

SECOND REGULAR SESSION

# SENATE BILL NO. 931

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Read 1st time January 23, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4678S.011

## AN ACT

To repeal section 238.216, RSMo, and to enact in lieu thereof one new section relating to the election of directors for transportation development districts.

*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Section A. Section 238.216, RSMo, is repealed and one new section  
2 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  
2 to the election of directors, in order to call any election required or allowed under  
3 sections 238.200 to 238.275, the circuit court shall:

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

8 (2) If the election is to be a mail-in election, specify a date on which  
9 ballots for the election shall be mailed, which date shall be a Tuesday, and shall  
10 be not earlier than the eighth Tuesday from the issuance of the order, and shall  
11 not be on the same day as an election conducted under the provisions of chapter  
12 115, RSMo; or

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

21 2. Application for a ballot shall be conducted as follows:

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

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

25 (3) Each person applying shall provide:

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

27 (b) An authorized signature; and

28 (c) Evidence that such person is entitled to vote. Such evidence shall be:

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

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

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

35 3. If the election is to be a mail-in election, the circuit court shall mail a  
36 ballot to each qualified voter who applied for a ballot pursuant to subsection 2 of  
37 this section along with a return addressed envelope directed to the circuit court  
38 clerk's office with a sworn affidavit on the reverse side of such envelope for the  
39 voter's signature. Such affidavit shall be in the following form:

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

43 Subscribed and sworn to before me this ..... day of.....,  
44 20.....

45 .....

46 Authorized Signature

47 .....

48 Printed Name of Voter ..... Signature of notary or other  
49 officer authorized to  
50 administer oaths.

51 .....

52 Mailing Address of Voter

53 (if different)

54 4. Except as otherwise provided in subsection 2 of section 238.220, with  
55 respect to the election of directors, each qualified voter shall have one vote,  
56 **unless the qualified voters are property owners under subdivision (2) of**  
57 **subsection 2 of section 238.202, in which case they shall receive one vote**  
58 **per acre.** Each voter which is not an individual shall determine how to cast its

59 vote as provided for in its articles of incorporation, articles of organization,  
60 articles of partnership, bylaws, or other document which sets forth an appropriate  
61 mechanism for the determination of the entity's vote. If a voter has no such  
62 mechanism, then its vote shall be cast as determined by a majority of the persons  
63 who run the day-to-day affairs of the voter. Each voted ballot shall be signed  
64 with the authorized signature.

65         5. Mail-in voted ballots shall be returned to the circuit court clerk's office  
66 by mail or hand delivery no later than 5:00 p.m. on the sixth Tuesday after the  
67 date for mailing the ballots as set forth in the circuit court's order. The circuit  
68 court's clerk shall transmit all voted ballots to a team of judges of not less than  
69 four, with an equal number from each of the two major political parties. The  
70 judges shall be selected by the circuit court from lists compiled by the election  
71 authority. Upon receipt of the voted ballots, the judges shall verify the  
72 authenticity of the ballots, canvass the votes, and certify the  
73 results. Certification by the election judges shall be final and shall be  
74 immediately transmitted to the circuit court. Any qualified voter who voted in  
75 such election may contest the result in the same manner as provided in chapter  
76 115, RSMo.

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

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