

### Chapter 2.08 ELECTION RULES AND PROCEDURES

RSMo:

RSMo Chs. 115—130 (2016) Suffrage and Elections

City Counselor Ops.: 8839

Cases:

Ordinance requiring separate ballots and ballot boxes for nomination and election of city officers at general state primaries and elections is invalid. *State v. Barrett*, 352 Mo. 1130, 181 S.W. 2d 493 (1944).

Statute providing that conduct of elections in cities of 600,000 or more shall be governed by such statute and the general election laws withdraw all authority from St. Louis respecting such subject, to with permanent registration and conduct of elections. *State v. Barrett*, 352 Mo. 1130, 181 S.W. 2d 493 (1944).

Phrase "at the time," in statute prohibiting election or appointment to office of person who shall at the time be in arrears for any unpaid city taxes, refers to time polls close on election day, not time of filing of declaration of candidacy. VAMS 79.250 *In re Williams*, 943 S.W.2d 244 (Mo. App. E.D. 1977).

#### Sections:

##### **2.08.010 Nominations.**

Except as in this chapter otherwise provided, hereafter all candidates for elective City offices to be voted for at any general state election, shall be nominated at a primary election by the direct vote of the qualified voters of the City; provided, however, that in the cases of candidates for membership of the Board of Aldermen they shall be nominated by the direct vote of the qualified voters of the ward from which an Alderman is to be elected.

(1948 C., Ch. 20, § 7; 1960 C., § 76.010; 1994 C., § 2.08.010.)

RSMo:

RSMo 115.339 (2016) Nominations, how made

Cases:

A candidate for a city office in St. Louis at a general city election which is not held at the time of a general state election can be nominated as such candidate in a primary election only if he is a member of a political party. *Priesler v. City of St. Louis*, 322 S.W. 2d 748 (1959).

##### **2.08.020 Primary—Date.**

The primary election shall be held in the regular polling places in each precinct on the first Tuesday of August, 1944, and biennially thereafter for the nomination of candidates for elective City offices, if any, to be voted for at the next general state election.

(1948 C., Ch. 20, § 8; 1960 C., § 76.020; 1994 C., § 2.08.020.)

RSMo:

**2.08.030 Primary—Notice.**

At least fifteen days prior to the last day for filing as a candidate in the primary herein provided for, the Board of Election Commissioners shall begin publication of a notice of the municipal primary provided for herein, which the notice shall designate the elective City officers, if any, to be nominated at the primary, a list of which shall be obtained from the City Register. The list shall be published once each week for four consecutive weeks in at least two and not to exceed four newspapers of general circulation in the City.

(1948 C., Ch. 20, § 9; 1960 C., § 76.030; 1994 C., § 2.08.030.)

**2.08.040 Primary—Supplemental notice.**

In the event that any vacancy shall arise in any elective City office, subsequent to the time of the commencement of the publication of notice, the Board of Election Commissioners shall publish a supplementary notice designating such office and announcing that candidates therefor shall be nominated at the primary, the notice to conform as nearly as may be to the notice provided for in Section 2.08.030, having regard to limitations of time.

(1948 C., Ch. 20, § 10; 1960 C., § 76.040; 1994 C., § 2.08.040.)

**2.08.050 Declaration of intent.**

The name of no candidate shall be printed upon any official ballot at any primary election held under the provisions of this chapter, unless at least sixty days prior to the primary a written declaration shall have been filed by the candidate, as provided in this chapter, stating his full name, residence, office for which he proposes as a candidate, the party upon whose ticket he is to be a candidate, that if nominated and elected to such office he will qualify, and the declaration shall be in substantially the following form:

I, the undersigned, a resident and qualified elector of the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward of the City of St. Louis and State of Missouri, do announce myself a candidate for the office of \_\_\_\_\_ on the \_\_\_\_\_ ticket, to be voted for at the primary election to be held on the first Tuesday in August \_\_\_\_\_ and I further declare that if nominated and elected to such office I will qualify.

(Signed) \_\_\_\_\_

(1948 C., Ch. 20, § 11; 1960 C., § 76.050; 1994 C., § 2.08.050.)

**2.08.060 Candidate payment to political party.**

Each candidate previous to filing declaration papers as prescribed by Section 2.08.050 shall pay to the treasurer of the city central committee of the political party upon whose ticket he/she proposes to run as a candidate and seeks nomination, one percent (1%) of the annual salary of the office for which he/she is a candidate, take a receipt therefor, and file such receipt with and at the same time he/she files his/her declaration papers. The sums of money, so paid by the several candidates, shall be evidence of their good faith in filing declaration papers, and shall be used as an expense fund by the several political parties upon whose tickets the various candidates propose to run as candidates and seek nomination after such nominations are made. It is the intent of this section that no sums or parts of the money so paid shall be used by such treasurer or other member of such committee, or other person, to procure or to defeat the nomination of any candidates who file declarations and seek nomination under the provisions of this chapter.

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The required filing fee described in the preceding paragraph may be submitted by the candidate to the Board of Election Commissioners at the time the candidate files his/her declaration of candidacy. All sums so submitted shall be forwarded promptly by the Board of Election Commissioners to the appropriate party city central committee treasurer.

(1948 C., Ch. 20, § 12; 1960 C., § 76.060; 1994 C., § 2.08.060; Ord. No. 70864 , § 1, 12-3-2018; Ord. No. 58267, § 2, 1981.)

RSMo:

RSMo 115.357 (2016) Filing fees—declaration of inability to pay, form of

#### **2.08.070 Independent candidate payment.**

Any person desiring to file declaration papers, or propose as a candidate on any independent or nonpartisan ticket, who does not announce by declaration papers as a candidate for any political party as defined by law, and is not a member of a political party having a state or city committee, or treasurer thereof, shall pay the sum of money required by this chapter to be paid by the candidate for the office for which he proposes to the Treasurer of the City; take a receipt therefor, and file this receipt with his declaration papers. The sum of money, so paid, shall go into the general revenue fund of the City.

(1948 C., Ch. 20, § 13; 1960 C., § 76.070; 1994 C., § 2.08.070.)

#### **2.08.080 One declaration per candidate—Filing.**

No person shall file more than one written declaration indicating the party designation under which his name is to be printed on the ballot of candidates for elective City offices. All declaration papers shall be filed with the Board of Election Commissioners.

(1948 C., Ch. 20, § 14; 1960 C., § 76.080; 1994 C., § 2.08.080.)

RSMo:

RSMo 115.351 (2016) Candidate may not file for more than one office

#### **2.08.090 Election notice—Contents—Publishing.**

The Board of Election Commissioners shall publish, under the proper party designation, the title to each office, the name and addresses of all persons who shall have filed declaration papers, the date of the primary, the hours during which the polls will be open and that the primary will be held at the regular polling places in each precinct. It shall be the duty of the Board to publish the notice for three consecutive weeks next prior to the primary.

(1948 C., Ch. 20, § 15; 1960 C., § 76.090; 1994 C., § 2.08.090.)

#### **2.08.100 Election notice—Publishing requirements.**

Each publication required in this chapter shall be made in not less than two newspapers of general circulation; one of the newspapers shall represent the political party that cast the largest vote in the City at the preceding election and one of the newspapers shall represent the political party that cast the next largest vote at such election. In any case where the publication of notice cannot be made as hereinbefore required, it may be made in any newspaper having a general circulation in the City.

(1948 C., Ch. 20, § 16; 1960 C., § 76.100; 1994 C., § 2.08.100.)

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RSMo:

RSMo 115.127 (2016) Notice of elections, how, when given

#### **2.08.110 Ballots—Candidates names.**

A ballot for candidates for elective City offices to be voted on at the next general state election shall be printed and provided for use at each voting precinct in the form provided herein. The names of all such candidates, who shall have filed declaration papers as prescribed in this chapter, shall be printed thereon.

(1948 C., Ch. 20, § 17; 1960 C., § 76.110; 1994 C., § 2.08.110.)

RSMo:

RSMo 115.237 (2016) Ballots, contents of—form of

#### **2.08.120 Ballots—Sample—Distribution.**

At least twenty (20) days before the primary election herein provided for is held, the Board of Election Commissioners shall prepare sample ballots, placing thereon in the order in which they will appear on the official ballot, under the appropriate title of each office and party designation, the names of all candidates to be voted for. The sample ballot shall be printed upon tinted or colored paper, and shall contain no blank endorsement or certificate. The Board of Election Commissioners shall forthwith submit the ticket of each party to the chairman of the city central committee, and mail a copy to each candidate to his post office address, as given in his declaration paper, and they shall post a copy of each sample ballot in a conspicuous place in their office. On or before the tenth day before the holding of any primary election, the Board of Election Commissioners shall correct any errors or omissions in the ballots, cause the same to be printed and distributed, as required by law in the case of ballots for the general election, except that the number of ballots to be furnished to each precinct shall be one and a half times the number of votes cast by any party in the past preceding election and having nominees and tickets at such primary election.

(1948 C., Ch. 20, § 18; 1960 C., § 76.120; 1994 C., § 2.08.120; Ord. No. 70865 , § 1, 12-3-2018.)

#### **2.08.130 Primary expenses.**

All ballots, blanks and other supplies to be used at any primary election held under the provisions of this chapter, and all expenses necessarily incurred in the preparation for or in conducting such primary, shall be paid out of the Treasury of the City.

(1948 C., Ch. 20, § 19; 1960 C., § 76.130; 1994 C., § 2.08.130.)

RSMo:

RSMo 115.061 et seq. (2016) Costs of elections

#### **2.08.140 Tickets.**

At all primaries there shall be as many separate tickets as there are parties entitled to participate in the primary election. There shall also be a nonpartisan ticket, upon which, under appropriate title of each office, shall be printed the names of all persons by whom declaration papers shall have been filed, as required by this chapter, who do not announce by declaration papers as candidates for any political party, as defined by this chapter. The names of all candidates shall be arranged under the appropriate title of the respective offices, and under the proper party designation upon the party ticket, and upon the nonpartisan ticket, as the case may be. The names of the candidates for each office shall be so altered on the ballots used in the several election precincts, that each

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name shall appear thereon substantially an equal number of times at the top, at the bottom and in each intermediate place, if any, of the lists or group of names in which the candidate's name belongs, and all officers charged with the preparation and distribution of ballots shall cause the printer's forms to be so transposed and the ballots so made up as to carry out the intent of this provision. If any elector writes upon his ticket the name of any person who is a candidate for the same office upon some other ticket than that upon which his name is so written, this ballot shall not be counted for such person. On any day of nomination of elective City officers in any primary election precinct, each qualified elector shall be entitled to receive from the judges of the election one ballot of the political party participating in the election for which he desires to vote. It shall be the duty of such judges of election to deliver the ballot to the electors. Before delivering any ballot to the elector, the two judges of election having charge of the ballot shall write their names or initials upon the back of the ballot with indelible pencil, and no other writing shall be on the back of the ballot except the number of the ballot voted.

(1948 C., Ch. 20, § 20; 1960 C., §§ 76.140, 76.150; 1994 C., § 2.08.140.)

#### **2.08.150 Exception to printed ballot.**

Whenever any person shall have filed as a candidate for nomination upon a party ticket which, at the last preceding election for governor, shall have cast less than five percent of the total vote cast for governor in the election, and when not more than one person shall have filed as a candidate for any office on the party ticket, no ballot shall be printed for the primary election herein provided unless upon petition of at least ten per cent of the voters voting in the City at the preceding election for governor. When no ballots are printed as hereinbefore provided the candidates filing declarations and who are unopposed shall be certified, as provided in this chapter, as the nominees of the party casting less than five percent of the vote of the state.

(1948 C., Ch. 20, § 21; 1960 C., § 76.160; 1994 C., § 2.08.150.)

#### **2.08.160 Vacancies of nominee.**

Vacancies resulting from the death or resignation of the nominee of a party at a primary shall be filled by the central committee in the city of the party; provided, however, that no name shall be allowed on any ticket until the required fee shall have been paid.

(1948 C., Ch. 20, § 22; 1960 C., § 76.170; 1994 C., § 2.08.160.)

#### **2.08.170 Voter qualifications.**

No person shall be entitled to vote at any primary unless a qualified elector of the precinct and duly registered therein and known to affiliate with the political party named at the head of the ticket he calls for, and attempts to vote, or obligates himself to support the nominees of such party at the following election.

(1948 C., Ch. 20, § 23; 1960 C., § 76.180; 1994 C., § 2.08.170.)

RSMo:

RSMo 115.133 et seq. (2016) Qualifications of voters and registration

#### **2.08.180 Challengers and witnesses.**

The challengers and witnesses for a primary election to be held under the provisions of this chapter shall be the challengers and witnesses designated for the general state primary.

(1948 C., Ch. 20, § 24; 1960 C., § 76.190; 1994 C., § 2.08.180.)

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**2.08.190 Rejection of ballot—Party change.**

It shall be the duty of the challenger to challenge and the duty of the judges of election to reject the ballot of any person attempting to vote other than the ticket of the party with which he is known to be affiliated, unless such person, when challenged, obligates himself, by oath or affirmation, administered by one of the judges, to support the party nominees of the ticket he is voting in the following election. All judges of the election shall have authority and are empowered to administer such oath or affirmation, and any person offering to vote who shall fail or refuse to take or make such oath or affirmation when demanded by such challenger, or required by any judge, shall not be allowed to vote at such primary election.

(1948 C., Ch. 20, § 25; 1960 C., § 76.200; 1994 C., § 2.08.190.)

Ops. Atty. Gen.:

Any questions of doubt concerning the identity of a voter who signs a comparative signature card must be decided against the voter by a majority of judges of election in the precinct before he may be denied the right to vote. No. 128, June 1, 1964.

**2.08.200 Canvass of votes.**

The canvass of votes shall be made in the same manner and by the same officers as the canvass of an election. The party chairman of the City, or some duly appointed agent to represent each party, shall be allowed to be present and observe the proceedings.

(1948 C., Ch. 20, § 26; 1960 C., § 76.210; 1994 C., § 2.08.200.)

RSMo:

RSMo 115.447 et seq. (2016) Counting of votes

**2.08.210 Returns—Required.**

The precinct judges and clerks of election shall immediately after the canvass of the ballot cast, on blanks to be provided for that purpose by the Board of Election Commissioners, make full and accurate returns of the votes cast for each candidate to the Board of Election Commissioners.

(1948 C., Ch. 20, § 27; 1960 C., § 76.220; 1994 C., § 2.08.210.)

**2.08.220 Returns—Procedure.**

The canvass of the returns of such primary shall be made by the same officers, and in the manner as now provided by law, for the canvass of returns of a November election. The canvassers shall meet and canvass such returns at ten o'clock on the Friday following the primary. Their returns shall contain the whole number of votes cast for each candidate for each political party, and a duplicate as to each political party shall be delivered to the chairman of such party.

(1948 C., Ch. 20, § 28; 1960 C., § 76.230; 1994 C., § 2.08.220.)

**2.08.230 Party candidate—Determination.**

The person receiving the greatest number of votes at a primary as the candidate of a party for an office shall be the candidate of that party for such office and his name as such candidate shall be placed on the ballot for elective City officers to be elected at the following election.

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(1948 C., Ch. 20, § 29; 1960 C., § 76.240; 1994 C., § 2.08.230.)

**2.08.240 Party candidate—Ties.**

In case of a tie vote, the tie shall forthwith be determined by lot by the canvassers.

(1948 C., Ch. 20, § 30; 1960 C., § 76.250; 1994 C., § 2.08.240.)

RSMo:

RSMo 115.515—115.519 (2016) Tie votes

**2.08.250 Board of Election Commissioners to prepare blanks.**

It shall be the duty of the Board of Election Commissioners to prepare and have printed for primary elections, blanks for carrying out the provisions of this chapter.

(1948 C., Ch. 20, § 31; 1960 C., § 76.260; 1994 C., § 2.08.250.)

RSMo:

RSMo 115.403 (2016) Forms to be provided by secretary of state, when

**2.08.260 Designation of judges and clerks.**

Judges and clerks for primary elections held under the provisions of this chapter shall be the judges and clerks designated for the general state primary.

(1948 C., Ch. 20, § 32; 1960 C., § 76.270; 1994 C., § 2.08.260.)

**2.08.270 Declaration of results—Certificate of nomination.**

Immediately upon the completion of the canvass of the returns of the primary election, the Board of Election Commissioners shall declare the result and issue a certificate of nomination to each person on each party ticket receiving the highest number of votes for nomination for an office.

(1948 C., Ch. 20, § 33; 1960 C., § 76.280; 1994 C., § 2.08.270.)

RSMo:

RSMo 115.523 (2016) Certificates of nomination to issue, when

**2.08.280 Statutes regulating elections to apply to primaries.**

The provisions of the statutes now in force in relation to the holding of elections, for solicitation of voters at the polls, the challenging of votes, the manner of conducting elections, of counting the ballots and making the returns thereof, and all other kindred subjects, shall apply to all primaries held under the provisions of this chapter.

(1948 C., Ch. 20, § 34; 1960 C., § 76.290; 1994 C., § 2.08.280.)

**2.08.290 Vacancies occurring after last day for filing.**

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Whenever a vacancy shall occur in any elective City office fifty days or more prior to a general state election and subsequent to the last day for filing in the primary for candidates for elective City offices as fixed by Section 2.08.050, the political central committees of the City recognized by the laws of the State of Missouri are authorized each to nominate by a vote of a majority of the central committee, including in such committee any successor of any member, which successor has been recognized as such successor by such committee, a person of the same political belief and party as the nominating committee, and having the qualifications to hold such office.

(1948 C., Ch. 20, § 35; 1960 C., § 76.300; 1994 C., § 2.08.290.)

#### **2.08.300 Central committees to file certificate of nomination.**

It shall be the duty of central committees to certify to the Board of Election Commissioners, not less than fifteen days before the date set for the general state election, the name of the person nominated, the office for which he shall have been nominated and the party which such nominee shall represent. The certificate of nomination shall be signed and executed by the presiding officer and secretary of the central committee making such nomination; provided, that in case of the inability of the presiding officer or secretary of any central committee to perform such duty, the officer thereof next in rank or all the remaining officers shall sign and execute the certificate of nomination, which shall be accepted as if executed by the presiding officer and secretary.

(1948 C., Ch. 20, § 36; 1960 C., § 76.310; 1994 C., § 2.08.300.)

#### **2.08.310 Nominees to be placed on ballot.**

It shall be the duty of the Board of Election Commissioners to place upon the ballot, as candidates of such parties, the names certified to them in accordance with the provisions of Section 2.08.300; provided, however, that no name of any candidate shall be placed upon the ballot until the candidate shall exhibit to the Board of Election Commissioners a receipt from the central committee evidencing payment of a filing fee in the amount fixed by Section 2.08.060.

(1948 C., Ch. 20, § 37; 1960 C., § 76.320; 1994 C., § 2.08.310.)

#### **2.08.320 Provisions for nomination—Candidates of parties having no central committee.**

If any party or group, political or otherwise, which shall have cast five percent or more of the total votes cast for governor in the last preceding election, shall not have a political central committee recognized as such by the laws of Missouri, the committees or groups representing such parties or groups are authorized to nominate candidates for elective city offices and certify their names to the Board of Election Commissioners as provided in Sections 2.08.290 and 2.08.300 in the case of political central committees recognized as such by the laws of the State of Missouri, and the names of such candidates shall be placed on the ballot as candidates of such parties or groups; provided, such candidates shall exhibit to the Board of Election Commissioners receipts evidencing payment, to such parties or groups, of the filing fee fixed by Section 2.08.060.

(1948 C., Ch. 20, § 38; 1960 C., § 76.330; 1994 C., § 2.08.320.)

#### **2.08.330 Provisions for nomination—Nonpartisan candidate.**

Nonpartisan candidates may be nominated by a certificate signed by registered electors of the city to a number equal to two percent of the entire vote cast at the last preceding election of a mayor; provided that the signer shall declare, in such certificate, that they are bona fide supporters of the candidate sought to be nominated, and have not aided, and will not aid, in the nomination of any other candidate for an elective city office. Such certificates of nomination by electors shall be filed in the office of the Board of Election Commissioners



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not less than the eighth Monday before the election. The names of persons nominated by certificate signed by electors shall be placed on the ballot, each under the heading "Nonpartisan Candidate."

Before the name of any nonpartisan candidate shall be placed on the ballot as aforesaid, the candidate shall exhibit to the Board of Election Commissioners a receipt evidencing payment to the City Treasurer of the filing fee fixed by Section 2.08.060.

(1948 C., Ch. 20, § 39; 1960 C., § 76.340; 1994 C., § 2.08.330; Ord. No. 66193, § 2, 2004.)

#### **2.08.340 Substitute candidates.**

In the event of the death or withdrawal of any candidate whose name has been certified to the Board of Election Commissioners as a candidate for an elective city office, the political central or ward committee, or party or group, shall certify the name of another candidate to the Board of Election Commissioners in accordance with the provisions of this chapter at any time prior to the election and such name shall be placed on the ballot in lieu of the name of such candidate. In the event of the death or withdrawal of a candidate nominated by a certificate signed by electors, the name of another nonpartisan candidate may be certified in lieu thereof at any time prior to the election by any group of electors to a number equal to two percent of the entire vote cast at the last preceding election of a mayor.

(1948 C., Ch. 20, § 40; 1960 C., § 76.350; 1994 C., § 2.08.340.)

#### **2.08.350 Primary elections of City officers to be separate from general state primary.**

At all primary elections held under the provisions of this chapter there shall be separate ballots containing the names of candidates for elective City offices only and the Board of Election Commissioners shall provide separate boxes for such ballots and shall endeavor as far as practicable to conduct the primary herein provided for as a separate primary distinct from the general state primary.

(1948 C., Ch. 20, § 41; 1960 C., § 76.360; 1994 C., § 2.08.350.)

#### **2.08.360 General state elections to be separate from election of candidates for City offices.**

At all general state elections at which candidates for elective offices may be voted for there shall be separate ballots containing the names of candidates nominated in accordance with the provisions of this chapter only and the Board of Election Commissioners shall provide separate boxes for such ballots and shall endeavor as far as practicable to conduct the election of candidates for City offices as a separate election distinct from the general state election.

(1948 C., Ch. 20, § 42; 1960 C., § 76.370; 1994 C., § 2.08.360.)

#### **2.08.370 Change of date of filing declaration of candidacy.**

If the state law governing primary elections shall be amended so as to change the last day for filing written declarations by candidates in any general primary election to be held on the first Tuesday of August, then and in such event the last day for filing in the primary herein provided for shall be advanced so as to conform to the date fixed by such amendment to the general primary law of the state.

(1948 C., Ch. 20, § 43; 1960 C., § 76.380; 1994 C., § 2.08.370.)

#### **2.08.380 RSMo 122.650 and 122.660 (1969).**

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The provisions, terms and conditions contained and set forth in RSMo 122.650 and 122.660(1969) are accepted.

(1960 C., § 76.390; 1994 C., § 2.08.380; Ord. No. 50111, § 1, 1960.)

#### **2.08.390 Election statutes incorporated.**

RSMo 122.670, 122.680, 122.710, 122.720, 122.740, 122.750, 122.760, 122.770, 122.780, 122.790, 122.800, 122.810, 122.820, 122.830, 122.840, 122.850, 122.860, 122.870, 122.880, 122.890, 122.900, 122.910, 122.920, 122.930, 122.940, 122.950, and 122.960 are incorporated by reference into this Code set forth in full, the aforesaid provisions, terms and conditions shall be deemed to be in full force and effect.

(1960 C., § 76.400; 1994 C., § 2.08.390; Ord. No. 55836, § 1(part), 1971; Ord. No. 50111, § 2, 1960.)

City Counselor Ops.: 8635, 8636, 8718

Editor's Note:

RSMo 122.670 et seq. was as follows on the date of incorporation:

#### **ST. LOUIS CITY—NOMINATIONS**

Registration and conduct of elections in city of St. Louis, RSMo ch. 118

For case notes, see Vol. III RSMo 1940

*122.670. Definition and construction of sections 122.650 to 122.970.*—Whenever the provisions of this law in operation prove to be of doubtful or uncertain meaning, or not sufficiently explicit in directions and details, the general laws of Missouri, and especially the election and registration laws, and the customs, practice, usage and forms thereunder, in the same circumstances or under like conditions, shall be followed in the construction and operation of this law, to the end that the protection of the spirit and intention of said laws shall be extended so far as possible to all primary nominating elections provided by sections 122.650 to 122.970.

(RSMo 1939 §11744)

Prior revisions: 1929 §10437; 1919 §4989

Registration and conduct of elections in city of St. Louis, RSMo ch. 118

*122.680. Nominations, how made—exceptions.*—Hereafter all candidates for elective offices other than those to be elected at a general state election and all special elections to fill vacancies in cities of this state which now have or which hereafter acquire four hundred thousand inhabitants or more, shall be nominated at a primary election by the direct vote of the qualified voters of such cities or by certificates of election, in accordance with the provisions of sections 122.650 to 122.970. A political party, within the meaning of sections 122.650 to 122.970, is an affiliation of electors representing a political party or organization which at the last preceding general state election before such primary polled as a party at least three per cent of the entire vote cast in such city for the office of governor elected at such preceding election. The term "nonpartisan candidate", within the meaning of sections 122.650 to 122.970, shall apply to all candidates who shall be nominated by a certificate signed by electors, as in sections 122.650 to 122.970 provided. Nothing in sections 122.650 to 122.970 shall be understood to apply to the nomination or election of members of a board of freeholders to draft a new charter for such city or members of boards of education or shall apply in any way to school nominations or elections.

(RSMo 1939 §11745, A. 1949 H. B. 2058)

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Prior revisions: 1929 §10438; 1919 §4990

(1959) Person seeking to run for city office on independent or nonpartisan ticket held required to be nominated either by a certificate of election signed by so many voters (§122.680) or by petition under §120.180. Such requirement does not deny equal rights under the law. *Preisler v. City of St. Louis (Mo.)*, 322 S. W. (2d) 748.

For prior cases, see Vol. III RSMo 1949

*122.690. City register to notify board of election commissioners of offices to be filled.*—At least fifteen days before the time for holding such March primary election the city register shall prepare and transmit to the board of election commissioners in each city to which sections 122.650 to 122.970 are applicable a notice in writing, designating the offices to be filled at the succeeding city election and the yearly salaries of each.

(RSMo 1939 §11753)

Prior revisions: 1929 §10446; 1919 §4998

*122.700. Board of election commissioners to make publication of list of offices to be filled.*—Upon receipt of such notice such board of election commissioners shall, beginning within two days thereafter, cause to be published for two consecutive days a list of offices for which candidates are to be nominated at such primary in five newspapers of general circulation, published in the city in which such board of election commissioners are acting.

(RSMo 1939 §11754)

Prior revisions: 1929 §10447; 1919 §4999

*122.710. Candidate to file declaration papers and pay filing fee.*—Each candidate previous to filing declaration papers, as prescribed by sections 122.650 to 122.970, shall pay to the treasurer of the city central committee of the political party upon whose ticket he seeks nomination, a sum of money equal to two per cent of the salary for one year of the office for which he is a candidate. The candidate shall take a receipt therefor and file such receipt with his declaration papers. The sums of money so paid by the several candidates, shall be evidence of their good faith in filing declaration papers and shall be used, after the nominations are made, as an expense fund by the several political parties upon whose tickets the various candidates sought nomination. It is the intent of the law that no sums or parts of the money so paid in shall be used by such treasurer or other member of such committee, or other person or persons, to procure or to defeat the nomination of any candidate or candidates who file declarations and seek nomination under the provisions of sections 122.650 to 122.970.

(RSMo 1939 §11746, A. 1949 H. B. 2058)

Prior revisions: 1929 §10439; 1919 §4991

For case notes, see Vol. III RSMo 1949

*122.720. Declaration papers.*—No person shall file more than one written declaration indicating the party designation under which his name is to be printed on the official ballot, and it shall be unlawful for his name to appear on more than one ballot at said primary election. All declaration papers shall be filed with the board of election commissioners of the city, and declaration papers shall not be withdrawn. The names of candidates who do not so declare shall not be printed on the official primary ballot.

(RSMo 1939 §11748, A. 1949 H. B. 2058)

Prior revisions: 1929 §10441; 1919 §4993

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For case notes, see Vol. III RSMo 1949

**122.730. Declaration to be filed by candidate.**—The name of no candidate shall be printed upon any official ballot at any primary election held under the provisions of sections 122.650 to 122.970 unless at least eleven days prior to such primary election and on or before nine o'clock p. m. of such day a written declaration shall be filed by the candidate, as herein provided, stating his full name, residence, occupation, in typewritten or printed words, and the office for which he proposes as a candidate, the party upon whose ticket he is to be a candidate, that if nominated and elected to such office he will qualify, and such declaration shall be substantially in the following form:

I, the undersigned \_\_\_\_\_ (a sufficient space in which to typewrite or print his name, residence and occupation), a resident and qualified elector of the \_\_\_\_ precinct of the \_\_\_\_ ward, in the city of \_\_\_\_\_, Missouri, do announce myself as a candidate for the office of \_\_\_\_\_ on the \_\_\_\_ ticket, to be voted for at the primary election to be held on the \_\_\_\_ day of March, \_\_\_\_, and I further declare that if nominated and elected to such office I will qualify.

(Signed) \_\_\_\_\_

(RSMo 1939 §11755)

Prior revisions: 1929 §10448; 1919 §5000

**122.740. Board of election commissioners shall publish names of candidates and other information preceding primary.**—Such board of election commissioners shall publish, under the proper party designation, the title to each office, the names, addresses and occupations of all persons who shall have filed declaration papers, giving the name, address, and occupation of each, the date of the primary, the hours during which the polls will be open, that the primary will be held at the regular polling places in each precinct. It shall be the duty of such board to publish such notice for three consecutive days next prior to said primary.

(RSMo 1939 §11749)

Prior revisions: 1929 §10442; 1919 §4994

**122.750. In what papers publication is to be made.**—Each publication required in sections 122.650 to 122.970 shall be made in five English newspapers of general circulation in such city; one of such newspapers shall represent the political party that cast the largest vote in such city at the last preceding general election, and one of such newspapers shall represent the political party that cast the next largest vote in such city at the last preceding general election.

(RSMo 1939 §11750)

Prior revisions: 1929 §10443; 1919 §4995

**122.760. Election commissioners to provide official ballot—definition of "primary."**—The board of election commissioners shall cause to be printed for use at each voting precinct in the form provided herein an official ballot upon which the names of all the candidates for the respective offices, who shall have filed declaration papers, as herein provided, shall be printed, and "primary", as used in sections 122.650 to 122.970 shall apply to all primary nominating elections provided for by law.

(RSMo 1939 §11751)

Prior revisions: 1929 §10444; 1919 §4996

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122.770. *Board of election commissioners to have ballots printed and distributed.*—Immediately after the last day and hour for filing declarations of candidates, as provided in sections 122.650 to 122.970, the board of election commissioners shall prepare and cause to be printed official primary ballots for each party as defined in sections 122.650 to 122.970, placing on each of said ballots, under the appropriate title of each office, and party designation, the names of all candidates to be voted for at such primary; the names of all candidates shall be arranged under the appropriate title of the respective offices and under the proper party designation upon the party ticket for which they have filed. The board of election commissioners shall provide for each election precinct in such city official primary ballots to a number equal to twice the number of registered voters in each respective precinct for each political party represented by candidates at the primary election and cause same to be delivered within twenty-four hours before the opening of the polls for the said primary election to the judges of election in the various precincts by delivering the same to the homes of such judges. The board of election commissioners shall retain, however, of the amount of ballots which they are to have printed for each political party represented at said primary election one-fourth of the number of ballots for each respective precinct, which shall be kept securely locked in the vault at the office of the board of election commissioners, to be used in case of emergency only.

(RSMo 1939 §11756)

Prior revisions: 1929 §10449; 1919 §5001

122.780. *Challengers and watchers.*—The challengers and watchers for primary elections held under sections 122.650 to 122.970 shall be appointed in the same manner and possess the same qualifications and consist of the same number of challengers and watchers as of general elections in this state.

(RSMo 1939 §11768)

Prior revisions: 1929 §10461; 1919 §5013

122.790. *Judges and clerks.*—The judges and clerks for primary elections held under sections 122.650 to 122.970 shall be appointed in the same manner and possess the same qualifications and consist of the same number as judges and clerks of general elections in this state, in cities to which sections 122.650 to 122.970 are applicable, and shall receive the same compensation, and the judges and clerks regularly appointed and commissioned for regular elections, except in cases of vacancies, shall act in primary elections, held under this law during the term for which they were appointed.

(RSMo 1939 §11772)

Prior revisions: 1929 §10465; 1919 §5017

For case notes, see Vol. III RSMo 1949

122.800. *Primary held, where, when.*—The primary election shall be held at the polling places in each precinct, as near as may be, at which the succeeding election is to be held in cities to which this law is applicable on Tuesday of the fourth week preceding the election, and biennially thereafter, for the nomination of all candidates by electors, to be voted for at the next April election.

(RSMo 1939 §11752, A. L. 1955 p. 828)

Prior revisions: 1929 §10445; 1919 §4997

122.810. *Qualifications of voters.*—No person shall be entitled to vote at any primary unless a qualified elector of the precinct and duly registered therein, and known to affiliate with the political party named at the head of the ticket he calls for, or will make affidavit or furnish proper proof that he

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is affiliated with the party whose ticket he calls for, or obligates himself under oath to support the nominee of said party at the following city election.

(RSMo 1939 §11760)

Prior revisions: 1929 §10453; 1919 §5005

*122.820. Tickets—how prepared—how voted.*—At all primary elections there shall be as many separate tickets as there are parties entitled to participate in the primary election. The names of all candidates shall be arranged under the appropriate title of the respective offices and under the proper party designated upon the party ticket. However, the names of the candidates for each office shall be so alternated on the ballots used in the several wards that each name shall appear thereon substantially an equal number of times at the top, at the bottom and in each intermediate place, if any, of the list or group of names in which such candidate's name may belong. All officers charged with the preparation and distribution of ballots shall cause the printer's forms to be so transposed and the ballots so made up as to carry out the intent of this provision. The intent hereof being that the board of election commissioners shall arrange the names on the respective ballots differently in the respective wards of such city. If any elector writes upon his ballot the name of any person who is a candidate for the same office upon some other ticket than that upon which his name is so written, this ballot shall not be counted for such person. On any day of nomination of public officers in any primary election precinct, each qualified elector shall upon application be entitled to receive from the judge of election one ballot of the political party participating in such election for which he desires to vote. It shall be the duty of such judges of election to deliver such ballot to the electors. Before delivering a ballot to an elector the two judges of election having charge of the ballot shall write their names or initials upon the back of the ballot with indelible pencil, and no other writing shall be on the back of the ballot except as provided by law.

(RSMo 1939 §11758, A. 1949 H. B. 2058)

Prior revisions: 1929 §10451; 1919 §5003

*122.830. Votes counted—who may be present.*—The canvass of the votes polled at such primary election in a precinct shall be made in the same manner and by the same officer as provided by law in case of elections held to fill public offices. The party chairman of each political party of the city, or some duly appointed agent to represent each party, shall be allowed to be present and observe the proceedings in the precinct canvassed.

(RSMo 1939 §11761)

Prior revisions: 1929 §10454; 1919 §5006

*122.840. Returns, how made and to whom.*—The precinct judges and clerks of election shall immediately after the canvass of the ballots cast, on blanks to be provided for that purpose by the election commissioners, make full and accurate returns of the votes cast for each candidate to the board of election commissioners.

(RSMo 1939 §11762)

Prior revisions: 1929 §10455; 1919 §5007

*122.850. Canvass of returns, how conducted.*—The canvass of the precinct of a primary shall be made by the board of election commissioners and in the manner as now provided by law, for the canvass of returns of a November general election. The board shall meet and begin the canvass of such returns at ten o'clock on the Monday following the primary. These returns shall set out the whole number of votes cast for each candidate of each political party and a duplicate of the

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total votes cast for the candidates of each political party shall be mailed postage prepaid to the chairman of the city committee of such party to his last known address.

(RSMo 1939 §11763)

Prior revisions: 1929 §10456; 1919 §5008

*122.860. Tie, how decided.*—In case of a tie vote, the candidates having such equal number of votes shall immediately determine by lot in the presence of the election commissioners and in such manner as they may designate which shall be the nominee.

(RSMo 1939 §11766)

Prior revisions: 1929 §10459; 1919 §5011

*122.870. Election commissioners to declare result and issue nomination certificate.*—Immediately upon the completion of the canvass of the returns of the primary election, the election commissioners shall declare the result and issue a certificate of nomination to each person on each party ticket receiving the highest number of votes for nomination for an office.

(RSMo 1939 §11769)

Prior revisions: 1929 §10462; 1919 §5014

*122.880. Whose name shall appear on official ballot as nominee.*—The person receiving the greatest number of votes at a primary as the candidate of a party for an office shall be the candidate of that party for such office and his name as such candidate shall be placed on the official ballot at the following election.

(RSMo 1939 §11764)

Prior revisions: 1929 §10457; 1919 §5009

For case notes, see Vol. III RSMo 1949

*122.890. Platform, how made.*—On the first Friday following said primary election the nominee of each party chosen at such primary election, at such convenient place as may be designated by the chairman of the city central committee of such party, in cities to which sections 122.650 to 122.970 are applicable, shall meet and forthwith formulate a city platform for their party and make public the same not later than six o'clock in the afternoon of the following day.

(RSMo 1939 §11765)

Prior revisions: 1929 §10458; 1919 §5010

*122.900. Vacancies, how filled.*—Vacancies occurring after the holding of any primary, or where no person shall offer himself as a candidate before such primary, shall be filled by the party committee of such city; provided, however, that no name shall be allowed on any ticket until the required fee shall have been paid.

(RSMo 1939 §11759)

Prior revisions: 1929 §10452; 1919 §5004

For case notes, see Vol. III RSMo 1949

*122.910. Election conducted at public expense.*—All ballots, blanks and other supplies to be used at any primary election held under the provisions of sections 122.650 to 122.970, and all expenses necessarily incurred in the preparation for and in conducting such primary, including clerical help, and an assistant at such compensation as the board of election commissioners may fix, shall be paid out of the treasury of the city and by the same officers as in case of elections, and the board

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of election commissioners shall at once prepare its estimate showing the amount necessary to appropriate for such primary election, and it shall be mandatory for the officers charged with such duties, and the common council of cities to which this law is applicable, to appropriate the money required by such board, and such board shall audit and approve all such expenses as are by it incurred and deemed necessary, and shall draw its warrant for the same on the treasurer of said city, and such treasurer shall pay out of the treasury such warrants and retain the same as his vouchers. If the officers of such cities shall fail or refuse to appropriate such money upon the demand of the board of election commissioners, the treasurer shall pay such warrants and charge the same to any fund not otherwise appropriated.

(RSMo 1939 §11757)

Prior revisions: 1929 §10450; 1919 §5002

*122.920. Board of election commissioners to prepare forms.*—It shall be the duty of the board of election commissioners to prepare and have printed for primary election blanks for carrying out the provisions of sections 122.650 to 122.970.

(RSMo 1939 §11767)

Prior revisions: 1929 §10460; 1919 §5012

*122.930. Nonpartisan candidates, how nominated.*—Hereafter all "nonpartisan candidates" for elective city and municipal offices, for which the nomination of candidates of political parties are required to be made by a primary nominating election held under the provisions of sections 122.650 to 122.970, shall be nominated by a certificate signed by registered electors residing within the city or political division for which the candidate is presented to a number equal to two per cent of the entire vote cast for mayor at the last preceding election in the city or division for which the nomination is made; provided, that signers shall declare in said certificate that they are *bona fide* supporters of the candidate or candidates sought to be nominated and have not aided and will not aid in the nomination of any other candidate or candidates for the same office or offices. Said certificates of nominations by electors shall be filed in the office of the board of election commissioners for such city not less than fifteen days before the election.

(RSMo 1939 §11770)

Prior revisions: 1929 §10463; 1919 §5015

*122.940. Filing fee of nonpartisan candidate.*—Any person or persons filing certificates signed by electors for "nonpartisan candidates" as provided in section 122.930 shall pay the same sum of money required by law to be paid by any candidate of a political party for the office for which he proposes to the city treasurer, take a receipt therefor and file said receipt with his certificate of nomination; said sum of money so paid shall go into the general revenue fund of the city.

(RSMo 1939 §11747)

Prior revisions: 1929 §10440; 1919 §4992

*122.950. Nonpartisan candidates—ballot.*—The names of persons nominated by certificate signed by electors shall be placed on an official ballot at the following election under the heading "nonpartisan candidate" or "nonpartisan candidates".

(RSMo 1939 §11771)

Prior revisions: 1929 §10464; 1919 §5016

*122.960. Applicability of statutes relating generally to conduct of elections and penalties.*—The provisions of the statutes now in force in relation to the holding of elections, the solicitation of



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voters at the polls, the challenging of votes, the manner of conducting elections, of counting the ballots and making the returns thereof, and all other kindred subjects, shall apply to all primaries insofar as they are consistent with sections 122.650 to 122.970; the intent of this law being to place primary elections in cities to which sections 122.650 to 122.970 are applicable under the regulation and protection of the law now in force as to general elections. Any statute declared to be an offense by the general laws of this state concerning caucuses and elections shall also, in like case, be an offense in all primaries held under the provisions of sections 122.650 to 122.970 and shall be punished in the same form and manner as therein provided, and all the penalties and provisions of the law as to such caucuses and elections, except as herein otherwise provided, shall apply in such cases with equal force and to the same extent as though fully set forth in sections 122.650 to 122.970.

(RSMo 1939 §11773)

Prior revisions: 1929 §10466; 1919 §5018

For case notes, see Vol. III RSMo 1949

*122.970. Penalty.*—Any person violating any of the provisions or requirements of sections 122.650 to 122.970 for which no other or different punishment is prescribed shall be guilty of a felony and upon conviction be punished by imprisonment in the state penitentiary for a term of not less than two nor more than five years.

(RSMo 1939 §11774)

## **2.08.400 Filing and withdrawal.**

- A. *Time and Procedure for Filing a Declaration of Candidacy.* The name of no candidate shall be printed upon any official ticket or ballot at any primary election held under the provisions of this chapter unless at least sixty (60) days prior to such primary election and on or before five p.m. of such day, but not before one hundred (100) days prior to such primary election at eight a.m. of such day, a written declaration of candidacy shall be filed by the candidate stating the candidate's full name, as it appears on his or her voter registration card, residence and occupation, the office for which he or she proposes as candidate, the party upon whose ticket he or she is to be a candidate, in typewritten or printed words, that the candidate and members of his or her family have received no personal remuneration, or any personal gift, or other personal favor or promise for his or her filing such declaration of candidacy; and that if nominated and elected, to such office the candidate will qualify. Such declaration of candidacy shall be substantially in the following form:

I, the undersigned \_\_\_\_\_ (sufficient space in which to typewrite or print the candidate's name, residence and occupation), a resident and qualified elector of the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward, in the City of St. Louis, Missouri, do announce myself as a candidate for the office of \_\_\_\_\_ on the \_\_\_\_\_ ticket, to be voted for at the primary election to be held on the \_\_\_\_\_ day of March, \_\_\_\_\_, and I declare that neither I, nor any member of my family, has received any personal remuneration, or any personal gift, or other personal favor or promise for filing this declaration; and I further declare that if nominated and elected to such office I will qualify.

Signed

- B. *Withdrawal of Candidacy, Deadline for, How Made.*

1. Any person who has filed a declaration of candidacy for nomination and who wishes to withdraw as a candidate shall, not later than fifty (50) days prior to such primary election on or before five p.m. of such day, file a written, sworn statement of withdrawal in the office of the official who accepted his or her declaration of candidacy.

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2. The name of a person who has filed a declaration of candidacy who has not given notice of withdrawal as provided in Subsection B.1 of this section, shall be printed on the official primary ticket or ballot.

(1960 C., § 76.410; 1994 C., § 2.08.400; Ord. No. 70866 , § 1, 12-3-2018; Ord. No. 59982, § 1, 1986; Ord. No. 55836, § 1(part), 1971; Ord. No. 50111, § 3, 1960.)

City Counselor Ops.: 8635, 8636, 8718

#### **2.08.410 City Register duties.**

At least one hundred and twenty days before the time for holding such March primary election the City Register shall prepare and transmit to the Board of Election Commissioners of the City a notice in writing, designating the offices to be filled at the succeeding City election and the yearly salaries of each.

(1960 C., § 76.420; 1994 C., § 2.08.410; Ord. No. 59982, § 2, 1986; Ord. No. 55836, § 1(part), 1971; Ord. No. 50111, § 4, 1960.)

City Counselor Ops.: 8635, 8636, 8718

#### **2.08.420 Publication of list of offices to be filled.**

Upon receipt of such notice, the Board of Election Commissioners shall, beginning within seven days thereafter, cause to be published for two consecutive days a list of offices for which candidates are to be nominated at the primary in three newspapers of general circulation, published in the City in which the Board of Election Commissioners is acting.

(1960 C., § 76.430; 1994 C., § 2.08.420; Ord. No. 55836, § 1(part), 1971.)

City Counselor Ops.: 8635, 8636, 8718

#### **2.08.430 Payment of taxes and bills for services by candidates for elective office.**

1. Any individual who is delinquent in the filing or payment of any of the following taxes or bills for services shall be prohibited from filing as a candidate for an elected public office of the City of St. Louis:
  - (1) Personal property tax;
  - (2) Real property tax on properties located in the City of St. Louis that are wholly or partially owned by the individual filing for elected office;
  - (3) City of St. Louis earnings tax; and
  - (4) City of St. Louis water and refuse bills.
2. Any individual filing as a candidate for an elected public office of the City of St. Louis shall, at the time of their filing, provide the Board of Election Commissioners with proof they are not delinquent in the filing or payment of any of the taxes or bills for services set forth in subsection 1 of this Section 2.08.430, which proof shall be provided in the form and manner specified in subsections 3 and 4 of this Section 2.08.430.
3. Any individual filing as a candidate for an elected public office of the City of St. Louis shall, at the time of their filing, file an affidavit with the Board of Election Commissioners in substantially the same form as set forth in subsection 4 of this Section 2.08.430, and shall attach thereto:
  - (1) Official copies of receipts or statements of no taxes due from the Collector of Revenue evidencing the individual is not delinquent in the payment of any of the taxes set forth in subsection 1 of this Section 2.08.430; and

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- (2) Official statements from the Collector of Revenue evidencing the individual is not delinquent in the payment of any of the bills for services set forth in subsection 1 of this Section 2.08.430.

4. Affidavit.

AFFIRMATION OF PAYMENT OF TAXES AND BILLS FOR SERVICES

I, [full legal name of candidate], hereby declare and affirm under penalties of perjury that I am not delinquent in the filing or payment of any personal property tax, real property tax on properties located in the City of St. Louis that are wholly or partially owned by me, City of St. Louis earnings tax, and City of St. Louis water and refuse bills.

As evidence of the foregoing, I have attached hereto: official copies of receipts or statements of no taxes due from the Collector of Revenue evidencing that I am not delinquent in the filing or payment of any personal property tax, real property tax on properties located in the City of St. Louis that are wholly or partially owned by me, and City of St. Louis earnings tax; and official statements from the Collector of Revenue evidencing that I am not delinquent in the payment of City of St. Louis water and refuse bills.

Date:

\_\_\_\_\_  
Candidate's Signature

\_\_\_\_\_  
Printed Name

5. Any individual who fails to comply with the requirements of this chapter shall be prohibited from filing as a candidate for an elected public office of the City of St. Louis until they have met said requirements, and subject to City of St. Louis ordinances governing the timing for candidates to file for an elected public office of the City of St. Louis.
6. The Board of Election Commissioners shall ensure that individuals who do not meet the requirements of this chapter are not allowed to file as candidates for an elected public office of the City of St. Louis until said requirements have been met, and subject to City of St. Louis ordinances governing the timing for candidates to file for an elected public office of the City of St. Louis.
7. On the day immediately following the last day on which individuals may file as candidates for an elective public office of the City of St. Louis the Collector of Revenue shall notify the Board of Election Commissioners in writing if any candidates are delinquent in the filing or payment of any personal property taxes, real property taxes on any real property located within the City of St. Louis and owned in whole or in part by the candidate, earnings taxes, or the payment of City of St. Louis water and refuse bills. In the event that a candidate is delinquent in the payment of any of the foregoing taxes or bills such candidate's name shall not be placed on the ballot, and such candidate shall be barred from participating in the current election and, if the current election is a primary election, barred from refiling as a candidate for the same office or any other elected office of the City of St. Louis in the subsequent general election and shall not have recourse to the remedial actions provided under subsection 8 of this Section 2.08.430.
8. At any time, upon receipt of a written complaint alleging a delinquency of a candidate in the filing or payment of any personal property taxes, real property taxes on any real property located within the City and owned in whole or in part by the candidate, earnings taxes, or in the payment of City of St. Louis water and refuse bills the Board of Election Commissioners shall investigate such candidate to verify the claims contained in the complaint. If the Board of Election Commissioners finds such claims to be true, they shall notify the candidate in writing of the outstanding taxes or bills for City of St. Louis water and refuse services due and give the candidate seven (7) days following the candidate's receipt of notice to remit payment in full of any such outstanding taxes or bills owed which were not theretofore the documented subject of dispute between the respective department and the candidate, and provide the Board of Election Commissioners

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with proof thereof in the form of official receipts or statements of no taxes due from the Collector of Revenue evidencing payment of such taxes or bills. The notice shall be sent via U.S. Postal Service certified mail return receipt requested to the address provided by the candidate on the candidate's declaration of candidacy and shall be deemed received seventy-two (72) hours after mailing. If the candidate fails to remit payment in full of such amounts within the seven (7) day period, the candidate shall be disqualified from participating in the current election and, if the current election is a primary election, barred from refiling as a candidate for the same office or any other elected office of the City of St. Louis in the subsequent general election even if the candidate pays all outstanding taxes or bills owed that were the subject of the complaint. Any such complaint must be filed no later than two (2) weeks prior to the election, provided that any complaint filed later than seven (7) weeks before the election that is later found to be true will result in disqualification of the candidate but may not necessarily result in the candidate's name being physically removed from the ballot.

9. Nothing herein shall either preclude or require an independent investigation by the Board of Election Commissioners of all candidates in any given election to determine if any such candidates are delinquent in the filing or payment of any personal property taxes, real property taxes on any real property located within the City and owned in whole or in part by any candidate, earnings taxes, or in the payment of City of St. Louis water and refuse bills. If the Board of Election Commissioners commences such an investigation and discovers that any candidate is delinquent in the filing or payment of any personal property taxes, real property taxes on any real property located within the City and owned in whole or in part by the candidate, earnings taxes, or in the payment of City of St. Louis water and refuse bills the Board of Election Commissioners shall notify the candidate in writing of the outstanding taxes or bills due and give the candidate seven (7) days following the candidate's receipt of said notice to remit payment in full of any outstanding taxes or water or refuse bills due which were not theretofore the documented subject of dispute between the respective department and the candidate, and provide the Board of Election Commissioners with proof thereof in the form of official receipts or statements of no taxes due from the Collector of Revenue evidencing payment of such taxes or bills. The notice shall be sent via U.S. Postal Service certified mail return receipt requested to the address provided by the candidate on the candidate's declaration of candidacy and shall be deemed received seventy-two (72) hours after mailing. If the candidate fails to remit payment in full for such amounts within said seven (7) day period the candidate shall be disqualified from participating in the current election and, if the current election is a primary election, barred from refiling as a candidate for the same office or any other elected office of the City of St. Louis in the subsequent general election even if the individual pays all outstanding taxes or bills that were the subject of the complaint.

(1994 C., § 2.08.430; Ord. No. 70991 , § 2, 4-26-2019; Ord. No. 68605, §§ 1—3, 3-16-2010.)

#### **2.08.440 Disclosure of donors.**

Any not for profit entity organized or operating under 501(c)4 or 501(c)6 of the Internal Revenue Code of the United States making aggregate expenditures or contributions in excess of \$500.00 in support or opposition to a candidate for mayor, comptroller, president of the Board of Aldermen or a City of St. Louis ballot measure shall file a donor disclosure report. The donor disclosure report shall be filed with the Board of Election Commissioners within 48 hours of making such expenditures or contributions. The report shall detail the name, address, employer, or if self-employed, the occupation of each donor to the not for profit entity. The initial report shall list such donor information for the prior one-year period. After subsequent aggregate expenditures or contributions in excess of \$500.00, an additional donor disclosure report is required within 48 hours providing donor information since the last report. Any not for profit entity failing to file a required donor disclosure report shall be liable for a civil penalty equal to the amount of its aggregate expenditures and contributions plus \$500.00. Any candidate or ballot measure campaign receiving a contribution from a not for profit entity that has not filed a required disclosure report shall return such contribution. This section shall not apply to not for profit entities that file donor information reports under RSMo Ch. 130.

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(1994 C., § 2.08.440; Ord. No. 69350, § 1, 12-20-2012.)

#### **2.08.450 Municipal Elections**

Notwithstanding any other provision of law to the contrary, the elections for the offices of Mayor, Comptroller, President of the Board of Aldermen, and Alderman shall be conducted as non-partisan, top-two runoff elections. Elections for any municipal offices not provided for in the Charter or this Code as of the date of enactment of this section shall be conducted as described in Section 2.08.460.

#### **2.08.460 Conduct of municipal elections.**

Notwithstanding any other provision of law to the contrary, in the primary election for the offices of Mayor, Comptroller, President of the Board of Aldermen, and Alderman, voters shall select as many candidates as they approve of for each office. The two candidates receiving the most votes for each office shall advance to the general election. The candidate for each office receiving the most votes in the general election shall be declared the winner.

#### **2.08.470 Ballot instructions for municipal elections**

Notwithstanding any other provision of law to the contrary, for the primary election for the offices of Mayor, Comptroller, President of the Board of Aldermen, and Alderman, the instructions on the ballot shall state, "Vote for AS MANY names as you approve of," with "AS MANY" being written in uppercase.

#### **2.08.480 Vacancies**

Notwithstanding any other provision of law to the contrary, the election to fill a vacancy in the offices of Mayor, Comptroller, President of the Board of Aldermen, or Alderman shall be conducted as a non-partisan, top-two runoff election.

#### **2.08.490 Effect on Election Ordinances**

Notwithstanding any other provision of law to the contrary, the elections described in Section 2.08.450 shall be non-partisan elections. Candidates for office elected by the method described in Section 2.08.460 shall be required to declare their candidacy with the Board of Elections, however, they shall not declare a party affiliation to the Board of Elections.

To the extent that there is no conflict, generally-applicable election ordinances shall apply to the elections described in Section 2.08.450. However, no political party committee shall be allowed to formally nominate a candidate for non-partisan office, but nothing herein shall prohibit a party or committee from endorsing any candidate.