

SECOND REGULAR SESSION

HOUSE BILL NO. 2605

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

4968H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 108.240, 115.127, 116.250, and 190.050, RSMo, and to enact in lieu thereof four new sections relating to elections.

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

Section A. Sections 108.240, 115.127, 116.250, and 190.050, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 108.240, 115.127, 116.250,
3 and 190.050, to read as follows:

108.240. 1. Before any general obligation bearer bond or general obligation
2 registered bond, hereafter issued by any county, township, city, town, village or school district
3 or special road district or fire protection district or by virtue of the provisions of chapters 243,
4 245, 248, and sections 242.010 to 242.690 for any purpose whatever, shall obtain validity or
5 be negotiated:

6 (1) If such bonds are in bearer form, such bonds shall first be presented to the state
7 auditor, who, other provisions of law notwithstanding, shall certify by manual or facsimile
8 endorsement of such bonds that all conditions of the laws have been complied with in its
9 issue, if that be the case, and also that the conditions of the contract, under which they were
10 ordered to be issued, have also been complied with and the evidence of that fact shall be filed
11 and preserved by the auditor. The state auditor may endorse bearer bonds with the auditor's
12 facsimile signature in lieu of manual signature after filing the auditor's manual signature,
13 certified by the auditor under oath, with the secretary of state; and

14 (2) If such bonds are in registered form, the proceedings relating to the issuance of
15 such registered bonds shall first be presented to the state auditor, who shall examine the same
16 and shall issue a certificate that such proceedings comply with all conditions of the laws, if

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.

17 that be the case, and also that the conditions of the contract, under which they were ordered to
18 be issued, have also been complied with, and the evidence of these facts shall be filed and
19 preserved by the auditor. The state auditor shall also maintain the following information: the
20 name of the issuer of the bonds; the amount thereof; the maturity dates thereof; the interest
21 rates thereon; and the provisions with respect to prepayment, if any.

22 2. Such bearer bonds after receiving the said certificate of the auditor as herein
23 provided and such registered bonds after the issuance of the said certificate as herein provided
24 shall thereafter be held in every action, suit or proceeding in which their validity is, or may
25 be, brought into question, prima facie, valid and binding obligations, and in every action
26 brought to enforce collection of such bonds, the certificate of such auditor, or a duly certified
27 copy thereof, shall be admitted and received in evidence of the validity of such bonds,
28 together with the coupons thereto attached if any; provided, the only defense which can be
29 offered against the validity of such bonds shall be for forgery or fraud. But this section shall
30 not be construed to give validity to any such bonds as may be issued in excess of the limit
31 fixed by the constitution, or contrary to its provisions, but all such bonds shall, to the extent of
32 such excess, be held void; and provided further, that the remedy of injunction shall also lie at
33 the instance of any taxpayer of the respective county, city, town, village, township or school
34 district or special road district or fire protection district or drainage district or levy district to
35 prevent the registration of any bonds, alleged to be illegally issued or funded.

36 **3. For purposes of subsection 1 of this section, once the time period set forth in**
37 **section 115.557 has expired, if no election contest has been brought, all conditions of**
38 **chapter 115 shall be deemed as having been complied with in the issuance of the bond.**

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

16 2.] Except as provided in [~~subsections 1 and 4~~] **subsection 3** of this section and in
17 sections 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each
18 election held in its jurisdiction to be published. The notice shall be published in [~~two~~
19 ~~newspapers of different political faith and~~] **at least one newspaper** qualified pursuant to
20 chapter 493 which [~~are published within the bounds of the area holding the election~~] **is**
21 **circulated in the jurisdiction of the election authority.** [~~If there is only one so qualified~~
22 ~~newspaper, then notice shall be published in only one newspaper.~~] If there is no newspaper
23 [~~published within the bounds of the election area~~] **circulated in the jurisdiction of the**
24 **election authority**, then the notice shall be published in [~~two qualified newspapers of~~
25 ~~different political faith serving the area~~] **a newspaper reasonably expected to inform the**
26 **area holding the election.** Notice shall be published twice[~~, the first publication occurring in~~
27 ~~the second week~~] **within six weeks** prior to the election[~~, and the second publication~~
28 ~~occurring within one week prior to the election~~]. Each such legal notice shall include the date
29 and time of the election, the name of the officer or agency calling the election and a sample
30 ballot; and, unless notice has been given as provided by section 115.129, [~~the second~~
31 ~~publication of notice~~] **one of the notices** of the election shall include the location of polling
32 places. The election authority may provide any additional notice of the election it deems
33 desirable.

34 [3-] **2.** The election authority shall print the official ballot as the same appears on the
35 sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or
36 official printed ballot shall be stricken or removed from the ballot except on death of a
37 candidate or by court order, but in no event shall a candidate or issue be stricken or removed
38 from the ballot less than eight weeks before the date of the election.

39 [4-] **3.** In lieu of causing legal notice to be published in accordance with any of the
40 provisions of this chapter, the election authority [~~in jurisdictions which have less than seven~~
41 ~~hundred fifty registered voters and in which no newspaper qualified pursuant to chapter 493 is~~
42 ~~published,~~] may cause legal notice to be mailed [~~during the second week prior to the election,~~
43 ~~by first class mail,~~] **within six weeks prior to the election** to each registered voter at the
44 voter's voting address. **An election authority may exclude from this mailing any voter**
45 **that is designated as an inactive voter under the provisions of subsection 5 of section**
46 **115.193.** All such legal notices shall include the date and time of the election, the location of
47 the polling place, the name of the officer or agency calling the election and a sample ballot.

48 [5-] **4.** If the opening date for filing a declaration of candidacy for any office in a
49 political subdivision or special district is not required by law or charter, the opening filing
50 date shall be 8:00 a.m., the seventeenth Tuesday prior to the election. If the closing date for
51 filing a declaration of candidacy for any office in a political subdivision or special district is
52 not required by law or charter, the closing filing date shall be 5:00 p.m., the fourteenth

53 Tuesday prior to the election. The political subdivision or special district calling an election
54 shall, before the seventeenth Tuesday, prior to any election at which offices are to be filled,
55 notify the general public of the opening filing date, the office or offices to be filled, the proper
56 place for filing and the closing filing date of the election. Such notification may be
57 accomplished by legal notice published in at least one newspaper of general circulation in the
58 political subdivision or special district.

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

116.250. On receiving a notice under section 116.240, each election authority shall
2 cause the legal notice to be published in accordance with subsection ~~[2]~~ 1 of section 115.127.

190.050. 1. After the ambulance district has been declared organized, the declaring
2 county commission, except in counties of the second class having more than one hundred five
3 thousand inhabitants located adjacent to a county of the first class having a charter form of
4 government which has a population of over nine hundred thousand inhabitants, shall divide
5 the district into six election districts as equal in population as possible, and shall by lot
6 number the districts from one to six inclusive. The county commission shall cause an election
7 to be held in the ambulance district within ninety days after the order establishing the
8 ambulance district to elect ambulance district directors. Each voter shall vote for one director
9 from the ambulance election district in which the voter resides. The directors elected from
10 districts one and four shall serve for a term of one year, the directors elected from districts
11 two and five shall serve for a term of two years, and the directors from districts three and six
12 shall serve for a term of three years; thereafter, the terms of all directors shall be three years.
13 All directors shall serve the term to which they were elected or appointed, and until their
14 successors are elected and qualified, except in cases of resignation or disqualification. The
15 county commission shall reapportion the ambulance districts within sixty days after the
16 population of the county is reported to the governor for each decennial census of the United
17 States. Notwithstanding any other provision of law, if the number of candidates for the office
18 of director is no greater than the number of directors to be elected, no election shall be held,
19 and the candidates shall assume the responsibilities of their offices at the same time and in the
20 same manner as if they have been elected.

21 2. In all counties of the second class having more than one hundred five thousand
22 inhabitants located adjacent to a county of the first class having a charter form of government
23 which has a population of over nine hundred thousand inhabitants, the voters shall vote for six
24 directors elected at large from within the district for a term of three years. Those directors
25 holding office in any district in such a county on August 13, 1976, shall continue to hold
26 office until the expiration of their terms, and their successors shall be elected from the district
27 at large for a term of three years. In any district formed in such counties after August 13,
28 1976, the governing body of the county shall cause an election to be held in that district
29 within ninety days after the order establishing the ambulance district to elect ambulance
30 district directors. Each voter shall vote for six directors. The two candidates receiving the
31 highest number of votes at such election shall be elected for a term of three years, the two
32 candidates receiving the third and fourth highest number of votes shall be elected for a term of
33 two years, the two candidates receiving the fifth and sixth highest number of votes shall be
34 elected for a term of one year; thereafter, the term of all directors shall be three years.

35 3. A candidate for director of the ambulance district shall, at the time of filing, be a
36 citizen of the United States, a qualified voter of the election district as provided in subsection
37 1 of this section, a resident of the district for two years next preceding the election, and shall
38 be at least twenty-four years of age. In an established district which is located within the
39 jurisdiction of more than one election authority, the candidate shall file his or her declaration
40 of candidacy with the secretary of the board. In all other districts, a candidate shall file a
41 declaration of candidacy with the county clerk of the county in which he or she resides. A
42 candidate shall file a statement under oath that he or she possesses the required qualifications.
43 No candidate's name shall be printed on any official ballot unless the candidate has filed a
44 written declaration of candidacy pursuant to subsection ~~[5]~~ 4 of section 115.127. If the time
45 between the county commission's call for a special election and the date of the election is not
46 sufficient to allow compliance with subsection ~~[5]~~ 4 of section 115.127, the county
47 commission shall, at the time it calls the special election, set the closing date for filing
48 declarations of candidacy.

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