

FIRST REGULAR SESSION

HOUSE BILL NO. 214

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PEARCE.

Read 1st time January 13, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0611L.011

AN ACT

To repeal section 115.124, RSMo, and to enact in lieu thereof one new section relating to 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Section A. Section 115.124, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.124, to read as follows: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 nonpartisan election in any political subdivision or special district except for municipal and board of trustees of community college districts elections, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation in the district, and if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. Notwithstanding any other provision of law to the contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled. **The governing body of any city, county, town, or village may, by ordinance, adopt the provisions of this subsection.**

2. The election authority or political subdivision responsible for the oversight of the filing of candidates in any nonpartisan election in any political subdivision or special district

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 shall clearly designate where candidates shall form a line to effectuate such filings and determine
18 the order of such filings; except that, in the case of candidates who file a declaration of candidacy
19 with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing,
20 the election authority or political subdivision may determine by random drawing the order in
21 which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to
22 this subsection, it shall be conducted so that each candidate may draw a number at random at the
23 time of filing. If such drawing is conducted, the election authority or political subdivision shall
24 record the number drawn with the candidate's declaration of candidacy. If such drawing is
25 conducted, the names of candidates filing on the first day of filing for each office on each ballot
26 shall be listed in ascending order of the numbers so drawn.