

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 348**  
**97TH GENERAL ASSEMBLY**

0476H.06C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 52.010, 54.040, 54.330, 78.090, 115.003, 115.005, 115.007, 115.115, 115.249, 115.259, 115.277, 115.281, 115.283, 115.299, 115.300, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.601, 162.481, 162.492, 247.060, and 247.080, RSMo, and to enact in lieu thereof twenty-nine new sections relating to elections.

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

Section A. Sections 52.010, 54.040, 54.330, 78.090, 115.003, 115.005, 115.007, 2 115.115, 115.249, 115.259, 115.277, 115.281, 115.283, 115.299, 115.300, 115.383, 115.419, 3 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.601, 162.481, 162.492, 4 247.060, and 247.080, RSMo, are repealed and twenty-nine new sections enacted in lieu thereof, 5 to be known as sections 52.010, 54.040, 54.330, 78.090, 115.003, 115.005, 115.007, 115.115, 6 115.249, 115.259, 115.277, 115.281, 115.283, 115.299, 115.300, 115.383, 115.419, 115.423, 7 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, 115.601, 162.481, 162.492, 247.060, and 8 247.080, to read as follows:

52.010. 1. At the general election in 1906, and every four years thereafter, a collector, 2 to be styled the collector of the revenue, shall be elected in each of the counties of this state, 3 except counties under township organization, who shall hold his or her office for four years and 4 until his successor is duly elected and qualified. The collector shall reside in the county from 5 which such person is elected throughout his or her term in office.

2. Except in any county with a charter form of government, a candidate for the office of 7 collector shall be at least twenty-one years of age and a resident of the state and the county in 8 which he or she is a candidate for at least one year prior to the date of filing for such office. The

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.

9 candidate shall be a registered voter and current in the payment of all state income taxes and  
10 personal and real property taxes.

11 **3. The candidate shall present to the election authority a copy of a signed affidavit**  
12 **from a surety company authorized to do business in this state, indicating that the candidate**  
13 **meets the statutory bond requirements for the office for which the candidate is filing.**

54.040. 1. **Except in a county with a charter form of government,** a candidate for  
2 county treasurer shall be at least twenty-one years of age and a resident of the state of Missouri  
3 and the county in which he or she is a candidate for at least one year prior to the date of the  
4 general election for such office. The candidate shall also be a registered voter and shall be  
5 current in the payment of all personal and real estate taxes. Upon election to such office, the  
6 person shall continue to reside in that county during his or her tenure in office. **Each candidate**  
7 **for county treasurer shall also provide to the election authority a copy of a signed affidavit**  
8 **from a surety company authorized to do business in this state indicating that the candidate**  
9 **meets the bond requirements for the office of county treasurer under this chapter.**

10 2. No sheriff, marshal, clerk or collector, or the deputy of any such officer, shall be  
11 eligible to the office of treasurer of any county.

54.330. 1. A candidate for county collector-treasurer shall be at least twenty-one years  
2 of age and a resident of the county in which he or she is a candidate for at least one year prior to  
3 the date of filing for the office. The candidate shall also be a registered voter and shall be current  
4 in the payment of all state income taxes and personal and real property taxes. A  
5 collector-treasurer shall reside in the county throughout his or her term in office and shall remain  
6 in office until a successor is duly elected and qualified. **Each candidate for county collector-**  
7 **treasurer shall also provide to the election authority a copy of a signed affidavit from a**  
8 **surety company authorized to do business in this state indicating that the candidate meets**  
9 **the bond requirements for the office of county collector-treasurer under this chapter.**

10 2. County collector-treasurers shall be required to give bonds as other county collectors  
11 under the general revenue law, and shall have the sole authority to appoint deputies as provided  
12 to other county collectors under section 52.300.

13 3. Before entering upon the duties for which they are employed, deputies and assistants  
14 employed in the office of any collector-treasurer shall give bond and security to the satisfaction  
15 of the collector-treasurer. The bond for each individual deputy or assistant shall not exceed  
16 one-half of the amount of the maximum bond required for any collector-treasurer. The official  
17 bond required pursuant to this section shall be a surety bond with a surety company authorized  
18 to do business in this state. The premium of the bond shall be paid by the county or city being  
19 protected.

20 4. In the event of a vacancy caused by death, resignation, or otherwise, in the office of  
21 collector-treasurer, the county clerk shall follow the procedures in section 52.180 that apply  
22 when there is a vacancy in the office of collector in other counties.

78.090. **1.** Candidates to be voted for at all general municipal elections at which a mayor  
2 and councilmen are to be elected under the provisions of sections 78.010 to [78.420] **78.400** shall  
3 be nominated by a primary election, **except as provided in this section**, and no other names  
4 shall be placed upon the general ballot except those selected in the manner herein prescribed.  
5 The primary election for such nomination shall be held on the first Tuesday after the first  
6 Monday in February preceding the municipal election.

7 **2. (1) In lieu of conducting a primary election under this section, any city organized**  
8 **under sections 78.010 to 78.400 may, by order or ordinance, provide for the elimination of**  
9 **the primary election and the conduct of elections for mayor and councilman as provided**  
10 **in this subsection.**

11 **(2) Any person desiring to become a candidate for mayor or councilman shall file**  
12 **with the city clerk a signed statement of such candidacy, stating whether such person is a**  
13 **resident of the city and a qualified voter of the city, that the person desires to be a**  
14 **candidate for nomination to the office of mayor or councilman to be voted upon at the next**  
15 **municipal election for such office, that the person is eligible for such office, that the person**  
16 **requests to be placed on the ballot, and that such person will serve if elected. Such**  
17 **statement shall be sworn to or affirmed before the city clerk.**

18 **(3) Under the requirements of section 115.023, the city clerk shall notify the**  
19 **requisite election authority who shall cause the official ballots to be printed, and the names**  
20 **of the candidates shall appear on the ballots in the order that their statements of candidacy**  
21 **were filed with the city clerk. Above the names of the candidates shall appear the words**  
22 **"Vote for (number to be elected)". The ballot shall also include a warning that voting for**  
23 **more than the total number of candidates to be elected to any office invalidates the ballot.**

115.003. The purpose of sections 115.001 to 115.[641] **801** [and sections 51.450 and  
2 51.460] is to simplify, clarify and harmonize the laws governing elections. It shall be construed  
3 and applied so as to accomplish its purpose.

115.005. Notwithstanding any other provision of law to the contrary, sections 115.001  
2 to 115.[641] **801** shall apply to all public elections in the state, except elections for which  
3 ownership of real property is required by law for voting.

115.007. No part of sections 115.001 to 115.[641] **801** [and sections 51.450 and 51.460]  
2 shall be construed as impliedly amended or repealed by subsequent legislation if such  
3 construction can be reasonably avoided.

115.115. 1. Except as provided in subsection 2 of this section or in section 115.436, for each election within its jurisdiction, the election authority shall designate a polling place for each precinct within which any voter is entitled to vote at the election.

2. For any election, the election authority shall have the right to consolidate two or more adjoining precincts for voting at a single polling place and to designate one set of judges to conduct the election for such precincts. Voters shall be notified of the place for voting in the manner provided in section 115.127 or 115.129.

3. No person shall be required to go to more than one polling place to vote on the same day.

4. Prior to the opening of the polling places on any election day, if candidates or issues for more than one political subdivision or district are to be voted for at one precinct, the election authority for that precinct shall provide color-coded ballots, or ballots with other distinguishing codes, to show what candidates and issues the voter is eligible to vote, based on the voter's place of residence, so that on election day no voter will have an opportunity to vote for candidates or issues for which the voter is not entitled to vote. If such ballots are not available, the election authority shall be notified and voting at that precinct shall not begin until appropriate ballots are available.

5. Each local election authority shall designate one common site and may designate up to four additional common sites as election day central polling places designed for accessibility to voters who have physical disabilities, the elderly, and any other registered voter authorized by law to vote at a central polling place. Such sites shall conform to nationally accepted accessibility standards. In addition to being able to supply such voters with their appropriate ballots, and being open during regular voting hours, such a polling place shall otherwise be staffed and operated in accordance with law, especially as provided in subsection 3 of section 115.436 and subsection 3 of section 115.445, and like any other polling place, insofar as possible.

6. Subject to receipt of sufficient Section 261 funds authorized by the Help America Vote Act of 2002, the secretary of state shall develop a comprehensive plan for increased polling place accessibility. The secretary of state shall apply for funds pursuant to Section 261 of the Help America Vote Act of 2002 and may allocate Section 101 of the Help America Vote Act of 2002 funding after reaching full compliance of Title III of the Help America Vote Act of 2002. Any funds received pursuant to Section 291 of the Help America Vote Act of 2002 may be used for provisions of this section. The plan shall include:

(1) Completion of a comprehensive audit of current polling place accessibility using nationally accepted standards for architectural accessibility such as the Federal Election Commission Polling Place Accessibility Survey or other survey developed using the Americans

37 with Disabilities Act Accessibility Guidelines. Audits shall be completed no later than twelve  
38 months after receipt of Section 261 of the Help America Vote Act of 2002 funds. The audit shall  
39 include recommendations and cost estimates for each polling place to achieve accessibility and  
40 shall be procured in accordance with chapter 34;

41 (2) Development of the plan, including time lines for barrier removal and funding needed  
42 to achieve one hundred percent polling place accessibility within twenty-four months after the  
43 completion of the audit. The implementation plan may be used by local election authorities in  
44 applying for any available federal and state funds available to improve polling place accessibility  
45 and shall be submitted to the general assembly by the secretary of state for use in determining  
46 future requirements and funding needs for polling place accessibility;

47 (3) Establishment of an oversight committee made up of individuals with disabilities,  
48 disability organizations, advocates, and election officials to assist the activities pursuant to this  
49 section.

50

51 Nothing in this section shall be construed to limit the ability of local election authorities to apply  
52 for and receive grants for polling place accessibility pursuant to Section 261 of the Help America  
53 Vote Act of 2002 prior to the completion of the survey authorized pursuant to this section.  
54 Improvements to polling places made with grants received pursuant to Section 261 of the Help  
55 America Vote Act of 2002 shall be used to meet standards as outlined in this section unless the  
56 requirements of the grant exceed these requirements.

57 **7. Each local election authority may designate a polling place within its jurisdiction**  
58 **as the polling place of each person required to register as a sexual offender under sections**  
59 **589.400 to 589.425 who resides within the jurisdiction. Each local election authority shall**  
60 **also notify each such person that the person may vote by absentee ballot if the person is**  
61 **unable to vote at the designated polling place.**

115.249. No voting machine shall be used unless it:

2 (1) Permits voting in absolute secrecy;

3 (2) Permits each voter to vote for as many candidates for each office as he is lawfully  
4 entitled to vote for, and no other;

5 (3) Permits each voter to vote for or against as many questions as he is lawfully entitled  
6 to vote on, and no more;

7 (4) Provides facilities for each voter to cast as many write-in votes for each office as he  
8 is lawfully entitled to cast;

9 (5) Permits each voter in a primary election to vote for the candidates of only one party  
10 announced by the voter in advance;

11            [(6) Permits each voter at a presidential election to vote by use of a single lever for the  
12 candidates of one party or group of petitioners for president, vice president and their presidential  
13 electors;

14            (7)] (6) Correctly registers or records and accurately counts all votes cast for each  
15 candidate and for and against each question;

16            [(8)] (7) Is provided with a lock or locks which prevent any movement of the voting or  
17 registering mechanism and any tampering with the mechanism;

18            [(9)] (8) Is provided with a protective counter or other device whereby any operation of  
19 the machine before or after an election will be detected;

20            [(10)] (9) Is provided with a counter which shows at all times during the election how  
21 many people have voted on the machine;

22            [(11)] (10) Is provided with a proper light which enables each voter, while voting, to  
23 clearly see the ballot labels[;

24            (12) Is provided with a mechanical model, illustrating the manner of voting on the  
25 machine, suitable for the instruction of voters].

115.259. At each polling place using voting machines, the exterior of the voting  
2 machines shall be in plain view of the election judges. [Each voting machine shall be so placed  
3 that, unless its construction requires otherwise, the ballot labels can be plainly seen by the  
4 election judges when not in use by voters.] The election judges shall not be nor permit any other  
5 person to be in any position, or near any position, that enables them to see how any voter votes  
6 or has voted. The election judges may inspect any machine as necessary to make sure the ballot  
7 label is in its proper place and that the machine has not been damaged.

115.277. 1. Except as provided in subsections 3, 4 and 5 of this section, any registered  
2 voter of this state may vote by absentee ballot for all candidates and issues for which such voter  
3 would be eligible to vote at the polling place if such voter expects to be prevented from going  
4 to the polls to vote on election day due to:

5            (1) Absence on election day from the jurisdiction of the election authority in which such  
6 voter is registered to vote;

7            (2) Incapacity or confinement due to illness or physical disability, including a person  
8 who is primarily responsible for the physical care of a person who is incapacitated or confined  
9 due to illness or disability;

10            (3) Religious belief or practice;

11            (4) Employment as an election authority, as a member of an election authority, or by an  
12 election authority at a location other than such voter's polling place;

13            (5) Incarceration, provided all qualifications for voting are retained.

14           2. Any person in federal service, as defined in section 115.275, who is eligible to register  
15 and vote in this state but is not registered may vote only in the election of presidential and vice  
16 presidential electors, United States senator and representative in Congress even though the  
17 person is not registered. Each person in federal service may vote by absentee ballot or, upon  
18 submitting an affidavit that the person is qualified to vote in the election, may vote at the person's  
19 polling place.

20           3. Any interstate former resident, as defined in section 115.275, may vote by absentee  
21 ballot for presidential and vice presidential electors.

22           4. Any intrastate new resident, as defined in section 115.275, may vote by absentee ballot  
23 at the election for presidential and vice presidential electors, United States senator, representative  
24 in Congress, statewide elected officials and statewide questions, propositions and amendments  
25 from such resident's new jurisdiction of residence after registering to vote in such resident's new  
26 jurisdiction of residence.

27           5. Any new resident, as defined in section 115.275, may vote by absentee ballot for  
28 presidential and vice presidential electors after registering to vote in such resident's new  
29 jurisdiction of residence.

30           **6. Any registered voter required to register as a sexual offender under sections**  
31 **589.400 to 589.425 may vote by absentee ballot for all candidates and issues for which such**  
32 **voter would be eligible to vote at the polling place.**

115.281. 1. Except as provided in subsection 3 of this section, not later than the sixth  
2 Tuesday prior to each election, or within fourteen days after candidates' names or questions are  
3 certified pursuant to section 115.125, the election authority shall cause to have printed and made  
4 available a sufficient quantity of absentee ballots, ballot envelopes and mailing envelopes. As  
5 soon as possible after the proper officer calls a special state or county election, the election  
6 authority shall cause to have printed and made available a sufficient quantity of absentee ballots,  
7 ballot envelopes and mailing envelopes.

8           2. All absentee ballots for an election shall be in the same form as the official ballots for  
9 the election[, except that in lieu of the words "Official Ballot" at the top of the ballot, the words  
10 "Official Absentee Ballot" shall appear].

11           3. Not later than forty-five days before each general, primary, and special election for  
12 federal office, the election authority shall cause to have printed and made available a sufficient  
13 quantity of absentee ballots, ballot envelopes, and mailing envelopes for absent uniformed  
14 services voters and overseas voters and shall begin transmitting such ballots to absent uniformed  
15 services and overseas voters who have submitted an absentee ballot application.

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state  
2 the voter's name, the voter's voting address, the voter's mailing address and the voter's reason for

3 voting an absentee ballot. On the form, the voter shall also state under penalties of perjury that  
 4 the voter is qualified to vote in the election, that the voter has not previously voted and will not  
 5 vote again in the election, that the voter has personally marked the voter's ballot in secret or  
 6 supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has  
 7 been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the  
 8 voter is unable to seal it, and that all information contained in the statement is true. In addition,  
 9 any person providing assistance to the absentee voter shall include a statement on the envelope  
 10 identifying the person providing assistance under penalties of perjury. Persons authorized to vote  
 11 only for federal and statewide officers shall also state their former Missouri residence.

12 2. The statement for persons voting absentee ballots who are registered voters shall be  
 13 in substantially the following form:

14 State of Missouri

15 County (City) of .....

16 I, ..... (print name), a registered voter of ..... County (City  
 17 of St. Louis, Kansas City), declare under the penalties of perjury that [I expect to be prevented  
 18 from going to the polls on election day due to] **I request an absentee ballot for the following**

19 **reason** (check one):

20 ..... absence on election day from the jurisdiction of  
 21 the election authority in which I am registered;

22 ..... incapacity or confinement due to illness or  
 23 physical disability, including caring for a person  
 24 who is incapacitated or confined due to illness or  
 25 disability;

26 ..... religious belief or practice;

27 ..... employment as an election authority or by an  
 28 election authority at a location other than my  
 29 polling place;

30 ..... incarceration, although I have retained all the  
 31 necessary qualifications for voting;

32 ..... **required to register as a sexual offender under**  
 33 **sections 589.400 to 589.425.**

34 I hereby state under penalties of perjury that I am qualified to vote at this election; I have not  
 35 voted and will not vote other than by this ballot at this election. I further state that I marked the  
 36 enclosed ballot in secret or that I am blind, unable to read or write English, or physically  
 37 incapable of marking the ballot, and the person of my choosing indicated below marked the



74 service in one of the groups mentioned above within  
 75 sixty days of this election;  
 76 ..... am a spouse or dependent of one of the above;  
 77 ..... am a registered voter in ..... County and  
 78 moved from that county to ..... County,  
 79 Missouri, after the last day to register to vote in  
 80 this election.

81 OR (check if applicable)

82 (2) ..... I am an interstate former resident of Missouri and authorized to vote for  
 83 presidential and vice presidential electors. I further state under penalties of perjury that I have  
 84 not voted and will not vote other than by this ballot at this election; I marked the enclosed ballot  
 85 in secret or am blind, unable to read or write English, or physically incapable of marking the  
 86 ballot, and the person of my choosing indicated below marked the ballot at my direction; all of  
 87 the information on this statement is, to the best of my knowledge and belief, true.

88 ..... Subscribed to and sworn  
 89 Signature of Voter before me this ..... day  
 90 of ....., .....

91 .....  
 92 .....  
 93 Address of Voter Signature of notary or  
 94 other officer authorized  
 95 to administer oaths

96 .....  
 97 .....  
 98 Mailing Address  
 99 (if different) .....

100 .....  
 101 ..... Address of Last  
 102 Signature of Person Missouri Residence  
 103 Assisting Voter (if applicable)

104 4. The statement for persons voting absentee ballots who are entitled to vote at the  
 105 election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially  
 106 the following form:

107 State of Missouri  
 108 County (City) of .....

109 I, ..... (print name), declare under the penalties of perjury that [I expect to  
110 be prevented from going to the polls on election day due to] **I request an absentee ballot for**  
111 **the following reason** (check one):

- 112 ..... absence on election day from the jurisdiction of the
- 113 election authority in which I am directed to vote;
- 114 ..... incapacity or confinement due to illness or physical disability,
- 115 including caring for a person who is incapacitated or confined
- 116 due to illness or disability;
- 117 ..... religious belief or practice;
- 118 ..... employment as an election authority or by an election authority
- 119 at a location other than my polling place;
- 120 ..... incarceration, although I have retained all the necessary
- 121 qualifications of voting;
- 122 ..... **required to register as a sexual offender under**
- 123 **sections 589.400 to 589.425.**

124 I hereby state under penalties of perjury that I own property in the ..... district and am  
125 qualified to vote at this election; I have not voted and will not vote other than by this ballot at  
126 this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable  
127 to read and write English, or physically incapable of marking the ballot, and the person of my  
128 choosing indicated below marked the ballot at my direction; all of the information on this  
129 statement is, to the best of my knowledge and belief, true.

130 ..... Subscribed and sworn to  
131 Signature of Voter before me this ..... day  
132 of ....., .....

133 .....  
134 .....  
135 Address Signature of notary or  
136 other officer authorized  
137 to administer oaths

138 .....  
139 Signature of Person  
140 Assisting Voter  
141 (if applicable)

142 5. The statement for persons providing assistance to absentee voters shall be in  
143 substantially the following form:

144 The voter needed assistance in marking the ballot and signing above, because of blindness, other  
145 physical disability, or inability to read or to read English. I marked the ballot enclosed in this  
146 envelope at the voter's direction, when I was alone with the voter, and I had no other  
147 communication with the voter as to how he or she was to vote. The voter swore or affirmed the  
148 voter affidavit above and I then signed the voter's name and completed the other voter  
149 information above. Signed under the penalties of perjury.

150 Reason why voter needed assistance: .....

151 ASSISTING PERSON SIGN HERE

- 152 1. .... (signature of assisting person)
- 153 2. .... (assisting person's name printed)
- 154 3. .... (assisting person's residence)
- 155 4. .... (assisting person's home city or town).

156 6. Notwithstanding any other provision of this section, any resident of the state of  
157 Missouri who resides outside the boundaries of the United States or who is on active duty with  
158 the Armed Forces of the United States or members of their immediate family living with them  
159 or persons who have declared themselves to be permanently disabled pursuant to section  
160 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or signature on  
161 his or her absentee ballot.

162 7. Notwithstanding any other provision of this section or section 115.291 to the contrary,  
163 the subscription, signature and seal of a notary or other officer authorized to administer oaths  
164 shall not be required on any ballot, ballot envelope, or statement required by this section if the  
165 reason for the voter voting absentee is due to the reasons established pursuant to subdivision (2)  
166 of subsection 1 of section 115.277.

167 8. No notary shall charge or collect a fee for notarizing the signature on any absentee  
168 ballot or absentee voter registration.

169 9. A notary public who charges more than the maximum fee specified or who charges  
170 or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration  
171 is guilty of official misconduct.

115.299. 1. To count absentee votes on election day, the election authority shall appoint  
2 a sufficient number of teams of election judges **comprised of an equal number of judges** [.  
3 Each team shall consist of four judges, two] from each major political party.

4 2. The teams so appointed shall meet on election day after the time fixed by law for the  
5 opening of the polls at a central location designated by the election authority. The election  
6 authority shall deliver the absentee ballots to the teams, and shall maintain a record of the  
7 delivery. The record shall include the number of ballots delivered to each team and shall include  
8 a signed receipt from two judges, one from each major political party. The election authority

9 shall provide each team with a ballot box, tally sheets and statements of returns as are provided  
10 to a polling place.

11 3. Each team shall count votes on all absentee ballots designated by the election  
12 authority.

13 4. One member of each team, closely observed by another member of the team from a  
14 different political party, shall open each envelope and call the voter's name in a clear voice.  
15 Without unfolding the ballot, two team members, one from each major political party, shall  
16 initial the ballot, and an election judge shall place the ballot, still folded, in a ballot box. No  
17 ballot box shall be opened until all of the ballots a team is counting have been placed in the box.  
18 The votes shall be tallied and the returns made as provided in sections 115.447 to 115.525 for  
19 paper ballots. After the votes on all ballots assigned to a team have been counted, the ballots and  
20 ballot envelopes shall be placed on a string and enclosed in sealed containers marked "voted  
21 absentee ballots and ballot envelopes from the election held ....., 20....". All rejected  
22 absentee ballots and envelopes shall be enclosed and sealed in a separate container marked  
23 "rejected absentee ballots and envelopes from the election held ....., 20....". On the  
24 outside of each voted ballot and rejected ballot container, each member of the team shall write  
25 his name, and all such containers shall be returned to the election authority. Upon receipt of the  
26 returns and ballots, the election authority shall tabulate the absentee vote along with the votes  
27 certified from each polling place in its jurisdiction.

115.300. In each jurisdiction, the election authority may start, not earlier than the [fifth]  
2 **fourteenth** day prior to the election, the preparation of absentee ballots for tabulation on the  
3 election day. The election authority shall give notice to the county chairman of each major  
4 political party forty-eight hours prior to beginning preparation of absentee ballot envelopes.  
5 Absentee ballot preparation shall be completed by teams of election authority employees or  
6 teams of election judges, with each team consisting of one member from each major political  
7 party. **The fourteenth day preparation period for the tabulation of absentee ballots shall**  
8 **apply only to general and primary elections. Otherwise, the time limitation for the**  
9 **preparation of absentee ballots for tabulation shall be five days.** [Absentee ballots shall not  
10 be counted by the same persons as those who removed such ballots from their envelopes.]

115.383. Any election authority duly notified that a name is to be removed from the  
2 ballot or that a new candidate has been selected shall have the proper corrections made on the  
3 ballot before the ballot is delivered to or while it is in the hands of the printer. [If time does not  
4 permit correction of the printed ballot, the election authority shall have prepared small pasters,  
5 suitable for covering the name to be removed on the ballots, ballot labels or on the protective  
6 covering of each voting machine. If a candidate is replaced by a candidate pursuant to the  
7 provisions of sections 115.361 to 115.377, the paster shall contain the name to be substituted in

8 letters of the same size and type as all other names on the ballot. The appropriate election  
9 authorities shall see that such pasters are properly applied to the ballots, ballot labels or voting  
10 machines before they are used for voting.]

115.419. Before the time fixed by law for the opening of the polls, the election authority  
2 shall deliver to each polling place a sufficient number of sample ballots[,] **and** ballot cards [or  
3 ballot labels] which shall be a different color but otherwise exact copies of the official ballot.  
4 The samples shall be printed in the form of a diagram, showing the form of the ballot or the front  
5 of the marking device or voting machine as it will appear on election day. The secretary of state  
6 may develop multilingual sample ballots to be made available to election authorities.

115.423. [After the time fixed by law for the opening of the polls but] **Not more than**  
2 **one hour** before the voting begins, the election judges shall open the ballot box and show to all  
3 present that it is empty. The ballot box shall then be locked and the key kept by one of the  
4 election judges. The ballot box shall not be opened or removed from public view from the time  
5 it is shown to be empty until the polls close or until the ballot box is delivered for counting  
6 pursuant to section 115.451. If voting machines are used, the election judges shall call attention  
7 to the counter on the face of each voting machine and show to all present that it is set at zero.

115.433. After the voter's identification certificate has been initialed, two judges of  
2 different political parties, or one judge from a major political party and one judge with no  
3 political affiliation, shall, where paper ballots [or ballot cards] are used, initial the voter's ballot  
4 or ballot card.

115.436. 1. In jurisdictions using paper ballots and electronic voting systems, when any  
2 physically disabled voter within two hundred feet of a polling place is unable to enter the polling  
3 place, two election judges, one of each major political party, shall take a ballot, equipment and  
4 materials necessary for voting to the voter. The voter shall mark the ballot, and the election  
5 judges shall place the ballot in an envelope[, seal it] and place it in the ballot box.

6 2. In jurisdictions using voting machines, when any physically disabled voter within two  
7 hundred feet of a polling place is unable to enter the polling place, two election judges, one of  
8 each major political party, shall take an absentee ballot to the voter. The voter shall mark the  
9 ballot, and the election judges shall place the ballot in an envelope[, seal it] and place it in the  
10 ballot box.

11 3. Upon request to the election authority, the election authority in any jurisdiction shall  
12 designate a polling place accessible to any physically disabled voter other than the polling place  
13 to which that voter would normally be assigned to vote, provided that the candidates and issues  
14 voted on are consistent for both the designated location and the voting location for the voter's  
15 precinct. Upon request, the election authority may also assign members of the physically  
16 disabled voter's household and such voter's caregiver to the same voting location as the

17 physically disabled voter. In no event shall a voter be assigned under this section to a designated  
18 location apart from the established voting location for the voter's precinct if the voter objects to  
19 the assignment to another location.

115.439. 1. If paper ballots [or ballot cards] are used, the voter shall, immediately upon  
2 receiving his ballot, go alone to a voting booth and vote his ballot in the following manner:

3 (1) When a voter desires to vote for a candidate, the voter shall place a [cross (X)]  
4 **distinguishing** mark [in the square directly to the left of] **immediately beside** the name of the  
5 candidate for which the voter intends to vote;

6 (2) [If the voter desires to vote for a person whose name does not appear on the ballot,  
7 the voter may cross out a name which appears on the ballot for the office and write the name of  
8 the person for whom he wishes to vote above or below the crossed-out name and place a cross  
9 (X) mark in the square directly to the left of the crossed-out name.] If a write-in line appears on  
10 the ballot, the voter may write the name of the person for whom he or she wishes to vote on the  
11 line and place a [cross (X)] **distinguishing** mark [in the square directly to the left of]  
12 **immediately beside** the name;

13 (3) If the ballot is one which contains no candidates, the voter shall place a [cross (X)]  
14 **distinguishing** mark [in the square] directly to the left of each "yes" or "no" he desires to vote.  
15

16 No voter shall vote for the same person more than once for the same office at the same election.

17 [2. For purposes of this section, a punch or sensor mark or any other mark clearly  
18 indicating that the voter intends to mark that particular square shall be equivalent to a cross (X)  
19 mark.

20 3. If voting machines are used, the voter shall, immediately upon direction by the judges,  
21 go alone to a voting machine, close the curtain and vote in substantially the same manner  
22 provided in subsection 1 of this section. Rather than placing cross (X) marks on the ballot,  
23 however, the voter shall cause the designations to appear on the face of the voting machine, cast  
24 any write-in votes and register his votes as directed in the instructions for use of the machine.

25 4.] 2. If the voter accidentally spoils his ballot or ballot card or makes an error, he may  
26 return it to an election judge and receive another. The election judge shall mark "SPOILED"  
27 across the ballot or ballot card and place it in an envelope marked "SPOILED BALLOTS". After  
28 another ballot has been prepared in the manner provided in section 115.433, the ballot shall be  
29 given to the voter for voting.

30 [5. The election authority may authorize the use of a sticker or other item containing a  
31 write-in candidate's name, in lieu of a handwritten name. All such stickers and items used by  
32 election authorities shall conform to rules and regulations promulgated by the secretary of state  
33 regarding the form of such stickers and items. The secretary of state shall promulgate rules and

34 regulations to prescribe uniform specifications for the form of such stickers and items. If  
35 authorized, such sticker or item shall contain a cross (X) mark, or other mark as described in  
36 subsection 2 of this section, in the square directly left of the candidate's name and the office for  
37 which the candidate is a write-in candidate. A write-in vote that does not meet the requirements  
38 of this subsection which appears on a ballot shall not be counted pursuant to sections 115.447  
39 to 115.525. In those jurisdictions using an electronic voting system which utilizes mark sense  
40 or optical scan technology and if the election authority authorizes the use of stickers for  
41 write-ins, such system shall be programmed to identify and separate those ballots which contain  
42 an office in which write-in candidates are eligible to receive votes, and which contain less votes  
43 than a voter is entitled to cast. In addition, such sticker shall be considered "printed matter" as  
44 defined in subsection 8 of section 130.031, and as such shall contain the designation required by  
45 subsection 8 of section 130.031.

46 6.] 3. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
47 created under the authority delegated in this section shall become effective only if it complies  
48 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
49 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
50 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and  
51 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
52 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

115.449. 1. As soon as the polls close in each polling place using paper ballots, the  
2 election judges shall begin to count the votes. If earlier counting is begun pursuant to section  
3 115.451, the election judges shall complete the count in the manner provided by this section.  
4 Once begun, no count shall be adjourned or postponed until all proper votes have been counted.

5 2. One counting judge, closely observed by the other counting judge, shall take the  
6 ballots out of the ballot box one at a time and, holding each ballot in such a way that the other  
7 counting judge may read it, shall read the name of each candidate properly voted for and the  
8 office sought by each. As each vote is called out, the recording judges shall each record the vote  
9 on a tally sheet. The votes for and against all questions shall likewise be read and recorded. If  
10 more than one political subdivision or special district is holding an election on the same day at  
11 the same polling place and using separate ballots, the counting judges may separate the ballots  
12 of each political subdivision and special district and first read one set, then the next and so on  
13 until all proper votes have been counted.

14 [3. After all of the proper votes on a ballot have been counted, the ballot shall be strung  
15 on a wire or string in the order read. After all the ballots have been read and strung and after the  
16 recording judges agree on the count, the wire or string shall be tied in a firm knot, and the knot  
17 shall be sealed so that it cannot be untied without breaking the seal. Rejected and spoiled ballots

18 shall not be strung but shall be placed in separate containers marked "REJECTED" and  
19 "SPOILED".

20 4.] 3. After the recording of all proper votes, the recording judges shall compare their  
21 tallies. When the recording judges agree on the count, they shall sign both of the tally sheets, and  
22 one of the recording judges shall announce in a loud voice the total number of votes for each  
23 candidate and for and against each question.

24 [5.] 4. After the announcement of the vote, the election judges shall record the vote totals  
25 in the appropriate places on each statement of returns. If any tally sheet or statement of returns  
26 contains no heading for any question, the election judges shall write the necessary headings on  
27 the tally sheet or statement of returns.

115.455. Election judges shall count votes on each question in the following manner:

2 (1) If a [cross (X)] **distinguishing** mark appears [in the square] immediately beside or  
3 below the "YES", the question shall be counted as voted for. If a [cross (X)] **distinguishing**  
4 mark appears [in the square] immediately beside or below the "NO", the question shall be  
5 counted as voted against;

6 (2) If a [cross (X)] **distinguishing** mark appears [in the square] immediately beside or  
7 below the "YES" and [in the square] immediately beside or below the "NO", the question shall  
8 neither be counted as voted for nor as voted against.

115.456. 1. [The election authority shall be responsible for ensuring that the standards  
2 provided for in this subsection are followed when counting ballots cast using punch card voting  
3 systems.

4 (1) Prior to tabulating ballots, all ballot cards shall be inspected by the election authority  
5 for hanging chad and damaged ballots. Inspection of ballot cards shall be conducted using the  
6 following guidelines:

7 (a) The election authority shall appoint a bipartisan team to inspect all ballots where a  
8 question exists about the condition of a ballot or existence of a hanging chad;

9 (b) All ballot card inspections conducted under this section shall be conducted by  
10 examining the ballot card from the back of the card;

11 (c) If a ballot is determined to be damaged, the bipartisan team shall spoil the original  
12 ballot and duplicate the voter's intent on the new ballot, provided that there is an undisputed  
13 method of matching the duplicate card with its original after it has been placed with the  
14 remainder of the ballot cards from the precinct; and

15 (d) If a chad is determined to be hanging by two or less corners, it shall be removed prior  
16 to being tabulated.

17 (2) In jurisdictions using punch card systems, a valid vote for a write-in candidate shall  
18 include the following:

19 (a) A distinguishing mark in the square immediately preceding the name of the  
20 candidate;

21 (b) The name of the candidate. If the name of the candidate as written by the voter is  
22 substantially as declared by the candidate it shall be counted, or in those circumstances where  
23 the names of candidates are similar, the names of candidates as shown on voter registration  
24 records shall be counted; and

25 (c) The name of the office for which the candidate is to be elected.

26 (3) Whenever a hand recount of votes is ordered of punch card ballots, the provisions  
27 of this subsection shall be used to determine voter intent.

28 2.] The election authority shall be responsible for ensuring that the standards provided  
29 for in this subsection are followed when counting ballots cast using optical scan voting systems.

30 (1) Prior to tabulating ballots, all machines shall be programmed to reject blank ballots  
31 where no votes are recorded or where an overvote is registered in any race.

32 (2) In jurisdictions using precinct-based tabulators, the voter who cast the ballot shall  
33 review the ballot if rejected, if the voter wishes to make any changes to the ballot, or if the voter  
34 would like to spoil the ballot and receive another ballot.

35 (3) In jurisdictions using centrally based tabulators, if a ballot is so rejected it shall be  
36 reviewed by a bipartisan team using the following criteria:

37 (a) If a ballot is determined to be damaged, the bipartisan team shall spoil the original  
38 ballot and duplicate the voter's intent on the new ballot, provided that there is an undisputed  
39 method of matching the duplicate card with its original after it has been placed with the  
40 remainder of the ballot cards from such precinct; and

41 (b) Voter intent shall be determined using the following criteria:

42 a. There is a distinguishing mark in the printed oval or divided arrow adjacent to the  
43 name of the candidate or issue preference;

44 b. There is a distinguishing mark adjacent to the name of the candidate or issue  
45 preference; or

46 c. The name of the candidate or issue preference is circled.

47 (4) In jurisdictions using optical scan systems, a valid vote for a write-in candidate shall  
48 include the following:

49 (a) A distinguishing mark in the designated location preceding the name of the candidate;

50 (b) The name of the candidate. If the name of the candidate as written by the voter is  
51 substantially as declared by the candidate it shall be counted, or in those circumstances where  
52 the names of candidates are similar, the names of candidates as shown on voter registration  
53 records shall be counted; and

54 (c) The name of the office for which the candidate is to be elected.

55 (5) Whenever a hand recount of votes of optical scan ballots is ordered, the provisions  
56 of this subsection shall be used to determine voter intent.

57 [3.] 2. The election authority shall be responsible for ensuring that the standards provided  
58 for in this subsection are followed when counting ballots cast using paper ballots.

59 (1) Voter intent shall be determined using the following criteria:

60 (a) There is a distinguishing mark in the square adjacent to the name of the candidate or  
61 issue preference;

62 (b) There is a distinguishing mark adjacent to the name of the candidate or issue  
63 preference; or

64 (c) The name of the candidate or issue preference is circled.

65 (2) In jurisdictions using paper ballots, a valid vote for a write-in candidate shall include  
66 the following:

67 (a) A distinguishing mark in the square immediately preceding the name of the  
68 candidate;

69 (b) The name of the candidate. If the name of the candidate as written by the voter is  
70 substantially as declared by the candidate it shall be counted, or in those circumstances where  
71 the names of candidates are similar, the names of candidates as shown on voter registration  
72 records shall be counted; and

73 (c) The name of the office for which the candidate is to be elected.

74 (3) Whenever a hand recount of votes of paper ballots is ordered, the provisions of this  
75 subsection shall be used to determine voter intent.

76 [4. When write-in stickers are used, the sticker shall contain the name of a candidate, the  
77 office sought, and a distinguishing mark in the square immediately preceding the name of the  
78 candidate and shall be approximately one inch by three inches in size with black print on a white  
79 background. The sticker shall be placed by the voter on the write-in line designating the office  
80 sought or the sticker shall be placed by the voter on the write-in line on the secrecy envelope.

81 5.] 3. Notwithstanding any other provision of law, a distinguishing mark indicating a  
82 general preference for or against the candidates of one political party shall not be considered a  
83 vote for or against any specific candidate.

115.601. 1. Any contestant in a primary or other election contest who was defeated by  
2 less than one percent of the votes cast for the office and any contestant who received the second  
3 highest number of votes cast for that office if two or more are to be elected and who was  
4 defeated by less than one percent of the votes cast, or any person whose position on a question  
5 was defeated by less than one percent of the votes cast on the question, shall have the right to a  
6 recount of the votes cast for the office or on the question.

7           2. In cases where the candidate filed or the ballot question was originally filed with an  
8 election authority as defined in section 115.015, such recount shall be requested in accordance  
9 with the provisions of section 115.531 or 115.577 and conducted under the direction of the court  
10 or the commissioner representing the court trying the contest according to the provisions of this  
11 subchapter.

12           3. In cases where the candidate filed or the ballot question was originally filed with the  
13 secretary of state, the defeated candidate or the person whose position on a question was defeated  
14 by less than **one-half of** one percent of the votes cast on the question shall be allowed a recount  
15 pursuant to this section by filing with the secretary of state a request for a recount stating that the  
16 person or the person's position on a question was defeated by less than **one-half of** one percent  
17 of the votes cast. Such request shall be filed not later than seven days after certification of the  
18 election. The secretary of state shall notify all concerned parties of the filing of the request for  
19 a recount. The secretary of state shall authorize the election authorities to conduct a recount  
20 pursuant to this section if the requesting party or his position on a question was defeated by less  
21 than **one-half of** one percent of the votes cast. The secretary of state shall conduct and certify  
22 the results of the recount as the official results in the election within twenty days of receipt of the  
23 aforementioned notice of recount.

24           4. Whenever a recount is requested pursuant to subsection 3 of this section, the secretary  
25 of state shall determine the number of persons necessary to assist with the recount and shall  
26 appoint such persons equally from lists submitted by the contestant and the opponent who  
27 received more votes or a person whose position on a question received more votes than the  
28 contestant's position on that question. Each person appointed pursuant to this section shall be  
29 a disinterested person and a registered voter of the area in which the contested election was held.  
30 Each person so appointed shall take the oath prescribed for and receive the same pay as an  
31 election judge in the jurisdiction where the person is registered. After being sworn not to  
32 disclose any facts uncovered by the recount, except those which are contained in the report, the  
33 contestant and the opponent who received more votes or a person whose position on a question  
34 received more votes than the contestant's position on that question shall be permitted to be  
35 present in person or represented by an attorney at the recount and to observe the recount. Each  
36 recount shall be completed under the supervision of the secretary of state with the assistance of  
37 the election authorities involved, and the persons appointed to assist with the recount shall  
38 perform such duties as the secretary of state directs. Upon completion of any duties prescribed  
39 by the secretary of state the persons appointed to assist with the recount shall make a written and  
40 signed report of their findings. The findings of the persons appointed to assist with the recount  
41 shall be prima facie evidence of the facts stated therein, but any person present at the  
42 examination of the votes may be a witness to contradict the findings. No one other than the

43 secretary of state, the election authorities involved, the contestant and the other witnesses  
44 described in this subsection, their attorneys, and those specifically appointed by the secretary of  
45 state to assist with the recount shall be present during any recount conducted pursuant to this  
46 section.

47 5. For purposes of this section, "recount" means one additional counting of all votes  
48 counted for the office or on the question with respect to which the recount is requested.

162.481. 1. Except as otherwise provided in this section, all elections of school directors  
2 in urban districts shall be held biennially at the same times and places as municipal elections.

3 2. In any urban district which includes all or the major part of a city which first obtained  
4 a population of more than seventy-five thousand inhabitants by reason of the 1960 federal  
5 decennial census, elections of directors shall be held on municipal election days of  
6 even-numbered years. The directors of the prior district shall continue as directors of the urban  
7 district until their successors are elected as herein provided. On the first Tuesday in April, 1964,  
8 four directors shall be elected, two for terms of two years to succeed the two directors of the prior  
9 district who were elected in 1960 and two for terms of six years to succeed the two directors of  
10 the prior district who were elected in 1961. The successors of these directors shall be elected for  
11 terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms  
12 to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when  
13 their successors shall be elected for terms of six years. No director shall serve more than two  
14 consecutive six-year terms after October 13, 1963.

15 3. Except as otherwise provided in subsection 4 of this section, hereafter when a  
16 seven-director district becomes an urban district, the directors of the prior seven-director district  
17 shall continue as directors of the urban district until the expiration of the terms for which they  
18 were elected and until their successors are elected as provided in this subsection.

19 The first biennial school election for directors shall be held in the urban district at the time  
20 provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of  
21 the directors of the prior district which are first to expire, and directors shall be elected to  
22 succeed the directors of the prior district whose terms have expired. If the terms of two directors  
23 only have expired, the directors elected at the first biennial school election in the urban district  
24 shall be elected for terms of six years. If the terms of four directors have expired, two directors  
25 shall be elected for terms of six years and two shall be elected for terms of four years. At the  
26 next succeeding biennial election held in the urban district, successors for the remaining directors  
27 of the prior seven-director district shall be elected. If only two directors are to be elected they  
28 shall be elected for terms of six years each. If four directors are to be elected, two shall be  
29 elected for terms of six years and two shall be elected for terms of two years. After seven

30 directors of the urban district have been elected under this subsection, their successors shall be  
31 elected for terms of six years.

32 4. In any school district in any city with a population of one hundred thousand or more  
33 inhabitants which is located within a county of the first classification that adjoins no other county  
34 of the first classification, or any school district which becomes an urban school district by reason  
35 of the 2000 federal decennial census, elections shall be held annually at the same times and  
36 places as general municipal elections for all years where one or more terms expire, and the terms  
37 shall be for three years and until their successors are duly elected and qualified for all directors  
38 elected on and after August 28, 1998.

39 **5. Beginning in 2014, elections for the board of directors of an urban district**  
40 **containing the greater part of a home rule city of at least four hundred thousand**  
41 **inhabitants and located in more than one county shall be held biennially on the primary**  
42 **election day in even-numbered years, and members of the board shall take office on August**  
43 **twenty-eighth, notwithstanding the provisions of chapter 115.**

162.492. 1. **Except as otherwise provided in this section,** in all urban districts  
2 containing the greater part of the population of a city which has more than [three hundred  
3 thousand inhabitants] **four hundred thousand inhabitants and is located in more than one**  
4 **county,** the terms of the members of the board of directors in office [in 1967] shall continue until  
5 the end of the respective terms to which each of them has been elected to office and in each case  
6 [thereafter] until the next school election be held and until their successors, then elected, are duly  
7 qualified as provided in this section.

8 2. In each urban district designated in subsection 1, the election authority of the city in  
9 which the greater portion of the school district lies, and of the county if the district includes  
10 territory not within the city limits, shall serve ex officio as a redistricting commission. The  
11 commission shall on or before November 1, 1969, divide the school district into six subdistricts,  
12 all subdistricts being of compact and contiguous territory and as nearly equal in the number of  
13 inhabitants as practicable and thereafter the board shall redistrict the district into subdivisions  
14 as soon as practicable after each United States decennial census. In establishing the subdistricts  
15 each member shall have one vote and a majority vote of the total membership of the commission  
16 is required to make effective any action of the commission.

17 3. School elections for the election of directors **under subsection 1 of this section** shall  
18 be held on [municipal] **the primary** election days [in each even-numbered year] , **beginning in**  
19 **2014.** [At the election in 1970, one member of the board of directors shall be elected by the  
20 voters of each subdistrict. The seven candidates, one from each of the subdistricts, who receive  
21 a plurality of the votes cast by the voters of that subdistrict shall be elected and the at-large  
22 candidate receiving a plurality of the at-large votes shall be elected.] **Beginning with the**

23 **election of 2014, there shall be seven members of the board; six shall reside in and be**  
24 **designated for election according to subdistricts as provided in subsection 2 of this section**  
25 **but shall be elected by the voters of the entire district; one shall reside anywhere in the**  
26 **district and shall be elected by the entire district.** In addition to other qualifications  
27 prescribed by law, each member [elected from a subdistrict must] **who runs for a subdistrict**  
28 **position shall** be a resident of the subdistrict [from which he is elected] **for which he or she has**  
29 **declared candidacy.** The subdistricts shall be numbered from one to six [and the directors  
30 elected from subdistricts one, three and five shall hold office for terms of two years and until  
31 their successors are elected and qualified, and the directors elected from subdistricts two, four  
32 and six shall hold office for terms of four years and until their successors are elected and  
33 qualified]. Every two years thereafter a member of the board of directors shall be elected for a  
34 term of four years and until his **or her** successor is elected and qualified from each of the three  
35 subdistricts having a member on the board of directors whose term expires in that year. [Those  
36 members of the board of directors who were in office in 1967 shall, when their terms of office  
37 expire, be succeeded by the members of the board of directors elected from subdistricts. In  
38 addition to the directors elected by the voters of each subdistrict, additional directors shall be  
39 elected at large by the voters of the entire school district as follows: in 1970 one director at large  
40 shall be elected for a two-year term. In 1972 one director at large shall be elected for a four-year  
41 term. In 1974 two at-large directors shall be elected for a four-year term and thereafter in  
42 alternative elections one director shall be elected for a four-year term and then two directors shall  
43 be elected for a four-year term, so that from and after the 1970 election the board of directors not  
44 including those members who were in office in 1967 shall consist of seven members until the  
45 1974 election and thereafter the board shall consist of nine members.] In those years in which  
46 one at-large director is to be elected each voter may vote for one candidate and the candidate  
47 receiving a plurality of votes cast shall be elected. [In those years in which two at-large directors  
48 are to be elected each voter may vote for two candidates and the two receiving the largest number  
49 of votes cast shall be elected.]

50 4. [The six candidates, one from each of the subdistricts, who receive a plurality of the  
51 votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality of the  
52 at-large votes shall be elected.] The name of no candidate for nomination shall be printed on the  
53 ballot unless the candidate has at least sixty days prior to the election filed a declaration of  
54 candidacy with the secretary of the board of directors containing the signatures of at least two  
55 hundred fifty registered voters who are residents of the subdistrict within which the candidate  
56 for nomination to a subdistrict office resides, and in case of at-large candidates the signatures of  
57 at least five hundred registered voters. The election authority shall determine the validity of all  
58 signatures on declarations of candidacy.

59           5. In any election [either for at-large candidates or candidates elected by the voters of  
60 subdistricts], if there are more than two candidates, a majority of the votes [are] **is** not required  
61 to elect, but the candidate having a plurality of the votes [if there is only one office to be filled  
62 and the candidates having the highest number of votes, if more than one office is to be filled,]  
63 shall be elected.

64           6. The names of all candidates shall appear upon the ballot without party designation and  
65 in the order of the priority of the times of filing their petitions of nomination. No candidate may  
66 file both at large and from a subdistrict [and] . The names of all candidates shall appear only  
67 once on the ballot[, nor may any candidate file more than one declaration of candidacy]. All  
68 declarations shall designate the candidate's residence and whether the candidate is filing at large  
69 or from a subdistrict and the numerical designation of the subdistrict [or at-large area].

70           7. The provisions of all sections relating to seven-director school districts shall also  
71 apply to and govern urban districts in cities of more than three hundred thousand inhabitants, to  
72 the extent applicable and not in conflict with the provisions of those sections specifically relating  
73 to such urban districts.

74           8. Vacancies which occur on the school board between the dates of election shall be  
75 filled by [special election if such vacancy happens more than six months prior to the time of  
76 holding a general municipal election, as provided in section 115.121. The state board of  
77 education shall order a special election to fill such a vacancy. A letter from the commissioner  
78 of education, delivered by certified mail to the election authority or authorities that would  
79 normally conduct an election for school board members shall be the authority for the election  
80 authority or authorities to proceed with election procedures. If a vacancy occurs less than six  
81 months prior to the time of holding a general municipal election, no special election shall occur  
82 and the vacancy shall be filled at the next general municipal election.] **the appointment of a**  
83 **qualified person by the mayor of a home rule city of at least four hundred thousand**  
84 **inhabitants and located in more than one county if the vacancy occurs more than one**  
85 **hundred five days prior to the time of holding a primary election.**

247.060. 1. The management of the business and affairs of the district is hereby vested  
2 in a board of directors, who shall have all the powers conferred upon the district except as herein  
3 otherwise provided. It shall be composed of five members, each of whom shall be a voter of the  
4 district and shall have resided in said district one whole year immediately prior to his **or her**  
5 election[, or if not a voter or resident of said district, shall have received service from the district  
6 at his or her primary place of residence one whole year immediately prior to his or her election].  
7 A member shall be at least twenty-five years of age and shall not be delinquent in the payment  
8 of taxes at the time of his election. Except as provided in subsection 2 of this section, the term  
9 of office of a member of the board shall be three years. The remaining members of the board

10 shall appoint a qualified person to fill any vacancy on the board. If no qualified person who lives  
11 in the subdistrict for which there is a vacancy is willing to serve on the board, the board may  
12 appoint an otherwise qualified person who lives in the district but not in the subdistrict in which  
13 the vacancy exists to fill such vacancy.

14         2. After notification by certified mail that he or she has two consecutive unexcused  
15 absences, any member of the board failing to attend the meetings of the board for three  
16 consecutive regular meetings, unless excused by the board for reasons satisfactory to the board,  
17 shall be deemed to have vacated the seat, and the secretary of the board shall certify that fact to  
18 the board. The vacancy shall be filled as other vacancies occurring in the board.

19         3. The initial members of the board shall be appointed by the circuit court and one shall  
20 serve until the immediately following first Tuesday after the first Monday in April, two shall  
21 serve until the first Tuesday after the first Monday in April on the second year following their  
22 appointment and the remaining appointees shall serve until the first Tuesday after the first  
23 Monday in April on the third year following their appointment. On the expiration of such terms  
24 and on the expiration of any subsequent term, elections shall be held as otherwise provided by  
25 law, and such elections shall be held in April pursuant to section 247.180.

26         4. In 2008, 2009, and 2010, directors elected in such years shall serve from the first  
27 Tuesday after the first Monday in June until the first Tuesday in April of the third year following  
28 the year of their election. All directors elected thereafter shall serve from the first Tuesday in  
29 April until the first Tuesday in April of the third year following the year of their election.

30         5. Each member of the board may receive an attendance fee not to exceed one hundred  
31 dollars for attending each regularly called board meeting, or special meeting, but shall not be  
32 paid for attending more than two meetings in any calendar month, except that in a county of the  
33 first classification, a member shall not be paid for attending more than four meetings in any  
34 calendar month. However, no board member shall be paid more than one attendance fee if such  
35 member attends more than one board meeting in a calendar week. In addition, the president of  
36 the board of directors may receive fifty dollars for attending each regularly or specially called  
37 board meeting, but shall not be paid the additional fee for attending more than two meetings in  
38 any calendar month. Each member of the board shall be reimbursed for his or her actual  
39 expenditures in the performance of his or her duties on behalf of the district.

40         6. In no event, however, shall a board member receive any attendance fees or additional  
41 compensation authorized in subsection 5 of this section until after such board member has  
42 completed a minimum of six hours training regarding the responsibilities of the board and its  
43 members concerning the basics of water treatment and distribution, budgeting and rates, water  
44 utility planning, the funding of capital improvements, the understanding of water utility financial  
45 statements, the Missouri sunshine law, and this chapter.

46           7. The circuit court of the county having jurisdiction over the district shall have  
47 jurisdiction over the members of the board of directors to suspend any member from exercising  
48 his or her office, whensoever it appears that he or she has abused his or her trust or become  
49 disqualified; to remove any member upon proof or conviction of gross misconduct or  
50 disqualification for his or her office; or to restrain and prevent any alienation of property of the  
51 district by members, in cases where it is threatened, or there is good reason to apprehend that it  
52 is intended to be made in fraud of the rights and interests of the district.

53           8. The jurisdiction conferred by this section shall be exercised as in ordinary cases upon  
54 petition, filed by or at the instance of any member of the board, or at the instance of any ten  
55 voters residing in the district who join in the petition, verified by the affidavit of at least one of  
56 them. The petition shall be heard in a summary manner after ten days' notice in writing to the  
57 member or officer complained of. An appeal shall lie from the judgment of the circuit court as  
58 in other causes, and shall be speedily determined; but an appeal does not operate under any  
59 condition as a supersedeas of a judgment of suspension or removal from office.

247.080. 1. The exercise of the powers conferred upon the district by sections 247.010  
2 to 247.220 shall be by its board of directors, acting as a board.

3           2. The board shall have power and it shall be its duty to employ necessary help and to  
4 contract for such professional service as the demands of the district require in creating and  
5 operating a waterworks system contemplated in this law, and shall pay out of the funds of the  
6 district available for such purposes reasonable compensation for the service rendered. It shall  
7 have made by a competent accountant an annual audit of the receipts and expenditures of the  
8 district. All persons employed shall serve for an indefinite term and at the will of the board, and  
9 party politics shall not enter into the selection of employees.

10           3. The board shall have regular monthly meetings and the president thereof may call  
11 special meetings as occasion requires. It shall establish an office for its meeting place and for  
12 the transaction of business.

13           4. All persons charged with handling of funds shall be required to give bond to be fixed  
14 and approved by the board, but at the expense of the district.

15           5. All contracts made by the district shall conform to [law] **section 432.070** governing  
16 contracts [of other municipal corporations]. It shall have power to authorize and enter into all  
17 contracts in behalf of the district, and shall provide an official seal for district, and all official  
18 documents shall be attested by the seal.

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