

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1446

AN ACT

To repeal sections 115.124, 115.157, and 321.320, RSMo, and to enact in lieu thereof four new sections relating to elections, with an emergency clause for a certain section.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 115.124, 115.157, and 321.320, RSMo,
2 are repealed and four new sections enacted in lieu thereof, to be
3 known as sections 32.315, 115.124, 115.157, and 321.320, to read
4 as follows:

5 32.315. 1. The department of revenue shall issue an annual
6 report on or before January 1, 2019, and every January first
7 thereafter, listing all sales and use tax levies that are:

- 8 (1) Authorized pursuant to state law;
- 9 (2) Collected by the department of revenue; and
- 10 (3) Approved by voters at an election.

11 2. The report required under subsection 1 of this section
12 shall indicate the provision of law authorizing such tax levy.

13 115.124. 1. Notwithstanding any other law to the contrary,
14 in a nonpartisan election in any political subdivision or special
15 district including municipal elections in any city, town, or
16 village with ~~[one]~~ two thousand or fewer inhabitants that have

1 adopted a proposal pursuant to subsection 3 of this section but
2 excluding municipal elections in any city, town, or village with
3 more than [one] two thousand inhabitants, if the notice provided
4 for in subsection 5 of section 115.127 has been published in at
5 least one newspaper of general circulation as defined in section
6 493.050 in the district, and [if the number of candidates who
7 have filed for a particular office is equal to the number of
8 positions in that office to be filled by the election, no
9 election shall be held for such office] if the number of
10 candidates for each office in a particular political subdivision,
11 special district, or municipality is equal to the number of
12 positions for each office within the political subdivision,
13 special district, or municipality to be filled by the election
14 and no ballot measure is placed on the ballot such that a
15 particular political subdivision will owe no proportional
16 elections costs if an election is not held, no election shall be
17 held, and the candidates shall assume the responsibilities of
18 their offices at the same time and in the same manner as if they
19 had been elected. If no election is held for [such office] a
20 particular political subdivision, special district, or
21 municipality as provided in this section, the election authority
22 shall publish a notice containing the names of the candidates
23 that shall assume the responsibilities of office under this
24 section. Such notice shall be published in at least one
25 newspaper of general circulation as defined in section 493.050 in
26 such political subdivision or district by the first of the month
27 in which the election would have occurred, had it been contested.
28 Notwithstanding any other provision of law to the contrary, if at

1 any election the number of candidates filing for a particular
2 office exceeds the number of positions to be filled at such
3 election, the election authority shall hold the election as
4 scheduled, even if a sufficient number of candidates withdraw
5 from such contest for that office so that the number of
6 candidates remaining after the filing deadline is equal to the
7 number of positions to be filled.

8 2. The election authority or political subdivision
9 responsible for the oversight of the filing of candidates in any
10 nonpartisan election in any political subdivision or special
11 district shall clearly designate where candidates shall form a
12 line to effectuate such filings and determine the order of such
13 filings; except that, in the case of candidates who file a
14 declaration of candidacy with the election authority or political
15 subdivision prior to 5:00 p.m. on the first day for filing, the
16 election authority or political subdivision may determine by
17 random drawing the order in which such candidates' names shall
18 appear on the ballot. If a drawing is conducted pursuant to this
19 subsection, it shall be conducted so that each candidate, or
20 candidate's representative if the candidate filed under
21 subsection 2 of section 115.355, may draw a number at random at
22 the time of filing. If such drawing is conducted, the election
23 authority or political subdivision shall record the number drawn
24 with the candidate's declaration of candidacy. If such drawing
25 is conducted, the names of candidates filing on the first day of
26 filing for each office on each ballot shall be listed in
27 ascending order of the numbers so drawn.

28 3. The governing body of any city, town, or village with

1 [one] two thousand or fewer inhabitants may submit to the voters
2 at any available election, a question to adopt the provisions of
3 subsection 1 of this section for municipal elections. If a
4 majority of the votes cast by the qualified voters voting thereon
5 are in favor of the question, then the city, town, or village
6 shall conduct nonpartisan municipal elections as provided in
7 subsection 1 of this section for all nonpartisan elections
8 remaining in the year in which the proposal was adopted and for
9 the six calendar years immediately following such approval. At
10 the end of such six-year period, each such city, town, or village
11 shall be prohibited from conducting such elections in such a
12 manner unless such a question is again adopted by the majority of
13 qualified voters as provided in this subsection.

14 115.157. 1. The election authority may place all
15 information on any registration cards in computerized form in
16 accordance with section 115.158. No election authority or
17 secretary of state shall furnish to any member of the public
18 electronic media or printout showing any registration
19 information, except as provided in this section. Except as
20 provided in subsection 2 of this section, the election authority
21 or secretary of state shall make available electronic media or
22 printouts showing unique voter identification numbers, voters'
23 names, dates of birth, addresses, townships or wards, and
24 precincts. Electronic data shall be maintained in at least the
25 following separate fields:

- 26 (1) Voter identification number;
- 27 (2) First name;
- 28 (3) Middle initial;

- 1 (4) Last name;
- 2 (5) Suffix;
- 3 (6) Street number;
- 4 (7) Street direction;
- 5 (8) Street name;
- 6 (9) Street suffix;
- 7 (10) Apartment number;
- 8 (11) City;
- 9 (12) State;
- 10 (13) Zip code;
- 11 (14) Township;
- 12 (15) Ward;
- 13 (16) Precinct;
- 14 (17) Senatorial district;
- 15 (18) Representative district;
- 16 (19) Congressional district.

17 2. All election authorities shall enter voter history in
18 their computerized registration systems and shall, not more than
19 six months after the election, forward such data to the Missouri
20 voter registration system established in section 115.158. In
21 addition, election authorities shall forward registration and
22 other data in a manner prescribed by the secretary of state to
23 comply with the Help America Vote Act of 2002.

24 3. Except as provided in subsection [2] 6 of this section,
25 the election authority shall [also] furnish, for a fee,
26 electronic media or a printout showing the names, dates of birth
27 and addresses of voters, or any part thereof, within the
28 jurisdiction of the election authority who voted in any specific

1 election, including primary elections, by township, ward or
2 precinct, provided that nothing in this chapter shall require
3 such voter information to be released to the public over the
4 internet.

5 4. Except as provided in subsection 6 of this section, upon
6 a request by a candidate, a duly authorized representative of a
7 campaign committee, or political party committee, the secretary
8 of state shall furnish, for a fee determined by the secretary of
9 state and in compliance with section 610.026, media in an
10 electronic format or, if so requested, in a printed format,
11 showing the names, addresses, and voter identification numbers of
12 voters within the jurisdiction of a specific election authority
13 who applied for an absentee ballot under section 115.279 for any
14 specific election involving a ballot measure or an office for
15 which the declaration of candidacy is required to be filed with
16 the secretary of state pursuant to section 115.353, including
17 primary elections, by township, ward, or precinct. Nothing in
18 this section shall require such voter information to be released
19 to the public over the internet. For purposes of this section,
20 the terms "candidate", "campaign committee", and "political party
21 committee" shall have the same meaning given to such terms in
22 section 130.011.

23 5. The amount of fees charged for information provided in
24 this section shall be established pursuant to chapter 610. All
25 revenues collected by the secretary of state pursuant to this
26 section shall be deposited in the state treasury and credited to
27 the secretary of state's technology trust fund account
28 established pursuant to section 28.160. In even-numbered years,

1 each election authority shall, upon request, supply the voter
2 registration list for its jurisdiction to all candidates and
3 party committees for a charge established pursuant to chapter
4 610. Except as provided in subsection [2] 6 of this section, all
5 election authorities shall make the information described in this
6 section available pursuant to chapter 610. Any election
7 authority who fails to comply with the requirements of this
8 section shall be subject to the provisions of chapter 610.

9 [2.] 6. Any person working as an undercover officer of a
10 local, state or federal law enforcement agency, persons in
11 witness protection programs, and victims of domestic violence and
12 abuse who have received orders of protection pursuant to chapter
13 455 shall be entitled to apply to the circuit court having
14 jurisdiction in his or her county of residence to have the
15 residential address on his or her voter registration records
16 closed to the public if the release of such information could
17 endanger the safety of the person. Any person working as an
18 undercover agent or in a witness protection program shall also
19 submit a statement from the chief executive officer of the agency
20 under whose direction he or she is serving. The petition to
21 close the residential address shall be incorporated into any
22 petition for protective order provided by circuit clerks pursuant
23 to chapter 455. If satisfied that the person filing the petition
24 meets the qualifications of this subsection, the circuit court
25 shall issue an order to the election authority to keep the
26 residential address of the voter a closed record and the address
27 may be used only for the purposes of administering elections
28 pursuant to this chapter. The election authority may require the

1 voter who has a closed residential address record to verify that
2 his or her residential address has not changed or to file a
3 change of address and to affirm that the reasons contained in the
4 original petition are still accurate prior to receiving a ballot.
5 A change of address within an election authority's jurisdiction
6 shall not require that the voter file a new petition. Any voter
7 who no longer qualifies pursuant to this subsection to have his
8 or her residential address as a closed record shall notify the
9 circuit court. Upon such notification, the circuit court shall
10 void the order closing the residential address and so notify the
11 election authority.

12 321.320. 1. Except as otherwise provided in this section,
13 if any property, located within the boundaries of a fire
14 protection district, is included within a city having a
15 population of forty thousand inhabitants or more, which city is
16 not wholly within the fire protection district, and which city
17 maintains a city fire department, the property is excluded from
18 the fire protection district.

19 2. Notwithstanding any provision of law to the contrary,
20 unless otherwise approved by a majority vote of the governing
21 body of the municipality and a majority vote of the governing
22 body of the fire protection district, or otherwise approved by a
23 majority vote of the qualified voters in the municipality and a
24 majority vote of the qualified voters in the fire protection
25 district, a fire protection district serving an area included
26 within any annexation by a municipality located in any county of
27 the first classification with more than one hundred fifty
28 thousand but fewer than two hundred thousand inhabitants, or an

1 area included within any annexation by a municipality in a county
2 having a charter form of government, approved by a vote after
3 January 1, 2008, including simplified boundary changes, shall,
4 following the annexation:

5 (1) Continue to provide fire protection services, including
6 emergency medical services to such area;

7 (2) Levy and collect any tax upon all taxable property
8 included within the annexed area authorized under chapter 321;

9 (3) Enforce any fire protection and fire prevention
10 ordinances adopted and amended by the fire protection district in
11 such area;

12 3. All costs associated with placing an annexation on the
13 ballot within a municipality that involves an area that is served
14 by a fire protection district shall be borne by the municipality.

15 4. The provisions of subsections 2 and 3 of this section
16 shall not apply to:

17 (1) Any city of the third classification with more than
18 four thousand five hundred but fewer than five thousand
19 inhabitants and located in any county with a charter form of
20 government and with more than two hundred thousand but fewer than
21 three hundred fifty thousand inhabitants;

22 (2) Any city of the fourth classification with more than
23 three thousand but fewer than three thousand seven hundred
24 inhabitants and located in any county with a charter form of
25 government and with more than two hundred thousand but fewer than
26 three hundred fifty thousand inhabitants; and

27 (3) Any city of the third classification with more than
28 eleven thousand five hundred but fewer than thirteen thousand

1 inhabitants and located in any county with a charter form of
2 government and with more than two hundred thousand but fewer than
3 three hundred fifty thousand inhabitants.

4 5. Notwithstanding any other provision of law to the
5 contrary, the residents of an area included within any annexation
6 by a municipality located in any county of the first
7 classification with more than one hundred fifty thousand but
8 fewer than two hundred thousand inhabitants, or an area included
9 within any annexation by a municipality in a county having a
10 charter form of government, approved by a vote after January 1,
11 2008, may vote in all fire protection district elections and may
12 be elected to the fire protection district board of directors.

13 Section B. Because of the need to ensure the equal voting
14 rights of persons residing in fire protection districts, the
15 repeal and reenactment of section 321.320 of this act is deemed
16 necessary for the immediate preservation of the public health,
17 welfare, peace and safety, and is hereby declared to be an
18 emergency act within the meaning of the constitution, and the
19 repeal and reenactment of section 321.320 of this act shall be in
20 full force and effect upon its passage and approval.