

FIRST REGULAR SESSION  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 96**  
**102ND GENERAL ASSEMBLY**

0917H.12F

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 67.1421, 115.105, 115.123, 115.351, 115.776, 115.904, and 238.225, RSMo, and to enact in lieu thereof fifteen new sections relating to voting procedures.

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

Section A. Sections 67.1421, 115.105, 115.123, 115.351, 115.776, 115.904, and  
2 238.225, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as  
3 sections 67.1421, 115.105, 115.123, 115.351, 115.755, 115.758, 115.761, 115.765, 115.767,  
4 115.770, 115.773, 115.776, 115.785, 115.904, and 238.225, to read as follows:

67.1421. 1. Upon receipt of a proper petition filed with its municipal clerk, the  
2 governing body of the municipality in which the proposed district is located shall hold a  
3 public hearing in accordance with section 67.1431 and may adopt an ordinance to establish  
4 the proposed district, **provided that if the proposed funding mechanism for the proposed**  
5 **district includes a sales tax, such ordinance shall be adopted by at least a two-thirds**  
6 **majority vote.**

7 2. A petition is proper if, based on the tax records of the county clerk, or the collector  
8 of revenue if the district is located in a city not within a county, as of the time of filing the  
9 petition with the municipal clerk, it meets the following requirements:

10 (1) It has been signed by property owners collectively owning more than fifty percent  
11 by assessed value of the real property within the boundaries of the proposed district;

12 (2) It has been signed by more than fifty percent per capita of all owners of real  
13 property within the boundaries of the proposed district; and

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 (3) It contains the following information:

15 (a) The legal description of the proposed district, including a map illustrating the  
16 district boundaries;

17 (b) The name of the proposed district;

18 (c) A notice that the signatures of the signers may not be withdrawn later than seven  
19 days after the petition is filed with the municipal clerk;

20 (d) A five-year plan stating a description of the purposes of the proposed district, the  
21 services it will provide, each improvement it will make from the list of allowable  
22 improvements under section 67.1461, an estimate of the costs of these services and  
23 improvements to be incurred, the anticipated sources of funds to pay the costs, and the  
24 anticipated term of the sources of funds to pay the costs;

25 (e) A statement as to whether the district will be a political subdivision or a not-for-  
26 profit corporation and if it is to be a not-for-profit corporation, the name of the not-for-profit  
27 corporation;

28 (f) If the district is to be a political subdivision, a statement as to whether the district  
29 will be governed by a board elected by the district or whether the board will be appointed by  
30 the municipality, and, if the board is to be elected by the district, the names and terms of the  
31 initial board may be stated;

32 (g) If the district is to be a political subdivision, the number of directors to serve on  
33 the board;

34 (h) The total assessed value of all real property within the proposed district;

35 (i) A statement as to whether the petitioners are seeking a determination that the  
36 proposed district, or any legally described portion thereof, is a blighted area;

37 (j) The proposed length of time for the existence of the district, which in the case of  
38 districts established after August 28, 2021, shall not exceed twenty-seven years from the  
39 adoption of the ordinance establishing the district unless the municipality extends the length  
40 of time under section 67.1481;

41 (k) The maximum rates of real property taxes, and, business license taxes in the  
42 county seat of a county of the first classification without a charter form of government  
43 containing a population of at least two hundred thousand, that may be submitted to the  
44 qualified voters for approval;

45 (l) The maximum rates of special assessments and respective methods of assessment  
46 that may be proposed by petition;

47 (m) The limitations, if any, on the borrowing capacity of the district;

48 (n) The limitations, if any, on the revenue generation of the district;

49 (o) Other limitations, if any, on the powers of the district;

50 (p) A request that the district be established; and

51 (q) Any other items the petitioners deem appropriate;  
 52 (4) The signature block for each real property owner signing the petition shall be in  
 53 substantially the following form and contain the following information:

54 Name of owner: \_\_\_\_\_  
 55 Owner's telephone number and mailing address: \_\_\_\_\_  
 56 If signer is different from owner:  
 57 Name of signer: \_\_\_\_\_  
 58 State basis of legal authority to sign: \_\_\_\_\_  
 59 Signer's telephone number and mailing address: \_\_\_\_\_  
 60 If the owner is an individual, state if owner is single or married: \_\_\_\_\_  
 61 If owner is not an individual, state what type of entity: \_\_\_\_\_  
 62 Map and parcel number and assessed value of each tract of real property within  
 63 the proposed district owned: \_\_\_\_\_  
 64 By executing this petition, the undersigned represents and warrants that he or  
 65 she is authorized to execute this petition on behalf of the property owner named  
 66 immediately above

67 \_\_\_\_\_  
 68 Signature of person \_\_\_\_\_ Date  
 69 signing for owner  
 70 STATE OF MISSOURI )  
 71 ) ss.  
 72 COUNTY OF \_\_\_\_\_ )  
 73 Before me personally appeared \_\_\_\_\_, to me personally known to be the  
 74 individual described in and who executed the foregoing instrument.  
 75 WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_  
 76 \_\_\_\_ (year).

77 \_\_\_\_\_  
 78 Notary Public  
 79 My Commission Expires: \_\_\_\_\_ ; and

80 (5) Alternatively, the governing body of any home rule city with more than four  
 81 hundred thousand inhabitants and located in more than one county may file a petition to  
 82 initiate the process to establish a district in the portion of the city located in any county of the  
 83 first classification with more than two hundred thousand but fewer than two hundred sixty  
 84 thousand inhabitants containing the information required in subdivision (3) of this subsection;  
 85 provided that the only funding methods for the services and improvements will be a real  
 86 property tax.

87           3. Upon receipt of a petition the municipal clerk shall, within a reasonable time not to  
88 exceed ninety days after receipt of the petition, review and determine whether the petition  
89 substantially complies with the requirements of subsection 2 of this section. In the event the  
90 municipal clerk receives a petition which does not meet the requirements of subsection 2 of  
91 this section, the municipal clerk shall, within a reasonable time, return the petition to the  
92 submitting party by hand delivery, first class mail, postage prepaid or other efficient means of  
93 return and shall specify which requirements have not been met.

94           4. After the close of the public hearing required pursuant to subsection 1 of this  
95 section, the governing body of the municipality may adopt an ordinance approving the  
96 petition and establishing a district as set forth in the petition and may determine, if requested  
97 in the petition, whether the district, or any legally described portion thereof, constitutes a  
98 blighted area. If the petition was filed by the governing body of a municipality pursuant to  
99 subdivision (5) of subsection 2 of this section, after the close of the public hearing required  
100 pursuant to subsection 1 of this section, the petition may be approved by the governing body  
101 and an election shall be called pursuant to section 67.1422. **Any ordinance or petition**  
102 **approved pursuant to this subsection that establishes a district for which the proposed**  
103 **funding mechanism for the proposed district includes a sales tax shall be by at least a**  
104 **two-thirds majority vote.**

105           5. Amendments to a petition may be made which do not change the proposed  
106 boundaries of the proposed district if an amended petition meeting the requirements of  
107 subsection 2 of this section is filed with the municipal clerk at the following times and the  
108 following requirements have been met:

109           (1) At any time prior to the close of the public hearing required pursuant to subsection  
110 1 of this section; provided that, notice of the contents of the amended petition is given at the  
111 public hearing;

112           (2) At any time after the public hearing and prior to the adoption of an ordinance  
113 establishing the proposed district; provided that, notice of the amendments to the petition is  
114 given by publishing the notice in a newspaper of general circulation within the municipality  
115 and by sending the notice via registered certified United States mail with a return receipt  
116 attached to the address of record of each owner of record of real property within the  
117 boundaries of the proposed district per the tax records of the county clerk, or the collector of  
118 revenue if the district is located in a city not within a county. Such notice shall be published  
119 and mailed not less than ten days prior to the adoption of the ordinance establishing the  
120 district. Such notice shall also be sent to the Missouri department of revenue, which shall  
121 publish such notice on its website;

122           (3) At any time after the adoption of any ordinance establishing the district a public  
123 hearing on the amended petition is held and notice of the public hearing is given in the

124 manner provided in section 67.1431 and the governing body of the municipality in which the  
125 district is located adopts an ordinance approving the amended petition after the public hearing  
126 is held.

127         6. Upon the creation of a district, the municipal clerk shall report in writing the  
128 creation of such district to the Missouri department of economic development and the state  
129 auditor.

130         7. (1) The governing body of the municipality or county establishing a district or the  
131 governing body of such district shall, as soon as is practicable, submit the following  
132 information to the state auditor and the department of revenue:

133             (a) A description of the boundaries of such district as well as the rate of property tax  
134 or sales tax levied in such district;

135             (b) Any amendments made to the boundaries of a district or the tax rates levied in  
136 such district; and

137             (c) The date on which the district is to expire unless sooner terminated.

138         (2) The governing body of a community improvement district established on or after  
139 August 28, 2022, shall not order any assessment to be made on any real property located  
140 within a district and shall not levy any property or sales tax until the information required by  
141 paragraph (a) of subdivision (1) of this subsection has been submitted.

115.105. 1. The chair of the county committee of each political party named on the  
2 ballot shall have the right to designate a challenger for each polling place, who may be  
3 present until all ballots are cast on the day of election, and a challenger for each location at  
4 which absentee ballots are counted, who may be present while the ballots are being prepared  
5 for counting and counted. No later than four business days before the election, the chair of  
6 each county committee of each political party named on the ballot shall provide signed  
7 official designation forms with the names of the designated challengers and substitutes to the  
8 local election authority for confirmation of eligibility to serve as a challenger. The local  
9 election authority, after verifying the eligibility of each designated and substitute challenger,  
10 shall sign off on the official designation forms, unless the challenger is found not to have the  
11 qualifications established by subsection [4] 5 of this section. If the election authority  
12 determines that a challenger does not meet the qualifications of subsection [4] 5 of this  
13 section, the designating party chair may designate a replacement challenger and provide the  
14 local election authority with the name of the replacement challenger before 5:00 p.m. of the  
15 Monday preceding the election. The designating chair may substitute challengers at his or her  
16 discretion during such hours.

17         2. Challenges may only be made when the challenger believes the election laws of  
18 this state have been or will be violated, and each challenger shall report any such belief to the

19 election judges, or to the election authority if not satisfied with the decision of the election  
20 judges.

21 3. Prior to the close of the polls, challengers may list and give out the names of those  
22 who have voted. The listing and giving out of names of those who have voted by a challenger  
23 shall not be considered giving information tending to show the state of the count.

24 4. **In a presidential primary election, challengers may collect information about**  
25 **the party ballot selected by the voter and may disclose party affiliation information after**  
26 **the polls close.**

27 5. All persons selected as challengers shall have the same qualifications required by  
28 section 115.085 for election judges, except that such challenger shall be a registered voter in  
29 the jurisdiction of the election authority for which the challenger is designated as a challenger.

30 ~~[5-]~~ 6. Any challenge by a challenger to a voter's identification for validity shall be  
31 made only to the election judges or other election authority. If the poll challenger is not  
32 satisfied with the decision of the election judges, then he or she may report his or her belief  
33 that the election laws of this state have been or will be violated to the election authority as  
34 allowed under this section.

115.123. 1. All public elections shall be held on Tuesday. Except as provided in  
2 subsection 2 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 Monday in August.  
6 Bond elections may be held on the first Tuesday after the first Monday in February but no  
7 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 under sections 115.755 to 115.785 shall be held on the first**  
10 **Tuesday after the first Monday in April 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 ~~[3-]~~ 4. Nothing in this section prohibits a charter city or county from having its  
19 primary election in March if the charter provided for a March primary before August 28,  
20 1999.

21 [4:] 5. Nothing in this section shall prohibit elections held pursuant to section 65.600,  
22 but no other issues shall be on the March ballot except pursuant to this chapter.

115.351. No person who files as a party candidate for nomination or election to an  
2 office shall, without withdrawing, file as another party's candidate or an independent  
3 candidate for nomination or election to the office for the same term. No person who files as  
4 an independent candidate for election to an office shall, without withdrawing, file as a party  
5 candidate for nomination or election to the office for the same term. No person shall file for  
6 one office and, without withdrawing, file for another office to be filled at the same election.  
7 **A person who files a request to be included on the presidential primary ballot is not**  
8 **prohibited by this section from filing or appearing on any ballot as a party candidate for**  
9 **nomination to another office.** Receipt by the secretary of state of proper certification of  
10 nomination pursuant to subsection 1 of section 115.399 constitutes withdrawal by operation  
11 of law pursuant to subsection 1 of section 115.359 of any presidential or vice presidential  
12 nominee from any other office for which such nominee is a candidate at the same election.  
13 Any person violating any provision of this section shall be disqualified from running for  
14 nomination or election to any office at the primary and general election next succeeding the  
15 violation.

115.755. **A statewide presidential preference primary shall be held on the first**  
2 **Tuesday after the first Monday in April of each presidential election year.**

115.758. **On or before the tenth Tuesday prior to the date of the presidential**  
2 **preference primary, the secretary of state shall announce the official list of presidential**  
3 **candidates for each established political party as provided in section 115.761.**

115.761. 1. **The official list of presidential candidates for each established**  
2 **political party shall include the names of all constitutionally qualified candidates for**  
3 **whom, on or after 8:00 a.m. on the fifteenth Tuesday prior to the presidential primary,**  
4 **and on or before 5:00 p.m., on the eleventh Tuesday prior to the presidential primary, a**  
5 **written request to be included on the presidential primary ballot is filed with the**  
6 **secretary of state along with:**

7 (1) **Receipt of payment to the state committee of the established political party**  
8 **on whose ballot the candidate wishes to appear of a filing fee of five thousand dollars; or**  
9 (2) **A written statement, sworn to before an officer authorized by law to**  
10 **administer oaths, that the candidate is unable to pay the filing fee and does not have**  
11 **funds in a campaign fund or committee to pay the filing fee and a petition signed by not**  
12 **less than five thousand registered Missouri voters, as determined by the secretary of**  
13 **state, that the candidate's name be placed on the ballot of the specified established**  
14 **political party for the presidential preference primary. The request to be included on**

15 the presidential primary ballot shall include each signer's printed name, registered  
16 address and signature and shall be in substantially the following form:

17 I (We) the undersigned, do hereby request that the name of \_\_\_\_\_  
18 be placed upon the April \_\_\_\_\_, \_\_\_\_\_, presidential primary ballot  
19 as candidate for nomination as the nominee for President of the  
20 United States on the \_\_\_\_\_ party ticket.

21 2. The state or national party organization of an established political party that  
22 adopts rules imposing signature requirements to be met before a candidate can be listed  
23 as an official candidate shall notify the secretary of state by October first of the year  
24 preceding the presidential primary.

25 3. Any candidate or such candidate's authorized representative may have such  
26 candidate's name stricken from the presidential primary ballot by filing with the  
27 secretary of state on or before 5:00 p.m. on the eleventh Tuesday prior to the  
28 presidential primary election a written statement, sworn to before an officer authorized  
29 by law to administer oaths, requesting that such candidate's name not be printed on the  
30 official primary ballot. Thereafter, the secretary of state shall not include the name of  
31 that candidate in the official list announced pursuant to section 115.758 or in the  
32 certified list of candidates transmitted pursuant to section 115.765.

33 4. The filing times set out in this section shall only apply to presidential  
34 preference primaries, and are in lieu of those established in section 115.349.

115.765. On or before the tenth Tuesday prior to a presidential preference  
2 primary, the secretary of state shall transmit to each election authority a certified list  
3 containing the names of all candidates whose names shall appear on the presidential  
4 preference primary ballot of each party. The names of the candidates shall appear in  
5 the order in which their request to be included on the presidential primary ballot was  
6 received in the office of the secretary of state, except that, in the case of candidates who  
7 file a request to be included on the presidential primary ballot with the secretary of state  
8 prior to 5:00 p.m. on the first day for filing, the secretary of state shall determine by  
9 random drawing the order in which such candidates' names shall appear on the ballot.  
10 The drawing shall be conducted so that each candidate, or candidate's representative,  
11 may draw a number at random at the time of filing. The secretary of state shall record  
12 the number drawn with the candidate's request to be included on the presidential  
13 primary ballot. The names of candidates filing on the first day for filing on each party  
14 ballot shall be listed in ascending order of the numbers so drawn.

115.767. Each election authority shall cause the name of candidates certified by  
2 the secretary of state to appear on the presidential preference primary ballot of each  
3 party, followed by a listing for an uncommitted vote.



115.770. The conduct of the presidential preference primary election and the count and canvass of the votes cast therein shall conform as nearly as is practicable to that prescribed for the conduct of the primary election for state officers. All primary election laws not inconsistent with the provisions of sections 115.755 to 115.785 shall be applicable to the conduct of this election, and the form of the ballot insofar as is practicable shall be substantially as that prescribed by section 115.395. In a presidential preference primary, each voter shall be entitled to receive the ballot of one and only one established political party, designated by the voter before receiving such voter's ballot. Each voter who participates in a presidential preference primary shall be entitled to vote on all questions and for any candidates submitted by political subdivisions and special districts at the general municipal election. Each voter who does not wish to participate in a presidential preference primary may vote on all questions and for any candidates submitted by a political subdivision or special district at the general municipal election.

115.773. After the count and canvass of the votes cast, the secretary of state shall notify the state chair of each of the established political parties for whom a candidate was listed, of the number of votes recorded in that established political party's primary that each candidate and uncommitted listing received.

115.776. The state party organization which is the state organization recognized by the national organization of that established political party shall, **after the primary and** before the national convention, conduct a series of caucuses culminating in congressional and state conventions ~~[for the purpose of nominating a candidate for the president of the United States]~~. Delegates to the national conventions shall be chosen at the congressional district and state conventions pursuant to rules established by the political parties.

115.785. All costs, as specified under 115.065, incurred from a presidential preference primary shall be paid by the state, except that, pursuant to section 115.065, costs shall be shared proportionately by the state and any political subdivisions and special districts holding an election on the same day as any such primary. For any county with more than five hundred polling places, the state shall assist in assuring adequate poll workers and equipment.

115.904. The voting procedures in sections 115.900 to 115.936 shall apply to:

- (1) A general, special, **presidential preference**, or primary election for federal office;
- (2) A general, special, or primary election for statewide or state legislative office or state ballot measure; or
- (3) Any election in which absentee voting is conducted pursuant to sections 115.275 to 115.304.

238.225. 1. Before construction or funding of any project the district shall submit the  
2 proposed project to the commission for its prior approval **which shall be by at least a two-**  
3 **thirds majority vote if the funding mechanism of the project includes a sales tax.** If the  
4 commission by minute finds that the project will improve or is a necessary or desirable  
5 extension of the state highways and transportation system, the commission may preliminarily  
6 approve the project subject to the district providing plans and specifications for the proposed  
7 project and making any revisions in the plans and specifications required by the commission  
8 and the district and commission entering into a mutually satisfactory agreement regarding  
9 development and future maintenance of the project. After such preliminary approval, the  
10 district may impose and collect such taxes and assessments as may be included in the  
11 commission's preliminary approval. After the commission approves the final construction  
12 plans and specifications, the district shall obtain prior commission approval of any  
13 modification of such plans or specifications.

14 2. If the proposed project is not intended to be merged into the state highways and  
15 transportation system under the commission's jurisdiction, the district shall also submit the  
16 proposed project and proposed plans and specifications to the local transportation authority  
17 that will become the owner of the project for its prior approval **which shall be by at least a**  
18 **two-thirds majority vote if the funding mechanism of the project includes a sales tax.**

19 3. In those instances where a local transportation authority is required to approve a  
20 project and the commission determines that it has no direct interest in that project, the  
21 commission may decline to consider the project. Approval of the project shall then vest  
22 exclusively with the local transportation authority subject to the district making any revisions  
23 in the plans and specifications required by the local transportation authority and the district  
24 and the local transportation authority entering into a mutually satisfactory agreement  
25 regarding development and future maintenance of the project. After the local transportation  
26 authority approves the final construction plans and specifications, the district shall obtain  
27 prior approval of the local transportation authority before modifying such plans or  
28 specifications.

29 4. Notwithstanding any provision of this section to the contrary, this section shall not  
30 apply to any district whose project is a public mass transportation system.

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