owner or owners of real property within the district and their legally
34 authorized representative or representatives shall be deemed to be residents of the district; for
35 business organizations and other entities owning real property within the district, the individual
36 or individuals legally authorized to represent the business organizations or entities in regard to
37 the district shall be deemed to be a resident of the district];

38 (2) The property owners, when assembled, shall organize by the election of a chairman
39 and secretary of the meeting who shall conduct the election. At the election, each acre of real
40 property within the district shall represent one share, and each owner may have one vote in
41 person or by proxy for every acre of real property owned [by such person within the district] ,
42 **prorated to the nearest one-tenth of an acre;**

43 (3) The one-third of the initial board members receiving the most votes shall be elected
44 to positions having a term of three years. The one-third of initial board members receiving the
45 next highest number of votes shall be elected to positions having a term of two years. The lowest
46 one-third of initial board members receiving sufficient votes shall be elected to positions having
47 a term of one year. Each initial director shall serve the term to which he or she was elected, and
48 until a successor is duly elected and qualified. Successor directors shall be elected in the same
49 manner as the initial directors at a meeting of the real property owners called by the board. Each
50 successor director shall serve a three-year term. The directors shall nominate and elect an
51 interim director to complete any unexpired term of a director caused by resignation or
52 disqualification;

53 (4) Directors shall be at least twenty-one years of age.

54 3. Notwithstanding any provision of section 238.216 and this section to the contrary, if
55 the petition for formation of the district was filed pursuant to subsection 5 of section 238.207,
56 the following procedures shall be followed:

57 (1) If the district is comprised of four or more local transportation authorities, the board
58 of directors shall consist of the presiding officer of each local transportation authority within the
59 district. If the district is comprised of two or three local transportation authorities, the board of
60 directors shall consist of the presiding officer of each local transportation authority within the
61 district and one person designated by the governing body of each local transportation authority
62 within the district;

63 (2) Each director shall be at least twenty-one years of age [and a resident or property
64 owner of the local transportation authority the director represents]. A director designated by the

65 governing body of a local transportation authority may be removed by such governing body at
66 any time with or without cause; and

67 (3) Upon the assumption of office of a new presiding officer of a local transportation
68 authority, such individual shall automatically succeed his predecessor as a member of the board
69 of directors. Upon the removal, resignation or disqualification of a director designated by the
70 governing body of a local transportation authority, such governing body shall designate a
71 successor director.

72 4. The commission shall appoint one or more advisors to the board, who shall have no
73 vote but shall have the authority to participate in all board meetings and discussions, whether
74 open or closed, and shall have access to all records of the district and its board of directors.

75 5. If the proposed project is not intended to be merged into the state highways and
76 transportation system under the commission's jurisdiction, the local transportation authority that
77 will assume maintenance of the project shall appoint one or more advisors to the board of
78 directors who shall have the same rights as advisors appointed by the commission.

79 6. Any county or counties located wholly or partially within the district which is not a
80 local transportation authority pursuant to subdivision (4) of subsection 1 of section 238.202 may
81 appoint one or more advisors to the board who shall have the same rights as advisors appointed
82 by the commission.

238.235. 1. (1) Any transportation development district may by resolution impose a
2 transportation development district sales tax on all retail sales made in such transportation
3 development district which are subject to taxation pursuant to the provisions of sections 144.010
4 to 144.525, RSMo, except such transportation development district sales tax shall not apply to
5 the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity
6 or electrical current, water and gas, natural or artificial, nor to sales of service to telephone
7 subscribers, either local or long distance. Such transportation development district sales tax may
8 be imposed for any transportation development purpose designated by the transportation
9 development district in its ballot of submission to its qualified voters, except that no resolution
10 enacted pursuant to the authority granted by this section shall be effective unless:

11 (a) The board of directors of the transportation development district submits to the
12 qualified voters of the transportation development district a proposal to authorize the board of
13 directors of the transportation development district to impose or increase the levy of an existing
14 tax pursuant to the provisions of this section; or

15 (b) The voters approved the question certified by the petition filed pursuant to subsection
16 5 of section 238.207.

17 (2) If the transportation district submits to the qualified voters of the transportation
18 development district a proposal to authorize the board of directors of the transportation

55 be deposited in a special trust fund and shall be used solely for such designated purpose. Upon
56 the expiration of the period of years approved by the qualified voters pursuant to subdivision (2)
57 of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of
58 this section, all funds remaining in the special trust fund shall continue to be used solely for such
59 designated transportation development purpose. Any funds in such special trust fund which are
60 not needed for current expenditures may be invested by the board of directors in accordance with
61 applicable laws relating to the investment of other transportation development district funds.

62 (7) The sales tax may be imposed in increments of one-eighth of one percent, up to a
63 maximum of one percent on the receipts from the sale at retail of all tangible personal property
64 or taxable services at retail within the transportation development district adopting such tax, if
65 such property and services are subject to taxation by the state of Missouri pursuant to the
66 provisions of sections 144.010 to 144.525, RSMo, except such transportation development
67 district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard
68 motors nor to public utilities. Any transportation development district sales tax imposed
69 pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

70 2. The resolution imposing the sales tax pursuant to this section shall impose upon all
71 sellers a tax for the privilege of engaging in the business of selling tangible personal property or
72 rendering taxable services at retail to the extent and in the manner provided in sections 144.010
73 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant
74 thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax
75 and the tax shall be reported and returned to and collected by the transportation development
76 district.

77 3. On and after the effective date of any tax imposed pursuant to this section, the
78 transportation development district shall perform all functions incident to the administration,
79 collection, enforcement, and operation of the tax. The tax imposed pursuant to this section shall
80 be collected and reported upon such forms and under such administrative rules and regulations
81 as may be prescribed by the transportation development district.

82 4. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo,
83 governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the
84 uniform confidentiality provision, shall apply to the collection of the tax imposed by this section,
85 except as modified in this section.

86 (2) All exemptions granted to agencies of government, organizations, persons and to the
87 sale of certain articles and items of tangible personal property and taxable services pursuant to
88 the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the
89 imposition and collection of the tax imposed by this section.

90 (3) The same sales tax permit, exemption certificate and retail certificate required by
91 sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax
92 shall satisfy the requirements of this section, and no additional permit or exemption certificate
93 or retail certificate shall be required; except that the transportation development district may
94 prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

95 (4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws
96 for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made
97 applicable to any taxes collected pursuant to the provisions of this section.

98 (5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525,
99 RSMo, for violation of those sections are hereby made applicable to violations of this section.

100 (6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all
101 retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place
102 of business of the retailer unless the tangible personal property sold is delivered by the retailer
103 or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an
104 out-of-state destination. In the event a retailer has more than one place of business in this state
105 which participates in the sale, the sale shall be deemed to be consummated at the place of
106 business of the retailer where the initial order for the tangible personal property is taken, even
107 though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or
108 billing. A sale by a retailer's employee shall be deemed to be consummated at the place of
109 business from which the employee works.

110 5. All sales taxes collected by the transportation development district shall be deposited
111 by the transportation development district in a special fund to be expended for the purposes
112 authorized in this section. The transportation development district shall keep accurate records
113 of the amount of money which was collected pursuant to this section, and the records shall be
114 open to the inspection of officers of each transportation development district and the general
115 public.

116 6. (1) No transportation development district imposing a sales tax pursuant to this
117 section may repeal or amend such sales tax unless such repeal or amendment will not impair the
118 district's ability to repay any liabilities which it has incurred, money which it has borrowed or
119 revenue bonds, notes or other obligations which it has issued or which have been issued by the
120 commission or any local transportation authority to finance any project or projects.

121 (2) Whenever the board of directors of any transportation development district in which
122 a transportation development sales tax has been imposed in the manner provided by this section
123 receives a petition, signed by ten percent of the qualified voters calling for an election to repeal
124 such transportation development sales tax, the board of directors shall, if such repeal will not
125 impair the district's ability to repay any liabilities which it has incurred, money which it has

126 borrowed or revenue bonds, notes or other obligations which it has issued or which have been
 127 issued by the commission or any local transportation authority to finance any project or projects,
 128 submit to the qualified voters of such transportation development district a proposal to repeal the
 129 transportation development sales tax imposed pursuant to the provisions of this section. If a
 130 majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of
 131 the proposal to repeal the transportation development sales tax, then the resolution imposing the
 132 transportation development sales tax, along with any amendments thereto, is repealed. If a
 133 majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to
 134 repeal the transportation development sales tax, then the ordinance or resolution imposing the
 135 transportation development sales tax, along with any amendments thereto, shall remain in effect.

238.257. 1. At any time during the existence of a district, the board may submit to the
 2 voters of the district a proposition to increase [or decrease] the number of projects which it is
 3 authorized to complete.

4 2. If the board proposes to add one or more additional projects, the question shall be
 5 submitted in substantially the following form:

6 Shall the Transportation Development District fund or develop the following
 7 additional transportation project (or projects): (summarize the proposed project or projects), and
 8 have the power to fund the proposed project upon separate voter approval by any or all of the
 9 following methods: (here specifically describe the proposed funding methods and require each
 10 voter to approve or disapprove of each proposed funding method)?

11 3. If the board proposes to **decrease the number of projects** or discontinue a project,
 12 **it may do so by majority vote of the board provided that** it shall first obtain approval from
 13 the commission if the proposed project is intended to be merged into the state highways and
 14 transportation system under the commission's jurisdiction or approval from the local
 15 transportation authority if the proposed project is intended to be merged into a local
 16 transportation system under the local authority's jurisdiction. [If such approval is obtained, then
 17 the question shall be submitted to the district's voters in substantially the following form:

18 Shall the Transportation Development District discontinue development of the
 19 following transportation project: (summarize the transportation project), for the reason that
 20 (describe the reason why the transportation project cannot be completed as approved)?]

21 4. The board may modify the project previously approved by the district voters, if the
 22 modification is approved by the commission and, where appropriate, a local transportation
 23 authority.

238.275. 1. Within six months after development and initial maintenance costs of its
 2 completed project have been paid, the district shall pursuant to contract transfer ownership and
 3 control of the project to the commission or a local transportation authority which shall be

4 responsible for all future maintenance costs pursuant to contract. Such transfer may be made
5 sooner with the consent of the recipient.

6 2. At such time as a district has completed its project and has transferred ownership of
7 the project to the commission or other local transportation authority for maintenance, **or the**
8 **district has provided for the completion and funding of its project and has transferred**
9 **ownership and control of the project to the commission or a local transportation authority**
10 **under subsection 1 of this section**, or at such time as the board determines that it is unable to
11 complete its project due to lack of funding or for any other reason, the board shall submit for a
12 vote in an election held throughout the district the question of whether the district should be
13 abolished. The question shall be submitted in substantially the following form:

14 Shall the Transportation Development District be abolished?

15 3. The district board shall not propose the question to abolish the district while there are
16 outstanding claims or causes of action pending against the district, while the district liabilities
17 exceed its assets, or while the district is insolvent, in receivership or under the jurisdiction of the
18 bankruptcy court. Prior to submitting the question to abolish the district to a vote, the state
19 auditor shall audit the district to determine the financial status of the district, and whether the
20 district may be abolished pursuant to law.

21 4. **As an alternative to the method described in subsections 2 and 3 of this section,**
22 **if at such time as a district has completed its project and has transferred ownership of the**
23 **project to the commission or other local transportation authority for maintenance, or the**
24 **district has provided for the completion and funding of its project and has transferred**
25 **ownership and control of the project to the commission or a local transportation authority**
26 **under subsection 1 of this section, or at such time as the board determines that it is unable**
27 **to complete its project due to lack of funding or for any other reason, the board may**
28 **petition the circuit court to dissolve the district.**

29 5. **The district board may not petition the circuit court for dissolution while there**
30 **are outstanding claims or causes of action pending against the district, while the district**
31 **liabilities exceed its assets, or while the district is insolvent, in receivership, or under the**
32 **jurisdiction of the bankruptcy court. Prior to petitioning the circuit court to abolish the**
33 **district, the state auditor shall audit the district to determine the financial status of the**
34 **district, and whether the district may be abolished under law.**

35 6. While the district still exists, it shall continue to accrue all revenues to which it is
36 entitled at law.

37 [5.] 7. Upon receipt of certification by the appropriate election authorities that the
38 majority of those voting within the district have voted to abolish the district **or upon receipt of**
39 **an order of the circuit court that the district may be abolished**, and if the state auditor has

40 determined that the district's financial condition is such that it may be abolished pursuant to law,
41 then the board shall:

42 (1) Sell any remaining district real or personal property it wishes, and then transfer the
43 proceeds and any other real or personal property owned by the district, including revenues due
44 and owing the district, to the commission or any appropriate local transportation authority
45 assuming maintenance and control of the project, for its further use and disposition;

46 (2) Terminate the employment of any remaining district employees, and otherwise
47 conclude its affairs;

48 (3) At a public meeting of the district, declare by a majority vote that the district has been
49 abolished effective that date; and

50 (4) Cause copies of that resolution under seal to be filed with the secretary of state, the
51 director of revenue, the commission, and with each local transportation authority affected by the
52 district. Upon the completion of the final act specified in this subsection, the legal existence of
53 the district shall cease.

**Section 1. 1. For the purpose of interpreting all tax measures that are required by
2 law to be enacted by popular vote, the fractional requirement for passage for such
3 measures shall be deemed satisfied if and only if the popular vote percentage is greater
4 than or equal to a four decimal percentage equivalent of the fraction with the last decimal
5 in the ten thousandths position increased by adding one. This section shall not be
6 construed to permit or require the rounding of any fractional requirements that do not
7 appear in the context of tax measures that are required by law to be enacted by popular
8 vote.**

2 [30.070. When a vacancy occurs in the office of state treasurer, the
3 governor shall immediately appoint a state treasurer to fill such vacancy for the
4 residue of the term in which the vacancy occurred, and until his successor is
5 elected or appointed, commissioned and qualified.]

6 [115.348. No person shall qualify as a candidate for elective public office
7 in the state of Missouri who has been found guilty of or pled guilty to a felony or
8 misdemeanor under the federal laws of the United States of America.]

9 [115.348. No person shall qualify as a candidate for elective public office
2 in the state of Missouri who has been convicted of or pled guilty to a felony or
3 misdemeanor under the federal laws of the United States of America.]

4 Section B. Because immediate action is necessary to ensure equitable and efficient
2 imposition in collection of property taxes, the repeal and reenactment of section 137.073 of
3 section A of this act is deemed necessary for the immediate preservation of the public health,

4 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of
5 the constitution, and the repeal and reenactment of section 137.073 of section A of this act shall
6 be in full force and effect upon its passage and approval.

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