

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1446
99TH GENERAL ASSEMBLY

4467S.09T

2018

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:

Section A. Sections 115.124, 115.157, and 321.320, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 32.315, 115.124, 115.157, and 321.320, to read as follows:

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

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

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

115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district including municipal elections in any city, town, or village with ~~one~~ **two** thousand or fewer inhabitants that have adopted a proposal pursuant to subsection 3 of this section but excluding municipal elections in any city, town, or village with more than ~~one~~ **two** thousand inhabitants, if the notice provided for in subsection 5 of section

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.

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
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.

115.157. 1. The election authority may place all information on any registration cards
2 in computerized form in accordance with section 115.158. No election authority or secretary of
3 state shall furnish to any member of the public electronic media or printout showing any
4 registration information, except as provided in this section. Except as provided in subsection 2
5 of this section, the election authority or secretary of state shall make available electronic media
6 or printouts showing unique voter identification numbers, voters' names, dates of birth,
7 addresses, townships or wards, and precincts. Electronic data shall be maintained in at least the
8 following separate fields:

- 9 (1) Voter identification number;
- 10 (2) First name;
- 11 (3) Middle initial;
- 12 (4) Last name;
- 13 (5) Suffix;
- 14 (6) Street number;
- 15 (7) Street direction;
- 16 (8) Street name;
- 17 (9) Street suffix;
- 18 (10) Apartment number;
- 19 (11) City;
- 20 (12) State;
- 21 (13) Zip code;
- 22 (14) Township;
- 23 (15) Ward;
- 24 (16) Precinct;
- 25 (17) Senatorial district;
- 26 (18) Representative district;
- 27 (19) Congressional district.

28 **2.** All election authorities shall enter voter history in their computerized registration
29 systems and shall, not more than six months after the election, forward such data to the Missouri
30 voter registration system established in section 115.158. In addition, election authorities shall
31 forward registration and other data in a manner prescribed by the secretary of state to comply
32 with the Help America Vote Act of 2002.

33 **3.** Except as provided in subsection ~~[2]~~ **6** of this section, the election authority shall
34 ~~[also]~~ furnish, for a fee, electronic media or a printout showing the names, dates of birth and
35 addresses of voters, or any part thereof, within the jurisdiction of the election authority who
36 voted in any specific election, including primary elections, by township, ward or precinct,
37 provided that nothing in this chapter shall require such voter information to be released to the
38 public over the internet.

39 **4.** Except as provided in subsection **6** of this section, upon a request by a candidate,
40 a duly authorized representative of a campaign committee, or political party committee,
41 the secretary of state shall furnish, for a fee determined by the secretary of state and in
42 compliance with section 610.026, media in an electronic format or, if so requested, in a
43 printed format, showing the names, addresses, and voter identification numbers of voters
44 within the jurisdiction of a specific election authority who applied for an absentee ballot
45 under section 115.279 for any specific election involving a ballot measure or an office for
46 which the declaration of candidacy is required to be filed with the secretary of state
47 pursuant to section 115.353, including primary elections, by township, ward, or precinct.
48 Nothing in this section shall require such voter information to be released to the public
49 over the internet. For purposes of this section, the terms "candidate", "campaign
50 committee", and "political party committee" shall have the same meaning given to such
51 terms in section 130.011.

52 **5.** The amount of fees charged for information provided in this section shall be
53 established pursuant to chapter 610. All revenues collected by the secretary of state pursuant to
54 this section shall be deposited in the state treasury and credited to the secretary of state's
55 technology trust fund account established pursuant to section 28.160. In even-numbered years,
56 each election authority shall, upon request, supply the voter registration list for its jurisdiction
57 to all candidates and party committees for a charge established pursuant to chapter 610. Except
58 as provided in subsection ~~[2]~~ **6** of this section, all election authorities shall make the information
59 described in this section available pursuant to chapter 610. Any election authority who fails to
60 comply with the requirements of this section shall be subject to the provisions of chapter 610.

61 ~~[2-]~~ **6.** Any person working as an undercover officer of a local, state or federal law
62 enforcement agency, persons in witness protection programs, and victims of domestic violence
63 and abuse who have received orders of protection pursuant to chapter 455 shall be entitled to
64 apply to the circuit court having jurisdiction in his or her county of residence to have the
65 residential address on his or her voter registration records closed to the public if the release of
66 such information could endanger the safety of the person. Any person working as an undercover
67 agent or in a witness protection program shall also submit a statement from the chief executive
68 officer of the agency under whose direction he or she is serving. The petition to close the
69 residential address shall be incorporated into any petition for protective order provided by circuit
70 clerks pursuant to chapter 455. If satisfied that the person filing the petition meets the

71 qualifications of this subsection, the circuit court shall issue an order to the election authority to
72 keep the residential address of the voter a closed record and the address may be used only for the
73 purposes of administering elections pursuant to this chapter. The election authority may require
74 the voter who has a closed residential address record to verify that his or her residential address
75 has not changed or to file a change of address and to affirm that the reasons contained in the
76 original petition are still accurate prior to receiving a ballot. A change of address within an
77 election authority's jurisdiction shall not require that the voter file a new petition. Any voter who
78 no longer qualifies pursuant to this subsection to have his or her residential address as a closed
79 record shall notify the circuit court. Upon such notification, the circuit court shall void the order
80 closing the residential address and so notify the election authority.

321.320. **1. Except as otherwise provided in this section,** if any property, located
2 within the boundaries of a fire protection district, is included within a city having a population
3 of forty thousand inhabitants or more, which city is not wholly within the fire protection district,
4 and which city maintains a city fire department, the property is excluded from the fire protection
5 district.

6 **2. Notwithstanding any provision of law to the contrary, unless otherwise approved**
7 **by a majority vote of the governing body of the municipality and a majority vote of the**
8 **governing body of the fire protection district, or otherwise approved by a majority vote of**
9 **the qualified voters in the municipality and a majority vote of the qualified voters in the**
10 **fire protection district, a fire protection district serving an area included within any**
11 **annexation by a municipality located in any county of the first classification with more**
12 **than one hundred fifty thousand but fewer than two hundred thousand inhabitants, or an**
13 **area included within any annexation by a municipality in a county having a charter form**
14 **of government, approved by a vote after January 1, 2008, including simplified boundary**
15 **changes, shall, following the annexation:**

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

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

20 (3) Enforce any fire protection and fire prevention ordinances adopted and
21 amended by the fire protection district in such area.

22 **3. All costs associated with placing an annexation on the ballot within a**
23 **municipality that involves an area that is served by a fire protection district shall be borne**
24 **by the municipality.**

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

26 (1) Any city of the third classification with more than four thousand five hundred
27 but fewer than five thousand inhabitants and located in any county with a charter form

28 **of government and with more than two hundred thousand but fewer than three hundred**
29 **fifty thousand inhabitants;**

30 **(2) Any city of the fourth classification with more than three thousand but fewer**
31 **than three thousand seven hundred inhabitants and located in any county with a charter**
32 **form of government and with more than two hundred thousand but fewer than three**
33 **hundred fifty thousand inhabitants; and**

34 **(3) Any city of the third classification with more than eleven thousand five hundred**
35 **but fewer than thirteen thousand inhabitants and located in any county with a charter**
36 **form of government and with more than two hundred thousand but fewer than three**
37 **hundred fifty thousand inhabitants.**

38 **5. Notwithstanding any other provision of law to the contrary, the residents of an**
39 **area included within any annexation by a municipality located in any county of the first**
40 **classification with more than one hundred fifty thousand but fewer than two hundred**
41 **thousand inhabitants, or an area included within any annexation by a municipality in a**
42 **county having a charter form of government, approved by a vote after January 1, 2008,**
43 **may vote in all fire protection district elections and may be elected to the fire protection**
44 **district board of directors.**

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

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