

FIRST REGULAR SESSION

HOUSE BILL NO. 879

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PHILLIPS.

Read 1st time March 30, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2188L.011

AN ACT

To repeal section 115.077, RSMo, and to enact in lieu thereof one new section relating to certification of elections.

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

Section A. Section 115.077, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.077, to read as follows:

115.077. 1. Special districts, cities, townships in township organization counties, villages and the state shall pay the election costs required by this subchapter to each election authority conducting its elections.

2. Not later than the fifth Tuesday prior to any election to be conducted for the state, a special district or political subdivision, the election authority shall estimate the cost of conducting the election for the state and each political subdivision and special district submitting a candidate or question at the election. Not later than the third Tuesday prior to the election, the state, each special district and political subdivision submitting a candidate or question at the election, except the county, shall deposit with the election authority an amount equal to the estimated cost of conducting the election for the state, the political subdivision or special district. All payments of election costs received by an election authority under the provisions of this subsection shall be placed by the election authority in a special account and used by the election authority only to pay the costs incurred in conducting the election. If the amount paid to an election authority by the state or any political subdivision or special district exceeds the cost of conducting the election for the state, political subdivision or special district, the election authority shall promptly refund to the state, political subdivision or special district the difference

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 between the amount deposited with it and the cost of conducting the election. If the amount
18 deposited with an election authority by the state or any political subdivision or special district
19 is less than the cost of conducting the election for the state, political subdivision or special
20 district, the state, political subdivision or special district shall, not later than the fifth Tuesday
21 after the election, pay to the election authority the difference between the amount deposited and
22 the cost of conducting the election.

23 3. Except as provided in section 115.061, all payments of election costs received by an
24 election authority under the provisions of this section shall be placed by the election authority
25 in a special account and used by the election authority only to pay the costs incurred in
26 conducting elections.

27 4. When the state or any political subdivision or special district willfully fails to make
28 payment of an election cost required by this subchapter by the time provided in this subchapter,
29 it shall pay a penalty of fifty dollars for each day after the time provided in this subchapter proper
30 payment is not made. Any such penalty shall be payable to the election authority authorized to
31 receive payment of the election cost and shall be deposited in the general revenue fund of such
32 election authority's city or county. **An election authority shall not certify election results to
33 the state, political subdivision, or special district until such proper payment of election
34 costs and penalties, if applicable, are made.**

35 5. There is hereby created the "State Election Subsidy Fund" in the state treasury which
36 shall be funded by appropriations from the general assembly for the purpose of the state making
37 advance payments of election costs as required by this section. To meet the state's funding
38 obligation to maintain expenditures pursuant to Section 254(a)(7) of the Help America Vote Act
39 of 2002, the commissioner of the office of administration shall annually transfer from general
40 revenue to the state election subsidy fund an amount not less than the amount expended in the
41 fiscal year that ended June 30, 2000. At the end of each fiscal year, any amounts in the state
42 election subsidy fund not expended or obligated to meet the state's obligations pursuant to
43 section 115.065 and this section shall be transferred to the election administration improvements
44 fund authorized pursuant to section 115.078 and used to meet the maintenance of effort funding
45 requirements of Section 254(a)(7) of the Help America Vote Act of 2002. Any other law to the
46 contrary notwithstanding, the funds received pursuant to Sections 251 and 252 of the Help
47 America Vote Act of 2002 shall be expended according to the state plan developed pursuant to
48 the provisions of Section 254 of said act. The secretary of state shall develop the state plan
49 through the committee appointed by the secretary of state under the provisions of Section 255
50 of the Help America Vote Act of 2002.