

SECOND REGULAR SESSION

# HOUSE BILL NO. 2313

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DOGAN.

6064H.03I

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 115.125, 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Section A. Section 115.125, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.125, to read as follows:

115.125. 1. Not later than 5:00 p.m. on the tenth Tuesday prior to any election, except a special election to decide an election contest, tie vote or an election to elect seven members to serve on a school board of a district pursuant to section 162.241, or a delay in notification pursuant to subsection 2 of this section, or pursuant to the provisions of section 115.399, the officer or agency calling the election shall notify the election authorities responsible for conducting the election. The notice shall be in writing, shall specify the name of the officer or agency calling the election and shall include a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127. The notice and any other information required by this section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 p.m. on the tenth Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three business days from the date of the facsimile transmission. In lieu of a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127, each notice of a special election to fill a vacancy shall include the name of the office to be filled, the date of the election and the date by which candidates must be selected or filed for the office. Not later than the fourth Tuesday prior to any special election to fill a vacancy called by a political subdivision or special district, the

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 officer or agency calling the election shall certify a sample ballot to the election authorities  
19 responsible for conducting the election.

20 2. ~~[Except as provided for in sections 115.247 and 115.359, if there is no additional cost~~  
21 ~~for the printing or reprinting of ballots or if the political subdivision or special district calling for~~  
22 ~~the election agrees to pay any printing or reprinting costs, a political subdivision or special~~  
23 ~~district may, at any time after certification required in subsection 1 of this section, but no later~~  
24 ~~than 5:00 p.m. on the sixth Tuesday before the election, be permitted to make late notification~~  
25 ~~to the election authority pursuant to court order, which, except for good cause shown by the~~  
26 ~~election authority in opposition thereto, shall be freely given upon application by the political~~  
27 ~~subdivision or special district to the circuit court of the area of such subdivision or district.]~~ **The**  
28 **ten-week filing deadline established under subsection 1 of this section is mandatory for all**  
29 **political subdivisions and special districts that are not specifically exempt from such**  
30 **deadline by law or charter, and no court shall order any candidate name or issue placed**  
31 **on a regular election day ballot for such political subdivisions or special districts if the**  
32 **deadline is violated. When such deadline is violated, a special election may be held at the**  
33 **request of a political subdivision or district; however, when a special election of any type**  
34 **is called that could have been submitted at a regular election day but for a violation of the**  
35 **ten-week notice requirement of subsection 1 of this section, all costs of such special election**  
36 **called by a political subdivision or special district shall be paid in full by such political**  
37 **subdivision or special district. No court shall have the authority to order an individual or issue**  
38 **be placed on the ballot less than six weeks before the date of the election, except as provided in**  
39 **sections 115.361 and 115.379."**

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