

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE SUBSTITUTE

FOR

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FOR

SENATE SUBSTITUTE NO. 2

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FOR

SENATE BILL NO. 96

AN ACT

To repeal sections 67.1421, 67.1521, 115.105, 115.123, 115.127, 115.137, 115.157, 115.168, 115.279, 115.284, 115.287, 115.351, 115.429, 115.635, 115.776, 115.904, 137.073, 162.471, 162.492, 238.225, and 238.230, RSMo, and to enact in lieu thereof thirty new sections relating to voting procedures, with existing penalty provisions.

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

Section A. Sections 67.1421, 67.1521, 115.105, 115.123, 2 115.127, 115.137, 115.157, 115.168, 115.279, 115.284, 115.287, 3 115.351, 115.429, 115.635, 115.776, 115.904, 137.073, 162.471, 4 162.492, 238.225, and 238.230, RSMo, are repealed and thirty 5 new sections enacted in lieu thereof, to be known as sections 6 67.1421, 67.1521, 115.105, 115.123, 115.127, 115.137, 115.157, 7 115.168, 115.279, 115.284, 115.287, 115.351, 115.429, 115.635, 8 115.755, 115.758, 115.761, 115.765, 115.767, 115.770, 115.773, 9 115.776, 115.785, 115.904, 137.067, 137.073, 162.471, 162.492, 10 238.225, and 238.230, to read as follows:

67.1421. 1. Upon receipt of a proper petition filed 2 with its municipal clerk, the governing body of the

3 municipality in which the proposed district is located shall
4 hold a public hearing in accordance with section 67.1431 and
5 may adopt an ordinance to establish the proposed district,
6 provided that if the proposed funding mechanism for the
7 proposed district includes a sales tax, such ordinance shall
8 be adopted by at least a two-thirds majority vote.

9 2. A petition is proper if, based on the tax records
10 of the county clerk, or the collector of revenue if the
11 district is located in a city not within a county, as of the
12 time of filing the petition with the municipal clerk, it
13 meets the following requirements:

14 (1) It has been signed by property owners collectively
15 owning more than fifty percent by assessed value of the real
16 property within the boundaries of the proposed district;

17 (2) It has been signed by more than fifty percent per
18 capita of all owners of real property within the boundaries
19 of the proposed district; and

20 (3) It contains the following information:

21 (a) The legal description of the proposed district,
22 including a map illustrating the district boundaries;

23 (b) The name of the proposed district;

24 (c) A notice that the signatures of the signers may
25 not be withdrawn later than seven days after the petition is
26 filed with the municipal clerk;

27 (d) A five-year plan stating a description of the
28 purposes of the proposed district, the services it will
29 provide, each improvement it will make from the list of
30 allowable improvements under section 67.1461, an estimate of
31 the costs of these services and improvements to be incurred,
32 the anticipated sources of funds to pay the costs, and the
33 anticipated term of the sources of funds to pay the costs;

34 (e) A statement as to whether the district will be a
35 political subdivision or a not-for-profit corporation and if

36 it is to be a not-for-profit corporation, the name of the
37 not-for-profit corporation;

38 (f) If the district is to be a political subdivision,
39 a statement as to whether the district will be governed by a
40 board elected by the district or whether the board will be
41 appointed by the municipality, and, if the board is to be
42 elected by the district, the names and terms of the initial
43 board may be stated;

44 (g) If the district is to be a political subdivision,
45 the number of directors to serve on the board;

46 (h) The total assessed value of all real property
47 within the proposed district;

48 (i) A statement as to whether the petitioners are
49 seeking a determination that the proposed district, or any
50 legally described portion thereof, is a blighted area;

51 (j) The proposed length of time for the existence of
52 the district, which in the case of districts established
53 after August 28, 2021, shall not exceed twenty-seven years
54 from the adoption of the ordinance establishing the district
55 unless the municipality extends the length of time under
56 section 67.1481;

57 (k) The maximum rates of real property taxes, and,
58 business license taxes in the county seat of a county of the
59 first classification without a charter form of government
60 containing a population of at least two hundred thousand,
61 that may be submitted to the qualified voters for approval;

62 (l) The maximum rates of special assessments and
63 respective methods of assessment that may be proposed by
64 petition;

65 (m) The limitations, if any, on the borrowing capacity
66 of the district;

67 (n) The limitations, if any, on the revenue generation
68 of the district;

69 (o) Other limitations, if any, on the powers of the
70 district;

71 (p) A request that the district be established; and

72 (q) Any other items the petitioners deem appropriate;

73 (4) The signature block for each real property owner
74 signing the petition shall be in substantially the following
75 form and contain the following information:

76 Name of owner: _____

77 Owner's telephone number and mailing address: _____

78 If signer is different from owner:

79 Name of signer: _____

80 State basis of legal authority to sign: _____

81 Signer's telephone number and mailing address: _____

82

83 If the owner is an individual, state if owner is
84 single or married: _____

85 If owner is not an individual, state what type of
86 entity: _____

87 Map and parcel number and assessed value of each
88 tract of real property within the proposed district
89 owned: _____

90 By executing this petition, the undersigned
91 represents and warrants that he or she is authorized
92 to execute this petition on behalf of the property
93 owner named immediately above

94 _____

95 Signature of person Date

96 signing for owner

97 STATE OF MISSOURI)

98) ss.

99 COUNTY OF _____)

100 Before me personally appeared _____, to me
101 personally known to be the individual described in
102 and who executed the foregoing instrument.

103 WITNESS my hand and official seal this _____ day of
104 _____ (month), _____ (year).

105 _____

106 Notary Public

107 My Commission Expires: _____ ; and

108 (5) Alternatively, the governing body of any home rule
109 city with more than four hundred thousand inhabitants and
110 located in more than one county may file a petition to
111 initiate the process to establish a district in the portion
112 of the city located in any county of the first
113 classification with more than two hundred thousand but fewer
114 than two hundred sixty thousand inhabitants containing the
115 information required in subdivision (3) of this subsection;
116 provided that the only funding methods for the services and
117 improvements will be a real property tax.

118 3. Upon receipt of a petition the municipal clerk
119 shall, within a reasonable time not to exceed ninety days
120 after receipt of the petition, review and determine whether
121 the petition substantially complies with the requirements of
122 subsection 2 of this section. In the event the municipal
123 clerk receives a petition which does not meet the
124 requirements of subsection 2 of this section, the municipal
125 clerk shall, within a reasonable time, return the petition
126 to the submitting party by hand delivery, first class mail,
127 postage prepaid or other efficient means of return and shall
128 specify which requirements have not been met.

129 4. After the close of the public hearing required
130 pursuant to subsection 1 of this section, the governing body
131 of the municipality may adopt an ordinance approving the
132 petition and establishing a district as set forth in the
133 petition and may determine, if requested in the petition,
134 whether the district, or any legally described portion

135 thereof, constitutes a blighted area. If the petition was
136 filed by the governing body of a municipality pursuant to
137 subdivision (5) of subsection 2 of this section, after the
138 close of the public hearing required pursuant to subsection
139 1 of this section, the petition may be approved by the
140 governing body and an election shall be called pursuant to
141 section 67.1422. Any ordinance or petition approved
142 pursuant to this subsection that establishes a district for
143 which the proposed funding mechanism for the proposed
144 district includes a sales tax shall be by at least a two-
145 thirds majority vote.

146 5. Amendments to a petition may be made which do not
147 change the proposed boundaries of the proposed district if
148 an amended petition meeting the requirements of subsection 2
149 of this section is filed with the municipal clerk at the
150 following times and the following requirements have been met:

151 (1) At any time prior to the close of the public
152 hearing required pursuant to subsection 1 of this section;
153 provided that, notice of the contents of the amended
154 petition is given at the public hearing;

155 (2) At any time after the public hearing and prior to
156 the adoption of an ordinance establishing the proposed
157 district; provided that, notice of the amendments to the
158 petition is given by publishing the notice in a newspaper of
159 general circulation within the municipality and by sending
160 the notice via registered certified United States mail with
161 a return receipt attached to the address of record of each
162 owner of record of real property within the boundaries of
163 the proposed district per the tax records of the county
164 clerk, or the collector of revenue if the district is
165 located in a city not within a county. Such notice shall be
166 published and mailed not less than ten days prior to the
167 adoption of the ordinance establishing the district. Such

168 notice shall also be sent to the Missouri department of
169 revenue, which shall publish such notice on its website;

170 (3) At any time after the adoption of any ordinance
171 establishing the district a public hearing on the amended
172 petition is held and notice of the public hearing is given
173 in the manner provided in section 67.1431 and the governing
174 body of the municipality in which the district is located
175 adopts an ordinance approving the amended petition after the
176 public hearing is held.

177 6. Upon the creation of a district, the municipal
178 clerk shall report in writing the creation of such district
179 to the Missouri department of economic development and the
180 state auditor.

181 7. (1) The governing body of the municipality or
182 county establishing a district or the governing body of such
183 district shall, as soon as is practicable, submit the
184 following information to the state auditor and the
185 department of revenue:

186 (a) A description of the boundaries of such district
187 as well as the rate of property tax or sales tax levied in
188 such district;

189 (b) Any amendments made to the boundaries of a
190 district or the tax rates levied in such district; and

191 (c) The date on which the district is to expire unless
192 sooner terminated.

193 (2) The governing body of a community improvement
194 district established on or after August 28, 2022, shall not
195 order any assessment to be made on any real property located
196 within a district and shall not levy any property or sales
197 tax until the information required by paragraph (a) of
198 subdivision (1) of this subsection has been submitted.

67.1521. 1. A district may levy by resolution one or
2 more special assessments against real property within its

3 boundaries, upon receipt of and in accordance with a
4 petition signed by:

5 (1) Owners of real property collectively owning more
6 than fifty percent by assessed value of real property within
7 the boundaries of the district; and

8 (2) More than fifty percent per capita of the owners
9 of all real property within the boundaries of the district.

10 2. The special assessment petition shall be in
11 substantially the following form:

12 The _____ (insert name of district) Community
13 Improvement District ("District") shall be authorized to
14 levy special assessments against real property benefitted
15 within the district for the purpose of providing revenue for
16 _____ (insert general description of specific service
17 and/or projects) in the district, such special assessments
18 to be levied against each tract, lot or parcel of real
19 property listed below within the district which receives
20 special benefit as a result of such service and/or projects,
21 the cost of which shall be allocated among this property by
22 _____ (insert method of allocation, e.g., per square foot
23 of property, per square foot on each square foot of
24 improvement, or by abutting foot of property abutting
25 streets, roads, highways, parks or other improvements, or
26 any other reasonable method) in an amount not to exceed
27 _____ dollars per (insert unit of measure). Such
28 authorization to levy the special assessment shall expire on
29 _____ (insert date). The tracts of land located in the
30 district which will receive special benefit from this
31 service and/or projects are: _____ (list of properties by
32 common addresses and legal descriptions).

33 3. The method for allocating such special assessments
34 set forth in the petition may be any reasonable method which
35 results in imposing assessments upon real property

36 benefitted in relation to the benefit conferred upon each
37 respective tract, lot or parcel of real property and the
38 cost to provide such benefit.

39 4. By resolution of the board, the district may levy a
40 special assessment rate lower than the rate ceiling set
41 forth in the petition authorizing the special assessment and
42 may increase such lowered special assessment rate to a level
43 not exceeding the special assessment rate ceiling set forth
44 in the petition without further approval of the real
45 property owners; provided that a district imposing a special
46 assessment pursuant to this section may not repeal or amend
47 such special assessment or lower the rate of such special
48 assessment if such repeal, amendment or lower rate will
49 impair the district's ability to pay any liabilities that it
50 has incurred, money that it has borrowed or obligations that
51 it has issued.

52 5. Each special assessment which is due and owing
53 shall constitute a perpetual lien against each tract, lot or
54 parcel of property from which it is derived. Such lien may
55 be foreclosed in the same manner as any other special
56 assessment lien as provided in section 88.861.
57 Notwithstanding the provisions of this subsection and
58 section 67.1541 to the contrary, the county collector may,
59 upon certification by the district for collection, add each
60 special assessment to the annual real estate tax bill for
61 the property and collect the assessment in the same manner
62 the collector uses for real estate taxes. Any special
63 assessment remaining unpaid on the first day of January
64 annually is delinquent and enforcement of collection of the
65 delinquent bill by the county collector shall be governed by
66 the laws concerning delinquent and back taxes. The lien may
67 be foreclosed in the same manner as a tax upon real property

68 by land tax sale under chapter 140 or, if applicable to that
69 county, chapter 141.

70 6. A separate fund or account shall be created by the
71 district for each special assessment levied and each fund or
72 account shall be identifiable by a suitable title. The
73 proceeds of such assessments shall be credited to such fund
74 or account. Such fund or account shall be used solely to
75 pay the costs incurred in undertaking the specified service
76 or project.

77 7. Upon completion of the specified service or project
78 or both, the balance remaining in the fund or account
79 established for such specified service or project or both
80 shall be returned or credited against the amount of the
81 original assessment of each parcel of property pro rata
82 based on the method of assessment of such special assessment.

83 8. Any funds in a fund or account created pursuant to
84 this section which are not needed for current expenditures
85 may be invested by the board in accordance with applicable
86 laws relating to the investment of funds of the city in
87 which the district is located.

88 9. The authority of the district to levy special
89 assessments shall be independent of the limitations and
90 authorities of the municipality in which it is located;
91 specifically, the provisions of section 88.812 shall not
92 apply to any district.

93 10. All decisions of the board of directors shall be
94 by a majority vote unless otherwise provided by law.

95 11. Notwithstanding any provision of this section to
96 the contrary, all property owned by an entity that is exempt
97 from taxation pursuant to 26 U.S.C. Section 501(c) shall be
98 exempt from any property tax or special assessment levied by
99 a district.

115.105. 1. The chair of the county committee of each
2 political party named on the ballot shall have the right to
3 designate a challenger for each polling place, who may be
4 present until all ballots are cast on the day of election,
5 and a challenger for each location at which absentee ballots
6 are counted, who may be present while the ballots are being
7 prepared for counting and counted. No later than four
8 business days before the election, the chair of each county
9 committee of each political party named on the ballot shall
10 provide signed official designation forms with the names of
11 the designated challengers and substitutes to the local
12 election authority for confirmation of eligibility to serve
13 as a challenger. The local election authority, after
14 verifying the eligibility of each designated and substitute
15 challenger, shall sign off on the official designation
16 forms, unless the challenger is found not to have the
17 qualifications established by subsection ~~[4]~~ 5 of this
18 section. If the election authority determines that a
19 challenger does not meet the qualifications of subsection
20 ~~[4]~~ 5 of this section, the designating party chair may
21 designate a replacement challenger and provide the local
22 election authority with the name of the replacement
23 challenger before 5:00 p.m. of the Monday preceding the
24 election. The designating chair may substitute challengers
25 at his or her discretion during such hours.

26 2. Challenges may only be made when the challenger
27 believes the election laws of this state have been or will
28 be violated, and each challenger shall report any such
29 belief to the election judges, or to the election authority
30 if not satisfied with the decision of the election judges.

31 3. Prior to the close of the polls, challengers may
32 list and give out the names of those who have voted. The
33 listing and giving out of names of those who have voted by a

34 challenger shall not be considered giving information
35 tending to show the state of the count.

36 4. In a presidential primary election, challengers may
37 collect information about the party ballot selected by the
38 voter and may disclose party affiliation information after
39 the polls close.

40 5. All persons selected as challengers shall have the
41 same qualifications required by section 115.085 for election
42 judges, except that such challenger shall be a registered
43 voter in the jurisdiction of the election authority for
44 which the challenger is designated as a challenger.

45 [5.] 6. Any challenge by a challenger to a voter's
46 identification for validity shall be made only to the
47 election judges or other election authority. If the poll
48 challenger is not satisfied with the decision of the
49 election judges, then he or she may report his or her belief
50 that the election laws of this state have been or will be
51 violated to the election authority as allowed under this
52 section.

115.123. 1. All public elections shall be held on
2 Tuesday. Except as otherwise provided in [subsection 2 of]
3 this section, and section 247.180, all public elections
4 shall be held on the general election day, the primary
5 election day, the general municipal election day, the first
6 Tuesday after the first Monday in November, or on another
7 day expressly provided by city or county charter, and in
8 nonprimary years on the first Tuesday after the first Monday
9 in August. Bond elections may be held on the first Tuesday
10 after the first Monday in February but no other issue shall
11 be included on the ballot for such election.

12 2. Notwithstanding the provisions of subsection 1 of
13 this section, a presidential preference primary election
14 held under sections 115.755 to 115.785 shall be held on the

15 first Tuesday after the first Monday in March of each
16 presidential election year.

17 3. The following elections shall be exempt from the
18 provisions of subsection 1 of this section:

19 (1) Bond elections necessitated by fire, vandalism or
20 natural disaster;

21 (2) Elections for which ownership of real property is
22 required by law for voting;

23 (3) Special elections to fill vacancies and to decide
24 tie votes or election contests; and

25 (4) Tax elections necessitated by a financial hardship
26 due to a five percent or greater decline in per-pupil state
27 revenue to a school district from the previous year.

28 [3.] 4. Nothing in this section prohibits a charter
29 city or county from having its primary election in March if
30 the charter provided for a March primary before August 28,
31 1999.

32 [4.] 5. Nothing in this section shall prohibit
33 elections held pursuant to section 65.600, but no other
34 issues shall be on the March ballot except pursuant to this
35 chapter.

115.127. 1. Except as provided in subsection 4 of
2 this section, upon receipt of notice of a special election
3 to fill a vacancy submitted pursuant to subsection 2 of
4 section 115.125, the election authority shall cause legal
5 notice of the special election to be published in a
6 newspaper of general circulation in its jurisdiction. The
7 notice shall include the name of the officer or agency
8 calling the election, the date and time of the election, the
9 name of the office to be filled and the date by which
10 candidates must be selected or filed for the office. Within
11 one week prior to each special election to fill a vacancy
12 held in its jurisdiction, the election authority shall cause

13 legal notice of the election to be published in two
14 newspapers of different political faith and general
15 circulation in the jurisdiction. The legal notice shall
16 include the date and time of the election, the name of the
17 officer or agency calling the election and a sample ballot.
18 If there is only one newspaper of general circulation in the
19 jurisdiction, the notice shall be published in the newspaper
20 within one week prior to the election. If there are two or
21 more newspapers of general circulation in the jurisdiction,
22 but no two of opposite political faith, the notice shall be
23 published in any two of the newspapers within one week prior
24 to the election.

25 2. Except as provided in subsections 1 and 4 of this
26 section and in sections 115.521, 115.549 and 115.593, the
27 election authority shall cause legal notice of each election
28 held in its jurisdiction to be published. The notice shall
29 be published in two newspapers of different political faith
30 and qualified pursuant to chapter 493 which are published
31 within the bounds of the area holding the election. If
32 there is only one so-qualified newspaper, then notice shall
33 be published in only one newspaper. If there is no
34 newspaper published within the bounds of the election area,
35 then the notice shall be published in two qualified
36 newspapers of different political faith serving the area.
37 Notice shall be published twice, the first publication
38 occurring in the second week prior to the election, and the
39 second publication occurring within one week prior to the
40 election. Each such legal notice shall include the date and
41 time of the election, the name of the officer or agency
42 calling the election and a sample ballot; and, unless notice
43 has been given as provided by section 115.129, the second
44 publication of notice of the election shall include the
45 location of polling places. The election authority may

46 provide any additional notice of the election it deems
47 desirable.

48 3. The election authority shall print the official
49 ballot as the same appears on the sample ballot, and no
50 candidate's name or ballot issue which appears on the sample
51 ballot or official printed ballot shall be stricken or
52 removed from the ballot except on death of a candidate or by
53 court order, but in no event shall a candidate or issue be
54 stricken or removed from the ballot less than eight weeks
55 before the date of the election.

56 4. In lieu of causing legal notice to be published in
57 accordance with any of the provisions of this chapter, the
58 election authority in jurisdictions which have less than
59 seven hundred fifty registered voters and in which no
60 newspaper qualified pursuant to chapter 493 is published,
61 may cause legal notice to be mailed during the second week
62 prior to the election, by first class mail, to each
63 registered voter at the voter's voting address. All such
64 legal notices shall include the date and time of the
65 election, the location of the polling place, the name of the
66 officer or agency calling the election and a sample ballot.

67 5. If the opening date for filing a declaration of
68 candidacy for any office in a political subdivision or
69 special district is not required by law or charter, the
70 opening filing date shall be 8:00 a.m., the [seventeenth]
71 sixteenth Tuesday prior to the election. If the closing
72 date for filing a declaration of candidacy for any office in
73 a political subdivision or special district is not required
74 by law or charter, the closing filing date shall be 5:00
75 p.m., the [fourteenth] thirteenth Tuesday prior to the
76 election or, if the thirteenth Tuesday prior to the election
77 is a state or federal holiday, the closing filing date shall
78 be 5:00 p.m. on the next day that is not a state or federal

79 holiday. The political subdivision or special district
80 calling an election shall, before the **[seventeenth]**
81 sixteenth Tuesday, prior to any election at which offices
82 are to be filled, notify the general public of the opening
83 filing date, the office or offices to be filled, the proper
84 place for filing and the closing filing date of the
85 election. Such notification may be accomplished by legal
86 notice published in at least one newspaper of general
87 circulation in the political subdivision or special district.

88 6. Except as provided for in sections 115.247 and
89 115.359, if there is no additional cost for the printing or
90 reprinting of ballots or if the candidate agrees to pay any
91 printing or reprinting costs, a candidate who has filed for
92 an office or who has been duly nominated for an office may,
93 at any time after the certification of the notice of
94 election required in subsection 1 of section 115.125 but no
95 later than 5:00 p.m. on the eighth Tuesday before the
96 election, withdraw as a candidate pursuant to a court order,
97 which, except for good cause shown by the election authority
98 in opposition thereto, shall be freely given upon
99 application by the candidate to the circuit court of the
100 area of such candidate's residence.

115.137. 1. Except as provided in subsection 2 of
2 this section, any citizen who is entitled to register and
3 vote shall be entitled to register for and vote pursuant to
4 the provisions of this chapter in all statewide public
5 elections and all public elections held for districts and
6 political subdivisions within which he resides.

7 2. Any person who and only persons who fulfill the
8 ownership requirements shall be entitled to vote in
9 elections for which ownership of real property is required
10 by law for voting.

11 3. Notwithstanding any provision of law to the
12 contrary, no person shall be entitled to vote in a
13 presidential preference primary election of an established
14 political party unless he or she is affiliated with such
15 party as evidenced by his or her voter registration.

 115.157. 1. The election authority may place all
2 information on any registration cards in computerized form
3 in accordance with section 115.158. No election authority
4 or secretary of state shall furnish to any member of the
5 public electronic media or printout showing any registration
6 information, except as provided in this section. Except as
7 provided in subsection 2 of this section, the election
8 authority or secretary of state shall make available
9 electronic media or printouts showing only unique voter
10 identification numbers, voters' names, year of birth,
11 addresses, townships or wards, and precincts. Electronic
12 data shall be maintained in at least the following separate
13 fields:

- 14 (1) Voter identification number;
- 15 (2) First name;
- 16 (3) Middle initial;
- 17 (4) Last name;
- 18 (5) Suffix;
- 19 (6) Street number;
- 20 (7) Street direction;
- 21 (8) Street name;
- 22 (9) Street suffix;
- 23 (10) Apartment number;
- 24 (11) City;
- 25 (12) State;
- 26 (13) Zip code;
- 27 (14) Township;
- 28 (15) Ward;

- 29 (16) Precinct;
- 30 (17) Senatorial district;
- 31 (18) Representative district;
- 32 (19) Congressional district; and
- 33 (20) Political party affiliation.

34 2. All election authorities shall enter voter history
35 in their computerized registration systems and shall, not
36 more than three months after the election, forward such data
37 to the Missouri voter registration system established in
38 section 115.158. In addition, election authorities shall
39 forward registration and other data in a manner prescribed
40 by the secretary of state to comply with the Help America
41 Vote Act of 2002.

42 3. Except as provided in subsection 6 of this section,
43 the election authority shall furnish, for a fee, electronic
44 media or a printout showing only the names, year of birth,
45 addresses, and political party affiliations of voters, or
46 any part thereof, within the jurisdiction of the election
47 authority who voted in any specific election, including
48 primary elections, by township, ward or precinct, provided
49 that nothing in this chapter shall require such voter
50 information to be released to the public over the internet
51 and shall not be used for commercial purposes.

52 4. Except as provided in subsection 6 of this section,
53 upon a request by a candidate, a duly authorized
54 representative of a campaign committee, or a political party
55 committee, the secretary of state shall furnish, for a fee
56 determined by the secretary of state and in compliance with
57 section 610.026, media in an electronic format or, if so
58 requested, in a printed format, showing the names,
59 addresses, [and] voter identification numbers, and political
60 party affiliations of voters within the jurisdiction of a
61 specific election authority who applied for an absentee

62 ballot under section 115.279 for any specific election
63 involving a ballot measure or an office for which the
64 declaration of candidacy is required to be filed with the
65 secretary of state pursuant to section 115.353, including
66 primary elections, by township, ward, or precinct. Nothing
67 in this section shall require such voter information to be
68 released to the public over the internet. For purposes of
69 this section, the terms "candidate", "campaign committee",
70 and "political party committee" shall have the same meaning
71 given to such terms in section 130.011.

72 5. The amount of fees charged for information provided
73 in this section shall be established pursuant to chapter
74 610. All revenues collected by the secretary of state
75 pursuant to this section shall be deposited in the state
76 treasury and credited to the secretary of state's technology
77 trust fund account established pursuant to section 28.160.
78 In even-numbered years, each election authority shall, upon
79 request, supply the voter registration list for its
80 jurisdiction to all candidates and party committees for a
81 charge established pursuant to chapter 610. Except as
82 provided in subsection 6 of this section, all election
83 authorities shall make the information described in this
84 section available pursuant to chapter 610. Any election
85 authority who fails to comply with the requirements of this
86 section shall be subject to the provisions of chapter 610.

87 6. Any person working as an undercover officer of a
88 local, state or federal law enforcement agency, persons in
89 witness protection programs, and victims of domestic
90 violence and abuse who have received orders of protection
91 pursuant to chapter 455 shall be entitled to apply to the
92 circuit court having jurisdiction in his or her county of
93 residence to have the residential address on his or her
94 voter registration records closed to the public if the

95 release of such information could endanger the safety of the
96 person. Any person working as an undercover agent or in a
97 witness protection program shall also submit a statement
98 from the chief executive officer of the agency under whose
99 direction he or she is serving. The petition to close the
100 residential address shall be incorporated into any petition
101 for protective order provided by circuit clerks pursuant to
102 chapter 455. If satisfied that the person filing the
103 petition meets the qualifications of this subsection, the
104 circuit court shall issue an order to the election authority
105 to keep the residential address of the voter a closed record
106 and the address may be used only for the purposes of
107 administering elections pursuant to this chapter. The
108 election authority may require the voter who has a closed
109 residential address record to verify that his or her
110 residential address has not changed or to file a change of
111 address and to affirm that the reasons contained in the
112 original petition are still accurate prior to receiving a
113 ballot. A change of address within an election authority's
114 jurisdiction shall not require that the voter file a new
115 petition. Any voter who no longer qualifies pursuant to
116 this subsection to have his or her residential address as a
117 closed record shall notify the circuit court. Upon such
118 notification, the circuit court shall void the order closing
119 the residential address and so notify the election authority.

115.168. 1. (1) If a registered voter chooses to
2 change his or her political party affiliation, the voter may
3 notify the election authority of such change. Any change of
4 political party affiliation shall be made by signed, written
5 notice in substantially the same manner as a change of
6 address application is filed under section 115.165.

7 (2) A registered voter may only vote in the
8 presidential preference primary election of the established

9 political party with which he or she is affiliated. A voter
10 may change or declare his or her political party affiliation
11 at any time prior to the election and on the day of the
12 election at the polling place.

13 2. For purposes of this section, the phrase "change
14 his or her political party affiliation" shall mean changing
15 affiliation from one established political party to another
16 established political party, changing from affiliation with
17 an established political party to unaffiliated, or changing
18 from unaffiliated to affiliation with an established
19 political party.

115.279. 1. Application for an absentee ballot may be
2 made by the applicant in person, or by mail, or for the
3 applicant, in person, by his or her guardian or a relative
4 within the second degree by consanguinity or affinity. The
5 election authority shall accept applications by facsimile
6 transmission and by electronic mail within the limits of its
7 telecommunications capacity.

8 2. Notwithstanding section 115.284, no individual,
9 group, or party shall solicit a voter into obtaining an
10 absentee ballot application. Absentee ballot applications
11 shall not have the information prefilled prior to it being
12 provided to a voter. Nothing in this section shall be
13 interpreted to prohibit a state or local election authority
14 from assisting an individual voter.

15 3. Each application shall be made to the election
16 authority of the jurisdiction in which the person is or
17 would be registered. Each application shall be in writing
18 and shall state the applicant's name, address at which he or
19 she is or would be registered, his or her reason for voting
20 an absentee ballot, the address to which the ballot is to be
21 mailed, if mailing is requested, and for absent uniformed
22 services and overseas applicants, the applicant's email

23 address if electronic transmission is requested. Except in
24 the case of a presidential preference primary election, if
25 the reason for the applicant voting absentee is due to the
26 reasons established under subdivision (6) of subsection 3 of
27 section 115.277, the applicant shall state the voter's
28 identification information provided by the address
29 confidentiality program in lieu of the applicant's name,
30 address at which he or she is or would be registered, and
31 address to which the ballot is to be mailed, if mailing is
32 requested. Each application to vote in a primary election
33 shall also state which ballot the applicant wishes to
34 receive. If any application fails to designate a ballot,
35 the election authority shall, within three working days
36 after receiving the application, notify the applicant by
37 mail that it will be unable to deliver an absentee ballot
38 until the applicant designates which political party ballot
39 he or she wishes to receive. If the applicant does not
40 respond to the request for political party designation, the
41 election authority is authorized to provide the voter with
42 that part of the ballot for which no political party
43 designation is required.

44 4. All applications for absentee ballots received
45 prior to the sixth Tuesday before an election shall be
46 stored at the office of the election authority until such
47 time as the applications are processed in accordance with
48 section 115.281. No application for an absentee ballot
49 received in the office of the election authority by mail, by
50 facsimile transmission, by electronic mail, or by a guardian
51 or relative after 5:00 p.m. on the second Wednesday
52 immediately prior to the election shall be accepted by any
53 election authority. No application for an absentee ballot
54 submitted by the applicant in person after 5:00 p.m. on the
55 day before the election shall be accepted by any election

56 authority, except as provided in subsections 7, 8, and 9 of
57 this section.

58 5. Each application for an absentee ballot shall be
59 signed by the applicant or, if the application is made by a
60 guardian or relative pursuant to this section, the
61 application shall be signed by the guardian or relative, who
62 shall note on the application his or her relationship to the
63 applicant. If an applicant, guardian or relative is blind,
64 unable to read or write the English language or physically
65 incapable of signing the application, he or she shall sign
66 by mark, witnessed by the signature of an election official
67 or person of his or her own choosing. Any person who
68 knowingly makes, delivers or mails a fraudulent absentee
69 ballot application shall be guilty of a class one election
70 offense.

71 6. (1) Notwithstanding any law to the contrary, any
72 resident of the state of Missouri who resides outside the
73 boundaries of the United States or who is on active duty
74 with the Armed Forces of the United States or members of
75 their immediate family living with them may request an
76 absentee ballot for both the primary and subsequent general
77 election with one application.

78 (2) The election authority shall provide each absent
79 uniformed services voter and each overseas voter who submits
80 a voter registration application or an absentee ballot
81 request, if the election authority rejects the application
82 or request, with the reasons for the rejection.

83 (3) Notwithstanding any other law to the contrary, if
84 a standard oath regarding material misstatements of fact is
85 adopted for uniformed and overseas voters pursuant to the
86 Help America Vote Act of 2002, the election authority shall
87 accept such oath for voter registration, absentee ballot, or
88 other election-related materials.

89 (4) Not later than sixty days after the date of each
90 regularly scheduled general election for federal office,
91 each election authority which administered the election
92 shall submit to the secretary of state in a format
93 prescribed by the secretary a report on the combined number
94 of absentee ballots transmitted to, and returned by, absent
95 uniformed services voters and overseas voters for the
96 election. The secretary shall submit to the Election
97 Assistance Commission a combined report of such information
98 not later than ninety days after the date of each regularly
99 scheduled general election for federal office and in a
100 standardized format developed by the commission pursuant to
101 the Help America Vote Act of 2002. The secretary shall make
102 the report available to the general public.

103 (5) As used in this section, the terms "absent
104 uniformed services voter" and "overseas voter" shall have
105 the meaning prescribed in 52 U.S.C. Section 20310.

106 7. An application for an absentee ballot by a new
107 resident shall be submitted in person by the applicant in
108 the office of the election authority in the election
109 jurisdiction in which such applicant resides. The
110 application shall be received by the election authority no
111 later than 7:00 p.m. on the day of the election. Such
112 application shall be in the form of an affidavit, executed
113 in duplicate in the presence of the election authority or
114 any authorized officer of the election authority, and in
115 substantially the following form:

116 "STATE OF _____

117 COUNTY OF _____, ss.

118 I, _____, do solemnly swear that:

119 (1) Before becoming a resident of this state, I
120 resided at _____ (residence address) in _____

121 (town, township, village or city) of _____
122 County in the state of _____;

123 (2) I moved to this state after the last day to
124 register to vote in such general presidential
125 election and I am now residing in the county of
126 _____, state of Missouri;

127 (3) I believe I am entitled pursuant to the laws of
128 this state to vote in the presidential election
129 to be held November _____, _____ (year);

130 (4) I hereby make application for a presidential
131 and vice presidential ballot. I have not voted
132 and shall not vote other than by this ballot at
133 such election.

134 Signed _____

135 (Applicant)

136 _____

137 _____

138 (Residence
139 Address)

140 Subscribed and sworn to before me this _____ day
141 of _____, _____

142 Signed _____

143 (Title and name of officer authorized to
144 administer oaths)"

145 8. The election authority in whose office an
146 application is filed pursuant to subsection 7 of this
147 section shall immediately send a duplicate of such
148 application to the appropriate official of the state in
149 which the new resident applicant last resided and shall file
150 the original of such application in its office.

151 9. An application for an absentee ballot by an
152 interstate former resident shall be received in the office
153 of the election authority where the applicant was formerly
154 registered by 5:00 p.m. on the second Wednesday immediately
155 prior to the election, unless the application is made in

156 person by the applicant in the office of the election
157 authority, in which case such application shall be made no
158 later than 7:00 p.m. on the day of the election.

115.284. 1. There is hereby established an absentee
2 voting process to assist persons with permanent disabilities
3 in the exercise of their voting rights.

4 2. The local election authority shall send an
5 application to participate in the absentee voting process
6 set out in this section to any registered voter residing
7 within the election authority's jurisdiction upon request.

8 3. Upon receipt of a properly completed application,
9 the election authority shall enter the voter's name on a
10 list of voters qualified to participate as absentee voters
11 pursuant to this section.

12 4. The application to participate in the absentee
13 voting process shall be in substantially the following form:

14 State of _____

15 County (City) of _____

16 I, _____ (print applicant's name), declare
17 that I am a resident and registered voter of
18 _____ County, Missouri, and am permanently
19 disabled. I hereby request that my name be placed
20 on the election authority's list of voters
21 qualified to participate as absentee voters
22 pursuant to section 115.284, and that I be
23 delivered an absentee ballot application for each
24 election in which I am eligible to vote.

25 _____

26 _____

27 Signature of Voter

28 _____

29 _____

30 Voter's Address

31 5. Not earlier than ten weeks before an election but
32 prior to the fourth Tuesday prior to an election, the
33 election authority shall deliver to each voter qualified to
34 participate as absentee voters pursuant to this section an
35 absentee ballot application if the voter is eligible to vote
36 in that election. If the voter returns the absentee request
37 application to the election authority not later than 5:00
38 p.m. on the second Wednesday before an election and has
39 retained the necessary qualifications to vote, the election
40 authority shall provide the voter with an absentee ballot
41 pursuant to this chapter.

42 6. The election authority shall remove from the list
43 of voters qualified to participate as absentee voters
44 pursuant to this section any voter who:

- 45 (1) Asks to be removed from the list;
- 46 (2) Dies;
- 47 (3) Becomes disqualified from voting pursuant to this
48 chapter; or
- 49 (4) No longer resides at the address of his or her
50 voter registration.

51 7. No lists of applications made pursuant to this
52 section shall be posted or displayed in any area open to the
53 general public, nor shall such lists of applications be
54 considered a public record pursuant to chapter 610.

115.287. 1. Upon receipt of a signed application for
2 an absentee ballot and if satisfied the applicant is
3 entitled to vote by absentee ballot, the election authority
4 shall, within three working days after receiving the
5 application, or if absentee ballots are not available at the
6 time the application is received, within five working days
7 after they become available, deliver to the voter an
8 absentee ballot, ballot envelope and such instructions as
9 are necessary for the applicant to vote. For applications

10 for an absentee ballot to vote in a presidential preference
11 primary election, the election authority shall deliver to
12 the voter only the ballot that corresponds to the
13 established political party with which the voter is
14 affiliated, according to his or her voter registration, or,
15 if the voter is unaffiliated, the unaffiliated ballot.

16 Delivery shall be made to the voter personally in the office
17 of the election authority or by bipartisan teams appointed
18 by the election authority, or by first class, registered, or
19 certified mail at the discretion of the election authority,
20 or in the case of a covered voter as defined in section
21 115.902, the method of transmission prescribed in section
22 115.914. Where the election authority is a county clerk,
23 the members of bipartisan teams representing the political
24 party other than that of county clerk shall be selected from
25 a list of persons submitted to the county clerk by the
26 county chairman of that party. If no list is provided by
27 the time that absentee ballots are to be made available, the
28 county clerk may select a person or persons from lists
29 provided in accordance with section 115.087. If the
30 election authority is not satisfied that any applicant is
31 entitled to vote by absentee ballot, it shall not deliver an
32 absentee ballot to the applicant. Within three working days
33 of receiving such an application, the election authority
34 shall notify the applicant and state the reason he or she is
35 not entitled to vote by absentee ballot. The applicant may
36 file a complaint with the elections division of the
37 secretary of state's office under and pursuant to section
38 115.219.

39 2. If, after 5:00 p.m. on the second Wednesday before
40 an election, any voter from the jurisdiction has become
41 hospitalized, becomes confined due to illness or injury, or
42 is confined in an intermediate care facility, residential

43 care facility, or skilled nursing facility on election day,
44 as such terms are defined in section 198.006, in the county
45 in which the jurisdiction is located or in the jurisdiction
46 of an adjacent election authority within the same county,
47 the election authority shall appoint a team to deliver,
48 witness the signing of and return the voter's application
49 and deliver, witness the voting of and return the voter's
50 absentee ballot. If the election authority receives ten or
51 more applications for absentee ballots from the same address
52 it shall appoint a team to deliver and witness the voting
53 and return of absentee ballots by voters residing at that
54 address, except when such addresses are for an apartment
55 building or other structure wherein individual living units
56 are located, each of which has its own separate cooking
57 facilities. Each team appointed pursuant to this subsection
58 shall consist of two registered voters, one from each major
59 political party. Both members of any team appointed
60 pursuant to this subsection shall be present during the
61 delivery, signing or voting and return of any application or
62 absentee ballot signed or voted pursuant to this subsection.

63 3. On the mailing and ballot envelopes for each
64 covered voter, the election authority shall stamp
65 prominently in black the words "FEDERAL BALLOT, STATE OF
66 MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".

67 4. No information which encourages a vote for or
68 against a candidate or issue shall be provided to any voter
69 with an absentee ballot.

115.351. No person who files as a party candidate for
2 nomination or election to an office shall, without
3 withdrawing, file as another party's candidate or an
4 independent candidate for nomination or election to the
5 office for the same term. No person who files as an
6 independent candidate for election to an office shall,

7 without withdrawing, file as a party candidate for
8 nomination or election to the office for the same term. No
9 person shall file for one office and, without withdrawing,
10 file for another office to be filled at the same election.
11 A person who files a request to be included on the
12 presidential preference primary ballot shall not be
13 prohibited from filing or appearing on any ballot as a party
14 candidate for nomination to another office. Receipt by the
15 secretary of state of proper certification of nomination
16 pursuant to subsection 1 of section 115.399 constitutes
17 withdrawal by operation of law pursuant to subsection 1 of
18 section 115.359 of any presidential or vice presidential
19 nominee from any other office for which such nominee is a
20 candidate at the same election. Any person violating any
21 provision of this section shall be disqualified from running
22 for nomination or election to any office at the primary and
23 general election next succeeding the violation.

115.429. 1. The election judges shall not permit any
2 person to vote unless satisfied that such person is the
3 person whose name appears on the precinct register.

4 2. The identity or qualifications of any person
5 offering to vote may be challenged by any election authority
6 personnel, any registered voter, or any duly authorized
7 challenger at the polling place. No person whose right to
8 vote is challenged shall receive a ballot until his or her
9 identity and qualifications have been established.

10 3. Any question of doubt concerning the identity or
11 qualifications of a voter shall be decided by a majority of
12 the judges from the major political parties. If such
13 election judges decide not to permit a person to vote
14 because of doubt as to his or her identity or
15 qualifications, the person may apply to the election
16 authority as provided in section 115.193 or file a complaint

17 with the elections division of the secretary of state's
18 office under and pursuant to section 115.219.

19 4. If the election judges cannot reach a decision on
20 the identity or qualifications of any person, the question
21 shall be decided by the election authority.

22 5. The election judges or the election authority may
23 require any person whose right to vote is challenged to
24 execute an affidavit affirming his or her qualifications.
25 The election authority shall furnish to the election judges
26 a sufficient number of blank affidavits of qualification,
27 and the election judges shall enter any appropriate
28 information or comments under the title "Remarks" which
29 shall appear at the bottom of the affidavit. All executed
30 affidavits of qualification shall be returned to the
31 election authority with the other election supplies. Any
32 person who makes a false affidavit of qualification shall be
33 guilty of a class one election offense.

34 6. In the case of a presidential preference primary
35 election, the election judges shall determine, using the
36 voter's registration information, whether the voter's
37 political party affiliation is the same as the established
38 political party holding the election.

115.635. The following offenses, and any others
2 specifically so described by law, shall be class three
3 election offenses and are deemed misdemeanors connected with
4 the exercise of the right of suffrage. Conviction for any
5 of these offenses shall be punished by imprisonment of not
6 more than one year or by fine of not more than two thousand
7 five hundred dollars, or by both such imprisonment and fine:

8 (1) Giving, lending, agreeing to give or lend,
9 offering, promising, or endeavoring to procure, any money or
10 valuable consideration, office, or place of employment, to
11 or for any voter, to or for any person on behalf of any

12 voter, or to or for any person, in order to induce any voter
13 to vote or refrain from voting or corruptly doing any such
14 act on account of such voter having already voted or
15 refrained from voting at any election;

16 (2) Making use of, or threatening to make use of, any
17 force, violence, or restraint, or inflicting or threatening
18 to inflict any injury, damage, harm or loss upon or against
19 any person, in order to induce or compel such person to vote
20 or refrain from voting at any election;

21 (3) Impeding or preventing, or attempting to impede or
22 prevent, by abduction, duress or any fraudulent device or
23 contrivance, the free exercise of the franchise of any voter
24 or, by abduction, duress, or any fraudulent device,
25 compelling, inducing, or prevailing upon any voter to vote
26 or refrain from voting at any election;

27 (4) Giving, or making an agreement to give, any money,
28 property, right in action, or other gratuity or reward, in
29 consideration of any grant or deputation of office;

30 (5) Bringing into this state any nonresident person
31 with intent that such person shall vote at an election
32 without possessing the requisite qualifications;

33 (6) Asking for, receiving, or taking any money or
34 other reward by way of gift, loan, or other device or
35 agreeing or contracting for any money, gift, office,
36 employment, or other reward, for giving, or refraining from
37 giving, his or her vote in any election;

38 (7) Removing, destroying or altering any supplies or
39 information placed in or near a voting booth for the purpose
40 of enabling a voter to prepare his or her ballot;

41 (8) Entering a voting booth or compartment except as
42 specifically authorized by law;

43 (9) On the part of any election official, challenger,
44 watcher or person assisting a person to vote, revealing or

45 disclosing any information as to how any voter may have
46 voted, indicated that the person had voted except as
47 authorized by this chapter, indicated an intent to vote or
48 offered to vote, except to a grand jury or pursuant to a
49 lawful subpoena in a court proceeding relating to an
50 election offense;

51 (10) On the part of any registration or election
52 official, refusing to permit any person to register to vote
53 or to vote when such official knows the person is legally
54 entitled to register or legally entitled to vote;

55 (11) Attempting to commit or participating in an
56 attempt to commit any class one or class two election
57 offense [.] ;

58 (12) Threatening to harm or engaging in conduct
59 reasonably calculated to harass or alarm, including stalking
60 pursuant to section 565.227, an election judge, challenger,
61 watcher, or employee or volunteer of an election authority,
62 or a member of such person's family;

63 (13) Attempting to induce, influence, deceive, or
64 pressure an election official or member of an election
65 official's family to violate any provision of this chapter;

66 (14) Disseminating, through any means, including by
67 posting on the internet, the home address, home telephone
68 number, mobile telephone number, personal email address,
69 social security number, federal tax identification number,
70 checking account number, savings account number, credit card
71 number, marital status, or identity of a child under
72 eighteen years of age, of an election judge, challenger,
73 watcher, or employee or volunteer of an election authority,
74 or a member of such person's family, for the purposes listed
75 in subdivisions (12) and (13) of this section.

115.755. A statewide presidential preference primary shall be held on the first Tuesday after the first Monday in March of each presidential election year.

115.758. On or before the tenth Tuesday prior to the date of the presidential preference primary, the secretary of state shall announce the official list of presidential candidates for each established political party as provided in section 115.761.

115.761. 1. The official list of presidential candidates for each established political party shall include the names of all constitutionally qualified candidates for whom, on or after 8:00 a.m. on the fifteenth Tuesday prior to the presidential preference primary election, and on or before 5:00 p.m., on the eleventh Tuesday prior to the presidential preference primary election, a written request to be included on the ballot is filed with the secretary of state along with:

(1) Receipt of a filing fee of five thousand dollars paid to the state committee of the established political party on whose ballot the candidate wishes to appear; or

(2) A written statement, sworn to before an officer authorized by law to administer oaths, that the candidate is unable to pay the filing fee and does not have funds in a campaign fund or committee to pay the filing fee and a petition signed by not less than five thousand registered Missouri voters, as determined by the secretary of state, that the candidate's name be placed on the ballot of the specified established political party for the presidential preference primary election. The request to be included on the ballot shall include each signer's printed name, registered address and signature and shall be in substantially the following form:

25 I (We) the undersigned, do hereby request that the
26 name of _____ be placed upon the March _____,
27 _____, presidential preference primary ballot as
28 candidate for nomination as the nominee for
29 President of the United States on the _____ party
30 ticket.

31 2. The state or national party organization of an
32 established political party that adopts rules imposing
33 signature requirements to be met before a candidate may be
34 listed as an official candidate shall notify the secretary
35 of state by October first of the year preceding the
36 presidential preference primary election.

37 3. Any candidate or such candidate's authorized
38 representative may have such candidate's name stricken from
39 the ballot by filing with the secretary of state on or
40 before 5:00 p.m. on the eleventh Tuesday prior to the
41 election a written statement, sworn to before an officer
42 authorized by law to administer oaths, requesting that such
43 candidate's name not be printed on the official ballot.
44 Thereafter, the secretary of state shall not include the
45 name of that candidate in the official list announced
46 pursuant to section 115.758 or in the certified list of
47 candidates transmitted pursuant to section 115.765.

48 4. The filing times set out in this section shall only
49 apply to presidential preference primary elections, and are
50 in lieu of those established in section 115.349.

115.765. On or before the tenth Tuesday prior to a
2 presidential preference primary election, the secretary of
3 state shall transmit to each election authority a certified
4 list containing the names of all candidates whose names
5 shall appear on the presidential preference primary election
6 ballot of each party. The names of the candidates shall
7 appear in the order in which their request to be included on
8 the ballot was received in the office of the secretary of

9 state, except that, in the case of candidates who file a
10 request to be included on the ballot with the secretary of
11 state prior to 5:00 p.m. on the first day for filing, the
12 secretary of state shall determine by random drawing the
13 order in which such candidates' names shall appear on the
14 ballot. The drawing shall be conducted so that each
15 candidate, or candidate's representative, may draw a number
16 at random at the time of filing. The secretary of state
17 shall record the number drawn with the candidate's request
18 to be included on the ballot. The names of candidates
19 filing on the first day for filing on each party ballot
20 shall be listed in ascending order of the numbers so drawn.

115.767. Each election authority shall cause the name
2 of candidates certified by the secretary of state to appear
3 on the presidential preference primary election ballot of
4 each party, followed by a listing for an uncommitted vote.

115.770. The conduct of the presidential preference
2 primary election and the count and canvass of the votes cast
3 therein shall conform as nearly as is practicable to that
4 prescribed for the conduct of the primary election for state
5 officers. All primary election laws not inconsistent with
6 the provisions of sections 115.755 to 115.785 shall be
7 applicable to the conduct of this election, and the form of
8 the ballot insofar as is practicable shall be substantially
9 the same as that prescribed by section 115.395. In a
10 presidential preference primary election, each voter shall
11 be entitled to receive the ballot of the established
12 political party with which such voter is affiliated, as
13 determined by section 115.168. Each voter who participates
14 in a presidential preference primary election shall be
15 entitled to vote on all questions and for any candidates
16 submitted by political subdivisions and special districts at
17 the election. Each voter who does not wish to participate

18 in a presidential preference primary election may vote on
19 all questions and for any candidates submitted by a
20 political subdivision or special district at the election.

115.773. After the count and canvass of the votes cast
2 in the presidential preference primary election, the
3 secretary of state shall notify the state chair of each of
4 the established political parties for whom a candidate was
5 listed, of the number of votes recorded in that established
6 political party's primary election that each candidate and
7 uncommitted listing received.

115.776. The state party organization which is the
2 state organization recognized by the national organization
3 of that established political party shall, after the
4 presidential preference primary election and before the
5 national convention, conduct a series of caucuses
6 culminating in congressional and state conventions [for the
7 purpose of nominating a candidate for the president of the
8 United States]. Delegates to the national conventions shall
9 be chosen at the congressional district and state
10 conventions pursuant to rules established by the political
11 parties.

115.785. All costs, as specified under section
2 115.065, incurred from a presidential preference primary
3 election shall be paid by the state, except that, pursuant
4 to section 115.065, costs shall be shared proportionately by
5 the state and any political subdivisions and special
6 districts holding an election on the same day as any such
7 primary. For any county with more than five hundred polling
8 places, the state shall assist in assuring adequate poll
9 workers and equipment.

115.904. The voting procedures in sections 115.900 to
2 115.936 shall apply to:

3 (1) A general, special, presidential preference, or
4 primary election for federal office;

5 (2) A general, special, or primary election for
6 statewide or state legislative office or state ballot
7 measure; or

8 (3) Any election in which absentee voting is conducted
9 pursuant to sections 115.275 to 115.304.

137.067. Notwithstanding any provision of law to the
2 contrary, any ballot measure seeking approval to add,
3 change, or modify a tax on real property shall express the
4 effect of the proposed change within the ballot language in
5 terms of the change in real dollars owed per one hundred
6 thousand dollars of a property's market valuation.

 137.073. 1. As used in this section, the following
2 terms mean:

3 (1) "General reassessment", changes in value, entered
4 in the assessor's books, of a substantial portion of the
5 parcels of real property within a county resulting wholly or
6 partly from reappraisal of value or other actions of the
7 assessor or county equalization body or ordered by the state
8 tax commission or any court;

9 (2) "Tax rate", "rate", or "rate of levy", singular or
10 plural, includes the tax rate for each purpose of taxation
11 of property a taxing authority is authorized to levy without
12 a vote and any tax rate authorized by election, including
13 bond interest and sinking fund;

14 (3) "Tax rate ceiling", a tax rate as revised by the
15 taxing authority to comply with the provisions of this
16 section or when a court has determined the tax rate; except
17 that, other provisions of law to the contrary
18 notwithstanding, a school district may levy the operating
19 levy for school purposes required for the current year
20 pursuant to subsection 2 of section 163.021, less all

21 adjustments required pursuant to Article X, Section 22 of
22 the Missouri Constitution, if such tax rate does not exceed
23 the highest tax rate in effect subsequent to the 1980 tax
24 year. This is the maximum tax rate that may be levied,
25 unless a higher tax rate ceiling is approved by voters of
26 the political subdivision as provided in this section;

27 (4) "Tax revenue", when referring to the previous
28 year, means the actual receipts from ad valorem levies on
29 all classes of property, including state-assessed property,
30 in the immediately preceding fiscal year of the political
31 subdivision, plus an allowance for taxes billed but not
32 collected in the fiscal year and plus an additional
33 allowance for the revenue which would have been collected
34 from property which was annexed by such political
35 subdivision but which was not previously used in determining
36 tax revenue pursuant to this section. The term "tax
37 revenue" shall not include any receipts from ad valorem
38 levies on any property of a railroad corporation or a public
39 utility, as these terms are defined in section 386.020,
40 which were assessed by the assessor of a county or city in
41 the previous year but are assessed by the state tax
42 commission in the current year. All school districts and
43 those counties levying sales taxes pursuant to chapter 67
44 shall include in the calculation of tax revenue an amount
45 equivalent to that by which they reduced property tax levies
46 as a result of sales tax pursuant to section 67.505 and
47 section 164.013 or as excess home dock city or county fees
48 as provided in subsection 4 of section 313.820 in the
49 immediately preceding fiscal year but not including any
50 amount calculated to adjust for prior years. For purposes
51 of political subdivisions which were authorized to levy a
52 tax in the prior year but which did not levy such tax or
53 levied a reduced rate, the term "tax revenue", as used in

54 relation to the revision of tax levies mandated by law,
55 shall mean the revenues equal to the amount that would have
56 been available if the voluntary rate reduction had not been
57 made.

58 2. Whenever changes in assessed valuation are entered
59 in the assessor's books for any personal property, in the
60 aggregate, or for any subclass of real property as such
61 subclasses are established in Section 4(b) of Article X of
62 the Missouri Constitution and defined in section 137.016,
63 the county clerk in all counties and the assessor of St.
64 Louis City shall notify each political subdivision wholly or
65 partially within the county or St. Louis City of the change
66 in valuation of each subclass of real property,
67 individually, and personal property, in the aggregate,
68 exclusive of new construction and improvements. All
69 political subdivisions shall immediately revise the
70 applicable rates of levy for each purpose for each subclass
71 of real property, individually, and personal property, in
72 the aggregate, for which taxes are levied to the extent
73 necessary to produce from all taxable property, exclusive of
74 new construction and improvements, substantially the same
75 amount of tax revenue as was produced in the previous year
76 for each subclass of real property, individually, and
77 personal property, in the aggregate, except that the rate
78 shall not exceed the greater of the most recent voter-
79 approved rate or the most recent voter-approved rate as
80 adjusted under subdivision (2) of subsection 5 of this
81 section. Any political subdivision that has received
82 approval from voters for a tax increase after August 27,
83 2008, may levy a rate to collect substantially the same
84 amount of tax revenue as the amount of revenue that would
85 have been derived by applying the voter-approved increased
86 tax rate ceiling to the total assessed valuation of the

87 political subdivision as most recently certified by the city
88 or county clerk on or before the date of the election in
89 which such increase is approved, increased by the percentage
90 increase in the consumer price index, as provided by law,
91 except that the rate shall not exceed the greater of the
92 most recent voter-approved rate or the most recent voter-
93 approved rate as adjusted under subdivision (2) of
94 subsection 5 of this section. Such tax revenue shall not
95 include any receipts from ad valorem levies on any real
96 property which was assessed by the assessor of a county or
97 city in such previous year but is assessed by the assessor
98 of a county or city in the current year in a different
99 subclass of real property. Where the taxing authority is a
100 school district for the purposes of revising the applicable
101 rates of levy for each subclass of real property, the tax
102 revenues from state-assessed railroad and utility property
103 shall be apportioned and attributed to each subclass of real
104 property based on the percentage of the total assessed
105 valuation of the county that each subclass of real property
106 represents in the current taxable year. As provided in
107 Section 22 of Article X of the constitution, a political
108 subdivision may also revise each levy to allow for
109 inflationary assessment growth occurring within the
110 political subdivision. The inflationary growth factor for
111 any such subclass of real property or personal property
112 shall be limited to the actual assessment growth in such
113 subclass or class, exclusive of new construction and
114 improvements, and exclusive of the assessed value on any
115 real property which was assessed by the assessor of a county
116 or city in the current year in a different subclass of real
117 property, but not to exceed the consumer price index or five
118 percent, whichever is lower. Should the tax revenue of a
119 political subdivision from the various tax rates determined

120 in this subsection be different than the tax revenue that
121 would have been determined from a single tax rate as
122 calculated pursuant to the method of calculation in this
123 subsection prior to January 1, 2003, then the political
124 subdivision shall revise the tax rates of those subclasses
125 of real property, individually, and/or personal property, in
126 the aggregate, in which there is a tax rate reduction,
127 pursuant to the provisions of this subsection. Such
128 revision shall yield an amount equal to such difference and
129 shall be apportioned among such subclasses of real property,
130 individually, and/or personal property, in the aggregate,
131 based on the relative assessed valuation of the class or
132 subclasses of property experiencing a tax rate reduction.
133 Such revision in the tax rates of each class or subclass
134 shall be made by computing the percentage of current year
135 adjusted assessed valuation of each class or subclass with a
136 tax rate reduction to the total current year adjusted
137 assessed valuation of the class or subclasses with a tax
138 rate reduction, multiplying the resulting percentages by the
139 revenue difference between the single rate calculation and
140 the calculations pursuant to this subsection and dividing by
141 the respective adjusted current year assessed valuation of
142 each class or subclass to determine the adjustment to the
143 rate to be levied upon each class or subclass of property.
144 The adjustment computed herein shall be multiplied by one
145 hundred, rounded to four decimals in the manner provided in
146 this subsection, and added to the initial rate computed for
147 each class or subclass of property. For school districts
148 that levy separate tax rates on each subclass of real
149 property and personal property in the aggregate, if voters
150 approved a ballot before January 1, 2011, that presented
151 separate stated tax rates to be applied to the different
152 subclasses of real property and personal property in the

153 aggregate, or increases the separate rates that may be
154 levied on the different subclasses of real property and
155 personal property in the aggregate by different amounts, the
156 tax rate that shall be used for the single tax rate
157 calculation shall be a blended rate, calculated in the
158 manner provided under subdivision (1) of subsection 6 of
159 this section. Notwithstanding any provision of this
160 subsection to the contrary, no revision to the rate of levy
161 for personal property shall cause such levy to increase over
162 the levy for personal property from the prior year.

163 3. (1) Where the taxing authority is a school
164 district, it shall be required to revise the rates of levy
165 to the extent necessary to produce from all taxable
166 property, including state-assessed railroad and utility
167 property, which shall be separately estimated in addition to
168 other data required in complying with section 164.011,
169 substantially the amount of tax revenue permitted in this
170 section. In the year following tax rate reduction, the tax
171 rate ceiling may be adjusted to offset such district's
172 reduction in the apportionment of state school moneys due to
173 its reduced tax rate. However, in the event any school
174 district, in calculating a tax rate ceiling pursuant to this
175 section, requiring the estimating of effects of state-
176 assessed railroad and utility valuation or loss of state
177 aid, discovers that the estimates used result in receipt of
178 excess revenues, which would have required a lower rate if
179 the actual information had been known, the school district
180 shall reduce the tax rate ceiling in the following year to
181 compensate for the excess receipts, and the recalculated
182 rate shall become the tax rate ceiling for purposes of this
183 section.

184 (2) For any political subdivision which experiences a
185 reduction in the amount of assessed valuation relating to a

186 prior year, due to decisions of the state tax commission or
187 a court pursuant to sections 138.430 to 138.433, or due to
188 clerical errors or corrections in the calculation or
189 recordation of any assessed valuation:

190 (a) Such political subdivision may revise the tax rate
191 ceiling for each purpose it levies taxes to compensate for
192 the reduction in assessed value occurring after the
193 political subdivision calculated the tax rate ceiling for
194 the particular subclass of real property or for personal
195 property, in the aggregate, in a prior year. Such revision
196 by the political subdivision shall be made at the time of
197 the next calculation of the tax rate for the particular
198 subclass of real property or for personal property, in the
199 aggregate, after the reduction in assessed valuation has
200 been determined and shall be calculated in a manner that
201 results in the revised tax rate ceiling being the same as it
202 would have been had the corrected or finalized assessment
203 been available at the time of the prior calculation;

204 (b) In addition, for up to three years following the
205 determination of the reduction in assessed valuation as a
206 result of circumstances defined in this subdivision, such
207 political subdivision may levy a tax rate for each purpose
208 it levies taxes above the revised tax rate ceiling provided
209 in paragraph (a) of this subdivision to recoup any revenues
210 it was entitled to receive had the corrected or finalized
211 assessment been available at the time of the prior
212 calculation.

213 4. (1) In order to implement the provisions of this
214 section and Section 22 of Article X of the Constitution of
215 Missouri, the term improvements shall apply to both real and
216 personal property. In order to determine the value of new
217 construction and improvements, each county assessor shall
218 maintain a record of real property valuations in such a

219 manner as to identify each year the increase in valuation
220 for each political subdivision in the county as a result of
221 new construction and improvements. The value of new
222 construction and improvements shall include the additional
223 assessed value of all improvements or additions to real
224 property which were begun after and were not part of the
225 prior year's assessment, except that the additional assessed
226 value of all improvements or additions to real property
227 which had been totally or partially exempt from ad valorem
228 taxes pursuant to sections 99.800 to 99.865, sections
229 135.200 to 135.255, and section 353.110 shall be included in
230 the value of new construction and improvements when the
231 property becomes totally or partially subject to assessment
232 and payment of all ad valorem taxes. The aggregate increase
233 in valuation of personal property for the current year over
234 that of the previous year is the equivalent of the new
235 construction and improvements factor for personal property.
236 Notwithstanding any opt-out implemented pursuant to
237 subsection 14 of section 137.115, the assessor shall certify
238 the amount of new construction and improvements and the
239 amount of assessed value on any real property which was
240 assessed by the assessor of a county or city in such
241 previous year but is assessed by the assessor of a county or
242 city in the current year in a different subclass of real
243 property separately for each of the three subclasses of real
244 property for each political subdivision to the county clerk
245 in order that political subdivisions shall have this
246 information for the purpose of calculating tax rates
247 pursuant to this section and Section 22, Article X,
248 Constitution of Missouri. In addition, the state tax
249 commission shall certify each year to each county clerk the
250 increase in the general price level as measured by the
251 Consumer Price Index for All Urban Consumers for the United

252 States, or its successor publications, as defined and
253 officially reported by the United States Department of
254 Labor, or its successor agency. The state tax commission
255 shall certify the increase in such index on the latest
256 twelve-month basis available on February first of each year
257 over the immediately preceding prior twelve-month period in
258 order that political subdivisions shall have this
259 information available in setting their tax rates according
260 to law and Section 22 of Article X of the Constitution of
261 Missouri. For purposes of implementing the provisions of
262 this section and Section 22 of Article X of the Missouri
263 Constitution, the term "property" means all taxable
264 property, including state-assessed property.

265 (2) Each political subdivision required to revise
266 rates of levy pursuant to this section or Section 22 of
267 Article X of the Constitution of Missouri shall calculate
268 each tax rate it is authorized to levy and, in establishing
269 each tax rate, shall consider each provision for tax rate
270 revision provided in this section and Section 22 of Article
271 X of the Constitution of Missouri, separately and without
272 regard to annual tax rate reductions provided in section
273 67.505 and section 164.013. Each political subdivision
274 shall set each tax rate it is authorized to levy using the
275 calculation that produces the lowest tax rate ceiling. It
276 is further the intent of the general assembly, pursuant to
277 the authority of Section 10(c) of Article X of the
278 Constitution of Missouri, that the provisions of such
279 section be applicable to tax rate revisions mandated
280 pursuant to Section 22 of Article X of the Constitution of
281 Missouri as to reestablishing tax rates as revised in
282 subsequent years, enforcement provisions, and other
283 provisions not in conflict with Section 22 of Article X of
284 the Constitution of Missouri. Annual tax rate reductions

285 provided in section 67.505 and section 164.013 shall be
286 applied to the tax rate as established pursuant to this
287 section and Section 22 of Article X of the Constitution of
288 Missouri, unless otherwise provided by law.

289 5. (1) In all political subdivisions, the tax rate
290 ceiling established pursuant to this section shall not be
291 increased unless approved by a vote of the people. Approval
292 of the higher tax rate shall be by at least a majority of
293 votes cast. When a proposed higher tax rate requires
294 approval by more than a simple majority pursuant to any
295 provision of law or the constitution, the tax rate increase
296 must receive approval by at least the majority required.

297 (2) When voters approve an increase in the tax rate,
298 the amount of the increase shall be added to the tax rate
299 ceiling as calculated pursuant to this section to the extent
300 the total rate does not exceed any maximum rate prescribed
301 by law. If a ballot question presents a stated tax rate for
302 approval rather than describing the amount of increase in
303 the question, the stated tax rate approved shall be adjusted
304 as provided in this section and, so adjusted, shall be the
305 current tax rate ceiling. The increased tax rate ceiling as
306 approved shall be adjusted such that when applied to the
307 current total assessed valuation of the political
308 subdivision, excluding new construction and improvements
309 since the date of the election approving such increase, the
310 revenue derived from the adjusted tax rate ceiling is equal
311 to the sum of: the amount of revenue which would have been
312 derived by applying the voter-approved increased tax rate
313 ceiling to total assessed valuation of the political
314 subdivision, as most recently certified by the city or
315 county clerk on or before the date of the election in which
316 such increase is approved, increased by the percentage
317 increase in the consumer price index, as provided by law.

318 Such adjusted tax rate ceiling may be applied to the total
319 assessed valuation of the political subdivision at the
320 setting of the next tax rate. If a ballot question presents
321 a phased-in tax rate increase, upon voter approval, each tax
322 rate increase shall be adjusted in the manner prescribed in
323 this section to yield the sum of: the amount of revenue
324 that would be derived by applying such voter-approved
325 increased rate to the total assessed valuation, as most
326 recently certified by the city or county clerk on or before
327 the date of the election in which such increase was
328 approved, increased by the percentage increase in the
329 consumer price index, as provided by law, from the date of
330 the election to the time of such increase and, so adjusted,
331 shall be the current tax rate ceiling.

332 (3) The provisions of subdivision (2) of this
333 subsection notwithstanding, if, prior to the expiration of a
334 temporary levy increase, voters approve a subsequent levy
335 increase, the new tax rate ceiling shall remain in effect
336 only until such time as the temporary levy expires under the
337 terms originally approved by a vote of the people, at which
338 time the tax rate ceiling shall be decreased by the amount
339 of the temporary levy increase. If, prior to the expiration
340 of a temporary levy increase, voters of a political
341 subdivision are asked to approve an additional, permanent
342 increase to the political subdivision's tax rate ceiling,
343 voters shall be submitted ballot language that clearly
344 indicates that if the permanent levy increase is approved,
345 the temporary levy shall be made permanent.

346 (4) The governing body of any political subdivision
347 may levy a tax rate lower than its tax rate ceiling and may,
348 in a nonreassessment year, increase that lowered tax rate to
349 a level not exceeding the tax rate ceiling without voter
350 approval in the manner provided under subdivision [(4)] (5)

351 of this subsection. Nothing in this section shall be
352 construed as prohibiting a political subdivision from
353 voluntarily levying a tax rate lower than that which is
354 required under the provisions of this section or from
355 seeking voter approval of a reduction to such political
356 subdivision's tax rate ceiling.

357 ~~[(4)]~~ (5) In a year of general reassessment, a
358 governing body whose tax rate is lower than its tax rate
359 ceiling shall revise its tax rate pursuant to the provisions
360 of subsection 4 of this section as if its tax rate was at
361 the tax rate ceiling. In a year following general
362 reassessment, if such governing body intends to increase its
363 tax rate, the governing body shall conduct a public hearing,
364 and in a public meeting it shall adopt an ordinance,
365 resolution, or policy statement justifying its action prior
366 to setting and certifying its tax rate. The provisions of
367 this subdivision shall not apply to any political
368 subdivision which levies a tax rate lower than its tax rate
369 ceiling solely due to a reduction required by law resulting
370 from sales tax collections. The provisions of this
371 subdivision shall not apply to any political subdivision
372 which has received voter approval for an increase to its tax
373 rate ceiling subsequent to setting its most recent tax rate.

374 6. (1) For the purposes of calculating state aid for
375 public schools pursuant to section 163.031, each taxing
376 authority which is a school district shall determine its
377 proposed tax rate as a blended rate of the classes or
378 subclasses of property. Such blended rate shall be
379 calculated by first determining the total tax revenue of the
380 property within the jurisdiction of the taxing authority,
381 which amount shall be equal to the sum of the products of
382 multiplying the assessed valuation of each class and
383 subclass of property by the corresponding tax rate for such

384 class or subclass, then dividing the total tax revenue by
385 the total assessed valuation of the same jurisdiction, and
386 then multiplying the resulting quotient by a factor of one
387 hundred. Where the taxing authority is a school district,
388 such blended rate shall also be used by such school district
389 for calculating revenue from state-assessed railroad and
390 utility property as defined in chapter 151 and for
391 apportioning the tax rate by purpose.

392 (2) Each taxing authority proposing to levy a tax rate
393 in any year shall notify the clerk of the county commission
394 in the county or counties where the tax rate applies of its
395 tax rate ceiling and its proposed tax rate. Each taxing
396 authority shall express its proposed tax rate in a fraction
397 equal to the nearest one-tenth of a cent, unless its
398 proposed tax rate is in excess of one dollar, then one/one-
399 hundredth of a cent. If a taxing authority shall round to
400 one/one-hundredth of a cent, it shall round up a fraction
401 greater than or equal to five/one-thousandth of one cent to
402 the next higher one/one-hundredth of a cent; if a taxing
403 authority shall round to one-tenth of a cent, it shall round
404 up a fraction greater than or equal to five/one-hundredths
405 of a cent to the next higher one-tenth of a cent. Any
406 taxing authority levying a property tax rate shall provide
407 data, in such form as shall be prescribed by the state
408 auditor by rule, substantiating such tax rate complies with
409 Missouri law. All forms for the calculation of rates
410 pursuant to this section shall be promulgated as a rule and
411 shall not be incorporated by reference. The state auditor
412 shall promulgate rules for any and all forms for the
413 calculation of rates pursuant to this section which do not
414 currently exist in rule form or that have been incorporated
415 by reference. In addition, each taxing authority proposing
416 to levy a tax rate for debt service shall provide data, in

417 such form as shall be prescribed by the state auditor by
418 rule, substantiating the tax rate for debt service complies
419 with Missouri law. A tax rate proposed for annual debt
420 service requirements will be prima facie valid if, after
421 making the payment for which the tax was levied, bonds
422 remain outstanding and the debt fund reserves do not exceed
423 the following year's payments. The county clerk shall keep
424 on file and available for public inspection all such
425 information for a period of three years. The clerk shall,
426 within three days of receipt, forward a copy of the notice
427 of a taxing authority's tax rate ceiling and proposed tax
428 rate and any substantiating data to the state auditor. The
429 state auditor shall, within fifteen days of the date of
430 receipt, examine such information and return to the county
431 clerk his or her findings as to compliance of the tax rate
432 ceiling with this section and as to compliance of any
433 proposed tax rate for debt service with Missouri law. If
434 the state auditor believes that a taxing authority's
435 proposed tax rate does not comply with Missouri law, then
436 the state auditor's findings shall include a recalculated
437 tax rate, and the state auditor may request a taxing
438 authority to submit documentation supporting such taxing
439 authority's proposed tax rate. The county clerk shall
440 immediately forward a copy of the auditor's findings to the
441 taxing authority and shall file a copy of the findings with
442 the information received from the taxing authority. The
443 taxing authority shall have fifteen days from the date of
444 receipt from the county clerk of the state auditor's
445 findings and any request for supporting documentation to
446 accept or reject in writing the rate change certified by the
447 state auditor and to submit all requested information to the
448 state auditor. A copy of the taxing authority's acceptance
449 or rejection and any information submitted to the state

450 auditor shall also be mailed to the county clerk. If a
451 taxing authority rejects a rate change certified by the
452 state auditor and the state auditor does not receive
453 supporting information which justifies the taxing
454 authority's original or any subsequent proposed tax rate,
455 then the state auditor shall refer the perceived violations
456 of such taxing authority to the attorney general's office
457 and the attorney general is authorized to obtain injunctive
458 relief to prevent the taxing authority from levying a
459 violative tax rate.

460 (3) In the event that the taxing authority incorrectly
461 completes the forms created and promulgated under
462 subdivision (2) of this subsection, or makes a clerical
463 error, the taxing authority may submit amended forms with an
464 explanation for the needed changes. If such amended forms
465 are filed under regulations prescribed by the state auditor,
466 the state auditor shall take into consideration such amended
467 forms for the purposes of this subsection.

468 7. No tax rate shall be extended on the tax rolls by
469 the county clerk unless the political subdivision has
470 complied with the foregoing provisions of this section.

471 8. Whenever a taxpayer has cause to believe that a
472 taxing authority has not complied with the provisions of
473 this section, the taxpayer may make a formal complaint with
474 the prosecuting attorney of the county. Where the
475 prosecuting attorney fails to bring an action within ten
476 days of the filing of the complaint, the taxpayer may bring
477 a civil action pursuant to this section and institute an
478 action as representative of a class of all taxpayers within
479 a taxing authority if the class is so numerous that joinder
480 of all members is impracticable, if there are questions of
481 law or fact common to the class, if the claims or defenses
482 of the representative parties are typical of the claims or

483 defenses of the class, and if the representative parties
484 will fairly and adequately protect the interests of the
485 class. In any class action maintained pursuant to this
486 section, the court may direct to the members of the class a
487 notice to be published at least once each week for four
488 consecutive weeks in a newspaper of general circulation
489 published in the county where the civil action is commenced
490 and in other counties within the jurisdiction of a taxing
491 authority. The notice shall advise each member that the
492 court will exclude him or her from the class if he or she so
493 requests by a specified date, that the judgment, whether
494 favorable or not, will include all members who do not
495 request exclusion, and that any member who does not request
496 exclusion may, if he or she desires, enter an appearance.
497 In any class action brought pursuant to this section, the
498 court, in addition to the relief requested, shall assess
499 against the taxing authority found to be in violation of
500 this section the reasonable costs of bringing the action,
501 including reasonable attorney's fees, provided no attorney's
502 fees shall be awarded any attorney or association of
503 attorneys who receive public funds from any source for their
504 services. Any action brought pursuant to this section shall
505 be set for hearing as soon as practicable after the cause is
506 at issue.

507 9. If in any action, including a class action, the
508 court issues an order requiring a taxing authority to revise
509 the tax rates as provided in this section or enjoins a
510 taxing authority from the collection of a tax because of its
511 failure to revise the rate of levy as provided in this
512 section, any taxpayer paying his or her taxes when an
513 improper rate is applied has erroneously paid his or her
514 taxes in part, whether or not the taxes are paid under
515 protest as provided in section 139.031 or otherwise

516 contested. The part of the taxes paid erroneously is the
517 difference in the amount produced by the original levy and
518 the amount produced by the revised levy. The township or
519 county collector of taxes or the collector of taxes in any
520 city shall refund the amount of the tax erroneously paid.
521 The taxing authority refusing to revise the rate of levy as
522 provided in this section shall make available to the
523 collector all funds necessary to make refunds pursuant to
524 this subsection. No taxpayer shall receive any interest on
525 any money erroneously paid by him or her pursuant to this
526 subsection. Effective in the 1994 tax year, nothing in this
527 section shall be construed to require a taxing authority to
528 refund any tax erroneously paid prior to or during the third
529 tax year preceding the current tax year.

530 10. Any rule or portion of a rule, as that term is
531 defined in section 536.010, that is created under the
532 authority delegated in this section shall become effective
533 only if it complies with and is subject to all of the
534 provisions of chapter 536 and, if applicable, section
535 536.028. This section and chapter 536 are nonseverable and
536 if any of the powers vested with the general assembly
537 pursuant to chapter 536 to review, to delay the effective
538 date, or to disapprove and annul a rule are subsequently
539 held unconstitutional, then the grant of rulemaking
540 authority and any rule proposed or adopted after August 28,
541 2004, shall be invalid and void.

162.471. 1. The government and control of an urban
2 school district is vested in a board of seven directors.

3 2. Except as provided in section 162.563, each
4 director shall be a voter of the district who has resided
5 within this state for one year next preceding the director's
6 election or appointment and who is at least twenty-four
7 years of age. All directors, except as otherwise provided

8 in sections 162.481, 162.492, and 162.563, shall hold their
9 offices for six years and until their successors are duly
10 elected and qualified. All vacancies occurring in the
11 board[, except as provided in section 162.492,] shall be
12 filled by appointment by the board as soon as practicable,
13 and the person appointed shall hold office until the next
14 school board election, when a successor shall be elected for
15 the remainder of the unexpired term. The power of the board
16 to perform any official duty during the existence of a
17 vacancy continues unimpaired thereby.

162.492. 1. In all urban districts containing the
2 greater part of the population of a city which has more than
3 three hundred thousand inhabitants, the election authority
4 of the city in which the greater portion of the school
5 district lies, and of the county if the district includes
6 territory not within the city limits, shall serve ex officio
7 as a redistricting commission. The commission shall on or
8 before November 1, 2018, divide the school district into
9 five subdistricts, all subdistricts being of compact and
10 contiguous territory and as nearly equal in the number of
11 inhabitants as practicable and thereafter the board shall
12 redistrict the district into subdivisions as soon as
13 practicable after each United States decennial census. In
14 establishing the subdistricts each member shall have one
15 vote and a majority vote of the total membership of the
16 commission is required to make effective any action of the
17 commission.

18 2. School elections for the election of directors
19 shall be held on municipal election days in 2014 and 2016.
20 At the election in 2014, directors shall be elected to hold
21 office until 2019 and until their successors are elected and
22 qualified. At the election in 2016, directors shall be
23 elected until 2019 and until their successors are elected

24 and qualified. Beginning in 2019, school elections for the
25 election of directors shall be held on the local election
26 date as specified in the charter of a home rule city with
27 more than four hundred thousand inhabitants and located in
28 more than one county. Beginning at the election for school
29 directors in 2019, the number of directors on the board
30 shall be reduced from nine to seven. Two directors shall be
31 at-large directors and five directors shall represent the
32 subdistricts, with one director from each of the
33 subdistricts. At the 2019 election, one of the at-large
34 directors and the directors from subdistricts one, three,
35 and five shall be elected for a two-year term, and the other
36 at-large director and the directors from subdistricts two
37 and four shall be elected for a four-year term. Thereafter,
38 all seven directors shall serve a four-year term. Directors
39 shall serve until the next election and until their
40 successors, then elected, are duly qualified as provided in
41 this section. In addition to other qualifications
42 prescribed by law, each member elected from a subdistrict
43 shall be a resident of the subdistrict from which he or she
44 is elected. The subdistricts shall be numbered from one to
45 five.

46 3. The five candidates, one from each of the
47 subdistricts, who receive a plurality of the votes cast by
48 the voters of that subdistrict and the at-large candidates
49 receiving a plurality of the at-large votes shall be
50 elected. The name of no candidate for nomination shall be
51 printed on the ballot unless the candidate has at least
52 sixty days prior to the election filed a declaration of
53 candidacy with the secretary of the board of directors
54 containing the signatures of at least two hundred fifty
55 registered voters who are residents of the subdistrict
56 within which the candidate for nomination to a subdistrict

57 office resides, and in case of at-large candidates the
58 signatures of at least five hundred registered voters. The
59 election authority shall determine the validity of all
60 signatures on declarations of candidacy.

61 4. In any election either for at-large candidates or
62 candidates elected by the voters of subdistricts, if there
63 are more than two candidates, a majority of the votes are
64 not required to elect but the candidate having a plurality
65 of the votes shall be elected.

66 5. The names of all candidates shall appear upon the
67 ballot without party designation and in the order of the
68 priority of the times of filing their petitions of
69 nomination. No candidate may file both at large and from a
70 subdistrict and the names of all candidates shall appear
71 only once on the ballot, nor may any candidate file more
72 than one declaration of candidacy. All declarations shall
73 designate the candidate's residence and whether the
74 candidate is filing at large or from a subdistrict and the
75 numerical designation of the subdistrict or at-large area.

76 6. The provisions of all sections relating to seven-
77 director school districts shall also apply to and govern
78 urban districts in cities of more than three hundred
79 thousand inhabitants, to the extent applicable and not in
80 conflict with the provisions of those sections specifically
81 relating to such urban districts.

82 7. Vacancies which occur on the school board [between
83 the dates of election shall be filled by special election if
84 such vacancy happens more than six months prior to the time
85 of holding an election as provided in subsection 2 of this
86 section. The state board of education shall order a special
87 election to fill such a vacancy. A letter from the
88 commissioner of education, delivered by certified mail to
89 the election authority or authorities that would normally

90 conduct an election for school board members shall be the
91 authority for the election authority or authorities to
92 proceed with election procedures. If a vacancy occurs less
93 than six months prior to the time of holding an election as
94 provided in subsection 2 of this section, no special
95 election shall occur and the vacancy shall be filled at the
96 next election day on which local elections are held as
97 specified in the charter of any home rule city with more
98 than four hundred thousand inhabitants and located in more
99 than one county] shall be filled in the manner provided in
100 section 162.471.

238.225. 1. Before construction or funding of any
2 project the district shall submit the proposed project to
3 the commission for its prior approval which shall be by at
4 least a two-thirds majority vote if the funding mechanism of
5 the project includes a sales tax. If the commission by
6 minute finds that the project will improve or is a necessary
7 or desirable extension of the state highways and
8 transportation system, the commission may preliminarily
9 approve the project subject to the district providing plans
10 and specifications for the proposed project and making any
11 revisions in the plans and specifications required by the
12 commission and the district and commission entering into a
13 mutually satisfactory agreement regarding development and
14 future maintenance of the project. After such preliminary
15 approval, the district may impose and collect such taxes and
16 assessments as may be included in the commission's
17 preliminary approval. After the commission approves the
18 final construction plans and specifications, the district
19 shall obtain prior commission approval of any modification
20 of such plans or specifications.

21 2. If the proposed project is not intended to be
22 merged into the state highways and transportation system

23 under the commission's jurisdiction, the district shall also
24 submit the proposed project and proposed plans and
25 specifications to the local transportation authority that
26 will become the owner of the project for its prior approval
27 which shall be by at least a two-thirds majority vote if the
28 funding mechanism of the project includes a sales tax.

29 3. In those instances where a local transportation
30 authority is required to approve a project and the
31 commission determines that it has no direct interest in that
32 project, the commission may decline to consider the
33 project. Approval of the project shall then vest
34 exclusively with the local transportation authority subject
35 to the district making any revisions in the plans and
36 specifications required by the local transportation
37 authority and the district and the local transportation
38 authority entering into a mutually satisfactory agreement
39 regarding development and future maintenance of the
40 project. After the local transportation authority approves
41 the final construction plans and specifications, the
42 district shall obtain prior approval of the local
43 transportation authority before modifying such plans or
44 specifications.

45 4. Notwithstanding any provision of this section to
46 the contrary, this section shall not apply to any district
47 whose project is a public mass transportation system.

238.230. 1. If approved by:

2 (1) A majority of the qualified voters voting on the
3 question in the district; or

4 (2) The owners of record of all of the real property
5 located within the district who shall indicate their
6 approval by signing a special assessment petition;

7 the district may make one or more special assessments
8 for those project improvements which specially benefit the

9 properties within the district. Improvements which may
10 confer special benefits within a district include but are
11 not limited to improvements which are intended primarily to
12 serve traffic originating or ending within the district, to
13 reduce local traffic congestion or circuitry of travel, or to
14 improve the safety of motorists or pedestrians within the
15 district.

16 2. The ballot question shall be substantially in the
17 following form:

18 Shall the _____ Transportation Development District be
19 authorized to levy special assessments against property
20 benefitted within the district for the purpose of providing
21 revenue for the development of a project (or projects) in
22 the district (insert general description of the project or
23 projects, if necessary), said special assessments to be
24 levied ratably against each tract, lot or parcel of property
25 within the district which is benefitted by such project in
26 proportion to the (insert method of allocating special
27 assessments), in an amount not to exceed \$_____ per annum
28 per (insert unit of measurement)?

29 3. The special assessment petition shall be
30 substantially in the following form:

31 The _____ Transportation Development District shall be
32 authorized to levy special assessments against property
33 benefitted within the district for the purpose of providing
34 revenue for the development of a project (or projects) in
35 the district (insert general description of the project or
36 projects, if necessary), said special assessments to be
37 levied pro rata against each tract, lot or parcel or
38 property within the district which is benefitted by such
39 project in proportion to the (insert method of allocating
40 special assessments), in an amount not to exceed \$_____ per
41 annum per (insert unit of measurement).

42 4. If a proposal for making a special assessment
43 fails, the district board of directors may, with the prior
44 approval of the commission or the local transportation
45 authority which will assume ownership of the completed
46 project, delete from the project any portion which was to be
47 funded by special assessment and which is not otherwise
48 required for project integrity.

49 5. A district may establish different classes or
50 subclasses of real property within the district for purposes
51 of levying differing rates of special assessments. The levy
52 rate for special assessments may vary for each class or
53 subclass of real property based on the level of benefit
54 derived by each class or subclass from projects funded by
55 the district.

56 6. All decisions of the board of directors shall be by
57 a majority vote unless otherwise provided by law.

58 7. Notwithstanding any provision of this section to
59 the contrary, all property owned by an entity that is exempt
60 from taxation pursuant to 26 U.S.C. Section 501(c) shall be
61 exempt from any special assessment levied by a district
62 pursuant to this section.

✓

Andrew Koenig

Ben Baker