



## The City of Lee's Summit

### Final Agenda

#### City Council Rules Committee

Thursday, March 7, 2019

6:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Action Letter
  - A. [2019-2562](#) Action Letter for January 3, 2019 City Council Rules Committee Meeting
5. Public Comments
6. Items for Discussion
  - A. [2018-2461](#) Discussion related to procedure for selecting a new Councilmember following a vacancy on the City Council.
  - B. [2018-2462](#) Discussion related to expanding the number of Council districts.
  - C. [2019-2528](#) Discussion related to the possibility of creating an alternate process for determining the successful candidate in City elections.
7. Roundtable
8. Adjournment

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Legislative Information Center website at "[lsmo.legistar.com](http://lsmo.legistar.com)"

## Packet Information

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**File #:** 2019-2562, **Version:** 1

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**The City of Lee's Summit**  
**Action Letter - Draft**  
**City Council Rules Committee**

Thursday, January 3, 2019

6:00 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

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1. Call to Order

Chairperson Carlyle called the meeting to order at 6:00 p.m.

2. Roll Call

Staff in Attendance:

Brian Head

Jina Bellamy

**Present:** 4 - Chairperson Trish Carlyle  
Councilmember Phyllis Edson  
Vice Chair Bob Johnson  
Councilmember Diane Forte

3. Approval of Agenda

Councilmember Forte made a motion to approve the agenda as written. Motion was seconded by Councilmember Edson. Vote: 4-0. Motion passed.

4. Approval of Action Letter

- A. [2018-2463](#) Action Letter for November 1, 2018 City Council Rules Committee Meeting

Councilmember Forte made a motion to approve the Action Letter from the November 1, 2018 Rules Committee meeting. Motion was seconded by Councilmember Edson. Vote was: 4-0. Motion passed.

5. Public Comments

There was no one from the public in attendance.

6. Items for Discussion

- A. [2018-2461](#) Discussion related to procedure for selecting a new Councilmember following a vacancy on the City Council.

City Attorney Brian Head gave a brief update on the item. He mentioned that Councilmember Forte made a request at a previous Rules Committee meeting

City Council Rules Committee

Action Letter - Draft

January 3, 2019

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to add the current process of filling Council vacancies to an agenda for discussion. Mr. Head mentioned that there really wasn't a process in place and a Resolution was used in the past when filling a vacancy. The Committee had asked Mr. Head to draft information as a starting point for discussion.

Councilmember Johnson inquired regarding number 8, asking if it had been used in the past or if it was a new suggested item. Mr. Head mentioned he had added the item as he had used in the past to help with someone getting an absolute majority.

Number 8) is as follows: " In the event that no candidate receives a majority of the votes of the remaining members of the Council, including the Mayor, then only the candidates with the two highest vote totals will remain in nomination and all others will be removed. In the event there is a tie resulting in more than two(2) candidates remaining in nomination then those candidates and any other candidate receiving the next higher number of votes shall remain on the ballot and ~~up to two additional roll calls may be taken as described in the section 7 above. If no candidate receives a majority of the votes of the remaining Councilmembers, including Mayor, after the third (3rd) ballot then the Mayor shall declare the nominations null and reopen the floor to nominations and the process shall repeat.~~"

Councilmember Johnson felt strongly that no matter how long the process may take, he believes ultimately it is the body's responsibility to make the choice of who fills the vacancy no matter how long it takes.

Councilmember Forte felt that number 8 could be useful if needed as some individuals may not change their vote and it would be hard to reach majority.

Councilmember Edson referenced Charter language that when someone is nominated they stay on the Council until the next municipal election and she would like to see that Charter language changed to have the person nominated stay on the Council until the term is filled.

Councilmember Carlyle mentioned that future Councils will have the ability to change the process should they see the need.

After more discussion that this process may need to be guidance and not necessarily a rule, the consensus was to strike "up to two" and the last sentence (see striked out language above) and have Staff bring the process back to the next Rules Committee meeting as a Resolution.

**This Discussion Item was continued to the City Council Rules Committee due back on 2/7/2019**

**B. [2018-2462](#)** Discussion related to expanding the number of Council districts.

Councilmember Johnson started the discussion. He mentioned that from his

previous experience in the election process that he would like to take "large money interest" out of the process thereby allowing others the opportunity to run for office. This would also make smaller districts and be more personable for council and their constituents. He would like to go from 2 councilmembers in 4 districts to 8 districts with one Councilmember in each district.

City Attorney Brian Head was asked to give a report on how the Charter came to the conclusion of leaving the current 4 Districts with 2 councilmembers. He recalled that there were ideas tossed around, however, there really wasn't a strong feeling one way or the other so they didn't change how we are currently doing it.

Councilmember Edson would like to see the districts split in half and felt it would be more of a "neighborhood feel" with smaller districts. She also mentioned that waiting until the 20/20 Census before making a change. Councilmember Johnson agreed and that a change in districts would not take effect until the 2022 election.

Councilmember Forte mentioned a concern that if splitting the districts, the Councilmembers may become "one district oriented". She sees the advantage of having constituents in a different area than just where she lives and it makes her a better Councilperson.

Councilmember Carlyle liked the idea of making it easier for anyone to run, but feels that anyone can run, they just have to work hard enough.

After discussion, Chairperson Carlyle asked Staff to obtain the Charter Commission's notes regarding Council Districts and was curious on the what the citizen's on the Strategic Planning Committee will think.

**This Discussion Item was continued to the City Council Rules Committee due back on 2/7/2019**

## 7. Roundtable

Councilmember Johnson would like to have a future agenda item regarding our voting system when it comes to electing Councilmembers. He gave an example where Maine has a rank voting system where you choose more than one nominee as a first choice and second choice. He would like to find out what other Cities have done.

Brian Head stated that he would have to do research to determine if changing they way people vote is allowed by statute and will also look into "rank voting" and bring it back to the next Rules Committee meeting.

## 8. Adjournment

**City Council Rules Committee**

**Action Letter - Draft**

**January 3, 2019**

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**Chairperson Carlyle adjourned the meeting at 6:34 p.m.**

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## Packet Information

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**File #:** 2018-2461, **Version:** 1

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Discussion related to procedure for selecting a new Councilmember following a vacancy on the City Council.

At the November meeting of the City Council Rules Committee, Councilmember Forte requested information from staff related to the selection of a new Councilmember following a vacancy on the Council. Staff was directed to create a first draft procedure and provide it to the Committee at the next meeting. A draft procedure is attached for discussion.

**\*\*Update 2-7-19:** At the January meeting of the Committee, Councilmembers requested that staff make certain changes to the procedure. Those changes have been made and a draft resolution has been provided.

Presented by: Brian W. Head, City Attorney

## **RESOLUTION 16-**

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A RESOLUTION ESTABLISHING A PROCEDURE FOR APPOINTING A NEW COUNCILMEMBER FOLLOWING A VACANCY IN THE CITY COUNCIL AS PROVIDED BY SECTION 3.7 OF THE CHARTER OF THE CITY OF LEE'S SUMMIT, MISSOURI. (Rules Committee 2-7-19)

WHEREAS, Section 3.7 of the City Charter of the City of Lee's Summit, Missouri provides that the Council shall appoint a qualified person to the City Council in the event of a vacancy created by death, resignation, recall, forfeiture or removal from office; and,

WHEREAS, the Charter does not provide guidance related to the procedure to follow in the event of such vacancy; and,

WHEREAS, the City Council wishes to provide a procedure for use during such times and provide guidance related to the process for appointing a Councilmember following a vacancy.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT as follows:

SECTION 1. That the procedure appointing a new Councilmember in the event of a vacancy on the City Council as stated in Section 2 herein be and hereby is approved, shall be as follows unless amended by the Council prior to the initiation of the process:

SECTION 2. Vacancies on the Council: How filled

Upon the vacancy of the office of a Councilmember due to death, resignation, recall, removal or forfeiture as provided in Section 3.7 of the Charter, the following procedure shall apply.

1. At the next regular meeting of the City Council following the creation of a vacancy, the Mayor and Council shall call for applications from qualified citizens to fill the vacant office. Such applications shall be in a form and require such information as may be determined by the Council.
2. The Council shall allow not less than fourteen (14) days nor more than thirty (30) days for the filing of such applications. Applications shall be filed with the City Clerk and shall be date and time stamped.
3. Upon conclusion of the application period, the City Clerk shall provide copies of all applications to the Mayor and Councilmembers.
4. The Mayor and City Council shall hold a special meeting at a time and place determined by the Council not less than seven (7) days or more than thirty (30) days from the last date to file an application.
5. Any qualified citizen who has made an application for a vacancy may speak for five (5) minutes on his or her own behalf.
6. The Mayor will accept nominations from the sitting Council from among the eligible applicants for the vacant seat. A second to a nomination is not required. At the close of nominations and prior to voting, any Councilmember who has nominated a candidate may provide comments about that candidate.

7. Following any comments, the Mayor shall request that a roll call vote be taken. Each Councilmember shall state which candidate he or she wishes to vote for. If any single candidate receives, a majority of the votes cast by the remaining Councilmembers, including the Mayor, then he or shall be declared appointed.
8. In the event that no candidate receives a majority of the votes of the remaining members of the Council, including the Mayor, then only the candidates with the two highest vote totals will remain in nomination and all others will be removed. In the event there is a tie resulting in more than two (2) candidates remaining in nomination then those candidates and any other candidate receiving the next higher number of votes shall remain on the ballot and up to two additional roll calls may be taken as described in Section 7 above. ~~If no candidate receives a majority of the votes of the remaining Councilmembers, including the Mayor, after the third (3<sup>rd</sup>) ballot then the Mayor shall declare the nominations null and reopen the floor to nominations and the process shall repeat~~
9. Any person appointed as provided by Section 3.7 of the Charter shall serve until the next regular municipal election as established by the Missouri election calendar in accordance with state law, for which timely notice may be given, when a person will be elected by qualified voters to serve the remainder of the unexpired term, if any.
10. In the event that more than one vacancy exists at any time, the vacancies shall be filled in the same order they were created. Any person appointed to fill such a vacancy shall immediately assume the powers and duties of the office of Councilmember and shall immediately have the right to vote on all matters before the Council including filling other vacancies existing at the time of appointment.

PASSED and ADOPTED by the City Council for the City of Lee's Summit, Missouri, this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor *William A. Baird*

ATTEST:

\_\_\_\_\_  
City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*

## Packet Information

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**File #:** 2018-2462, **Version:** 1

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Discussion related to expanding the number of Council districts.

At the October meeting of the City Council Rules Committee Councilmember Johnson asked to discuss the possibility of amending the Charter to expand the number of Council districts. Attached are 1. a provision from the Constitution and 2. provisions from the City Charter related to amendments.

Generally, there are three ways that the Charter may be amended: 1. the Council may propose amendments; 2. a petition signed by 10% of the qualified voters of the City to amend the Charter; 3. by recommendation from a Charter Commission.

**\*\*Update for 2-7-19 meeting:** At the January meeting of the Committee discussion was held related to the possibility of expanding the number of City Council Districts. Staff was asked to provide the documentation from the most recent Charter Commission where this concept was discussed. Those are attached.

Presented by: Brian W. Head, City Attorney

#### Section 14.7. - Charter Amendment.

Amendments to this Charter may be framed and submitted to the electors by a commission in the manner provided by law and the Missouri Constitution for framing and submitting a complete charter. Amendments may also be proposed by the Council, by the Charter Review Commission, or by petition of not less than ten percent of the qualified electors of the city, filed with the City Clerk in the manner prescribed for initiative petitions in Article X, setting forth the proposed amendment(s). The Council shall at once provide by ordinance that any amendment so proposed shall be submitted to the electors at the next available regular or special election date as established by the Missouri election calendar in accordance with state law, for which timely notice may be given. Any amendment approved by a majority of the qualified electors voting thereon shall become a part of this Charter at the time and under the conditions fixed in the amendment; sections or articles may be submitted separately or in the alternative and determined as provided by law and the Constitution for a complete charter.

#### Section 14.8. - Charter Review Commission.

From time to time, but no less often than every ten years, the Council shall provide for a Charter Review Commission to review this Charter and to recommend to the voters of the city proposed amendments, if any, to this Charter. The members of the Charter Review Commission shall be selected as provided by the Council. The Charter Review Commission shall consist of at least eight qualified voters of the city, none of whom shall be an elected official of the city. No more than thirty percent of the commission members shall reside in any one Council district. The Charter Review Commission shall, within twelve months of its first meeting, report to the voters as many amendments to the Charter as it shall deem advisable.

# Missouri Constitution Section

[←Article: 06019a1](#)

[Article: 060211→](#)

Article VI  
LOCAL GOVERNMENT  
Section 20  
November 14, 2016

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## Amendment to city charters--procedure to submit and adopt.

Section 20. Amendments of any city charter adopted under the foregoing provisions may be submitted to the electors by a commission as provided for a complete charter. Amendments may also be proposed by the legislative body of the city or by petition of not less than ten percent of the registered qualified electors of the city, filed with the body or official having charge of the city elections, setting forth the proposed amendment. The legislative body shall at once provide, by ordinance, that any amendment so proposed shall be submitted to the electors at the next election held in the city not less than sixty days after its passage, or at a special election held as provided for a charter. Any amendment approved by a majority of the qualified electors voting thereon, shall become a part of the charter at the time and under the conditions fixed in the amendment; and sections or articles may be submitted separately or in the alternative and determined as provided for a complete charter.

Source: Const. of 1875, Art. IX, § 17 (Adopted November 2, 1920).

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Missouri General Assembly

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**On motion of Commissioner Paula Derks and second by Commissioner Fred DeMoro, the Commission voted unanimously 9-0, to leave Article III, Section 1 as written, with no amendment.**

- 2) Section 3.2 (a) Composition – Discussed having 8 smaller districts with one representative each and adding At Large representatives.

-Having 8 districts with 1 representative each:

Pros – would bring residents closer to their representatives; candidates would have to know the issues to win the election in their district; lowers the cost to run for candidacy.

Cons – would make wealthy districts against not so wealthy districts; may create a diversity issue, a social issue, economic impact issues; with 2 representatives at least one will be present if one misses a meeting/vote and at each election you still have one representative with at least two years experience; residents have 2 people they can contact instead of one; it would be harder to pass projects like Orchard St with only 1 representative trying to get the backing of enough Councilmembers.

-Adding At Large representatives - (1 At Large from each district)

Pros – have the ability to attract quality candidates from other districts for the districts that have candidates running unopposed, would represent the best interest of the city and not small groups of individuals (not in my back yard)

Cons – skews towards the majority and it's easier to use that person for lobbying; opens the door for special interests, adds a burden to run city wide, creates a potential voting block; weakens representation.

# 2016-2017 Charter Review Commission

## PROs and CONs

### Section 3.2(a) Composition

**Suggested Changes**

- Section 3.2(a) In each district, one at-large and one district-only
- Section 3.2(a) Eight districts with one councilmember and two at-large.
- No change to Charter:

<p><b>PROS:</b></p> <ul style="list-style-type: none"> <li>• With two in each district and staggered terms, more chance for having at least one at each meeting.</li> <li>• Works well now.</li> </ul>	<p><b>CONS:</b></p> <ul style="list-style-type: none"> <li>• Seniority provides institutional knowledge.</li> <li>• Could have councilmember that is unapproachable.</li> </ul>
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➤ Section 3.2(a) Add two at-large councilmembers:

<p><b>PROS:</b></p> <ul style="list-style-type: none"> <li>• Gives the ability to spread the talent around.</li> <li>• More chance for a voting block without at-large.</li> <li>• Times when districts are in conflict.</li> </ul>	<p><b>CONS:</b></p> <ul style="list-style-type: none"> <li>• Could have more people in one district than others.</li> <li>• What is the benefit of adding?</li> <li>• Makes it easier to lobby.</li> <li>• Opens door for special interest groups because not working for one district.</li> <li>• Councilmembers making decisions for whole city, not just their district.</li> <li>• Burden of running city-wide.</li> <li>• Requires more people to run and difficult to get candidates to run.</li> <li>• Are there issues now? Is there a need to change?</li> <li>• At-large weakens representation of one side of the city because could have a consensus of the at-large from one area of the city and could pass anything.</li> </ul>
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➤ Section 3.2(a) Eight individual districts to reduce size of each district, change to coincide with 2020 redistricting

<p><b>PROS:</b></p> <ul style="list-style-type: none"> <li>• Smaller districts might be less conflicted</li> <li>• Would bring constituents closer to councilmembers</li> <li>• Campaigning would be more manageable</li> </ul>	<p><b>CONS:</b></p> <ul style="list-style-type: none"> <li>• Could start building territorial interests.</li> <li>• Cost of campaigning would be the same no matter the size of district.</li> <li>• Difficult to find candidates</li> <li>• Will split into upper income and LMI districts</li> <li>• No continuation and institutional knowledge when leave</li> </ul>
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**MOTION: Section 3.2(a) Composition. No change.**

<p><b>10/4/2016 Section 3.2(a)</b></p> <p><b>PROS:</b></p> <p>Further discussion:</p> <ul style="list-style-type: none"> <li>➤ Making 8 districts with one for each district</li> <li>➤ Could walk your district.</li> <li>➤ As an example, in State have one representative per district.</li> <li>➤ Could still have people running unopposed.</li> <li>➤ Primary reason for changing to 8 districts would</li> </ul>	<p><b>CONS:</b></p> <ul style="list-style-type: none"> <li>➤ Would leave no institutional knowledge in a district.</li> <li>➤ Would open for lobbyist to influence one person and easier to "buy" a smaller district.</li> <li>➤ Committee assignments, would not have representation on key committees if only one member in a district.</li> <li>➤ Issue on State ballot on campaign contributions.</li> </ul>
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be smaller districts, chance for people to be closer to their district representative.

- Several instances where councilmembers have run unopposed. Will thin the candidate stream.
- What would happen if you didn't have a candidate? Would be without a district representative.
- If have to appoint, who would do the appointment? Council.
- State districts are much larger and have more opportunities, more potential candidates
- What works at state is not necessarily right for city.
- Should be able to go to any councilmember and discuss your issue.
- Spreads one person thin, no alternate.
- May not be a good socio-economic mix.

**10/4/2016 MOTION to change to 8 districts in lieu of 4, one councilmember per district. MOTION FAILED.**

## Packet Information

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**File #:** 2019-2528, **Version:** 1

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Discussion related to the possibility of creating an alternate process for determining the successful candidate in City elections.

At the January meeting of the City Council Rules Committee staff was asked to provide some information related to ranked voting and begin some research to see if enacting an alternate process for determining the successful candidate for City elections was even possible. Staff has provided a synopsis of ranked voting as well as the provision of the City Charter that provides that the person receiving the greatest number of votes wins. Finally, we have attached a bill currently filed in the Missouri legislature that would allow for ranked voting (HB27). Staff will be prepared for further discussion on this item at the discretion of the Committee.

What is ranked choice voting?

Ranked choice voting is an increasingly common election method that allows voters to rank candidates in order of choice. Those rankings ensure that as many voters as possible will help elect a candidate they support.

Ranked choice voting has a long history of use in U.S. elections. It has been used to elect city councils in more than two dozen cities, including New York City, Cincinnati, Cleveland, and Boulder. It is used to elect multiple offices in Cambridge, MA and in Minneapolis, MN, and it is used to elect single-winner offices in four cities in the Bay Area in California, the two largest cities in Minnesota, and other cities in Colorado, Maine, Minnesota, and Maryland. Four states use ranked choice ballots to ensure that overseas and military voters can fully express their choices in elections that may go to a runoff. On Election Day 2016, Maine voters passed a ballot initiative with 52% support to go to ranked choice voting for election of their governor, U.S. Senators, U.S. House Members, and both houses of their state legislature.

Ranked choice voting is widely used in the English-speaking world. It is used in at least one election by every voter in Australia, Ireland, New Zealand, Northern Ireland, and Scotland. Its single-winner method is recommended by Robert's Rules of Order for elections of officers when repeated voting is impractical and, as a result, widely used in non-governmental elections.

Is ranked choice voting the same as instant runoff voting/single transferable vote/preference voting/the alternative vote?

Yes. The terms "instant runoff voting," "single transferable vote," "preference voting," "the alternative vote," all refer to ranked choice voting.

Usually, the term "instant runoff voting" or "IRV" only refers to electing a single-winner office like mayor or governor, because when used to elect one candidate, RCV allows a jurisdiction to have the benefits of multiple runoff elections, but voters only need to vote a single time.

Also, the term "single transferable vote" or "STV" usually refers to electing a multi-winner office, like a city council or legislature. It is a "single" vote, because every voter has one vote, as compared to block voting, in which voters may vote for more than one candidate if more than one will be elected; and it is a "transferable" vote, because it uses round-by-round tabulation in which votes may "transfer" from candidates who are elected or who are defeated in the prior round.

See our glossary for more details and other terms.

Why is ranked choice voting better?

Ranked choice voting has a number of benefits, including promoting majority support, minimizing negative campaigning, and providing voters with more choices. In multi-winner districts, it can promote fairer and more inclusive representation than winner-take-all methods. For example, the Fair Representation Act for Congress would help ensure that Representatives to Congress would better represent the full spectrum of voter opinion in the United States and have more incentive to work across party lines in the interest of their constituents.

For more detail, see [Benefits of Ranked Choice Voting and Problems RCV Can Help Solve](#).

How does ranked choice voting work?

Ranked choice voting is simple for voters: rank candidates in order of choice. Voters can rank as many or as few voters as they want to. The votes are counted to ensure that as many voters as possible help to elect a candidate they support. In a single-winner election like for mayor or governor, that means that ranked choice voting helps to elect a candidate with majority support. In a multi-winner election, it means that ranked choice voting helps a supermajority of voters elect a candidate they support, by allowing smaller groups of voters to each elect one of the winners.

To see how ranked choice voting works in detail, see [How Ranked Choice Voting Works](#).

Where is ranked choice voting used?

Ranked choice voting has been adopted for state and federal elections in Maine, and for U.S. cities in ten states. It is used by overseas and military voters to vote in places with runoff elections in five other states. Over 50 U.S. colleges and universities use ranked choice voting to elect student government officers. Internationally, it is used by every voter in six countries and in local elections in many more. Ranked choice voting is recommended for private organizations by Roberts Rules of Order, and many private organizations use it, including the Academy Awards in both nominating and selecting the winner for its prestigious awards. For more detail, see the following resources:

[Ranked Choice Voting in U.S. Elections](#)

[Ranked Choice Voting on Campus](#)

[Ranked Choice Voting in Private Organizations and Corporations](#)

[International Election Systems](#)

What about other "alternative" voting reforms, like Top Two, party list proportional representation, cumulative voting, approval voting, or others?

There are many ways to elect officers. Although they all have some benefits and they all have some flaws, FairVote has identified ranked choice voting as the most empowering and effective voting method for use in United States elections, from city councils to Congress. To learn more about other methods, see the following resources:

For other forms of proportional representation, see [Other Fair Voting Methods](#)

For our research and criticism of "Top Two," see [Top Four](#)

For alternative single-winner election methods like approval voting, see [Alternatives to Ranked Choice Voting](#).

Source: [www.fairvote.org](http://www.fairvote.org)

**Section 9.2. Declaration of Candidacy.**

Declaration of candidacy for election to city office shall be made by declaration of candidacy filed with the City Clerk. No person shall file a declaration of candidacy for one city office and, without withdrawing, file for another city office to be filled at the same election. Any person violating this section shall be disqualified from running for any city office at the subject election.

**Section 9.3. Determination of Election Results.**

The Council shall canvass the election returns and declare the results of any municipal election, regular or special, at the next regularly scheduled Council meeting following receipt of certification of the election returns by the respective verification board of each county. The candidate receiving the highest number of votes for each office shall be declared elected and inducted into office at that time.

**Section 9.4. City Council Districts.**

There shall be four Council districts, bounded and numbered the same as the wards that exist at the time of adoption of this Charter. District boundaries shall be established by ordinance following each decennial census. Districts shall comprise compact and contiguous territory and shall contain, as nearly as possible, an equal number of inhabitants.

**ARTICLE X**

**INITIATIVE, REFERENDUM AND RECALL**

**Section 10.1. General Authority.**

- (a) **Initiative.** The qualified voters of the city shall have the power to propose ordinances to the Council.
- (1) If the Council fails to adopt an ordinance so proposed without any change in substance, the voters shall have the power to adopt or reject the proposed ordinance at a municipal election, provided that such power shall not extend to the budget or capital program, any ordinance relating to the levy of taxes, zoning or salaries of city employees, or any ordinance relating to any appropriation of money unless such ordinance provides for additional revenues therefor. The term "city employees" in this section shall not include elected officials.
  - (2) A proposed initiative ordinance shall contain only one subject, which shall be clearly expressed in its title.
  - (3) The election for a proposed ordinance shall be held at the next available regular or special election date as established by the Missouri election calendar in accordance with state law, for which timely notice may be given.

FIRST REGULAR SESSION

# HOUSE BILL NO. 27

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE STACY.

0344H.02I

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To amend chapter 115, RSMo, by adding thereto one new section relating to the Every Vote Counts Act.

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

Section A. Chapter 115, RSMo, is amended by adding thereto one new section, to be known as section 115.440, to read as follows:

**115.440. 1. This section shall be known and may be cited as the "Every Vote Counts Act".**

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

**(1) "Continuing ballot", a ballot that has not been exhausted by the instant runoff vote;**

**(2) "Continuing candidate", a candidate who has not been eliminated by the instant runoff vote;**

**(3) "Elected office" or "office", any office that requires voters go to the polls to elect candidates including, but not limited to, national offices such as United States President, United States Senator, or United States Representative; statewide offices such as governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor, supreme court judge, circuit court judge, or associate circuit court judge; state of Missouri general assembly representatives and senators; local offices such as any county, township, city, town, village, fire district, library district, port authority, school district, or special district; or any other political subdivision not listed;**

**(4) "Exhausted ballot", a ballot on which all votes cast are for candidates who have been eliminated;**

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           (5) "Instant runoff voting", a procedure of voting as described under this section  
19 that requires a candidate to receive a majority rather than a plurality of all votes cast for  
20 an elected office before the candidate wins the election, and that allows voters to cast votes  
21 for candidates on a ranked-choice ballot;

22           (6) "Ranked-choice ballot" or "ballot", a ballot that allows voters to cast a vote for  
23 multiple candidates in order of preference, denoted by the voter assigning a rank to each  
24 candidate for the office.

25           3. All primary and general elections in the state of Missouri shall use ranked-choice  
26 ballots and instant runoff voting. No candidate for any office shall be nominated or  
27 certified under this chapter unless such candidate receives a majority of the votes cast in  
28 the election for such local elected office.

29           4. Votes for all candidates for office shall be counted and recorded as provided in  
30 this chapter and shall be certified in the following manner:

31           (1) Each ranked-choice ballot shall be counted as one vote for the continuing  
32 candidate whom the voter selects as the voter's highest preference of continuing  
33 candidates. A candidate shall not receive a vote after such candidate has been eliminated  
34 in instant runoff voting. A candidate for whom the voter noted a lower preference shall  
35 not receive a vote unless and until that candidate is the continuing candidate with the  
36 highest preference on the voter's ranked-choice ballot;

37           (2) If a candidate receives a majority of all votes cast in the first count of instant  
38 runoff votes, that candidate shall be certified as the winner;

39           (3) If no candidate receives a majority of votes after the first count, the candidate  
40 who received the fewest votes shall be eliminated, and each vote cast for such eliminated  
41 candidate shall be redistributed to the next ranked continuing candidate whom the voter  
42 noted as the voter's next highest preference. If, after this redistribution of votes, any  
43 continuing candidate receives a majority of the votes cast on the continuing ballots, that  
44 continuing candidate shall be certified as the winner;

45           (4) If no candidate receives a majority of votes cast on the continuing ballots after  
46 the procedure in subdivision (3) of this subsection, the continuing candidate who received  
47 the fewest votes shall be eliminated. Each vote cast for such eliminated candidate shall be  
48 redistributed to the next ranked continuing candidate whom the voter noted as the voter's  
49 next highest preference. This process of eliminating the candidate with the fewest votes  
50 and redistributing such eliminated candidate's votes to the voter's next highest preferred  
51 continuing candidate shall be repeated until a candidate receives a majority of the votes  
52 cast on the continuing ballots;

53           **(5) If the total numbers of votes for the two or more candidates credited with the**  
54 **lowest number of votes is less than the number of votes credited to the continuing**  
55 **candidate with the next highest number of votes, those candidates with the lowest number**  
56 **of votes shall be eliminated simultaneously and their votes transferred to the next ranked**  
57 **continuing candidate on each ballot in a single counting operation; and**

58           **(6) A tie between two or more candidates shall be resolved by weighting the**  
59 **preference of votes for each candidate and deciding in favor of the candidate who received**  
60 **more votes at a higher preference. If a tie still exists between two or more candidates, the**  
61 **tie shall be resolved by a coin flip conducted by the elections commission, and the votes of**  
62 **the eliminated candidate shall be redistributed.**

63           **5. For elections in which more than one candidate is to be elected to an office in a**  
64 **multiple-seat district or on a governing body that includes multiple at-large seats, a**  
65 **ranked-choice ballot shall be used. The ballots shall be counted and certified in the**  
66 **following manner:**

67           **(1) Each candidate shall be treated separately to determine the highest preference**  
68 **among the candidate field;**

69           **(2) The candidate who receives the fewest first choices shall be eliminated and each**  
70 **vote cast for that eliminated candidate shall be redistributed to the next ranked continuing**  
71 **candidate whom the voter noted as the voter's next highest preference;**

72           **(3) The process under subdivision (2) of this subsection shall be repeated until two**  
73 **candidates remain and one candidate receives the majority of votes;**

74           **(4) Ties shall be resolved by applying the method described in subdivision (6) of**  
75 **subsection 4 of this section; and**

76           **(5) After a candidate receives a majority of votes under subdivision (3) of this**  
77 **subsection, such candidate shall be certified and removed from the candidate pool as if the**  
78 **candidate received the fewest votes. The process in this subdivision shall be repeated until**  
79 **all seats are filled.**

80           **6. If the voting system used by a municipality or political subdivision cannot**  
81 **feasibly accommodate choices equal to the total number of candidates running for each**  
82 **office, the election authorities may limit the number of choices a voter may rank to no**  
83 **fewer than three per open seat. The ballot shall in no way interfere with a voter's ability**  
84 **to cast a write-in vote for a candidate.**

85           **7. No exhausted ballot shall be counted in further stages of the tabulation. If a**  
86 **ranked-choice ballot gives equal rank to two or more candidates, the ballot shall be**  
87 **declared exhausted if such multiple rankings are reached. If a voter casts a ranked-choice**

88 ballot but skips a rank, the voter's vote shall be transferred to that voter's next highest  
89 ranked choice.

90           8. Any election dispute regarding the implementation of a limit on the number of  
91 ranked candidates on a ballot under subsection 6 of this section shall be first appealed to  
92 the secretary of state for a final order and thereafter may be appealed to any court of  
93 competent jurisdiction. All other election disputes shall proceed as established in this  
94 chapter.

95           9. All statutes and regulations governing voting procedures and ballots under this  
96 chapter shall govern instant runoff voting and ranked-choice ballots.

97           10. The secretary of state shall conduct a voter education campaign to familiarize  
98 voters with the instant runoff voting system and ranked-choice ballots.

99           11. On the effective date of this section, any voting machine not compatible with  
100 ranked-choice voting that is removed from the election authority's inventory due to  
101 mechanical malfunction, wear and tear, or any other reason shall not be replaced. No  
102 additional voting machines incompatible with ranked-choice voting shall be added to the  
103 election authority's inventory. The provisions of this subsection shall not require the  
104 breach of an existing contract.

105           12. Ranked-choice voting shall be applied by an election authority when a sufficient  
106 inventory of ranked-choice voting compatible equipment is acquired through the  
107 replacement of existing equipment under subsection 11 of this section.

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