BILL NO. 974   **ORDINANCE NO. 974**

An Ordinance Setting An Election On April 6, 2021, For The Qualified Votes Of The City of St. Mary, Missouri, To Decide Whether To Forego Annual Municipal Elections For Six Years If The Number Of Candidates Filing Equal The Number Of Seats Up For Election In Accordance With Section § 115.124 RSMo.

WHEREAS, Section § 115.124 RSMo. was repealed and two new were sections enacted in lieu thereof effective August 28, 2014.

WHEREAS, Section § 115.124 RSMo. applies to any city, town, or village with a population of one thousand or less.

WHEREAS, the governing body may pass an ordinance calling an election for the qualified voters to decide whether to forego annual municipal elections for six years if the number of candidates filing equal the number of seats up for election in accordance with Section § 115.124 RSMo.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ST. MARY, MISSOURI, AS FOLLOWS:

Section1. The Municipal Clerk and all other officers of the municipality are hereby authorized and directed to authorize the appropriate election officer of the State of Missouri to issue the necessary lawful notices and prepare the appropriate ballots in order to submit the provisions of this Ordinance to the voters of the municipality for their approval or rejection at an election to be held April 6th, 2021.

The ballot language shall be:

YES ☐		Shall the City of St. Mary, Missouri, be authorized to forgo annual elections if the number of candidates who filed for a particular office is equal
NO ☐		to the number of positions in the office to be filled by the election.

The voter who desires to vote in favor of said proposal to save money on a meaningless election shall place a cross mark (x) in the square opposite the word "YES" (or in the case of the use of voting machines shall pull the lever so as to place a cross mark (x) in such square opposite said word). The voter who desires to vote against said ordinance shall place a cross mark (x) in the square opposite the word "NO" (or in the case of voting machines shall pull the lever so as place a cross mark (x) in the square opposite said word).

Section 2. If the majority of the votes cast by the qualified voters are in favor of the

question, then the municipality shall conduct its municipal elections for the following six years immediately thereafter in accordance with Section § 115.124 RSMo.. At the end of such six-year period it shall be prohibited from conducting elections in such a manner unless another election is held and the issue is again approved by the majority of the qualified voters.

Section 3. If no election is held for such office as provided in this section the election authority shall have the responsibilities of office under this section. Such notice shall be published in at least one newspaper of general circulation as defined in Section § 493.050 RSMo. by the first of the month in which the election would have occurred, had it been contested.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 5. This ordinance shall take effect and be in force from and after its passage and approval, subject to voter approval as herein above set forth.

Passed and approved this the 12th day of November, 2020.

_____
MAYOR – CARLTON WYATT

ATTEST:

_____
CITY CLERK - DAVID B. WOODS

ALDERMEN	AYE	NAY	ABSTAIN	ABSENT
Ron Barnett				
Karl Schultz				
Zen Duda				
Annette Hacker				

I, David B. Woods, Clerk of the City of St. Mary, Missouri, do hereby certify that the foregoing ordinance was duly read and passed at a regular meeting of the Board of Aldermen of St. Mary, Missouri on this the 12th day of November, 2020.

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CITY CLERK - DAVID B. WOODS