SS SCS SB 593 -- Political Subdivision Elections

SPONSOR: Sater (Dugger)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Elections by a vote of 8 to 2.

This bill allows certain political subdivisions to waive conducting non-partisan elections. Currently, with the exception of municipal elections, nonpartisan elections in political subdivisions and special districts do not need to be held when the number of candidates who have filed is equal to the number of positions to be filled. This bill allows this exception for municipal elections in any city, town or village with less than 1,000 inhabitants. This bill may be implemented by an ordinance which allows the jurisdiction to except from holding these elections for 6 years from its passage unless another ordinance is passed. The bill requires a public notice to be published by the first of the month in which the election would have occurred containing the names of candidates that will be placed in office when the election is not held.

The bill specifies the procedure to recall a member of an emergency services board of directors. The proceedings for the recall are commenced by the filing of a notice of intention to circulate a recall petition. The notice must be served personally or sent certified mail, to the board member. An affidavit of the service and copy of the petition must be filed with the election authority. A separate notice is needed for each member sought to be recalled and must contain information explaining the reason for the recall. It must list at least one but not more than five proponents of the recall. The board member may file a statement answering the statement of the proponents within seven days. The answer must be served on at least one proponent. The statement and answer are for the voters' informational purposes only.

A member cannot be recalled if he or she has not held office during the current term for more than 180 days, has 180 days or less remaining on his or her current term, or has had a recall election determined in his or her favor within the current term.

The person circulating the petition must sign an affidavit verifying specified information. A recall petition must be filed with the election authority not more than 180 days after the filing of the notice of intention. The number of signatures needed must equal at least 25% of the number of voters who voted in the most recent gubernatorial election in the election district.

The election authority has 20 days from the date of filing the

petition to determine if enough voters signed the petition. It must file a certificate showing whether there are enough signatures. If the election authority certifies the petition does not have enough signatures, it may be supplemented within 10 days of the date of certificate. The election authority must then certify the supplemented petition. If it is insufficient, no further action can be taken. If the petition is sufficient, the election authority must submit its certificate to the board of directors and order an election on one of the election days specified in Section 115.123, not less than 45 days but not more than 120 days from the date the board received the petition. Nominations for board membership openings must be made by filing a statement of candidacy with the election authority. Any time prior to 42 days before the election, the member sought to be recalled may offer his or her resignation and the recall question will be removed from the ballot and the office declared vacant.

PROPONENTS: Supporters say that the bill will save money for small municipalities in cases where elections are not contested.

Testifying for the bill was Senator Sater.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that it could apply to about 400 towns and that this legislation could lead to a slippery slope effect whereby even major elections in large political subdivisions could be waived in future years.

Testifying on the bill were Missouri Press Association and Office of the Secretary of State.