

Chapter 8

ELECTIONS*

* **Charter References:** Nominations and elections, §§ 119--126; initiative, referendum and recall, §§ 127--141.
Cross References: Administration generally, Ch. 2.

Art. I. In General, §§ 8-1--8-30

Art. II. Wards, §§ 8-31--8-37

ARTICLE I.

IN GENERAL

Sec. 8-1. Voting precincts established.

Voting precincts in the city shall be established by the Boone County Clerk or election official for said county as prescribed by statute.
(Code 1964, § 8.020)

Sec. 8-2. Time of elections.

A regular election for the choice of elective municipal officials shall be held annually on the first Tuesday in April. The council may, by resolution, order special elections, fix the time, and provide for holding the same in conformance with state law.
(Code 1964, § 8.030)

Charter References: Similar provisions, § 119.

Sec. 8-3. Election authority--County clerk.

The county clerk or other election authority established for the city pursuant to the state election laws shall conduct all elections within the city, except as set forth in section 8-4 pursuant to the procedures established by the state election laws and the charter of the city for the conduct of such elections. The city clerk shall notify the county clerk or other election authority established for the city, pursuant to the state election laws, of any election called by the city council, not later than 5:00 p.m. on the eighth Tuesday prior to such election, except a special election to decide an election contest or tie vote or other special election provided for by city charter where the charter expressly provides for the election to be held on a date not authorized by state law. The notice shall be in writing, shall specify that the city council has called the election, and shall include a certified copy of the legal notice to be published of such election. In lieu of a certified copy of the legal notice to be published, each notice of a special election to fill a vacancy shall include the name of the office to be filled, the date of the election and the date by which candidates must be selected or filed for the office. Not later than the third Tuesday prior to any special election to fill a vacancy, the city clerk shall certify a sample ballot to the county clerk or the election authority responsible for conducting the election.
(Code 1964, § 8.010(A))

State Law References: Similar provisions, RSMo. § 115-023(4).

Sec. 8-4. Same--City clerk.

The city clerk shall, on direction of the city council, conduct an election for the city council unless another political subdivision or special district is conducting an election on the same day, in which event the county clerk or other election authority established for the city pursuant to the state election laws shall conduct such election pursuant to the state election laws. On direction by the city council that the city clerk is to conduct an election, the city clerk shall notify the county clerk or election authority otherwise responsible for conducting the election. The notice shall be made not later than 5:00 p.m. on the eighth Tuesday prior to any election conducted by the city clerk, shall be in writing, and shall include the name of the city and a statement that the city intends to conduct its own election. If proper notice is not received by the county clerk or appropriate election authority by the time specified, the

county clerk or appropriate election authority shall conduct the city's election. In conducting such elections, the city clerk shall have all powers and duties granted to county clerks or the election authorities under the provisions of the state election law. All elections conducted by the city clerk shall be conducted in accordance with the procedures of this chapter, the city charter, and the state election law.

(Code 1964, § 8.010(B))

Sec. 8-5. Same--When city officers not available.

If at any time, by reason of nonacceptance, resignation, refusal to qualify, or for any other cause there shall be no officers of the city to order and conduct an election, the county clerk of Boone County or the election authority having jurisdiction in the city is empowered to order and conduct an election for city officers, declare the results thereof, and install the newly elected officials.

(Code 1964, § 8.050)

Charter References: Similar provisions, § 121.

Sec. 8-6. Nominations by petition.

Nominations of candidates for all elective offices shall be by petition as provided in section 122 of the charter.

(Code 1964, § 8.060)

Charter References: Similar provisions, § 122.

Sec. 8-7. Vacancies in elective offices.

If a vacancy occurs in any elective office of the city, it shall be filled by the council for a period running to the next regular election, unless such period exceeds one year. In the latter case, the council shall make provision for a special election to be held to fill such vacancy.

(Code 1964, § 8.070)

Charter References: Similar provisions § 9.

Sec. 8-8. Preparation of ballots.

The names of candidates for elective offices shall be printed on the ballot in order of the date their nominating petitions, sufficiently signed and attested, were filed with the city clerk.

(Code 1964, § 8.110)

Charter References: Similar provisions, § 123.

Sec. 8-9. Canvass of election returns; declaration, induction.

The council shall canvass the election returns and declare the results of any municipal election, regular or special, at a meeting to be held not later than one week following such election. The candidate receiving the highest number of votes for each office shall be declared elected and inducted into office at that time.

(Code 1964, § 8.170)

Charter References: Similar provisions, § 125.

Sec. 8-10. Tie votes.

If at any municipal election there shall be no choice between candidates by reason of two (2) or more candidates having received an equal number of votes, the council shall proceed to determine the election by lot in a meeting open to the public to which all candidates have been invited.

(Code 1964, § 8.180)

Charter References: Similar provisions, § 126.

Sec. 8-11. Contest of election or recount of ballots.

Any contest of election or recount of ballots in case of doubt or fraud shall be conducted in the manner provided by the laws of the state.

(Code 1964, § 8.230)

State Law References: Election contests and recounts, RSMo. § 115.527 et seq.

Sec. 8-12. Recount procedures.

(a) *Automatic recounts--Candidates.* In the case of any election in the city in which the difference in the number of valid votes cast for the candidate receiving the highest number of valid votes and the number of valid votes cast for any other candidate for the same office is twenty-five (25) votes or less, or one (1) per cent or less of the total number of valid votes cast for that office, then all such "other candidates" shall be entitled to an automatic recount of the ballots cast for such office upon presentation of a petition to that effect to the city clerk within two (2) days of such certification election, and such recount shall be at the total expense of the city.

(b) *Same--Propositions and resolutions.* In the case of any election in the city in which a proposition or resolution is presented for approval by the voters and the difference in the number of valid votes cast for passage of such proposition or resolution and the number of valid votes cast against passage of such proposition or resolution is twenty-five (25) votes or less, or one (1) per cent or less of the total number of valid votes cast on such issue, then there shall be an automatic recount of the ballots cast for such issue upon presentation of a petition to that effect signed by one hundred (100) qualified voters to the city clerk within seven (7) days of such election, and such recount shall be at the total expense of the city.

(c) *By petition.* Any candidate for a city office shall be entitled to a recount of the ballots cast, regardless of the difference in the number of ballots cast, upon presentation of a petition to that effect to the city clerk within two (2) days of such election, and such recount shall be at the expense of the candidate.
(Code 1964, § 8.250)

Sec. 8-13. Conflicting provisions.

Where the requirements of this chapter, the city charter and the state election laws vary, the stricter requirements shall be followed.
(Code 1964, § 8.010)

Secs. 8-14--8-30. Reserved.

ARTICLE II.

WARDS

Sec. 8-31. Ward boundaries established.

The area embraced within the corporate limits of the city, as now or hereafter established, is hereby divided into six (6) wards, the boundaries of which, as set out in sections 8-32 through 8-37, are hereby established.
(Code 1964, § 1.070)

Sec. 8-32. First Ward.

The First Ward boundary shall begin at the intersection of the centerline of Paris Road and the centerline of Interstate 70; thence southward along the centerline of Paris Road to its intersection with Business Loop 70; thence westward along the centerline of Business Loop 70 to the centerline of College Avenue; thence southward along the centerline of College Avenue to its intersection with Stadium Boulevard; thence westward along the centerline of Stadium Boulevard to its intersection with Hospital Drive; thence northward along the centerline of Hospital Drive to a private street connecting Hospital Drive with Maryland Avenue; thence northward along the centerline of the private street to the intersection of Maryland Avenue and Kentucky Avenue; thence westward along the centerline of Kentucky Avenue to the centerline of Providence Road; thence northward along the centerline of Providence Road to the centerline of East Broadway; thence westward along the centerline of East Broadway and West Broadway to its intersection with Pershing Road; thence northward along the centerline of Pershing Road to the centerline of West Ash Street; thence westward along the centerline of West Ash Street to the centerline of Clinkscapes Road and continuing to the centerline of Interstate 70; thence eastward along the centerline of Interstate 70 to its intersection with the centerline of Paris Road, the point of beginning of this ward boundary.
(Ord. No. 13149, § 1, 11-4-91; Ord. No. 17075, §§ 1, 2, 10-15-01)

Sec. 8-33. Second Ward.

The Second Ward boundary shall begin at the intersection of the centerline of Oakland Gravel Road and the north city limits, as now or hereafter established; thence in a counterclockwise direction along the city limits line, as now or hereafter established, to its intersection with the centerline of West Broadway; thence eastward along the centerline of West Broadway and continuing to the centerline of Strawn Road; thence southward along the centerline of Strawn Road and continuing to the centerline of West Broadway; thence eastward along the centerline of West Broadway to its intersection with Pershing Road; thence northward along the centerline of Pershing Road to the centerline of West Ash Street; thence westward along the centerline of West Ash Street to the centerline of Clinkscales Road and continuing to the centerline of Interstate 70; thence eastward along the centerline of Interstate 70 to its intersection with the centerline of Paris Road, thence northward along the centerline of Paris Road to the centerline of Vandiver Drive; thence westward along the centerline of Vandiver Drive to its intersection with Oakland Gravel Road; thence northward along the centerline of Oakland Gravel Road to its intersection with the north city limits line, as now or hereafter established, the point of beginning of this ward boundary.

(Ord. No. 13149, § 1, 11-4-91; Ord. No. 17075, §§ 1, 2, 10-15-01)

Sec. 8-34. Third Ward.

The Third Ward boundary shall begin at the intersection of the centerline of Oakland Gravel Road and the north city limits line, as now or hereafter established; thence in a clockwise direction along the city limits line, as now or hereafter established, to its intersection with the centerline of East Broadway; thence westward along the centerline of East Broadway to the centerline of College Avenue; thence northward along the centerline of College Avenue to the centerline of Business Loop 70; thence eastward along the centerline of Business Loop 70 to the centerline of Paris Road; thence northeastward along the centerline of Paris Road to the centerline of Vandiver Drive; thence westward along the centerline of Vandiver Drive to its intersection with Oakland Gravel Road; thence northward along the centerline of Oakland Gravel Road to its intersection with the north city limits line, as now or hereafter established, the point of beginning of this ward boundary.

(Ord. No. 13149, § 1, 11-4-91; Ord. No. 17075, §§ 1, 2, 10-15-01)

Sec. 8-35. Fourth Ward.

The Fourth Ward boundary shall begin at the intersection of the centerline of the former Missouri-Kansas-Texas Railroad right-of-way and Hinkson Creek, thence eastward and northeastward along the centerline of the former Missouri-Kansas-Texas Railroad right-of-way to the centerline of Providence Road; thence northward along the centerline of Providence Road to the centerline of East Broadway; thence westward along the centerline of East and West Broadway to West Broadway's intersection with Strawn Road; thence northward along the centerline of Strawn Road to its intersection with West Broadway; thence westward along the centerline of West Broadway to its intersection with the west city limits line, as now or hereafter established; thence in a counterclockwise direction along the city limits line, as now or hereafter established, to the centerline of Scott Boulevard; thence northward along the centerline of Scott Boulevard to the intersection of Scott Boulevard and Chapel Hill Road; thence eastward along the centerline of Chapel Hill Road to the centerline of Fairview Road, thence southward along the centerline of Fairview Road to the centerline of Chapel Wood Road, thence eastward and southward along the centerline of Chapel Wood Road to its terminus, continuing along southeastward along an extended line directly from the terminus of Chapel Wood Road to the centerline of County House Branch Creek; thence westward along the centerline of County House Branch Creek to its intersection with Hinkson Creek, thence southward along the centerline of Hinkson Creek to its intersection with the centerline of the former Missouri-Kansas-Texas Railroad right-of-way, the point of beginning of this ward boundary.

(Ord. No. 13149, § 1, 11-4-9; Ord. No. 15657, § 1, 7-6-98; Ord. No. 15793, § 6, 11-2-98; Ord. No. 16222, § 6, 11-1-99; Ord. No. 16342, § 1, 2-7-00; Ord. No. 17075, §§ 1, 2, 10-15-01)

Sec. 8-36. Fifth Ward.

The Fifth Ward boundary shall begin at the intersection of the centerline of the former Missouri-Kansas-Texas Railroad right-of-way and Hinkson Creek, thence eastward and northeastward along the centerline of the former Missouri-Kansas-Texas Railroad right-of-way to the centerline of Providence Road; thence southward along the centerline of Providence Road to the intersection of Providence Road and the south city limits line, as now or hereafter established; thence in a clockwise direction along the city limits line to the intersection of Scott Boulevard and the former Missouri-Kansas-Texas Railroad right-of-way; thence northeastward along the former Missouri-Kansas-Texas Railroad right-of-way to the city limits line; thence north and west along the city limits line to the centerline of Scott Boulevard; thence northward along the centerline of Scott Boulevard to the centerline of

Chapel Hill Road; thence eastward along the centerline of Chapel Hill Road the centerline of Fairview Road; thence southward along the centerline of Fairview Road to the centerline of Chapel Wood Road, thence eastward and southward along the centerline of Chapel Wood Road to its terminus, continuing along southeastward along an extended line directly from the terminus of Chapel Wood Road to the centerline of County House Branch Creek; thence westward along the centerline of County House Branch Creek to its intersection with Hinkson Creek, thence southward along the centerline of Hinkson Creek to its intersection with the centerline of the former Missouri-Kansas-Texas Railroad right-of-way, the point of beginning of this ward boundary.
(Ord. No. 13149, § 1, 11-4-91; Ord. No. 17075, §§ 1, 2, 10-15-01)

Sec. 8-37. Sixth Ward.

The Sixth Ward boundary shall begin at the intersection of the centerline of East Broadway and the east city limits line, as now or hereafter established; thence westward along the centerline of East Broadway to the centerline of College Avenue; thence southward along the centerline of College Avenue to the centerline of Stadium Boulevard; thence westward along the centerline of Stadium Boulevard to its intersection with Hospital Drive; thence northward along the centerline of Hospital Drive to a private street connecting Hospital Drive with Maryland Avenue; thence northward along the centerline of the private street to the intersection of Maryland Avenue and Kentucky Boulevard; thence westward along the centerline of Kentucky Boulevard to the centerline of Providence Road; thence southward along the centerline of Providence Road to its intersection with the city limits line, as now or hereafter established; thence in a counterclockwise direction along the city limits line, as now or hereafter established, to its intersection with the centerline of East Broadway, the point of beginning of this ward boundary.
(Ord. No. 13149, § 1, 11-4-91; Ord. No. 17075, §§ 1, 2, 10-15-01)