

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 704, Page 66,
2 Section 205.202, Line 68, by inserting after all of said line the following:

3
4 "238.216. 1. Except as otherwise provided in section 238.220 with respect to the election of
5 directors, in order to call any election required or allowed under sections 238.200 to 238.275, the
6 circuit court shall:

7 (1) Order the county clerk to cause the questions to appear on the ballot on the next
8 regularly scheduled general, primary or special election day, which date shall be the same in each
9 county or portion of a county included within and voting upon the proposed district;

10 (2) If the election is to be a mail-in election, specify a date on which ballots for the election
11 shall be mailed, which date shall be a Tuesday, and shall be not earlier than the eighth Tuesday from
12 the issuance of the order, and shall not be on the same day as an election conducted under the
13 provisions of chapter 115; or

14 (3) If all the owners of property in the district joined in the petition for formation of the
15 district, such owners may cast their ballot by unanimous verified petition approving any measure
16 submitted to them as voters pursuant to this chapter. Each owner shall receive one vote per acre
17 owned. Fractional votes shall be allowed. The verified petition shall be filed with the circuit court
18 clerk. The filing of a unanimous petition shall constitute an election under sections 238.200 to
19 238.275 and the results of said election shall be entered pursuant to subsection 6 of this section.

20 2. In the case of an election by mail-in ballot where the qualified voters are the real property
21 owners under subsection 2 of section 238.220, application for a ballot shall be [conducted as
22 follows] required, and such application process shall be:

23 (1) Only qualified voters shall be entitled to apply for a ballot;

24 (2) Such persons shall apply with the clerk of the circuit court in which the petition was
25 filed;

26 (3) Each person applying shall provide:

27 (a) Such person's name, address, mailing address, and phone number;

28 (b) An authorized signature; and

29 (c) Evidence that such person is entitled to vote. Such evidence for owners of real property
30 shall be[:

31 ~~_____ a. For resident individuals, proof of registration from the election authority;~~

32 ~~_____ b. For owners of real property,] a tax receipt or deed or other document which evidences~~
33 ~~ownership, and identifies the real property by location;~~

34 (4) No person shall apply later than the fourth Tuesday before the date for mailing ballots
35 specified in the circuit court's order.

36 3. ~~[If the election is to be a mail-in election]~~ In the case of an election by mail-in ballot

Action Taken _____ Date _____

1 where the qualified voters are registered voters, the qualified voters shall not have to apply for
2 ballots but shall be issued a ballot as follows:

3 (1) Only qualified voters, who are registered on the forty-fifth day prior to the date set by
4 the circuit court for the mailing of ballots, shall be entitled to be mailed a ballot; and

5 (2) No later than the fourth Tuesday before the date for mailing ballots specified in the
6 circuit court's order, the election authority shall provide the circuit court with the names and
7 addresses of all registered voters within the proposed transportation development district according
8 to the records of the election authority on the forty-fifth day prior to the date set by the circuit court
9 for the mailing of ballots.

10 4. In the case of an election by mail-in ballot where the qualified voters are the real property
11 owners under subsection 2 of section 238.220, the circuit court shall mail a ballot to each qualified
12 voter who applied for a ballot pursuant to subsection 2 of this section along with a return addressed
13 envelope directed to the circuit court clerk's office with a sworn affidavit on the reverse side of such
14 envelope for the voter's signature. Such affidavit shall be in the following form:

15 I hereby declare under penalties of perjury that I am qualified to vote, or to affix my
16 authorized signature in the name of an entity which is entitled to vote, in this election.

17 Subscribed and sworn to before me this _____ day of _____, 20_____

18 _____
19 _____

20 _____
21 Authorized Signature

22 _____
23 _____

24 _____
25 _____
26 _____
27 Printed Name of Voter Signature of notary or other officer authorized to administer oaths.

28 _____
29 _____

30 _____
31 Mailing Address of Voter (if different)

32 5. In the case of an election by mail-in ballot where the qualified voters are registered
33 voters, the circuit court shall mail a ballot to each qualified voter whose name was provided by the
34 election authority under subsection 3 of this section along with a return envelope addressed to the
35 circuit court clerk's office.

36 6. The return identification envelope shall contain an affidavit that is substantially the
37 following form:

38 PLEASE PRINT:

39 NAME: _____

40 I declare under penalty of perjury, a felony, that I am a
41 qualified voter for this election as shown on voter registration records and that I have voted the
42 enclosed ballot and am returning it in compliance with section 238.216, RSMo, and have not and
43 will not vote more than one ballot in this election.

44 I also understand that failure to complete the information below will invalidate my ballot.

45 _____
46 Signature

47 _____
48 _____
49 Residence Address

1
2
3 Mailing Address (if different)

4 7. Upon receipt of the ballot, the voter shall mark it, place and seal the marked ballot in the
5 secrecy envelope supplied with the ballot, place and seal the secrecy envelope containing the
6 marked ballot in the return identification envelope supplied with the ballot that has been signed by
7 the voter, and return the marked ballot to the circuit court, no later than the date required under
8 subsection 11 of this section, by United States mail or by personally delivering the ballot to the
9 circuit court.

10 8. The circuit court may provide additional sites for return delivery of ballots. The circuit
11 court may, in its discretion, provide for the prepayment of postage on the return ballots.

12 9. Any costs incurred by the circuit court in the administration of an election under this
13 section shall be paid by the petitioners.

14 ~~[4.]~~ 10. Except as otherwise provided in subsection 2 of section 238.220, with respect to the
15 election of directors, each qualified voter shall have one vote, unless the qualified voters are
16 property owners under subdivision (2) of subsection 2 of section 238.202, in which case they shall
17 receive one vote per acre. Each voter which is not an individual shall determine how to cast its vote
18 as provided for in its articles of incorporation, articles of organization, articles of partnership,
19 bylaws, or other document which sets forth an appropriate mechanism for the determination of the
20 entity's vote. If a voter has no such mechanism, then its vote shall be cast as determined by a
21 majority of the persons who run the day-to-day affairs of the voter. Each voted ballot shall be
22 signed with the authorized signature.

23 ~~[5.]~~ 11. Mail-in voted ballots shall be returned to the circuit court clerk's office by mail or
24 hand delivery or to a site provided for receipt of ballots by the circuit court, and in any case received
25 no later than 5:00 p.m. on the sixth Tuesday after the date for mailing the ballots as set forth in the
26 circuit court's order. The circuit court's clerk shall transmit all voted ballots to a team of judges of
27 not less than four, with an equal number from each of the two major political parties. The judges
28 shall be selected by the circuit court from lists compiled by the election authority. Upon receipt of
29 the voted ballots, the judges shall verify the authenticity of the ballots, canvass the votes, and certify
30 the results. Certification by the election judges shall be final and shall be immediately transmitted
31 to the circuit court. Any qualified voter who voted in such election may contest the result in the
32 same manner as provided in chapter 115.

33 ~~[6.]~~ 12. The results of the election shall be entered upon the records of the circuit court of
34 the county in which the petition was filed. Also, a certified copy thereof shall be filed with the
35 county clerk of each county in which a portion of the proposed district lies, who shall cause the
36 same to be spread upon the records of the county commission."; and

37
38 Further amend said bill by amending the title, enacting clause, and intersectional references
39 accordingly.