

## HCB 6 -- RELATING TO ELECTIONS

SPONSOR: Roeber

Currently, anyone filing for one office may not file for another office, without withdrawing, to be filled at the same election. This bill excludes a candidate for school board and allows him or her to file for and hold any other office for which he or she is qualified (Section 115.351, RSMo).

The bill prohibits the contribution or expenditure of public funds, including public resources or specified property, by any officer, board member, director, administrator, employee, or agent of any political subdivision to advocate, support, or oppose any ballot measure or candidate for public office. Individuals are also restricted from specified advocacy before the General Assembly when acting in an official capacity or during work hours.

This bill does not prohibit these individuals from making public appearances or from issuing press releases concerning any such ballot measure. The bill does allow the use of legislative liaisons by political subdivisions and special districts to communicate information to the General Assembly about their policies and procedures.

If a contribution or expenditure of public funds to any person results in the use of any part of such funds to advocate, support, or oppose any ballot measure or candidate for public office, the contribution or expenditure is in violation of the bill.

Any resident of a political subdivision who wishes to challenge a contribution or expenditure of public funds may bring an action in any circuit court of the political subdivision in which any alleged violation occurred. The political subdivision and the officer, board member, director, administrator, employee, or agent who allegedly violated this section shall be named as party defendants. The petition shall set forth the contribution, expenditure, or contribution and expenditure at issue and the facts that gave rise to a violation and shall request to produce such proof. The court shall consider the petition and evidence, hear arguments, and in its decision determine whether a violation of this section occurred. If the court decides the contribution or expenditure of public funds was a violation, then the court may award attorney fees and the political subdivision shall be subject to a civil penalty in an amount 10 times the amount of the contribution or expenditure or \$1,000 whichever is greater or, if the violation involved only use of public resources, then a civil fine not to exceed \$1,000 for those offenses that are committed by specified administrators or board members. A first violation of these

provisions by specified non-administrative level employees will not be subject to any fine, but a subsequent offense will be punished using the previous categories (Section 115.646).

Currently, school board elections are held at specified election dates as determined by the designation and location of school districts. Beginning in 2022, this bill requires school board elections for seven-director school districts, urban school districts, and school districts with sub-districts to be held during the November general election. For all existing school boards not holding an initial election the terms will be staggered and four years in length, as specified in the bill. Any member whose term ends in 2021 or any other odd-numbered year will serve until the election in the following even-numbered year. Portions of this bill have a delayed effective date of January 1, 2021 (Sections 162.082 - 162.910).

This bill has a delayed effective date of January 1, 2021, as specified in the bill.