

HCS SCS SB 253 -- ELECTIONS

SPONSOR: Justus (Diehl)

COMMITTEE ACTION: Voted "do pass" by the Committee on Elections by a vote of 7 to 5.

This substitute changes the laws regarding elections. In its main provisions, the substitute:

- (1) Requires the Missouri Ethics Commission to redact bank account numbers from statements of organization before these documents are made public;
- (2) Requires treasurers and deputy treasurers of political party committees to reside in the district or county where their committee sits;
- (3) Requires candidates for office in special districts, cities, towns, and villages to pay various taxes prior to being eligible to run for elected office;
- (4) Removes the provision which allows the commission to file a petition with the circuit court of Cole County requesting an extension of time to complete an investigation;
- (5) Requires a county assessor to be a resident of the county for six months prior to being elected or appointed;
- (6) Requires special elections to be held for vacancies in the offices of United States Senator from Missouri, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, and State Treasurer. If there is an impeachment proceeding for one of these officers, the Governor will temporarily administer the duties of the office until the trial; and if there is a conviction, the special election process will be used to fill the vacancy. In the case of a vacancy in the Office of State Auditor, the Governor will appoint a temporary acting auditor who will serve until a special election for the office is held. Currently, the office of United States Senator and most statewide offices, except for the Office of the Governor, may be filled by a gubernatorial appointment when there is a vacancy;
- (7) Establishes the Andrew Jackson Vote Restoration Act which repeals certain provisions regarding the election process for nonpartisan elections. Currently, nonpartisan elections in political subdivisions and special districts, except for municipalities, may be canceled if the number of candidates filing for a position is equal to the number of positions available. The act repeals these provisions and requires

elections to always be held except in the case of townships and villages which may cancel an election if the number of candidates filing for a position is equal to the number of positions available;

(8) Makes it a class three election offense to use an electronic recording device to record, photograph, copy, or transmit the content of a voted ballot to any unauthorized person;

(9) Allows county commissions in third and fourth classification counties to appoint a land surveyor if the filing deadline for the office has expired without any candidate filing for the office and the proper notice has been given as required. Currently, these county commissions may appoint a land surveyor following a general election if no qualified candidates file for the office;

(10) Prohibits an individual who has been found guilty of or pled guilty to a felony in Missouri, to any crime committed in any other jurisdiction that would be a felony if committed in Missouri, or to any federal felony from qualifying as a candidate for elective public office including any elective public office of any political subdivision. Crimes involving misconduct in public office whether classified as misdemeanors or felonies will also disqualify an individual;

(11) Allows certain third class cities to eliminate primary elections for the position of mayor or councilman. Statements of candidacy may be filed with the county clerk, and the eligible candidates will be placed on the ballot at a general election;

(12) Requires the Secretary of State to establish a secure system for allowing absentee voting via ballot transmission over the Internet by those in the military and federal service who are currently residing outside of the United States. The Secretary of State will consider programs that are based on open source platforms, provide support to participating local election authorities, provide adequate voter education to overseas voters, and seek federal funds for the program. A phased implementation of the program will begin by June 30, 2010, with full implementation by January 1, 2012;

(13) Establishes a procedure by which a school district or an initiative petition may place the issue of open enrollment by contract before the voters of the district to become effective the following July 1. A two-thirds majority of the voters is required for approval. Private schools that meet certain conditions and public schools that are not in the district of residence may become contractors. The substitute specifies how contractors qualify, which students are eligible, how the amount

of the contract is to be calculated, when students may return to their district of residence, and how districts may opt out of open enrollment;

(14) Specifies a procedure for determining the percentage vote requirement on all tax measures enacted by popular vote that are currently stated as a fraction;

(15) Allows a candidate to request a recount in the case of a tie vote prior to using the procedures for resolving a tie vote;

(16) Authorizes political subdivisions, for tax year 2009, to levy a property tax rate sufficient to generate as much revenue as was produced in the 2007 tax year, excluding new construction and improvements, as long as the rate does not exceed the greater of the rate in effect for the 1984 tax year or the most recent voter-approved rate;

(17) Authorizes voters to petition for an election to lower the tax rate ceiling of a political subdivision when at least 33% of the registered voters within the taxing authority's boundaries sign the petition. If at least 66% of the votes cast are in favor of lowering the ceiling, the lowered tax rate ceiling will become effective. The petition to lower the tax rate ceiling cannot include debt service levies; and

(18) Requires a vacancy on the Kansas City school board to be filled by a special election rather than by an appointment.

NEIGHBORHOOD IMPROVEMENT DISTRICTS

Currently, assessed costs on property divided into parcels within a neighborhood improvement district are recalculated and reassessed proportionally to each of the divided parcels. The substitute allows the city or county that formed the district 60 days after the recordation of proof of parcel division to reallocate the costs according to the method of assessment established in the ballot question or petition forming the district, otherwise the proportional assessment method must be utilized.

COMMUNITY IMPROVEMENT DISTRICTS

The substitute:

(1) Changes the basis of the determination of ownership of property within the community improvement district to the real estate records of the recorder of deeds where the district is located. Currently, for various purposes under the community improvement district law, the determination is made from the tax

records maintained by the county clerk;

(2) Allows a district board to include up to five legally authorized representatives of any business operating within the district if there are fewer than five real property owners within a district. Currently, every district is governed by a board with five to 30 directors, who are owners of real property or of a business operating within the district;

(3) Specifies the manner in which a director's term will be determined when all directors receive the same number of votes regarding their term limits;

(4) Expands the powers that the district can exercise outside the district's boundaries to include acquiring real and personal property; abating public nuisances; constructing, maintaining, or operating a variety of public improvements, including transportation; and permissively regulating municipal traffic;

(5) Authorizes districts located in a blighted area to contract with any private property owner to acquire property owned or to be owned by a private property owner;

(6) Allows approval of a district sales tax to be obtained by an election within the district or, if no registered voters live within the district, by a unanimous petition of 100% of the district's property owners verified by the board of directors; and

(7) Allows a district to conduct an election pursuant to the Comprehensive Election Act of 1977 under Sections 115.005 - 115.646, RSMo, or with mail-in ballots pursuant to Sections 115.650 - 115.660. Section 115.005 will not apply to these provisions.

TRANSPORTATION DEVELOPMENT DISTRICTS

The substitute:

(1) Defines "owner" as used in the transportation development district law;

(2) Authorizes an alternative method by which property may be added to a district by the unanimous petition of the qualified voters within the area to be added, followed by public notice and a public hearing by the district board. If a written objection signed by at least 10% of the qualified voters within the district is filed within seven days after the public hearing, the issue must be submitted to the qualified voters within the proposed limits of the district. Currently, property may be

added to a district by the unanimous petition of the owners of the property to be added and the unanimous approval of the property owners within the district;

(3) Specifies the method by which the vote of a non-individual in a director election will be cast if no mechanism for that determination is specified in its organizational or operating documents;

(4) Repeals the requirement that directors be residents of the district;

(5) Changes the effective date of any sales tax authorized in the transportation development district law to the first day of the month designated by the board. Currently, the tax becomes effective on the first day of the month following its adoption;

(6) Allows a decrease in the number of projects a board is authorized to complete upon a majority vote of the board. Currently, if a board wants to decrease the number of projects, it must submit the issue to the voters of the district; and

(7) Authorizes a district to begin district dissolution election proceedings after it has provided for the completion and funding of its project and has transferred ownership and control of the project to the Highways and Transportation Commission or a local transportation authority. A district is also authorized to begin district dissolution proceedings by petition to a circuit court after it has completed a project or provided for the completion and funding of its project and has transferred ownership and control of the project to the commission or a local transportation authority.

The substitute contains an emergency clause for the provisions regarding political subdivisions levying a property tax rate.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Unknown - Greater than \$15,792 or \$1,215,792 in FY 2010, FY 2011, and FY 2012. No impact on Other State Funds in FY 2010, FY 2011, and FY 2012.

PROPOSERS: Supporters say that a new system of school board governance is needed. The bill is a small step in encouraging parent participation and democracy. There is significant public support for holding school board elections.

Testifying for the bill were Senator Justus; Susan Lackamp, Hands Off the Kansas City Missouri School Board; Melissa Eddy, Do the Right Thing for Kids; Uzziel Pecina; Cokethea Hill, Kansas City School District; Bambi Shen; and D. and E. Cornish.

OPPONENTS: There was no opposition voiced to the committee.