

FIRST REGULAR SESSION

HOUSE BILL NO. 703

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CURTMAN.

1335L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.019, 115.027, and 115.029, RSMo, and to enact in lieu thereof three new sections relating to boards of election commissioners.

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

Section A. Sections 115.019, 115.027, and 115.029, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 115.019, 115.027, and 115.029, to read as follows:

115.019. 1. Any group of registered voters from any county of the first classification not having a board of election commissioners may circulate a petition for the formation of a board.

2. The petition shall be signed by the number of registered voters in the county equal to at least fifteen percent of the total votes cast in the county for governor at the last gubernatorial election.

3. Petitions proposing the formation of a board of election commissioners in any county of the first classification shall be filed with the election authority of the county not later than 5:00 p.m. on the thirteenth Tuesday preceding a general election.

4. **(1)** Each petition for the formation of a board of election commissioners shall consist of sheets of uniform size. The space for signatures on either side of a petition page shall be no larger than eight and one-half by fourteen inches, and each page shall contain signatures of registered voters from only one county.

(2) Each page of each petition for the formation of a board of election commissioners shall be in substantially the following form:

15

To the Honorable, county clerk of County:

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 We, the undersigned, citizens and registered voters of County, respectfully
18 order that the following question be placed on the official ballot, for acceptance or rejection, at
19 the next general election to be held on the day of,

20 "Should a board of election commissioners be established in County to assume
21 responsibility for the registration of voters and the conduct of elections?"; and each for himself
22 or herself says: I have personally signed this petition; I am a registered voter of the state of
23 Missouri and County; my registered voting address and the name of the city, town or
24 village in which I live are correctly written after my name.

25 CIRCULATOR'S AFFIDAVIT

26 STATE OF MISSOURI, COUNTY OF

27 I,, a resident of the state of Missouri, being first duly sworn, say (print or type
28 names of signers)

29 REGISTERED
30 VOTING

31 NAME	DATE	ADDRESS	ZIP	CONG	NAME
32 (Signature)	SIGNED	(Street)	CODE	DIST.	(Printed
33		(City, Town			or
34		or Village)		Typed	

35 (Here follow numbered lines for signers)

36 signed this page of the foregoing petition, and each of them signed his or her name thereto in my
37 presence; I believe that each has stated his or her name, registered voting address and city, town
38 or village correctly, and that each signer is a registered voter of the state of Missouri and
39 County.

40

41 Signature of Affiant
42 (Person obtaining signatures)

43

44 Address of Affiant

45 Subscribed and sworn to before me this day of, A.D.....

46 Signature of Notary

47 Notary Public (Seal)

48 My commission expires

49 (3) If [this] the form in this subsection is followed substantially, it shall be sufficient,
50 disregarding clerical and merely technical errors.

51 5. The validity of each petition filed pursuant to provisions of this section shall be
52 determined in the manner provided for new party and independent candidate petitions in sections
53 115.333, 115.335 and 115.337.

54 6. Upon the filing of a valid petition for the formation of a board of election
55 commissioners or upon a majority vote of the county commission in any county of the first
56 classification with more than eighty-two thousand but fewer than eighty-two thousand one
57 hundred inhabitants, it shall be the duty of the election authority to have the following question
58 placed on the official ballot, in the same manner other questions are placed, at the next general
59 election:

60 "Should a board of election commissioners be established in County to
61 assume responsibility for the registration of voters and the conduct of elections?"

62 7. The votes for and against the question shall be counted and certified in the same
63 manner as votes on other questions.

64 8. If the question is approved by a majority of the voters at the election, a board of
65 election commissioners shall be [appointed] **elected** as provided in [this subchapter] **sections**
66 **115.015 to 115.078** and shall have the same rights and responsibilities provided by law for all
67 boards of election commissioners.

68 9. Any person who is a registered voter of a county of the first classification not having
69 a board of election commissioners may sign a petition for the formation of a board in the county.
70 Any person who signs a name other than the person's own to any petition or knowingly signs the
71 person's name more than once to the same petition or who knows the person is not a registered
72 voter at the time of signing such petition, or any officer or person willfully violating any
73 provision of this section shall be guilty of a class two election offense.

 115.027. 1. Each board of election commissioners shall be composed of four members,
2 appointed by the governor with the advice and consent of the senate **or elected as provided in**
3 **this section and section 115.029**. Two commissioners on each board shall be members of one
4 major political party, and two commissioners on each board shall be members of the other major
5 political party. In no case shall more than two commissioners on a board be members of the
6 same political party. When appointing commissioners, the governor shall designate one
7 commissioner on each board to be chairman of the board and one commissioner on each board
8 to be secretary of the board. The chairman and secretary of a board shall not be members of the
9 same political party.

10 2. In jurisdictions with boards of election commissioners as the election authority, the
11 governor may appoint to the board one representative from each established political party. The
12 representative shall not be a member of the board for purposes of subsection 1 of this section.
13 The state chair of each established political party shall submit a list of no more than four names

14 from which the governor shall select the representative for that party. The representative shall
15 not have voting status, and shall not be compensated, but shall be allowed to participate in
16 discussions and be informed of any meeting of the board.

17 **3. (1) Beginning August 28, 2015, all board of election commissioners shall be**
18 **elected to serve a four-year term as provided in this subsection.**

19 **(2) The persons initially elected under this subsection shall be elected on the**
20 **authorized election day immediately preceding the expiration of an appointed**
21 **commissioner's term. Such elected person's term shall begin upon the expiration of the**
22 **appointed commissioner's term the person is elected to succeed, and shall expire upon the**
23 **election of a successor as provided in this subsection.**

24 **(3) All board of election commissioner elections occurring after the initial elections**
25 **held under subdivision (2) of this subsection shall occur on the general election day. All**
26 **subsequently-elected commissioners shall serve until a successor is elected as provided in**
27 **this subsection.**

115.029. 1. In each county of the first class containing the major portion of a city which
2 has more than three hundred thousand inhabitants, each election commissioner shall be
3 appointed on April 21, 1982, for a term of four years and until [his] a successor is appointed,
4 confirmed and sworn, **or shall be elected as provided in subsection 3 of section 115.027.**
5 [Successors shall be appointed in like manner for a term of four years and until their successors
6 are appointed, confirmed and sworn.]

7 2. In each county containing a portion but not the major portion of a city which has more
8 than three hundred thousand inhabitants, each election commissioner shall be appointed on June
9 15, 1981, for a term of four years and until [his] a successor is appointed, confirmed and sworn,
10 **or shall be elected as provided in subsection 3 of section 115.027.** [Successors shall be
11 appointed in like manner for a term of four years and until their successors are appointed,
12 confirmed and sworn. The first two election commissioners appointed after May 10, 1994, shall
13 be appointed for terms of two years and until their successors are appointed, confirmed and
14 sworn. One of those appointed to a two-year term shall be a member of one major political party
15 and one shall be a member of the other major political party. The next two election
16 commissioners appointed, and all successors, shall be appointed for terms of four years and until
17 their successors are appointed, confirmed and sworn.]

18 3. In all other cities and counties which have or hereafter have a board of election
19 commissioners, each commissioner's term of office shall coincide with the term of the governor
20 who appoints him and until the commissioner's successor is appointed, confirmed and sworn.]

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