

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1541
95TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, May 3, 2010, with recommendation that the Senate Committee Substitute do pass.

4220S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 78.090 and 115.134, RSMo, and to enact in lieu thereof two new sections relating to local elections.

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

Section A. Sections 78.090 and 115.134, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 78.090 and 115.134, to
3 read as follows:

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

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

13 **(2) Any person desiring to become a candidate for mayor or**
14 **councilman shall file with the city clerk a signed statement of such**
15 **candidacy, stating whether such person is a resident of the city and a**
16 **qualified voter of the city, that the person desires to be a candidate for**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 nomination to the office of mayor or councilman to be voted upon at
18 the next municipal election for such office, that the person is eligible
19 for such office, that the person requests to be placed on the ballot, and
20 that such person shall serve if elected. Such statement shall be sworn
21 to or affirmed before the city clerk.

22 (3) Under the requirements of section 115.023, the city clerk shall
23 notify the requisite election authority who shall cause the official
24 ballots to be printed, and the names of the candidates shall appear on
25 the ballots in the order that their statements of candidacy were filed
26 with the city clerk. Above the names of the candidates shall appear the
27 words "Vote for (number to be elected)". The ballot shall also include
28 a warning that voting for more than the total number of candidates to
29 be elected to any office invalidates the ballot.

115.134. Notwithstanding any other provision of law to the
2 contrary, in any local election to be held where a candidate for a
3 particular office does not appear on the ballot along with other
4 candidates or questions due to the application of section 115.124, any
5 other statute, or the lack of a candidate filing for the office, the
6 election authority responsible for any public notice of the election shall
7 cause to be printed in any publication directed by law, a public
8 disclosure explaining the statutory authority and the reason why such
9 election for such office shall not appear on the voters's ballot for that
10 election. If, for any reason, a scheduled local election is cancelled due
11 to the application of section 115.124, any other statute, or a lack of a
12 candidate filing for an office when no other ballot item exists to
13 necessitate conducting the election, the election authority responsible
14 for any public notice of the election shall either:

15 (1) Provide for public notice in the same manner as if an election
16 would have been held and provide a public disclosure explaining the
17 statutory authority and the reason why such election shall not occur;
18 or

19 (2) Mail a postcard containing the public disclosure as provided
20 in this section to every household with a registered voter within the
21 political subdivision in which the election was to take place.