

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 121
96TH GENERAL ASSEMBLY

0095L.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 51.050, 115.123, 115.124, 115.127, 115.241, 115.399, 115.601, 115.637, and 115.761, RSMo, and to enact in lieu thereof ten new sections relating to elections, with existing penalty provisions.

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

Section A. Sections 51.050, 115.123, 115.124, 115.127, 115.241, 115.399, 115.601, 2 115.637, and 115.761, RSMo, are repealed and ten new sections enacted in lieu thereof, to be 3 known as sections 33.291, 51.050, 115.123, 115.124, 115.127, 115.399, 115.601, 115.637, 4 115.761, and 190.056, to read as follows:

33.291. No department of this state shall contract with or provide any moneys to 2 any entity that has been found guilty of or has pled guilty to intentionally or willfully 3 violating any election law, tax law, or immigration law of this state.

51.050. No person shall be elected or appointed clerk of the county commission unless 2 [he] **such person** be a citizen of the United States, over the age of twenty-one years, and shall 3 have resided within the state one whole year, and within the county for which [he] **the person** 4 is elected [six months] **one year** just prior to [his] **such person's** election; and every clerk shall 5 after [his] **the** election continue to reside within the county for which [he] **such person** is clerk.

115.123. 1. All public elections shall be held on Tuesday. Except as provided in 2 subsections 2[,] **and** 3[, and 4] of this section, and section 247.180, all public elections shall be 3 held on the general election day, the primary election day, the general municipal election day, 4 the first Tuesday after the first Monday in [February or] November, or on another day expressly 5 provided by city or county charter, [the first Tuesday after the first Monday in June] and in 6 nonprimary years on the first Tuesday after the first Monday in August.

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.

7 2. Notwithstanding the provisions of subsection 1 of this section, an election for a
8 presidential primary held pursuant to sections 115.755 to 115.785 shall be held on the first
9 Tuesday after the first Monday in March of each presidential election year.

10 3. The following elections shall be exempt from the provisions of subsection 1 of this
11 section:

12 (1) Bond elections necessitated by fire, vandalism or natural disaster;

13 (2) Elections for which ownership of real property is required by law for voting; and

14 (3) Special elections to fill vacancies and to decide tie votes or election contests.

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

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

19 6. Nothing in this section shall prohibit elections held pursuant to section 65.600, but no
20 other issues shall be on the March ballot except pursuant to this chapter.

115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in
2 any political subdivision or special district except for municipal elections **in any city, town, or**
3 **village with more than thirty-five thousand inhabitants**, if the notice provided for in
4 subsection 5 of section 115.127 has been published in at least one newspaper of general
5 circulation in the district, and if the number of candidates who have filed for a particular office
6 is equal to the number of positions in that office to be filled by the election, no election shall be
7 held for such office, and the candidates shall assume the responsibilities of their offices at the
8 same time and in the same manner as if they had been elected. **If no election is held for such**
9 **office as provided in this section, the election authority shall publish a notice containing**
10 **the names of the candidates that will assume the responsibilities of office under this section.**
11 **Such notice shall be published by April first of each year, and shall be published in at least**
12 **one newspaper of general circulation in such political subdivision or district.**

Notwithstanding any other provision of law to the contrary, if at any election the number of
14 candidates filing for a particular office exceeds the number of positions to be filled at such
15 election, the election authority shall hold the election as scheduled, even if a sufficient number
16 of candidates withdraw from such contest for that office so that the number of candidates
17 remaining after the filing deadline is equal to the number of positions to be filled.

18 2. The election authority or political subdivision responsible for the oversight of the
19 filing of candidates in any nonpartisan election in any political subdivision or special district
20 shall clearly designate where candidates shall form a line to effectuate such filings and determine
21 the order of such filings; except that, in the case of candidates who file a declaration of candidacy
22 with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing,

23 the election authority or political subdivision may determine by random drawing the order in
24 which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to
25 this subsection, it shall be conducted so that each candidate may draw a number at random at the
26 time of filing. If such drawing is conducted, the election authority or political subdivision shall
27 record the number drawn with the candidate's declaration of candidacy. If such drawing is
28 conducted, the names of candidates filing on the first day of filing for each office on each ballot
29 shall be listed in ascending order of the numbers so drawn.

115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice of
2 a special election to fill a vacancy submitted pursuant to section 115.125, the election authority
3 shall cause legal notice of the special election to be published in a newspaper of general
4 circulation in its jurisdiction. The notice shall include the name of the officer or agency calling
5 the election, the date and time of the election, the name of the office to be filled and the date by
6 which candidates must be selected or filed for the office. Within one week prior to each special
7 election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of
8 the election to be published in two newspapers of different political faith and general circulation
9 in the jurisdiction. The legal notice shall include the date and time of the election, the name of
10 the officer or agency calling the election and a sample ballot. If there is only one newspaper of
11 general circulation in the jurisdiction, the notice shall be published in the newspaper within one
12 week prior to the election. If there are two or more newspapers of general circulation in the
13 jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the
14 newspapers within one week prior to the election.

15 2. Except as provided in subsections 1 and 4 of this section and in sections 115.521,
16 115.549 and 115.593, the election authority shall cause legal notice of each election held in its
17 jurisdiction to be published. The notice shall be published in two newspapers of different
18 political faith and qualified pursuant to chapter 493 which are published within the bounds of
19 the area holding the election. If there is only one so qualified newspaper, then notice shall be
20 published in only one newspaper. If there is no newspaper published within the bounds of the
21 election area, then the notice shall be published in two qualified newspapers of different political
22 faith serving the area. Notice shall be published twice, the first publication occurring in the
23 second week prior to the election, and the second publication occurring within one week prior
24 to the election. Each such legal notice shall include the date and time of the election, the name
25 of the officer or agency calling the election and a sample ballot; and, unless notice has been
26 given as provided by section 115.129, the second publication of notice of the election shall
27 include the location of polling places. The election authority may provide any additional notice
28 of the election it deems desirable.

29 3. The election authority shall print the official ballot as the same appears on the sample
30 ballot, and no candidate's name or ballot issue which appears on the sample ballot or official
31 printed ballot shall be stricken or removed from the ballot except on death of a candidate or by
32 court order.

33 4. In lieu of causing legal notice to be published in accordance with any of the provisions
34 of this chapter, the election authority in jurisdictions which have less than seven hundred fifty
35 registered voters and in which no newspaper qualified pursuant to chapter 493 is published, may
36 cause legal notice to be mailed during the second week prior to the election, by first class mail,
37 to each registered voter at the voter's voting address. All such legal notices shall include the date
38 and time of the election, the location of the polling place, the name of the officer or agency
39 calling the election and a sample ballot.

40 5. **(1) Except for filing for office filled by election on the general municipal election**
41 **day as provided in subdivision (2) of this subsection,** if the opening date for filing a
42 declaration of candidacy for any office in a political subdivision or special district is not required
43 by law or charter, the opening filing date shall be 8:00 a.m., the sixteenth Tuesday prior to the
44 election, except that for any home rule city with more than four hundred thousand inhabitants
45 and located in more than one county and any political subdivision or special district located in
46 such city, the opening filing date shall be 8:00 a.m., the fifteenth Tuesday prior to the election.
47 **Except for filing for office filled by election on the general municipal election day as**
48 **provided in subdivision (2) of this subsection,** if the closing date for filing a declaration of
49 candidacy for any office in a political subdivision or special district is not required by law or
50 charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to the election. The
51 political subdivision or special district calling an election shall, before the sixteenth Tuesday, or
52 the fifteenth Tuesday for any home rule city with more than four hundred thousand inhabitants
53 and located in more than one county or any political subdivision or special district located in
54 such city, prior to any election at which offices are to be filled, notify the general public of the
55 opening filing date, the office or offices to be filled, the proper place for filing and the closing
56 filing date of the election. Such notification may be accomplished by legal notice published in
57 at least one newspaper of general circulation in the political subdivision or special district.

58 **(2) The opening filing date for any office filled by election on the general municipal**
59 **election day as established under section 115.121 shall be the first Tuesday in December**
60 **of the immediately preceding year, and the closing filing date shall be the first Tuesday**
61 **after the first Monday in January of the year in which the election is held. This subdivision**
62 **shall not apply to any election in a political subdivision or special district in any county**
63 **with a charter form of government.**

64 6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost
65 for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting
66 costs, a candidate who has filed for an office or who has been duly nominated for an office may,
67 at any time after the certification required in section 115.125 but no later than 5:00 p.m. on the
68 sixth Tuesday before the election, withdraw as a candidate pursuant to a court order, which,
69 except for good cause shown by the election authority in opposition thereto, shall be freely given
70 upon application by the candidate to the circuit court of the area of such candidate's residence.

115.399. 1. Not later than the twelfth Tuesday prior to each presidential election, or
2 notwithstanding any prior laws to the contrary, in the year 1996 and thereafter, within seven
3 working days after choosing its nominees for president and vice president of the United States,
4 whichever is later, the state committee of each established political party shall certify in writing
5 to the secretary of state the names of its nominees for president and vice president of the United
6 States. **Such certification shall include proof of identity and proof of United States**
7 **citizenship for each nominee.**

8 2. Not later than the third Tuesday prior to each presidential election, the state committee
9 of each established political party shall certify in writing to the secretary of state the names of
10 its nominees for presidential elector. At least one qualified resident of each congressional district
11 shall be named as a nominee for presidential elector by each state committee, and the number
12 of nominees for presidential elector named by each state committee shall equal the number to
13 which the state is entitled.

14 3. When submitted for filing, each certification made by a state committee pursuant to
15 the provisions of subsection 2 of this section shall be accompanied by a declaration of candidacy
16 for each candidate for presidential elector. Each declaration of candidacy shall state the
17 candidate's full name, residence address, office for which such person proposes to be a candidate
18 and that if elected the person will qualify. Each such declaration shall be in substantially the
19 following form:

20
21 I, , a resident of the congressional district and the state of Missouri do
22 announce myself a candidate for the office of presidential elector from the . . . congressio-
23 nal district (state at large) on the . . . ticket, to be voted for at the presidential election to be held on
24 the . . . day of . . . , 20. ., and I further declare that if nominated and elected to such office I will
25 qualify.

26
27

28	Subscribed and sworn to
29	Signature of candidate	before me this
30		day of , 20.
31
32	Residence address	Signature of election official
33		or officer authorized to
34		administer oaths
35		

36 Each such declaration shall be subscribed and sworn to by the candidate before the election
 37 official receiving the certification, a notary public or other officer authorized by law to
 38 administer oaths.

115.601. 1. Any contestant in a primary or other election contest who was defeated by
 2 less than **one-half of** one percent of the votes cast for the office and any contestant who received
 3 the second highest number of votes cast for that office if two or more are to be elected and who
 4 was defeated by less than one percent of the votes cast, or any person whose position on a
 5 question was defeated by less than **one-half of** one percent of the votes cast on the question, shall
 6 have the right to a recount of the votes cast for the office or on the question.

7 2. In cases where the candidate filed or the ballot question was originally filed with an
 8 election authority as defined in section 115.015, such recount shall be requested in accordance
 9 with the provisions of section 115.531 or 115.577 and conducted under the direction of the court
 10 or the commissioner representing the court trying the contest according to the provisions of this
 11 subchapter.

12 3. In cases where the candidate filed or the ballot question was originally filed with the
 13 secretary of state, the defeated candidate or the person whose position on a question was defeated
 14 by less than **one-half of** one percent of the votes cast on the question shall be allowed a recount
 15 pursuant to this section by filing with the secretary of state a request for a recount stating that the
 16 person or the person's position on a question was defeated by less than **one-half of** one percent
 17 of the votes cast. Such request shall be filed not later than seven days after certification of the
 18 election. The secretary of state shall notify all concerned parties of the filing of the request for
 19 a recount. The secretary of state shall authorize the election authorities to conduct a recount
 20 pursuant to this section if the requesting party or his position on a question was defeated by less
 21 than **one-half of** one percent of the votes cast. The secretary of state shall conduct and certify
 22 the results of the recount as the official results in the election within twenty days of receipt of the
 23 aforementioned notice of recount.

24 4. Whenever a recount is requested pursuant to subsection 3 of this section, the secretary
 25 of state shall determine the number of persons necessary to assist with the recount and shall

26 appoint such persons equally from lists submitted by the contestant and the opponent who
27 received more votes or a person whose position on a question received more votes than the
28 contestant's position on that question. Each person appointed pursuant to this section shall be
29 a disinterested person and a registered voter of the area in which the contested election was held.
30 Each person so appointed shall take the oath prescribed for and receive the same pay as an
31 election judge in the jurisdiction where the person is registered. After being sworn not to disclose
32 any facts uncovered by the recount, except those which are contained in the report, the contestant
33 and the opponent who received more votes or a person whose position on a question received
34 more votes than the contestant's position on that question shall be permitted to be present in
35 person or represented by an attorney at the recount and to observe the recount. Each recount
36 shall be completed under the supervision of the secretary of state with the assistance of the
37 election authorities involved, and the persons appointed to assist with the recount shall perform
38 such duties as the secretary of state directs. Upon completion of any duties prescribed by the
39 secretary of state the persons appointed to assist with the recount shall make a written and signed
40 report of their findings. The findings of the persons appointed to assist with the recount shall be
41 prima facie evidence of the facts stated therein, but any person present at the examination of the
42 votes may be a witness to contradict the findings. No one other than the secretary of state, the
43 election authorities involved, the contestant and the other witnesses described in this subsection,
44 their attorneys, and those specifically appointed by the secretary of state to assist with the recount
45 shall be present during any recount conducted pursuant to this section.

46 5. For purposes of this section, "recount" means one additional counting of all votes
47 counted for the office or on the question with respect to which the recount is requested.

115.637. The following offenses, and any others specifically so described by law, shall
2 be class four election offenses and are deemed misdemeanors not connected with the exercise
3 of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment
4 of not more than one year or by a fine of not more than two thousand five hundred dollars or by
5 both such imprisonment and fine:

6 (1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample
7 ballots that may be furnished by an organization or individual at or near any voting place on
8 election day, except that this subdivision shall not be construed so as to interfere with the right
9 of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate
10 and substituting the name of the person for whom he intends to vote; or to dispose of the
11 received sample ballot;

12 (2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent
13 sample ballots which appear on their face to be designed as a fraud upon voters;

14 (3) Purposefully giving a printed or written sample ballot to any qualified voter which
15 is intended to mislead the voter;

16 (4) On the part of any candidate for election to any office of honor, trust, or profit,
17 offering or promising to discharge the duties of such office for a less sum than the salary, fees,
18 or emoluments as fixed by law or promising to pay back or donate to any public or private
19 interest any portion of such salary, fees, or emolument as an inducement to voters;

20 (5) On the part of any canvasser appointed to canvass any registration list, willfully
21 failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to
22 perform his duties in making such canvass or willfully neglecting any duties lawfully assigned
23 to him;

24 (6) On the part of any employer, making, enforcing, or attempting to enforce any order,
25 rule, or regulation or adopting any other device or method to prevent an employee from engaging
26 in political activities, accepting candidacy for nomination to, election to, or the holding of,
27 political office, holding a position as a member of a political committee, soliciting or receiving
28 funds for political purpose, acting as chairman or participating in a political convention,
29 assuming the conduct of any political campaign, signing, or subscribing his name to any
30 initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

31 (7) On the part of any person authorized or employed to print official ballots, or any
32 person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any
33 ballot to or by any person other than the official under whose direction the ballots are being
34 printed, any ballot in any form other than that prescribed by law, or with unauthorized names,
35 with names misspelled, or with the names of candidates arranged in any way other than that
36 authorized by law;

37 (8) On the part of any election authority or official charged by law with the duty of
38 distributing the printed ballots, or any person acting on his behalf, knowingly distributing or
39 causing to be distributed any ballot in any manner other than that prescribed by law;

40 (9) Any person having in his possession any official ballot, except in the performance
41 of his duty as an election authority or official, or in the act of exercising his individual voting
42 privilege;

43 (10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

44 (11) On the part of any election judge, willfully absenting himself from the polls on
45 election day without good cause or willfully detaining any election material or equipment and
46 not causing it to be produced at the voting place at the opening of the polls or within fifteen
47 minutes thereafter;

48 (12) On the part of any election authority or official, willfully neglecting, refusing, or
49 omitting to perform any duty required of him by law with respect to holding and conducting an
50 election, receiving and counting out the ballots, or making proper returns;

51 (13) On the part of any election judge, or party watcher or challenger, furnishing any
52 information tending in any way to show the state of the count to any other person prior to the
53 closing of the polls;

54 (14) On the part of any voter, except as otherwise provided by law, allowing his ballot
55 to be seen by any person with the intent of letting it be known how he is about to vote or has
56 voted, or knowingly making a false statement as to his inability to mark his ballot;

57 (15) On the part of any election judge, disclosing to any person the name of any
58 candidate for whom a voter has voted;

59 (16) Interfering, or attempting to interfere, with any voter inside a polling place;

60 (17) On the part of any person at any registration site, polling place, counting location
61 or verification location, causing any breach of the peace or engaging in disorderly conduct,
62 violence, or threats of violence whereby such registration, election, count or verification is
63 impeded or interfered with;

64 (18) Exit polling, surveying, sampling, electioneering, distributing election literature,
65 posting signs or placing vehicles bearing signs with respect to any candidate or question to be
66 voted on at an election on election day inside the building in which a polling place is located or
67 within twenty-five feet of the building's outer door closest to the polling place, or, on the part of
68 any person, refusing to remove or permit removal from property owned or controlled by him, any
69 such election sign or literature located within such distance on such day after request for removal
70 by any person;

71 (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on
72 private property, except that this subdivision shall not be construed to interfere with the right of
73 any private property owner to take any action with regard to campaign yard signs on the owner's
74 property and this subdivision shall not be construed to interfere with the right of any candidate,
75 or the candidate's designee, to remove the candidate's campaign yard sign from the owner's
76 private property after the election day;

77 **(20) On the part of any person discouraging, hampering, pressuring, or attempting**
78 **to prevent another person from filing for public office for the purpose of eliminating the**
79 **requirement to hold a special election because the number of candidates filing is the same**
80 **as the number of positions to be filled under section 115.124.**

115.761. 1. The official list of presidential candidates for each established political party
2 shall include the names of all constitutionally qualified candidates for whom, on or after 8:00
3 a.m. on the fifteenth Tuesday prior to the presidential primary, and on or before 5:00 p.m., on

4 the eleventh Tuesday prior to the presidential primary, a written request to be included on the
5 presidential primary ballot is filed with the secretary of state. **Such written request shall**
6 **include proof of identity and proof of United States citizenship for each candidate**, along
7 with:

8 (1) Receipt of payment to the state committee of the established political party on whose
9 ballot the candidate wishes to appear of a filing fee of one thousand dollars; or

10 (2) A written statement, sworn to before an officer authorized by law to administer oaths,
11 that the candidate is unable to pay the filing fee and does not have funds in a campaign fund or
12 committee to pay the filing fee and a petition signed by not less than five thousand registered
13 Missouri voters, as determined by the secretary of state, that the candidate's name be placed on
14 the ballot of the specified established political party for the presidential preference primary. The
15 request to be included on the presidential primary ballot shall include each signer's printed name,
16 registered address and signature and shall be in substantially the following form:

17 I (We) the undersigned, do hereby request that the name of be placed
18 upon the February,, presidential primary ballot as candidate for nomination as the
19 nominee for President of the United States on the party ticket.

20 2. The state or national party organization of an established political party that adopts
21 rules imposing signature requirements to be met before a candidate can be listed as an official
22 candidate shall notify the secretary of state by October first of the year preceding the presidential
23 primary.

24 3. Any candidate or such candidate's authorized representative may have such candidate's
25 name stricken from the presidential primary ballot by filing with the secretary of state on or
26 before 5:00 p.m. on the eleventh Tuesday prior to the presidential primary election a written
27 statement, sworn to before an officer authorized by law to administer oaths, requesting that such
28 candidate's name not be printed on the official primary ballot. Thereafter, the secretary of state
29 shall not include the name of that candidate in the official list announced pursuant to section
30 115.758 or in the certified list of candidates transmitted pursuant to section 115.765.

31 4. The filing times set out in this section shall only apply to presidential preference
32 primaries, and are in lieu of those established in section 115.349.

190.056. 1. Each member of an ambulance district board of directors shall be
2 **subject to recall from office by the registered voters of the election district from which the**
3 **member was elected. Proceedings may be commenced for the recall of any such member**
4 **by the filing of a notice of intention to circulate a recall petition under this section.**

5 **2. Proceedings may not be commenced against any member if, at the time of**
6 **commencement, such member:**

7 (1) Has not held office during the member's current term for a period of more than
8 one hundred eighty days; or

9 (2) Has one hundred eighty days or less remaining in the member's term; or

10 (3) Has had a recall election determined in the member's favor within the current
11 term of office.

12 3. The notice of intention to circulate a recall petition shall be served personally,
13 or by certified mail, on the board member sought to be recalled. A copy thereof shall be
14 filed, along with an affidavit of the time and manner of service, with the election authority,
15 as defined in chapter 115. A separate notice shall be filed for each board member sought
16 to be recalled and shall contain all of the following:

17 (1) The name of the board member sought to be recalled;

18 (2) A statement, not exceeding two hundred words in length, of the reasons for the
19 proposed recall; and

20 (3) The names and business or residential addresses of at least one but not more
21 than five proponents of the recall.

22 4. Within seven days after the filing of the notice of intention, the board member
23 may file with the election authority a statement, not exceeding two hundred words in
24 length, in answer to the statement of the proponents. If an answer is filed, the board
25 member shall also serve a copy of it, personally or by certified mail, on one of the
26 proponents named in the notice of intention. The statement and answer are intended solely
27 to be used for the information of the voters. No insufficiency in form or substance of such
28 statements shall affect the validity of the election proceedings.

29 5. Before any signature shall be affixed to a recall petition, the petition is required
30 to bear all of the following:

31 (1) A request that an election be called to elect a successor to the board member;

32 (2) A copy of the notice of intention, including the statement of grounds for recall;

33 (3) The answer of the board member sought to be recalled, if any exists. If the
34 board member has not answered, the petition shall so state; and

35 (4) A place for each signer to affix the signer's signature, printed name, and
36 residential address, including any address in a city, town, village, or unincorporated
37 community.

38 6. Each section of the petition, when submitted to the election authority, shall have
39 attached to it an affidavit signed by the person circulating such section, setting forth all of
40 the following:

41 (1) The printed name of the affiant;

42 (2) The residential address of the affiant;

43 **(3) That the affiant circulated that section and saw the appended signatures be**
44 **written;**

45 **(4) That according to the best information and belief of the affiant, each signature**
46 **is the genuine signature of the person whose name it purports to be;**

47 **(5) That the affiant is a registered voter of the election district of the board member**
48 **sought to be recalled; and**

49 **(6) The dates between which all the signatures to the petition were obtained.**

50 **7. A recall petition shall be filed with the election authority not more than one**
51 **hundred eighty days after the filing of the notice of intention.**

52 **8. The number of qualified signatures required in order to recall a board member**
53 **shall be equal in number to at least twenty-five percent of the number of voters who voted**
54 **in the most recent gubernatorial election in such election district.**

55 **9. Within twenty days from the filing of the recall petition the election authority**
56 **shall determine whether the petition was signed by the required number of qualified**
57 **signatures. The election authority shall file with the petition a certificate showing the**
58 **results of the examination. The election authority shall give the proponents a copy of the**
59 **certificate upon their request.**

60 **10. If the election authority certifies the petition to be insufficient, it may be**
61 **supplemented within ten days of the date of certification by filing additional petition**
62 **sections containing all of the information required by this section. Within ten days after**
63 **the supplemental copies are filed, the election authority shall file with them a certificate**
64 **stating whether the petition as supplemented is sufficient.**

65 **11. If the certificate shows that the petition as supplemented is insufficient, no**
66 **action shall be taken on it; however, the petition shall remain on file.**

67 **12. If the election authority finds the signatures on the petition, together with any**
68 **supplementary petition sections, to be sufficient, it shall submit its certificate as to the**
69 **sufficiency of the petition to the ambulance district board of directors prior to its next**
70 **meeting. The certificate shall contain:**

71 **(1) The name of the member whose recall is sought;**

72 **(2) The number of signatures required by law;**

73 **(3) The total number of signatures on the petition; and**

74 **(4) The number of valid signatures on the petition.**

75 **13. Following the ambulance district board's receipt of the certificate, the election**
76 **authority shall order an election to be held on one of the election days specified in section**
77 **115.123. The election shall be held not less than forty-five days but not more than one**
78 **hundred twenty days from the date the ambulance district board receives the petition.**

79 **Nominations for board membership openings under this section shall be made by filing a**
80 **statement of candidacy with the election authority.**

81 **14. At any time prior to forty-two days before the election, the member sought to**
82 **be recalled may offer the member's resignation. If the member's resignation is offered, the**
83 **recall question shall be removed from the ballot and the office declared vacant. The**
84 **member who resigned shall not fill the vacancy, which shall be filled as otherwise provided**
85 **by law.**

86 **15. The provisions of chapter 115 governing the conduct of elections shall apply,**
87 **where appropriate, to recall elections held under this section. The costs of the election shall**
88 **be paid as provided in chapter 115.**

2 [115.241. Each party emblem shall be printed on the ballot above the
party caption.]