

SECOND REGULAR SESSION

# HOUSE BILL NO. 2111

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE EGGLESTON.

5368H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 115.124, RSMo, and to enact in lieu thereof one new section relating to elections.

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*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Section A. Section 115.124, RSMo, is repealed and one new section enacted in lieu thereof, to be known as sections 115.124, to read as follows: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 including municipal elections in any city, town, or village with [one] **two** thousand or fewer inhabitants that have adopted a proposal pursuant to subsection 3 of this section but excluding municipal elections in any city, town, or village with more than [one] **two** thousand inhabitants, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation as defined in section 493.050 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. If no election is held for such office as provided in this section, the election authority shall publish a notice containing the names of the candidates that shall assume the responsibilities of office under this section. Such notice shall be published in at least one newspaper of general circulation as defined in section 493.050 in such political subdivision or district by the first of the month in which the election would have occurred, had it been contested. 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

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.

18 scheduled, even if a sufficient number of candidates withdraw from such contest for that office  
19 so that the number of candidates remaining after the filing deadline is equal to the number of  
20 positions to be filled.

21         2. The election authority or political subdivision responsible for the oversight of the  
22 filing of candidates in any nonpartisan election in any political subdivision or special district  
23 shall clearly designate where candidates shall form a line to effectuate such filings and determine  
24 the order of such filings; except that, in the case of candidates who file a declaration of candidacy  
25 with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing,  
26 the election authority or political subdivision may determine by random drawing the order in  
27 which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to  
28 this subsection, it shall be conducted so that each candidate, or candidate's representative if the  
29 candidate filed under subsection 2 of section 115.355, may draw a number at random at the time  
30 of filing. If such drawing is conducted, the election authority or political subdivision shall record  
31 the number drawn with the candidate's declaration of candidacy. If such drawing is conducted,  
32 the names of candidates filing on the first day of filing for each office on each ballot shall be  
33 listed in ascending order of the numbers so drawn.

34         3. The governing body of any city, town, or village with [one] **two** thousand or fewer  
35 inhabitants may submit to the voters at any available election, a question to adopt the provisions  
36 of subsection 1 of this section for municipal elections. If a majority of the votes cast by the  
37 qualified voters voting thereon are in favor of the question, then the city, town, or village shall  
38 conduct nonpartisan municipal elections as provided in subsection 1 of this section for all  
39 nonpartisan elections remaining in the year in which the proposal was adopted and for the six  
40 calendar years immediately following such approval. At the end of such six-year period, each  
41 such city, town, or village shall be prohibited from conducting such elections in such a manner  
42 unless such a question is again adopted by the majority of qualified voters as provided in this  
43 subsection.

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