

## HCS SB 99 -- ELECTIONS

This bill changes the laws regarding elections, the publication of the state manual, transient guest taxes, and local sales taxes on motor vehicles.

### PUBLICATION OF THE STATE OFFICIAL MANUAL

The bill allows the Secretary of State or a designated employee of the Secretary of State to enter into an agreement with a nonprofit organization to print and distribute copies of the State Official Manual. The Secretary of State must provide to the organization the electronic version of the official manual that he or she is required to prepare. The nonprofit organization must charge a fee for a copy of the manual to cover the cost of production and distribution (Sections 11.010 and 11.025, RSMo).

### SALES TAXES ON MOTOR VEHICLE PURCHASES

The bill prohibits state and local use taxes on the sale of motor vehicles, trailers, boats, or outboard motors. State and local sales taxes must be imposed on the sale of these items at the time of titling in Missouri, regardless of whether the item was purchased in this state. The residence of the purchaser will be used for determining the local tax rate that should apply. The rate of tax for motor vehicles, trailers, boats, or outboard motors sold at retail must be the sum of the state sales tax and the local sales tax.

All local taxing jurisdictions that have not previously approved a local use tax must put to a vote of the people whether to discontinue collecting sales tax on the sale of motor vehicles, trailers, boats, or outboard motors purchased out-of-state when titling in Missouri. If a taxing jurisdiction does not hold the vote before November 2016, the taxing jurisdiction must cease collecting the sales tax. A taxing jurisdiction may, at any time, hold a vote to repeal the tax. Language repealing the tax must also be put to a vote of the people any time 15% of the registered voters in a taxing jurisdiction sign a petition requesting it (Sections 32.087 and 144.020 - 144.615).

### TRANSIENT GUEST TAX

The bill authorizes the cities of Edmundson and Woodson Terrace to impose, upon voter approval, a transient guest tax of up to .6% per occupied room per night and repeals the provision prohibiting these cities from increasing its hotel and motel license tax by more than 5% per year (Sections 67.1009 and 94.270).

## ELECTIONS

The bill:

(1) Allows a council member in a third class city to serve a four-year term if the city passes an ordinance or a majority of the voters approve a proposal on the ballot. The four-year terms will begin with those elected to the council after the adoption of the ordinance or the approval of the ballot question and repeals the provision as it was truly agreed to and finally passed in HB 163 in 2013 (Section 77.030);

(2) Allows certain third class cities organized under Sections 78.010 - 78.400 to eliminate, by order or ordinance, any primary election for the office of mayor and councilman that is currently held in February. A person wishing to become a candidate for one of these offices must file a signed statement of candidacy with the city clerk in order to be placed on the ballot in the next municipal election for the office (Section 78.090);

(3) Lowers, from 21 years of age to 18 years of age, the minimum age requirement for a person to serve as an alderman in a fourth class city (Section 79.070);

(4) Repeals the provision that prohibits a voting machine from being used unless it permits each voter at a presidential election to vote by the use of a single lever for the candidates of one party or group of petitioners for President, Vice President, and their presidential electors (Section 115.249);

(5) Repeals the provision requiring a voting machine to be placed so that the ballot labels can be plainly seen by the election judges when not in use by voters unless its construction requires otherwise (Section 115.259);

(6) Repeals the provision requiring that the words "Official Absentee Ballot" appear at the top of an absentee ballot (Section 115.281);

(7) Changes the composition of a team that an election authority appoints to count absentee ballots from four election judges consisting of two from each political party to a team comprised of an equal number of judges from each major political party (Section 115.299);

(8) Repeals the provision prohibiting absentee ballots from being counted by the same persons as those who removed them from their envelopes (Section 115.300);

(9) Repeals the provision allowing the use of pasters to add or delete names on printed ballots if time does not permit the correction of a printed ballot and the provision requiring the election authority to see that the pasters are properly applied to the ballots, ballot labels, or voting machines before they are used for voting (Section 115.383);

(10) Removes ballot labels from the list of items that the election authority must deliver to each polling place before the poll opens (Section 115.419);

(11) Changes when election judges must open the ballot box and show to all present that it is empty from after the time fixed by law for the opening of the polls but before the voting begins to not more than one hour before the voting begins (Section 115.423);

(12) Removes ballot cards from the type of ballots that election judges must initial after the voter's identification certificate has been initialed (Section 115.433);

(13) Removes sealing the envelope containing a ballot before placing it in the ballot box from the list of responsibilities that an election judge must perform when any physically disabled voter is unable to enter the polling place (Section 115.436);

(14) Repeals the provision allowing a voter to cross out a name that appears on the ballot and write the name of the person for whom he or she wishes to vote above or below the crossed-out name and place a cross X mark in the square directly to the left of the crossed-out name but allows a voter to write the name of the person for whom he or she wishes to vote on the write-in line if the line appears on the ballot and place a distinguishing mark immediately beside the candidate's name. The bill repeals the provisions allowing the election authority to authorize the use of a sticker or other item containing a write-in candidate's name in lieu of a handwritten name (Section 115.439);

(15) Repeals the provision requiring the ballot to be strung on a wire or string in the order read after all of the proper votes on a ballot have been counted and the wire or string tied in a firm knot that must be sealed so that it cannot be untied without breaking the seal (Section 115.449);

(16) Repeals the provisions regarding the responsibility of the election authority for ensuring that specified standards are followed when counting ballots cast using punch card voting systems and repeals the provision regarding the information that a sticker must contain when a voter uses a write-in sticker on a ballot (Section 115.456);

(17) Extends the time period that specified election ballots, records, and materials must be kept from 12 months to 22 months (Section 115.493);

(18) Changes, in a case where a candidate filed or a ballot question was originally filed with the Secretary of State, when the candidate or the person whose position on a ballot question was defeated must be allowed a recount of the votes from a standard requiring the candidate's or the ballot question's defeat by less than 1% of the votes cast to a defeat by less than .5% of the votes cast (Section 115.601); and

(19) Makes the public administrator for the City of St. Louis an appointed position. Currently, all public administrators must be elected by the voters in the county or city in which he or she serves. The administrator must be appointed by a majority of the judges of the 22nd Judicial Circuit. The qualifications and requirements for the position must meet those for an elected public administrator (Sections 473.730 - 473.737).

The provisions of the bill regarding the sales tax on motor vehicles are nonseverable and if any provision is for any reason held to be invalid, the decision must invalidate all of the remaining provisions.

The provisions of the bill regarding the sales tax on motor vehicles contain an emergency clause.