

FIRST REGULAR SESSION

HOUSE BILL NO. 694

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES.

1722L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.121, 115.123, and 115.755, RSMo, and to enact in lieu thereof two new sections relating to public election dates.

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

Section A. Sections 115.121, 115.123, and 115.755, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.121 and 115.123, to read as follows:

2 115.121. 1. The general election day shall be the first Tuesday after the first Monday in
2 November of even-numbered years.

3 2. The primary election day shall be the [first] **second** Tuesday after the first Monday
4 in [August] **June** of even-numbered years.

5 3. The election day for the election of political subdivision and special district officers
6 shall be the first Tuesday after the first Monday in April each year; and shall be known as the
7 general municipal election day.

8 4. In addition to the primary election day provided for in subsection 2 of this section, for
9 the year 2003, the first Tuesday after the first Monday in August, 2003, also shall be a primary
10 election day for the purpose of permitting school districts and other political subdivisions of
11 Missouri to incur debt in accordance with the provisions of article VI, section 26(a) through
12 26(g) of the Missouri Constitution, with the approval of four-sevenths of the eligible voters of
13 such school district or other political subdivision voting thereon, to provide funds for the
14 acquisition, construction, equipping, improving, restoration, and furnishing of facilities to
15 replace, repair, reconstruct, reequip, restore, and refurnish facilities damaged, destroyed, or lost
16 due to severe weather, including, without limitation, windstorms, hail storms, flooding, tornadic
17 winds, rainstorms and the like which occurred during the month of April or May, 2003.

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 5. Notwithstanding the provisions of subsection 1 of section 115.125, the officer or
19 agency calling an election on the first Tuesday after the first Monday of August, 2003, shall
20 notify the election authorities responsible for conducting the election not later than 5:00 p.m. on
21 the sixth Tuesday prior to the election. For purposes of any such election, all references in
22 section 115.125 to the tenth Tuesday prior to such election shall be deemed to refer to the sixth
23 Tuesday prior to such election.

24 6. In addition to the general election day provided for in subsection 1 of this section, for
25 the year 2009 the first Tuesday after the first Monday in November shall be a general election
26 day for the purpose of permitting school districts to incur debt in accordance with the provisions
27 of article VI, section 26(a) through 26(g) of the Missouri Constitution, with the approval of
28 four-sevenths of the eligible voters of such school district, to provide funds for school districts
29 to acquire, construct, equip, improve, restore, and furnish public school facilities in accordance
30 with the provisions of Section 54F of the Internal Revenue Code of 1986, as amended, which
31 provides for qualified school construction bonds and the provisions of Section 54AA of the
32 Internal Revenue Code of 1986, as amended, which provides for build America bonds, as well
33 as in accordance with the provisions of Section 103 of the Internal Revenue Code of 1986, as
34 amended, which provides for traditional government bonds.

115.123. 1. All public elections shall be held on Tuesday. Except as provided in
2 subsections 2, 3, and 4 of this section, and section 247.180, all public elections shall be held on
3 the general election day, the primary election day, the general municipal election day, the first
4 Tuesday after the first Monday in February or November, or on another day expressly provided
5 by city or county charter, the first Tuesday after the first Monday in June and in nonprimary years
6 on the first Tuesday after the first Monday in August.

7 2. Notwithstanding the provisions of subsection 1 of this section, an election for a
8 presidential primary held pursuant to sections [115.755] **115.758** to 115.785 shall be held on the
9 [first] **second** Tuesday after the first Monday in [March] **June** of each presidential election year.

10 3. The following elections shall be exempt from the provisions of subsection 1 of this
11 section:

- 12 (1) Bond elections necessitated by fire, vandalism or natural disaster;
- 13 (2) Elections for which ownership of real property is required by law for voting; and
- 14 (3) Special elections to fill vacancies and to decide tie votes or election contests.

15 4. No city or county shall adopt a charter or charter amendment which calls for elections
16 to be held on dates other than those established in subsection 1 of this section.

17 5. Nothing in this section prohibits a charter city or county from having its primary
18 election in March if the charter provided for a March primary before August 28, 1999.

19 6. Nothing in this section shall prohibit elections held pursuant to section 65.600, but no
20 other issues shall be on the March ballot except pursuant to this chapter.

2 [115.755. A statewide presidential preference primary shall be held on
3 the first Tuesday after the first Monday in February of each presidential election
year.]

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