

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1936

97TH GENERAL ASSEMBLY

6149H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.063, 115.065, 115.121, 115.123, 115.341, 115.349, 115.615, and 115.621, RSMo, and to enact in lieu thereof eight new sections relating to primary elections.

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

Section A. Sections 115.063, 115.065, 115.121, 115.123, 115.341, 115.349, 115.615, 2 and 115.621, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known 3 as sections 115.063, 115.065, 115.121, 115.123, 115.341, 115.349, 115.615, and 115.621, to 4 read as follows:

115.063. 1. When any question or candidate is submitted to a vote by any political 2 subdivision or special district and no other question or candidate is submitted at the same 3 election, all costs of the election shall be paid from the general revenue of the political 4 subdivision or special district submitting a question or candidate at the election.

5 2. All costs of special elections involving a statewide candidate or statewide issue and 6 all costs of special elections involving candidates for state senator or state representative shall 7 be paid by the state, except that if a political subdivision or special district holds an election on 8 the same day, the costs shall be shared proportionately by the state and the political subdivisions 9 and special districts affected in the manner provided in section 115.065.

10 3. The state shall not be liable for any costs of a general election [or primary election] 11 held in even-numbered years as designated in subsections 1 and 2 of section 115.121.

12 4. When a proposed political subdivision submits a petition requesting an election as part 13 of the formation thereof, the petitioners shall submit together with the petition sufficient security

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.

14 to pay all costs of the election. If such proposition is successful, the political subdivision thereby
15 created shall reimburse those persons advancing funds to pay the costs of the election.

115.065. 1. Except as provided in sections 115.069, 115.071, 115.073 and 115.077,
2 when any question or candidate is submitted to a vote by two or more political subdivisions or
3 special districts, or except in [primary and] general elections by the state and one or more
4 political subdivisions or special districts at the same election, all costs of the election shall be
5 paid proportionally from the general revenues of the state and all political subdivisions and
6 special districts submitting a question or candidate at the election, except that costs of
7 publications of legal notice of elections shall not be paid proportionally. The state and each
8 political subdivision and each special district shall pay for publication of its legal notice of
9 election. At the discretion of the election authority, ballot printing costs, if any, may be paid
10 proportionally or the state and each political subdivision and each special district may pay for
11 such ballot printing costs, if any.

12 2. Except as provided in sections 115.069, 115.071 and 115.073, when any question or
13 candidate is submitted to a vote by two or more political subdivisions or special districts at the
14 same election, all costs of the election shall be paid proportionally from the general revenues of
15 all political subdivisions and special districts submitting a question or candidate at the election.

16 3. Proportional election costs paid under the provisions of subsection 2 of this section
17 shall be assessed by charging each political subdivision and special district the same percentage
18 of the total cost of the election as the number of registered voters of the political subdivision or
19 special district on the day of the election is to the total number of registered voters on the day of
20 the election, derived by adding together the number of registered voters in each political
21 subdivision and special district submitting a question or candidate at the election.

22 4. "Proportional costs" and "election costs", as used in this chapter, are defined as those
23 costs that require additional out-of-pocket expense by the election authority in conducting an
24 election. It may include reimbursement to county general revenue for the salaries of employees
25 of the election authority for the hours worked to conduct an election, any indirect expenses
26 identified under an independent cost allocation study and an amount not to exceed five percent
27 of the total cost of election to be credited to the election services fund of the county. The
28 election services fund shall be budgeted and expended at the direction of the election authority
29 and shall not be used to substitute for or subsidize any allocation of general revenue for the
30 operation of the election authority's office without the express consent of the election authority.
31 The election services fund may be audited by the appropriate auditing agency, and any
32 unexpended balance shall be left in the fund to accumulate from year to year with interest. The
33 election services fund shall be used by the election authority for training programs and purchase
34 of additional supplies or equipment to improve the conduct of elections, including anything

35 necessarily pertaining thereto. In addition to these costs, the state shall, subject to appropriation,
36 compensate the election services fund for transactions submitted pursuant to the provisions of
37 section 115.157.

115.121. 1. The general election day shall be the first Tuesday after the first Monday in
2 November of even-numbered years.

3 2. The primary election day shall be the first Tuesday after the [first] **third** Monday in
4 [August] **June** of even-numbered years.

5 3. The election day for the election of political subdivision and special district officers
6 shall be the first Tuesday after the first Monday in April each year; and shall be known as the
7 general municipal election day.

8 4. In addition to the primary election day provided for in subsection 2 of this section, for
9 the year 2003, the first Tuesday after the first Monday in August, 2003, also shall be a primary
10 election day for the purpose of permitting school districts and other political subdivisions of
11 Missouri to incur debt in accordance with the provisions of article VI, section 26(a) through
12 26(g) of the Missouri Constitution, with the approval of four-sevenths of the eligible voters of
13 such school district or other political subdivision voting thereon, to provide funds for the
14 acquisition, construction, equipping, improving, restoration, and furnishing of facilities to
15 replace, repair, reconstruct, reequip, restore, and refurnish facilities damaged, destroyed, or lost
16 due to severe weather, including, without limitation, windstorms, hail storms, flooding, tornadic
17 winds, rainstorms and the like which occurred during the month of April or May, 2003.

18 5. Notwithstanding the provisions of subsection 1 of section 115.125, the officer or
19 agency calling an election on the first Tuesday after the first Monday of August, 2003, shall
20 notify the election authorities responsible for conducting the election not later than 5:00 p.m. on
21 the sixth Tuesday prior to the election. For purposes of any such election, all references in
22 section 115.125 to the tenth Tuesday prior to such election shall be deemed to refer to the sixth
23 Tuesday prior to such election.

24 6. In addition to the general election day provided for in subsection 1 of this section, for
25 the year 2009 the first Tuesday after the first Monday in November shall be a general election
26 day for the purpose of permitting school districts to incur debt in accordance with the provisions
27 of article VI, section 26(a) through 26(g) of the Missouri Constitution, with the approval of
28 four-sevenths of the eligible voters of such school district, to provide funds for school districts
29 to acquire, construct, equip, improve, restore, and furnish public school facilities in accordance
30 with the provisions of Section 54F of the Internal Revenue Code of 1986, as amended, which
31 provides for qualified school construction bonds and the provisions of Section 54AA of the
32 Internal Revenue Code of 1986, as amended, which provides for build America bonds, as well

33 as in accordance with the provisions of Section 103 of the Internal Revenue Code of 1986, as
34 amended, which provides for traditional government bonds.

115.123. 1. All public elections shall be held on Tuesday. Except as provided in
2 subsections 2 and 3 of this section, and section 247.180, all public elections shall be held on the
3 general election day, the primary election day, the general municipal election day, the first
4 Tuesday after the first Monday in November, or on another day expressly provided by city or
5 county charter, and in nonprimary years on the first Tuesday after the [first] **third** Monday in
6 [August] **June**. Bond elections may be held on the first Tuesday after the first Monday in
7 February but no other issue shall be included on the ballot for such election.

8 2. Notwithstanding the provisions of subsection 1 of this section, an election for a
9 presidential primary held pursuant to sections 115.755 to 115.785 shall be held on the first
10 Tuesday after the first Monday in February of each presidential election year.

11 3. The following elections shall be exempt from the provisions of subsection 1 of this
12 section:

- 13 (1) Bond elections necessitated by fire, vandalism or natural disaster;
- 14 (2) Elections for which ownership of real property is required by law for voting;
- 15 (3) Special elections to fill vacancies and to decide tie votes or election contests; and
- 16 (4) Tax elections necessitated by a financial hardship due to a five percent or greater
17 decline in per-pupil state revenue to a school district from the previous year.

18 4. Nothing in this section prohibits a charter city or county from having its primary
19 election in March if the charter provided for a March primary before August 28, 1999.

20 5. Nothing in this section shall prohibit elections held pursuant to section 65.600, but no
21 other issues shall be on the March ballot except pursuant to this chapter.

115.341. For the nomination of candidates to be elected at the next general election, a
2 primary election shall be held on the first Tuesday after the [first] **third** Monday in [August]
3 **June** of even-numbered years.

115.349. 1. Except as otherwise provided in sections 115.361 to 115.383 or sections
2 115.755 to 115.785, no candidate's name shall be printed on any official primary ballot unless
3 the candidate has filed a written declaration of candidacy in the office of the appropriate election
4 official by 5:00 p.m. on the [last] **first** Tuesday in [March] **February** immediately preceding the
5 primary election.

6 2. No declaration of candidacy for nomination in a primary election shall be accepted
7 for filing prior to 8:00 a.m. on the [last] **second** Tuesday in [February] **January** immediately
8 preceding the primary election.

9 3. Each declaration of candidacy for nomination in a primary election shall state the
10 candidate's full name, residence address, office for which such candidate proposes to be a

11 candidate, the party ticket on which he or she wishes to be a candidate and that if nominated and
 12 elected he or she will qualify. The declaration shall be in substantially the following form: I,
 13, a resident and registered voter of the county of and the state of Missouri,
 14 residing at, do announce myself a candidate for the office of on the party ticket, to
 15 be voted for at the primary election to be held on the day of, ..., and I further declare that
 16 if nominated and elected to such office I will qualify. Subscribed
 17 and sworn to Signature of candidate before me this day
 18 of, Residence address
 19 Signature of election
 20 official or other officer
 21 authorized to administer oaths Mailing address (if different)
 22 Telephone Number (Optional) If the declaration is to be filed in person, it
 23 shall be subscribed and sworn to by the candidate before an official authorized to accept his or
 24 her declaration of candidacy. If the declaration is to be filed by certified mail pursuant to the
 25 provisions of subsection 2 of section 115.355, it shall be subscribed and sworn to by the
 26 candidate before a notary public or other officer authorized by law to administer oaths.

115.615. In years when a primary election is held pursuant to subsection 2 of section
 2 115.121, each county committee shall meet at the county seat on the [third Tuesday of August]
 3 **first Tuesday immediately following the primary election.** In each city not situated in a
 4 county, the city committee shall meet on the same day at such place within the city as the chair
 5 of the current city committee may designate. In all counties of the first, second and third
 6 classification the county courthouse shall be made available for such meetings and any other
 7 county political party meeting at no charge to the party committees. At the meeting, each
 8 committee shall organize by electing one of its members as chair and one of its members as vice
 9 chair, a man and a woman, and a secretary and a treasurer, a man and a woman, who may or may
 10 not be members of the committee. The county chair and vice chair so elected shall by virtue
 11 thereof become members of the party congressional, senatorial and judicial committees of the
 12 district of which their county is a part.

115.621. 1. The members of each congressional district committee shall meet at some
 2 place within the district, to be designated by the current chair of the committee, on the [last]
 3 **third** Tuesday in [August] **June** after each primary election. The county courthouse in counties
 4 of the first, second and third classification in which the meeting is to take place, as designated
 5 by the chair, shall be made available for such meeting and any other congressional district
 6 political party committee meeting at no charge to the committee. At the meeting, the committee
 7 shall organize by electing one of its members as chair and one of its members as vice chair, one
 8 of whom shall be a woman and one of whom shall be a man, and a secretary and a treasurer, one

9 of whom shall be a woman and one of whom shall be a man, who may or may not be members
10 of the committee.

11 2. The members of each legislative district committee shall meet at some place within
12 the legislative district or within one of the counties in which the legislative district exists, to be
13 designated by the current chair of the committee, on the [third] **second** Wednesday after each
14 [August] **June** primary election. The county courthouse in counties of the first, second and third
15 classification in which the meeting is to take place, as designated by the chair, shall be made
16 available for such meeting and any other legislative district political party committee meeting
17 at no charge to the committee. At the meeting, the committee shall organize pursuant to
18 subsection 1 of section 115.619.

19 3. The members of each senatorial district committee shall meet at some place within
20 the district, to be designated by the current chair of the committee, if there is one, and if not, by
21 the chair of the congressional district in which the senatorial district is principally located, on the
22 [third] **second** Saturday after each [August] **June** primary election. The county courthouse in
23 counties of the first, second and third classification in which the meeting is to take place, as so
24 designated pursuant to this subsection, shall be made available for such meeting and any other
25 senatorial district political party committee meeting at no charge to the committee. At the
26 meeting, the committee shall organize by electing one of its members as chair and one of its
27 members as vice chair, one of whom shall be a woman and one of whom shall be a man, and a
28 secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, who
29 may or may not be members of the committee. The members of each senatorial district shall also
30 meet at some place within the district, to be designated by the current chair of the committee, if
31 there is one, and if not, by the chair of the congressional district in which the senatorial district
32 is principally located, on the Saturday after the third Tuesday in November after each general
33 election. At the meeting, the committee shall proceed to elect two registered voters of the
34 district, one man and one woman, as members of the party's state committee.

35 4. The members of each judicial district may meet at some place within the judicial
36 district or within one of the counties in which the judicial district exists, to be designated by the
37 current chair of the committee or the chair of the congressional district committee, on the [first]
38 **third** Tuesday in [September] **July** after each primary election, or at another time designated by
39 the chairmen of the committees. The county courthouse in counties of the first, second and third
40 classification in which the meeting is to take place, as so designated pursuant to this subsection,
41 shall be made available for such meeting and any other judicial district political party committee
42 meeting at no charge to the committee. At the meeting, the committee shall organize pursuant
43 to subsection 1 of section 115.619.

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