SECOND REGULAR SESSION

HOUSE BILL NO. 1446

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE EGGLESTON.

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D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 115.124, RSMo, and to enact in lieu thereof one new section relating to 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Section A. Section 115.124, RSMo, is repealed and one new section enacted in lieu
2 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
2 any political subdivision or special district including municipal elections in any city, town, or
3 village with **[one] two** thousand or fewer inhabitants that have adopted a proposal pursuant to
4 subsection 3 of this section but excluding municipal elections in any city, town, or village with
5 more than **[one] two** thousand inhabitants, if the notice provided for in subsection 5 of section
6 115.127 has been published in at least one newspaper of general circulation as defined in section
7 493.050 in the district, and **[if the number of candidates who have filed for a particular office is**
8 **equal to the number of positions in that office to be filled by the election, no election shall be**
9 **held for such office]** **if the number of candidates for each office in a particular political**
10 **subdivision, special district, or municipality is equal to the number of positions for each**
11 **office within the political subdivision, special district, or municipality to be filled by the**
12 **election and no ballot measure is placed on the ballot such that a particular political**
13 **subdivision will owe no proportional elections costs if an election is not held, no election**
14 **shall be held**, and the candidates shall assume the responsibilities of their offices at the same
15 time and in the same manner as if they had been elected. If no election is held for **[such office]**
16 **a particular political subdivision, special district, or municipality** as provided in this section,
17 the election authority shall publish a notice containing the names of the candidates that shall

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 assume the responsibilities of office under this section. Such notice shall be published in at least
19 one newspaper of general circulation as defined in section 493.050 in such political subdivision
20 or district by the first of the month in which the election would have occurred, had it been
21 contested. Notwithstanding any other provision of law to the contrary, if at any election the
22 number of candidates filing for a particular office exceeds the number of positions to be filled
23 at such election, the election authority shall hold the election as scheduled, even if a sufficient
24 number of candidates withdraw from such contest for that office so that the number of candidates
25 remaining after the filing deadline is equal to the number of positions to be filled.
26   2. The election authority or political subdivision responsible for the oversight of the
27 filing of candidates in any nonpartisan election in any political subdivision or special district
28 shall clearly designate where candidates shall form a line to effectuate such filings and determine
29 the order of such filings; except that, in the case of candidates who file a declaration of candidacy
30 with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing,
31 the election authority or political subdivision may determine by random drawing the order in
32 which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to
33 this subsection, it shall be conducted so that each candidate, or candidate's representative if the
34 candidate filed under subsection 2 of section 115.355, may draw a number at random at the time
35 of filing. If such drawing is conducted, the election authority or political subdivision shall record
36 the number drawn with the candidate's declaration of candidacy. If such drawing is conducted,
37 the names of candidates filing on the first day of filing for each office on each ballot shall be
38 listed in ascending order of the numbers so drawn.
39   3. The governing body of any city, town, or village with **[one] two** thousand or fewer
40 inhabitants may submit to the voters at any available election, a question to adopt the provisions
41 of subsection 1 of this section for municipal elections. If a majority of the votes cast by the
42 qualified voters voting thereon are in favor of the question, then the city, town, or village shall
43 conduct nonpartisan municipal elections as provided in subsection 1 of this section for all
44 nonpartisan elections remaining in the year in which the proposal was adopted and for the six
45 calendar years immediately following such approval. At the end of such six-year period, each
46 such city, town, or village shall be prohibited from conducting such elections in such a manner
47 unless such a question is again adopted by the majority of qualified voters as provided in this
48 subsection.

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