

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1259**  
**100TH GENERAL ASSEMBLY**

3815H.03C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal section 238.216, RSMo, and to enact in lieu thereof one new section relating to transportation development district elections.

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

Section A. Section 238.216, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 238.216, to read as follows:

238.216. 1. Except as otherwise provided in section 238.220 with respect to the election of directors, in order to call any election required or allowed under sections 238.200 to 238.275, the circuit court shall:

(1) Order the county clerk to cause the questions to appear on the ballot on the next regularly scheduled general, primary or special election day, which date shall be the same in each county or portion of a county included within and voting upon the proposed district;

(2) If the election is to be a mail-in election, specify a date on which ballots for the election shall be mailed, which date shall be a Tuesday, and shall be not earlier than the eighth Tuesday from the issuance of the order, and shall not be on the same day as an election conducted under the provisions of chapter 115; or

(3) If all the owners of property in the district joined in the petition for formation of the district, such owners may cast their ballot by unanimous verified petition approving any measure submitted to them as voters pursuant to this chapter. Each owner shall receive one vote per acre owned. Fractional votes shall be allowed. The verified petition shall be filed with the circuit court clerk. The filing of a unanimous petition shall constitute an election under sections 238.200 to 238.275 and the results of said election shall be entered pursuant to subsection 6 of this section.

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           **2. In the case of an election by mail-in ballot where the qualified voters are the real**  
19 **property owners under subsection 2 of section 238.220, application for a ballot shall be**  
20 **[conducted as follows] required, and such application process shall be:**

21           (1) Only qualified voters shall be entitled to apply for a ballot;

22           (2) Such persons shall apply with the clerk of the circuit court in which the petition was  
23 filed;

24           (3) Each person applying shall provide:

25           (a) Such person's name, address, mailing address, and phone number;

26           (b) An authorized signature; and

27           (c) Evidence that such person is entitled to vote. Such evidence **for owners of real**  
28 **property** shall be[:

29 ~~—— a. For resident individuals, proof of registration from the election authority;~~

30 ~~—— b. For owners of real property,] a tax receipt or deed or other document which evidences~~  
31 ~~ownership, and identifies the real property by location;~~

32           (4) No person shall apply later than the fourth Tuesday before the date for mailing ballots  
33 specified in the circuit court's order.

34           **3. [If the election is to be a mail-in election] In the case of an election by mail-in ballot**  
35 **where the qualified voters are registered voters, the qualified voters shall not have to apply**  
36 **for ballots but shall be issued a ballot as follows:**

37           **(1) Only qualified voters, who are registered on the forty-fifth day prior to the date**  
38 **set by the circuit court for the mailing of ballots, shall be entitled to be mailed a ballot; and**

39           **(2) No later than the fourth Tuesday before the date for mailing ballots specified**  
40 **in the circuit court's order, the election authority shall provide the circuit court with the**  
41 **names and addresses of all registered voters within the proposed transportation**  
42 **development district according to the records of the election authority on the forty-fifth**  
43 **day prior to the date set by the circuit court for the mailing of ballots.**

44           **4. In the case of an election by mail-in ballot where the qualified voters are the real**  
45 **property owners under subsection 2 of section 238.220, the circuit court shall mail a ballot**  
46 **to each qualified voter who applied for a ballot pursuant to subsection 2 of this section along**  
47 **with a return addressed envelope directed to the circuit court clerk's office with a sworn affidavit**  
48 **on the reverse side of such envelope for the voter's signature. Such affidavit shall be in the**  
49 **following form:**

50           I hereby declare under penalties of perjury that I am qualified to vote, or to affix my  
51 authorized signature in the name of an entity which is entitled to vote, in this election.

52           Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_  
53

54 \_\_\_\_\_

55

56 Authorized Signature

57

58 \_\_\_\_\_

59

60 \_\_\_\_\_

61

62 Printed Name of Voter      Signature of notary or other officer authorized to administer  
63 oaths.

64

65 \_\_\_\_\_

66

67 Mailing Address of Voter (if different)

68 **5. In the case of an election by mail-in ballot where the qualified voters are**  
69 **registered voters, the circuit court shall mail a ballot to each qualified voter whose name**  
70 **was provided by the election authority under subsection 3 of this section along with a**  
71 **return envelope addressed to the circuit court clerk's office.**

72 **6. The return identification envelope shall contain an affidavit that is substantially**  
73 **the following form:**

74 **PLEASE PRINT:**

75 **NAME:** \_\_\_\_\_

76 **I declare under penalty of perjury, a felony, that I am a**  
77 **qualified voter for this election as shown on voter registration records and that I have**  
78 **voted the enclosed ballot and am returning it in compliance with section 238.216, RSMo,**  
79 **and have not and will not vote more than one ballot in this election.**

80 **I also understand that failure to complete the information below will invalidate my**  
81 **ballot.**

82 \_\_\_\_\_

83 **Signature**

84

85 \_\_\_\_\_

86 **Residence Address**

87

88 \_\_\_\_\_

89 **Mailing Address (if different)**

7. Upon receipt of the ballot, the voter shall mark it, place and seal the marked ballot in the secrecy envelope supplied with the ballot, place and seal the secrecy envelope containing the marked ballot in the return identification envelope supplied with the ballot that has been signed by the voter, and return the marked ballot to the circuit court, no later than the date required under subsection 11 of this section, by United States mail or by personally delivering the ballot to the circuit court.

8. The circuit court may provide additional sites for return delivery of ballots. The circuit court may, in its discretion, provide for the prepayment of postage on the return ballots.

9. Any costs incurred by the circuit court in the administration of an election under this section shall be paid by the petitioners.

[4-] 10. Except as otherwise provided in subsection 2 of section 238.220, with respect to the election of directors, each qualified voter shall have one vote, unless the qualified voters are property owners under subdivision (2) of subsection 2 of section 238.202, in which case they shall receive one vote per acre. Each voter which is not an individual shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an appropriate mechanism for the determination of the entity's vote. If a voter has no such mechanism, then its vote shall be cast as determined by a majority of the persons who run the day-to-day affairs of the voter. Each voted ballot shall be signed with the authorized signature.

[5-] 11. Mail-in voted ballots shall be returned to the circuit court clerk's office by mail or hand delivery **or to a site provided for receipt of ballots by the circuit court, and in any case received** no later than 5:00 p.m. on the sixth Tuesday after the date for mailing the ballots as set forth in the circuit court's order. The circuit court's clerk shall transmit all voted ballots to a team of judges of not less than four, with an equal number from each of the two major political parties. The judges shall be selected by the circuit court from lists compiled by the election authority. Upon receipt of the voted ballots, the judges shall verify the authenticity of the ballots, canvass the votes, and certify the results. Certification by the election judges shall be final and shall be immediately transmitted to the circuit court. Any qualified voter who voted in such election may contest the result in the same manner as provided in chapter 115.

[6-] 12. The results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the county clerk of each county in which a portion of the proposed district lies, who shall cause the same to be spread upon the records of the county commission.

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