

HCS SB 485 -- ELECTIONS

SPONSOR: Pearce (Diehl)

COMMITTEE ACTION: Voted "do pass" by the Committee on Elections by a vote of 10 to 2.

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) 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;
- (7) 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;
- (8) 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;
- (9) 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;

(10) 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 required by January 1, 2012;

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

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

(13) 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; and

(14) 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.

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 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 the bill will prevent fraud based on easy access to bank account numbers found on public documents released by the Missouri Ethics Commission.

Testifying for the bill was Senator Pearce.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say the bill is an acceptable redaction of information.

Testifying on the bill was Missouri Press Association.