

HCS SB 282 -- ELECTIONS

SPONSOR: Engler (Dugger)

COMMITTEE ACTION: Voted "do pass" by the Committee on Elections by a vote of 9 to 1.

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

(1) Prohibits any state department from contracting with or providing any moneys to any entity that has been found guilty of or has pled guilty to intentionally or willfully violating any election, tax, or immigration law of this state. This requirement does not affect any individual's federal or state unemployment benefits;

(2) Prohibits a person from being elected or appointed the clerk of a county commission unless he or she has resided within the county for one year prior to his or her election instead of the current six-month requirement;

(3) Requires a candidate for county collector or collector-treasurer to be at least 21 years of age, a resident of the county for at least one year prior to the date of filing, a registered voter, and have paid all state income taxes and personal and real property taxes. The candidate must present the election authority with a signed affidavit from a surety company in Missouri indicating that the candidate meets the statutory bond requirements of the office;

(4) Allows an exception for a county having a township form of government with an office of collector-treasurer from the requirement to appoint a deputy treasurer or a qualified person to serve as an interim treasurer in the event of a vacancy. Currently, only a county with a charter form of government is allowed this exemption;

(5) Allows certain third class cities to eliminate a primary election for mayor and councilman and conduct the election as specified in the substitute;

(6) Specifies that the county clerk or the officer designated as the director of elections in any charter county without a board of election commissions will be the election authority. Currently, the county clerk is the election authority;

(7) Changes the allowable dates for holding a public election by removing the first Monday in February and the first Tuesday after the first Monday in June as possible election dates;

(8) Specifies that in a nonpartisan election in any political subdivision or special district except for a municipal election in any city, town, or village with more than 35,000 inhabitants when no election is held because the number of candidates is equal to the number of positions in that office, the election authority must publish a notice containing the names of the candidates who will assume the responsibilities of the office. The notice must be published by April 1 of each year in at least one newspaper of general circulation in the political subdivision or district. Currently, in a nonpartisan election in any political subdivision or special district with the exception of municipal elections, candidates are allowed to take office without an election if the number of candidates is equal to the number of positions to be filled and proper notice has been published in at least one newspaper of general circulation in the district;

(9) Specifies that the opening filing date for any office filled by an election held on the general municipal election day except in a political subdivision or special district in a noncharter county will be the first Tuesday in December of the year prior to the election and the closing date will be the first Tuesday after the first Monday in January of the year in which the election is held. However, the change in filing dates will also apply to Jefferson County which is a charter county;

(10) Allows an election authority to use an electronic voter identification system or an electronic signature pad to verify a voter's address, registration status, and signature information at a polling place. The system or pad must be able to read identifying information from an individual's driver's or nondriver's license and must allow the election authority to manually enter information into the system from a valid form of personal identification containing the voter's signature;

(11) Repeals provisions which require an absentee ballot to be rejected if sufficient evidence is shown to the election authority that the absentee voter has died prior to the opening of the polls on election day;

(12) Changes the laws regarding the Fair Ballot Access Act by repealing the provision which requires a petition to form a new political party to contain the name of a qualified resident of each Congressional district to serve as a nominee for presidential elector and instead requires the information to be provided at the time a candidate files for office;

(13) Requires certain candidates for public office to declare that he or she is not aware of any information that would prohibit him or her from fulfilling any bonding requirements of

the office. The candidate must file with the Department of Revenue and include a copy with the declaration of candidacy a signed affidavit from a surety company that the candidate meets the required bond requirements;

(14) Requires each political party to provide the Secretary of State verifiable evidence of identity and proof of status as a natural born citizen of the United States of a candidate for the Office of President or Vice President of the United States in the form of the most complete record of birth available according to law at the time of the candidate's birth. For purposes of verifying eligibility, Missouri will require only that a candidate be a national and a citizen of the United States under current federal law or federal law as it existed at the time of the candidate's birth;

(15) Changes when a candidate has the right to a recount of the votes from a standard requiring the candidate's defeat by less than 1% of the votes cast to a candidate's defeat by less than one-half of 1% of the votes cast;

(16) Specifies that any person who discourages, hampers, pressures, or attempts to prevent another person from filing for office for the purpose of eliminating the requirement to hold a special election because the number of candidates filing is the same as the number of positions to be filled will be guilty of a class four election offense;

(17) Establishes a procedure by which an ambulance district board member may be recalled from office by the registered voters of the member's election district. No board member can be recalled during the first or last 180 days of the member's current term or if a previous recall election was in the member's favor during the current term;

(18) Repeals the provision that requires a political party's emblem to be printed on an election ballot above the party caption; and

(19) Repeals a provision requiring a statewide presidential primary to be held on the first Tuesday after the first Monday in February any year in which a presidential election is held and requires the presidential primary to be held on the first Tuesday after the first Monday in March of each presidential election year.

FISCAL NOTE: No impact on state funds in FY 2012, FY 2013, and FY 2014.

PROPONENTS: Supporters say that the date for the Presidential

primary should be in March.

Testifying for the bill was Senator Engler.

OPPONENTS: Those who oppose the bill say that eliminating the February and June elections may cost schools money by limiting their options in the bond market causing them to offer higher interest rates on school bonds and may reduce the ability of schools to pass bond measures.

Testifying against the bill were Jim Finley, Blue Springs School District; George Baum; Penney Rector, School Administrators Coalition; Missouri School Boards Association; and Missouri Municipal League.

OTHERS: Others testifying on the bill say that reducing the number of elections will be beneficial and save counties time and money.

Testifying on the bill was Darryl Kempf, County Clerks Association.