

SECOND REGULAR SESSION

SENATE BILL NO. 593

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Pre-filed December 3, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4491S.011

AN ACT

To repeal section 115.124, RSMo, and to enact in lieu thereof one new section relating to nonpartisan elections.

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

Section A. Section 115.124, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 115.124, to read as follows:

115.124. 1. Notwithstanding any other law to the contrary, in a
2 nonpartisan election in any political subdivision or special district except for
3 municipal elections **in any city, town, or village with one thousand or**
4 **fewer inhabitants**, if the notice provided for in subsection 5 of section 115.127
5 has been published in at least one newspaper of general circulation in the
6 district, and if the number of candidates who have filed for a particular office is
7 equal to the number of positions in that office to be filled by the election, no
8 election shall be held for such office, and the candidates shall assume the
9 responsibilities of their offices at the same time and in the same manner as if
10 they had been elected. **If no election is held for such office as provided in**
11 **this section, the election authority shall publish a notice containing the**
12 **names of the candidates that shall assume the responsibilities of office**
13 **under this section. Such notice shall be published in at least one**
14 **newspaper of general circulation in such political subdivision or**
15 **district by the first of the month in which the election would have**
16 **occurred, had it been contested.** Notwithstanding any other provision of law
17 to the contrary, if at any election the number of candidates filing for a particular
18 office exceeds the number of positions to be filled at such election, the election
19 authority shall hold the election as scheduled, even if a sufficient number of
20 candidates withdraw from such contest for that office so that the number of

21 candidates remaining after the filing deadline is equal to the number of positions
22 to be filled.

23 2. The election authority or political subdivision responsible for the
24 oversight of the filing of candidates in any nonpartisan election in any political
25 subdivision or special district shall clearly designate where candidates shall form
26 a line to effectuate such filings and determine the order of such filings; except
27 that, in the case of candidates who file a declaration of candidacy with the
28 election authority or political subdivision prior to 5:00 p.m. on the first day for
29 filing, the election authority or political subdivision may determine by random
30 drawing the order in which such candidates' names shall appear on the ballot. If
31 a drawing is conducted pursuant to this subsection, it shall be conducted so that
32 each candidate may draw a number at random at the time of filing. If such
33 drawing is conducted, the election authority or political subdivision shall record
34 the number drawn with the candidate's declaration of candidacy. If such drawing
35 is conducted, the names of candidates filing on the first day of filing for each
36 office on each ballot shall be listed in ascending order of the numbers so drawn.

37 **3. The governing body of any city, town, or village with one**
38 **thousand or fewer inhabitants may submit to the voters at any**
39 **available election, a question to adopt the provisions of subsection 1 of**
40 **this section for municipal elections. If a majority of the votes cast by**
41 **the qualified voters voting thereon are in favor of the question, then**
42 **the city, town, or village shall conduct nonpartisan municipal elections**
43 **as provided in subsection 1 of this section for all nonpartisan elections**
44 **remaining in the year in which the proposal was adopted and for the**
45 **six calendar years immediately following such approval. At the end of**
46 **such six-year period, each such city, town, or village shall be prohibited**
47 **from conducting such elections in such a manner unless such a**
48 **question is again adopted by the majority of qualified voters as**
49 **provided in this subsection.**

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