

FIRST REGULAR SESSION

# HOUSE BILL NO. 573

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DUGGER.

1464H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 77.030 and 79.050, RSMo, and to enact in lieu thereof three 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Section A. Sections 77.030 and 79.050, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 77.030, 79.050, and 115.305, to read as follows:

77.030. 1. Unless it elects to be governed by subsection 2 of this section, the council shall by ordinance divide the city into not less than four wards, and two councilmen shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen in cities hereafter adopting the provisions of this chapter; the one receiving the highest number of votes in each ward shall hold his office for two years, and the one receiving the next highest number of votes shall hold his office for one year; but thereafter each ward shall elect annually one councilman, who shall hold his office for two years.

2. In lieu of electing councilmen as provided in subsection 1 of this section, the council may elect to establish wards and elect councilmen as provided in this subsection. If the council so elects, it shall, by ordinance, divide the city into not less than four wards, and one councilman shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen held in the city after it adopts the provisions of this subsection. At the first election held under this subsection the councilmen elected from the odd-numbered wards shall be elected for a term of one year and the councilmen elected from the even-numbered wards shall be elected for a term of two years. At each annual election held thereafter, successors for councilmen whose terms expire in such year shall be elected for a term of two years.

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 3. (1) Council members may serve four-year terms if the two-year terms provided under  
18 subsection 1 or 2 of this section have been extended to four years by approval of a majority of  
19 the voters voting on the proposal.

20 (2) The ballot of submission shall be in substantially the following form:

21 Shall the terms of council members which are currently set at two years in .....  
22 (city) be extended to four years for members elected after August 28, 2013?

23  YES  NO

24 (3) If a majority of the voters voting approve the proposal authorized in this subsection,  
25 the members of council who would serve two years under subsections 1 and 2 of this section  
26 shall be elected to four-year terms beginning with any election occurring after approval of the  
27 ballot question.

28 **4. In any city that has approved the proposal under subsection 3 of this section, the**  
29 **council may, by ordinance, elect to establish a system for holding elections for one-half of**  
30 **the council every other year. The ordinance may stipulate that any council member whose**  
31 **term of office expires during the year of the next election after the adoption of the**  
32 **ordinance shall be elected for a term of three years. Any council member not elected to a**  
33 **three-year term at such election shall be elected for a term of four years at the election in**  
34 **the year in which the member's term of office expires. All successors for council shall**  
35 **thereafter be elected to four-year terms of office. Any new terms in office for particular**  
36 **wards shall be effective only upon the expiration of any term in office authorized under**  
37 **this section for a particular ward prior to the adoption of an ordinance under this**  
38 **subsection.**

79.050. 1. The following officers shall be elected by the qualified voters of the city, and  
2 shall hold office for the term of two years, except as otherwise provided in this section, and until  
3 their successors are elected and qualified, to wit: mayor and board of aldermen. The board of  
4 aldermen may provide by ordinance, after the approval of a majority of the voters voting at an  
5 election at which the issue is submitted, for the appointment of a collector and for the  
6 appointment of a chief of police, who shall perform all duties required of the marshal by law, and  
7 any other police officers found by the board of aldermen to be necessary for the good government  
8 of the city. The marshal or chief of police shall be twenty-one years of age or older. If the board  
9 of aldermen does not provide for the appointment of a chief of police and collector as provided  
10 by this section, a city marshal, who shall be twenty-one years of age or older, and collector shall  
11 be elected, and the board of aldermen may provide by ordinance that the same person may be  
12 elected marshal and collector, at the same election, and hold both offices and the board of  
13 aldermen may provide by ordinance for the election of city assessor, city attorney, city clerk and  
14 street commissioner, who shall hold their respective offices for a term of two years and until their

15 successors shall be elected or appointed and qualified, except that the term of the city marshal  
16 shall be four years.

17         2. The board of aldermen may provide by ordinance, after the approval of a majority of  
18 the voters voting thereon at the next municipal election at which the issue is submitted, that the  
19 term of the collector shall be four years and the term of the mayor shall be two, three, or four  
20 years. Any person elected as collector after the passage of such an ordinance shall serve for a  
21 term of four years and until his successor is elected and qualified. Any person elected as mayor  
22 after the passage of such ordinance shall serve for a term of two, three, or four years, as provided,  
23 and until his successor is elected and qualified.

24         3. The board of aldermen may provide by ordinance that the term of the board of  
25 aldermen shall be four years. Such ordinance shall be submitted by the board to the voters of the  
26 city and shall take effect only upon the approval of a majority of the voters voting at an election  
27 at which the issue is submitted. Any person elected to the board of aldermen after the passage  
28 of such an ordinance shall serve for a term of four years and until his successor is elected and  
29 qualified.

30         **4. In any city that has approved the proposal under subsection 3 of this section, the**  
31 **board of aldermen may, by ordinance, elect to establish a system for holding elections for**  
32 **one-half of the board of aldermen every other year. The ordinance may stipulate that any**  
33 **member of the board of aldermen whose term of office expires during the year of the next**  
34 **election after the adoption of the ordinance shall be elected for a term of three years. Any**  
35 **member of the board of aldermen not elected to a three-year term at such election shall be**  
36 **elected for a term of four years at the election in the year in which the member's term of**  
37 **office expires. All successors for the board of aldermen shall thereafter be elected to four-**  
38 **year terms of office. Any new terms in office for the board of aldermen shall be effective**  
39 **only upon the expiration of any term in office authorized under this section prior to the**  
40 **adoption of an ordinance under this subsection.**

**115.305. This subchapter shall not apply to candidates for special district offices;**  
2 **township offices in township organization counties; or city, town, and village offices;**  
3 **provided that, cities of the fourth class, except those in a county of the first class with a**  
4 **charter form of government and which adjoins a city not within a county, may elect, only**  
5 **by ordinance, to hold primary elections in accordance with the provisions of sections**  
6 **115.305 to 115.405 or in accordance with the provisions of sections 78.470, 78.480 and**  
7 **78.510, and the ordinance shall state which of these provisions of law are being adopted.**

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