

SECOND REGULAR SESSION

# HOUSE BILL NO. 1604

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HINMAN.

3535H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 115.127, RSMo, and to enact in lieu thereof one new section relating to the deadline for filing declarations of candidacy.

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

Section A. Section 115.127, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.127, to read as follows:

115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice of a special election to fill a vacancy submitted pursuant to subsection 2 of section 115.125, the election authority shall cause legal notice of the special election to be published in a newspaper of general circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the election, the date and time of the election, the name of the office to be filled and the date by which candidates must be selected or filed for the office. Within one week prior to each special election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to be published in two newspapers of different political faith and general circulation in the jurisdiction. The legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the newspapers within one week prior to the election.

2. Except as provided in subsections 1 and 4 of this section and in sections 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each election held in its

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 jurisdiction to be published. The notice shall be published in two newspapers of different  
19 political faith and qualified pursuant to chapter 493 which are published within the bounds of  
20 the area holding the election. If there is only one so-qualified newspaper, then notice shall be  
21 published in only one newspaper. If there is no newspaper published within the bounds of the  
22 election area, then the notice shall be published in two qualified newspapers of different  
23 political faith serving the area. Notice shall be published twice, the first publication occurring  
24 in the second week prior to the election, and the second publication occurring within one  
25 week prior to the election. Each such legal notice shall include the date and time of the  
26 election, the name of the officer or agency calling the election and a sample ballot; and, unless  
27 notice has been given as provided by section 115.129, the second publication of notice of the  
28 election shall include the location of polling places. The election authority may provide any  
29 additional notice of the election it deems desirable.

30         3. The election authority shall print the official ballot as the same appears on the  
31 sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or  
32 official printed ballot shall be stricken or removed from the ballot except on death of a  
33 candidate or by court order, but in no event shall a candidate or issue be stricken or removed  
34 from the ballot less than eight weeks before the date of the election.

35         4. In lieu of causing legal notice to be published in accordance with any of the  
36 provisions of this chapter, the election authority in jurisdictions which have less than seven  
37 hundred fifty registered voters and in which no newspaper qualified pursuant to chapter 493 is  
38 published, may cause legal notice to be mailed during the second week prior to the election,  
39 by first class mail, to each registered voter at the voter's voting address. All such legal notices  
40 shall include the date and time of the election, the location of the polling place, the name of  
41 the officer or agency calling the election and a sample ballot.

42         5. If the opening date for filing a declaration of candidacy for any office in a political  
43 subdivision or special district is not required by law or charter, the opening filing date shall be  
44 8:00 a.m., the ~~seventeenth~~ **sixteenth** Tuesday prior to the election. If the closing date for  
45 filing a declaration of candidacy for any office in a political subdivision or special district is  
46 not required by law or charter, the closing filing date shall be 5:00 p.m., the ~~fourteenth~~  
47 **thirteenth** Tuesday prior to the election **or, if the thirteenth Tuesday prior to the election is**  
48 **a state or federal holiday, the closing filing date shall be 5:00 p.m. on the next day that is**  
49 **not a state or federal holiday.** The political subdivision or special district calling an election  
50 shall, before the ~~seventeenth~~ **sixteenth** Tuesday~~;~~ prior to any election at which offices are  
51 to be filled, notify the general public of the opening filing date, the office or offices to be  
52 filled, the proper place for filing and the closing filing date of the election. Such notification  
53 may be accomplished by legal notice published in at least one newspaper of general  
54 circulation in the political subdivision or special district.

55           6. Except as provided for in sections 115.247 and 115.359, if there is no additional  
56 cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or  
57 reprinting costs, a candidate who has filed for an office or who has been duly nominated for  
58 an office may, at any time after the certification of the notice of election required in  
59 subsection 1 of section 115.125 but no later than 5:00 p.m. on the eighth Tuesday before the  
60 election, withdraw as a candidate pursuant to a court order, which, except for good cause  
61 shown by the election authority in opposition thereto, shall be freely given upon application  
62 by the candidate to the circuit court of the area of such candidate's residence.

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