

HCS HB 1060 -- ELECTIONS (Dugger)

COMMITTEE OF ORIGIN: Committee on Elections

This substitute changes the laws regarding elections. In its main provisions, the substitute:

(1) Allows a county sheriff, marshal, clerk, or collector or the deputy of the position to run for the office of county treasurer but prohibits him or her from holding the office and the office of county treasurer simultaneously (Section 54.040, RSMo);

(2) Allows third class cities to eliminate, by order or ordinance, a primary election for mayor and councilman and conduct the election as specified in the substitute (Section 78.090);

(3) Removes the first Tuesday after the first Monday in June as a possible date for an election day (Section 115.123);

(4) Specifies that in a nonpartisan election in any political subdivision or special district except for a municipal election in any city, town, or village with more than 6,000 inhabitants or 3,000 or less inhabitants when no election is held because the number of candidates is equal to the number of positions in that office, the election authority must publish a notice containing the names of the candidates who will assume the responsibilities of office. The notice must be published by April 1 of each year in at least one newspaper of general circulation in the political subdivision or district. Currently, in a nonpartisan election in any political subdivision or special district with the exception of municipal elections, candidates are allowed to take office without an election if the number of candidates is equal to the number of positions to be filled and proper notice has been published in at least one newspaper of general circulation in the district (Section 115.124.1);

(5) Allows candidates in any city, town, or village with 3,000 or less inhabitants to assume offices in nonpartisan elections when the number of candidates for office equals the number of positions available. This procedure must be approved by a majority of the voters in the political subdivision before it becomes effective and must be resubmitted to the voters every 12 years (Section 115.124.3);

(6) Repeals the provision requiring a political party's emblem to be printed on an election ballot above the party caption (Section 115.241);

(7) Repeals the provision requiring an absentee ballot to be

rejected if sufficient evidence is shown to the election authority that the absentee voter has died prior to the opening of the polls on election day (Section 115.293);

(8) Requires each candidate for elective public office to file an affidavit with the appropriate election authority declaring that he or she is eligible to hold office under Sections 115.350 and 115.348 because he or she has not been convicted of a state or federal felony. Any person may bring suit to prevent a candidate from running for office or to remove a candidate currently holding office who has violated the requirements of the substitute. The court may order a candidate removed from the ballot or expel a candidate from office by issuing a writ of quo warranto upon a finding by a preponderance of the evidence that a candidate signed a false affidavit. Signing a false affidavit will be punishable by a criminal charge of perjury under Section 575.040 (Section 115.350);

(9) Specifies that any election authority or political subdivision employee in charge of the oversight of the filing for office who discourages, hampers, pressures, or attempts to prevent another person from filing for office for the purpose of eliminating the requirement to hold a special election because the number of candidates filing is the same as the number of positions to be filled will be guilty of a class four election offense (Section 115.637); and

(10) Increases the state committee filing fee for a presidential candidate from \$1,000 to \$10,000 for any election after December 1, 2012 (Section 115.761).

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.