

FIRST REGULAR SESSION

HOUSE BILL NO. 748

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MARSHALL.

1603L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 115.123, RSMo, and to enact in lieu thereof one new section relating to public elections.

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

Section A. Section 115.123, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.123, to read as follows:

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

2. Notwithstanding the provisions of subsection 1 of this section, an election for a presidential primary held pursuant to sections 115.755 to 115.785 shall be held on the second Tuesday after the first Monday in March of each presidential election year.

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

- (1) Bond elections necessitated by fire, vandalism or natural disaster;
- (2) Elections for which ownership of real property is required by law for voting;
- (3) Special elections to fill vacancies and to decide tie votes or election contests; and
- (4) Tax elections necessitated by a financial hardship due to a five percent or greater decline in per-pupil state revenue to a school district from the previous year.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 4. Nothing in this section prohibits a charter city or county from having its primary
19 election in March if the charter provided for a March primary before August 28, 1999.

20 5. Nothing in this section shall prohibit elections held pursuant to section 65.600, but no
21 other issues shall be on the March ballot except pursuant to this chapter.

22 **6. No issue to increase any tax, license, fee, or levy in any political subdivision that**
23 **is required to be approved by the voters under Article X, Sections 16 to 24 of the**
24 **Constitution of Missouri, shall be placed on the ballot in any election held on any day other**
25 **than the general election day designated under subsection 1 of section 115.121.**

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