

CCS HCS SB 282 -- ELECTIONS

(Vetoed by the Governor)

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

(1) Requires a special election to be held in order to fill a vacancy for the position of United States Senator, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, or State Treasurer. If there is a vacancy for any reason in the Office of Lieutenant Governor, Office of Secretary of State, or Office of State Treasurer, the Governor will take charge of these offices until a successor is elected at the special election. In the case of an impeachment trial for these offices, the Governor will supervise these offices until a final determination is made and there is a reinstatement of the official to office or a special election. If a vacancy occurs for any reason in the Office of United States Senator, the Office of Attorney General, or the Office of State Auditor, the Governor will appoint an acting senator, attorney general, or auditor to take charge of the office or hold the office in the case of the United States Senator until the special election is held. In the case of an impeachment in the Office of Attorney General or the Office of State Auditor, the Governor must appoint an acting attorney general or auditor to supervise the duties of the office until a final determination is made and there is a reinstatement of the official to office or a special election. Currently, the Office of United States Senator and most statewide offices, except for the Office of Governor, may be filled by a gubernatorial appointment when there is a vacancy (Sections 26.016, 27.015, 28.190, 29.280, 30.060, 30.070, 30.080, 105.030, 105.040, and 105.050, RSMo);

(2) Requires a county collector or collector-treasurer to reside in the county from which he or she was elected throughout his or her term of office (Sections 52.010.1 and 54.330.1);

(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, and a registered voter and to have paid all state income taxes and personal and real property taxes. The candidate must present the election authority with a copy of a signed affidavit from a surety company authorized to do business in Missouri indicating that the candidate meets the statutory bond requirements of the office (Sections 52.010.2, 52.010.3, and 54.330.1);

(4) Allows an exception for a county having a township form of government with an office of collector-treasurer from the

requirement that the county commission 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 (Section 54.033);

(5) Specifies that the county collector-treasurer in a county having township organization will have the sole authority to appoint deputies (Section 54.330.2);

(6) Allows third class cities to eliminate, by order or ordinance, a primary election for mayor and councilman and conduct the election as specified in the bill (Section 78.090);

(7) Specifies that the county clerk or the officer designated as the director of elections in any charter county without a board of election commissioners will be the election authority with the powers and duties subject to the limitations established in the county's charter. Currently, the county clerk or the board of election commissioners is the election authority (Section 115.015);

(8) Changes the allowable dates for holding a public election by removing the first Tuesday after the first Monday in June as a possible election date (Section 115.123);

(9) 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 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 (Section 115.124);

(10) Specifies that the opening filing date for any office filled by an election held on the general municipal election day 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. This provision will not apply to any election in a political subdivision or special district in any charter county with the exception of Jefferson County (Section 115.127);

(11) Repeals the provision requiring a political party's emblem to be printed on an election ballot above the party caption (Section 115.241);

(12) Repeals the provision requiring 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 (Section 115.293);

(13) Requires any candidate for public office to declare under penalty of perjury 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 a signed affidavit from a surety company authorized to do business in Missouri that the candidate meets the bond requirements and include a copy of the affidavit with the declaration of candidacy that must be filed with the appropriate election official (Section 115.342);

(14) Allows for a recount of the votes if a candidate or any person whose position on a ballot issue was defeated by less than one-half of 1% of the votes cast instead of the current 1% (Section 115.601);

(15) 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 (Section 115.637);

(16) Repeals the 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 (Section 115.755);

(17) Increases the state committee filing fee for a presidential candidate from \$1,000 to \$5,000 for an election held on or before December 1, 2012, and to \$10,000 for any election held thereafter (Section 115.761); and

(18) 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 (Section 190.056).