

SECOND REGULAR SESSION

HOUSE BILL NO. 1341

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DUGGER.

4373H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 115.124, RSMo, and to enact in lieu thereof one new section relating to certain nonpartisan elections.

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

Section A. Section 115.124, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.124, to read as follows:

115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district except for municipal elections **in any city, town, or village with one thousand or fewer inhabitants**, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation in the district, and if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. **If no election is held for such office as provided in this section, the election authority shall publish a notice containing the names of the candidates that will assume the responsibilities of office under this section. Such notice shall be published by April first of each year, and shall be published in at least one newspaper of general circulation in such political subdivision or district.** Notwithstanding any other provision of law to the contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 2. The election authority or political subdivision responsible for the oversight of the
19 filing of candidates in any nonpartisan election in any political subdivision or special district
20 shall clearly designate where candidates shall form a line to effectuate such filings and determine
21 the order of such filings; except that, in the case of candidates who file a declaration of candidacy
22 with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing,
23 the election authority or political subdivision may determine by random drawing the order in
24 which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to
25 this subsection, it shall be conducted so that each candidate may draw a number at random at the
26 time of filing. If such drawing is conducted, the election authority or political subdivision shall
27 record the number drawn with the candidate's declaration of candidacy. If such drawing is
28 conducted, the names of candidates filing on the first day of filing for each office on each ballot
29 shall be listed in ascending order of the numbers so drawn.

30 **3. In any city, town, or village with one thousand or fewer inhabitants, candidates**
31 **may assume offices in nonpartisan elections as provided in subsection 1 of this section upon**
32 **the approval of the voters of the city, town, or village. The governing body of such city,**
33 **town, or village may submit to the voters at any election available for the city, town, or**
34 **village a proposal to adopt the provisions of subsection 1 of this section. If a majority of**
35 **the votes cast on the question by the qualified voters voting thereon are in favor of the**
36 **question, then the city, town, or village shall conduct nonpartisan elections as provided in**
37 **subsection 1 of this section for all nonpartisan elections remaining in the year in which the**
38 **proposal was adopted and for the six calendar years immediately following the approval**
39 **of the proposal. If a majority of the votes cast on the question by the qualified voters**
40 **voting thereon are opposed to the question, then the proposal shall not become effective**
41 **unless and until the question is resubmitted under this section to the qualified voters and**
42 **such question is approved by a majority of the qualified voters voting on the question. At**
43 **the end of the six-year period in which nonpartisan elections are conducted as provided in**
44 **subsection 1 of this section, each such city, town, or village shall submit to the voters a**
45 **proposal to continue conducting nonpartisan elections as provided in subsection 1 of this**
46 **section.**

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