

FIRST REGULAR SESSION

HOUSE BILL NO. 301

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WAGNER AND McKENNA (Co-sponsors).

Read 1st time January 9, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0726L.021

AN ACT

To repeal sections 115.121, 115.122, 115.123 and 115.755, RSMo 2000, and to enact in lieu thereof four new sections relating to weekend voting procedures.

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

Section A. Sections 115.121, 115.122, 115.123 and 115.755, RSMo 2000, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 115.121, 115.123, 115.130
3 and 115.755, to read as follows:

115.121. 1. **Except as provided in section 115.130**, the general election day shall be
2 the first Tuesday after the first Monday in November of even-numbered years.

3 2. **Except as provided in section 115.130**, the primary election day shall be the first
4 Tuesday after the first Monday in August of even-numbered years.

5 3. **Except as provided in section 115.130**, the election day for the election of political
6 subdivision and special district officers shall be the first Tuesday after the first Monday in April
7 each year; and shall be known as the "general municipal election day".

[115.122. The provisions of section 115.123, to the contrary notwithstanding,
2 any county, city, town or village may hold an election on the first Tuesday after the
3 first Monday in August, 1997.]

115.123. 1. **Except as provided in section 115.130**, all public elections shall be held
2 on Tuesday. Except as provided in subsections 2, 3, 4 and 5 of this section, and section 247.180,
3 RSMo, all public elections shall be held on the general election day, the primary election day,
4 the general municipal election day, the first Tuesday after the first Monday in February or
5 November, or on another day expressly provided by city or county charter.

6 2. Notwithstanding the provisions of subsection 1 of this section, an election for a

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

7 presidential primary held pursuant to sections 115.755 to 115.785 shall be held on the first
8 Tuesday after the first Monday in March of each presidential election year, **except as provided**
9 **in section 115.130.**

10 3. Notwithstanding the provisions of subsection 1 of this section, school districts may
11 hold elections on the first Tuesday after the first Monday in June and in nonprimary years on the
12 first Tuesday after the first Monday in August, and municipalities may hold elections in
13 nonprimary years on the first Tuesday after the first Monday in August, **except as provided in**
14 **section 115.130.**

15 4. The following elections shall be exempt from the provisions of subsection 1 of this
16 section **and from section 115.130:**

- 17 (1) Bond elections necessitated by fire, vandalism or natural disaster;
18 (2) Elections for which ownership of real property is required by law for voting; and
19 (3) Special elections to fill vacancies and to decide tie votes or election contests.

20 5. No city or county shall adopt a charter or charter amendment which calls for elections
21 to be held on dates other than those established in subsection 1 of this section.

22 6. Nothing in this section prohibits a charter city or county from having its primary
23 election in March if the charter provided for a March primary before August 28, 1999.

24 7. Nothing in this section shall prohibit elections held pursuant to section 65.600, RSMo,
25 but no other issues shall be on the March ballot except pursuant to this chapter.

115.130. 1. Notwithstanding any other provision of law to the contrary, beginning
2 **September 1, 2001, and ending August 31, 2004, all elections shall take place on the**
3 **Saturday and Sunday immediately prior to the Tuesday on which such election would**
4 **otherwise take place pursuant to law. All election law shall be applied in the same manner**
5 **as if any such election were taking place on the Tuesday for which the election would have**
6 **otherwise been scheduled.**

7 **2. All ballots cast on any Saturday pursuant to this section shall not be counted on**
8 **that Saturday. Such ballots shall, after all ballots are cast on Saturday, be stored until**
9 **counting begins in a secured vault or other secured location by the election authority. Such**
10 **ballots shall be counted at the same time as all ballots cast on Sunday.**

11 **3. This section shall apply to all election dates provided for in sections 115.121 to**
12 **115.129 and in section 115.755.**

13 **4. Any additional net costs involved with conducting such elections on Saturday**
14 **and Sunday as opposed to Tuesday shall be paid by the state.**

115.755. **Except as provided in section 115.130,** a statewide presidential preference
2 primary shall be held on the first Tuesday after the first Monday in March of each presidential
3 election year.