

ARTICLE 6

NOMINATIONS AND ELECTIONS

Section 6.1. Charter and law to govern elections—Further regulation by ordinance.

All city elections, general, special, and primary, shall be governed by the provisions of this charter and of law applicable thereto. The council by ordinance may further regulate elections, subject to the said provisions of the charter and of law. If a change in law renders any provision of the charter relating to elections invalid or inapplicable, the council by ordinance may take such action as may be made necessary or desirable by such change.

Section 6.2 Biennial elections—Elected at large and by district—Terms.

The city shall hold a primary election, except where otherwise provided in this charter, biennially in every even numbered year, on the first (1st) Tuesday after the first (1st) Monday in February, and a general election on the first (1st) Tuesday of April. The officers to be elected by the registered qualified voters of the city in separate biennial elections shall be the mayor and two (2) councilmembers at large (by the voters of the entire city), and in the succeeding biennial election, four (4) district councilmembers (by the voters of their respective districts).

A primary election shall be held on the first (1st) Tuesday after the first Monday in February of 1980 and of every fourth (4th) year thereafter to nominate the candidates for councilmember from each of the four districts of the city as the districts ~~are constituted in Section 4 of the schedule of this charter or as the districts may be constituted hereafter by ordinance.~~ The two (2) candidates who receive the highest number of votes for each district council position at the primary election will be certified to run in the general election to be held on the first (1st) Tuesday in April of 1980 and of every fourth (4th) year thereafter to elect the district councilmembers. However, if a candidate for a district council position in a primary election receives more than fifty percent (50%) of the total votes cast for such position, that candidate shall be elected council member for that district and shall not participate in the general election. Otherwise, the candidate in each district receiving the majority of votes in the general election shall be elected councilmember for that district.

A primary election shall be held on the first Tuesday after the first (1st) Monday in February of 1982 and of every fourth year thereafter to nominate the candidates for mayor and two (2) councilmembers at large. The two (2) candidates

who receive the highest number of votes for mayor and the four (4) candidates who receive the highest number of votes for at large councilmembers at the primary election will be certified to run in the general election to be held on the first (1st) Tuesday in April of 1982 and every fourth (4th) year thereafter to elect a mayor and two councilmembers at large. However, if a candidate for mayor or councilmember at large receives more than fifty percent (50%) of the total votes cast for such position in a primary election, that candidate shall be elected as mayor or councilmember at large and shall not participate in the general election. Otherwise, the candidate receiving the majority of votes at the general election shall be elected mayor and the two (2) candidates receiving the greatest number of votes shall be elected councilmembers at large, respectively.

The terms of the mayor and all other councilmembers elected in 1980 and each even numbered year thereafter shall be four (4) years, and shall begin on the second (2nd) Monday after the first (1st) Tuesday of April in the respective years in which they are elected. If the mayor elect or a councilmember elect fails to qualify within one (1) month thereafter, ~~his/her/their~~ office shall become vacant and the vacancy shall be filled as other vacancies are filled.

Section 6.3. Districts. There shall be four (4) 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. Within one hundred and eighty (180) days after every general city election at which the mayor is regularly elected, or oftener, the council shall review the lines of the districts from and by which the district councilmembers are elected, in the following manner:

The council shall first cause the city to be divided into two (2) sections by a line, either generally north-south or east-west, which so far as practicable, shall run along the center lines of streets and other public highways and which shall be so located that the population in either of said sections at the time of redistricting shall be as nearly equal in population as is practicable. One (1) of said sections shall then be divided into two (2) district by a line which, so far as practicable, shall run generally at right angles to the original line, along the center lines of streets and other public highways, and which shall be so located that the population in either of the districts at the

time of the redistricting shall be as nearly equal as is practicable. The other section shall then be divided into two (2) districts in like manner. The council shall number these districts and shall adopt them by ordinance.

These districts shall constitute the new districts for the purpose of electing district councilmembers.

When territory is annexed to the city, the council shall promptly attach it to an existing district or districts, or shall revise the districts as provided hereinabove.

Section 6.4. To serve until successors are elected and qualify. The mayor and other councilmembers shall serve until their respective successors are elected and qualify. If only one (1) councilmember at large is elected at an election, then ~~lots shall be cast in a meeting of the council and under its directions shall vote~~ to determine which of the two (2) councilmembers at large whose terms are expiring shall continue to serve; provided that, if there is only one (1) councilmember at large at that time, he/she shall continue to serve. ~~At least two (2) days' notice of the casting of the lots shall be given to the two (2) councilmembers at large whose terms are expiring, by service or by mail.~~

Section 6.5. Nonpartisan official election ballots and nominating petitions. The election of the mayor and other councilmembers shall be nonpartisan in that no partisan political wording, symbols, or emblems shall appear on the official election ballots or on nominating petitions; ~~however, all other campaign documents, paraphernalia, and advertising may bear political symbols and designations.~~

Section 6.6. Nominations for primary election to be made by petitions.

(1) Nomination of a candidate for the primary election for the office of mayor or any other councilmember shall be by petition signed, in the case of the mayor or a councilmember at large, by at least two hundred and fifty (250) registered qualified voters of the city, and in the case of a district councilmember, by at least one hundred (100) registered qualified voters of the respective districts. Not more than one (1) candidate for office may be nominated by the same petition. Each signer of a petition shall designate ~~his/her~~ their residence by street and number or by other description sufficient to identify ~~his/her~~ their place of residence. Petitions shall be circulated only by registered qualified voters of the city or of the district, as the case may be. The Nominating Petition, Affidavit of Circulator, and Acceptance of Candidacy forms shall be provided by the City Clerk.

(2) The signatures on a nominating petition need not all be appended to one (1) paper, but each separate paper shall have a statement setting forth the election date, the office to be filled, and the name and residence of the candidate on whose behalf the petition is being filed. In addition, there shall be attached to each such paper, an affidavit of the circulator thereof stating the number of signatures on such paper, that each signature appended thereto was made in ~~his/her~~ the circulator's presence and is the genuine signature of the person whose name it purports to be, and that he/she believes each such signer to be a registered qualified voter of the city or of the district as the case may be.

~~(3) Nominating petitions shall be substantially in the following form:~~

NOMINATING PETITION

~~We, the undersigned registered qualified voters of the City of Independence, Missouri, respectively petition and request that the name of _____ residing at _____ in the City of Independence, be placed upon the ballot as a candidate for the office of _____, to be voted for at the primary election to be held on the _____ day of _____, 19____; and we individually state that we are registered qualified voters of _____ (Insert the name of city, district, and number as the case may be.)~~

NAME

STREET AND NUMBER

DATE OF SIGNING

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

AFFIDAVIT OF CIRCULATOR

~~The undersigned is the circulator of the foregoing paper containing _____ signatures. Each signature appended thereto was made in my presence and is the genuine signature of the person whose name it purports to be. I am a registered voter qualified to vote for this candidate, and I believe each signer is a registered qualified voter of _____ (Insert name of city or district and number, as the case may be.)~~

~~Signature of Circulator _____~~

~~Address _____~~

~~Subscribed and sworn to (or affirmed) before me this _____ day of _____, 19____~~

~~Notary Public~~

~~My Commission Expires:~~

~~(4) All separate papers comprising a nominating petition shall be assembled and filed by a registered qualified voter of the city or district, as the case may be, with the city clerk as one (1) instrument, no earlier than the seventeenth (17th) Tuesday prior to the election and ending on the fourteenth (14th) Tuesday prior to the not more than one hundred days and not less than seventy (70) days before the primary election. The city clerk shall record on the petition the exact time when it was filed, shall promptly certify in writing whether the petition is in proper form, and, if in proper form, shall immediately forward the petition to the board of election commissioners. A nominating petition shall not be accepted for filing unless it is accompanied by a statement indicating the person's acceptance of the placement of his/her/their name in nomination signed and sworn (or affirmed) by the candidate, substantially in the following form:~~

~~with the city clerk as one (1) instrument, not more than ninety (90) days and not less than sixty (60) days before the primary election. The city clerk shall record on the petition the exact time when it was filed, shall promptly certify in writing whether the petition is in proper form, and, if in proper form, shall immediately forward the petition to the board of election commissioners. A nominating petition shall not be accepted for filing unless it is accompanied by a statement indicating the person's acceptance of the placement of his/her name in nomination signed and sworn (or affirmed) by the candidate, substantially in the following form:~~

~~Prior History: Charter was amended by Ordinances No. 9659 and 9772 at Election of May 4, 1987 to replace paragraph (4).~~

~~(4) All separate papers comprising a nominating petition shall be assembled and filed by a registered qualified voter of the city or district, as the case may be,~~

ACCEPTANCE OF CANDIDACY

I hereby accept the candidacy for the office of _____
_____ and agree to enter the general election if nominated at the primary election and
if elected at the general election I will adhere to the following oath of office:

~~STATE OF MISSOURI~~ }
~~COUNTY OF JACKSON~~ } ~~SS~~
~~CITY OF INDEPENDENCE~~ }

I, _____, having been elected to the Office of
_____ within and for the City of
Independence, in the county and state aforesaid, do solemnly swear that I possess all
the qualifications prescribed for said office by the Charter of the City of Independence.
I will support the Constitution of the United States and of the State of Missouri and all
provisions of the Charter and ordinances of said City, and will faithfully demean myself
in said office; that I was not at the time of my said election in arrears to said City for
any tax, lien, forfeiture or defalcation in office.

Signature of Candidate _____ Subscribed and sworn to (or
affirmed) before me this _____ day of
_____, 19____.

Signed _____

*Prior History: Charter was amended by Ordinances No. 9659 and 9772 at Election of May 4, 1987 to replace the
word PROVIDED in sentence one with the word PRESCRIBED.*

(4) It is understood that within fifteen (15) days after receiving a nominating petition the board of election commissioners shall notify the city clerk, and the city clerk shall immediately notify the candidate and the person who filed the petition, whether or not it is found to be sufficient. If a petition is found insufficient, the city clerk shall return it immediately, in person or by registered, certified, or similar special mail, to the person who filed it, with a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions, the same petition duly supplemented or a new petition may be filed for the same candidate. The petition of each candidate seeking to be nominated shall be preserved until the expiration of the term of office for which he/she has been nominated as herein provided.

(5) Write-in candidates: Write-in candidates are required to have filed a declaration of intent to be a write-in candidate for election to office with the City Clerk prior to 5:00 p.m. on the second (2nd) Friday immediately preceding the primary election day.

Section 6.7. Primary election—Exceptions. Where there are no more than two (2) candidates successfully completing the petitioning process for the nomination for an office no primary shall be held for that office.

Section 6.8. Withdrawal. Any candidate for whom a nominating petition is filed, may withdraw as a candidate by filing with the city clerk, not more than five (5) days after the filing deadline, a statement of withdrawal duly signed and acknowledged by said candidate before some person authorized to administer oaths and affirmations. The city clerk shall immediately notify the board of election commissioners of such withdrawal. The name of such person complying herewith shall not appear on the ballot. There shall be no provision for withdrawal of a successful primary candidate before the general election or in the case that a candidate receives more than 50% of the total votes for such office in the primary election.

Should death, adjudication of incompetency, or removal from city or any other disqualifying condition occur to any successful primary candidate between the primary and general election there shall be no reopening of the election and

the surviving-qualified candidate with the greatest number of voters shall be declared the winner.

Should death, adjudication of incompetency, or any other disqualifying condition occur between the primary election and the general election to a candidate for an office in which the candidate is the only candidate a vacancy shall exist on the general election ballot to be filled in the manner provided in which vacancies are filled.

Prior History:

~~Charter was amended by Ordinance No. 8744 and 8909 at election of August 6, 1985 to change the language in paragraph one: Section 6.8. Withdrawal. Any candidate for whom a nominating petition is filed, may withdraw as a candidate by filing with the city clerk, at least fifty five (55) days before the primary election, a statement of withdrawal duly signed and acknowledged by said candidate before some person authorized to administer oaths and affirmations. The city clerk shall immediately notify the board of election commissioners of such withdrawal. The name of such person complying herewith shall not appear on the ballot. There shall be no provision for withdrawal of a successful primary candidate before the general election.~~

~~Should death, incompetency, or removal from city or any other disqualifying condition occur to any successful primary candidate between the primary and general election there shall be no reopening of the election and the surviving candidate shall be declared the winner.~~

Section 6.9. Order of names on ballots. Promptly after expiration of the time when candidates may withdraw, the city clerk shall certify the order in which the names of candidates for the respective offices shall appear on the ballots to the board of election commissioners. The names of candidates for each office shall be listed in the order in which they are filed.

Prior History:

Charter was amended by Ordinance No. 8744 and 8909 at election of August 6, 1985 to change the language in paragraph one:

~~Section 6.9. Order of names on ballots.
(1) Promptly after expiration of the time when candidates may withdraw, the city clerk, publicly in his/her office, shall draw lots to determine the order in which the names of candidates for the respective offices shall appear on the ballots. After the drawing of lots, the city clerk shall promptly certify such order of names of candidates to the board of election commissioners.~~

Section 6.8. Order of names on ballots.

The order of names on the ballot for candidates who file a declaration of candidacy with the City Clerk prior to 5:00 p.m. on the first (1st) day of filing, shall be determined by random drawing. The drawing shall be conducted so that each candidate, or candidate's representative as provided by State Statutes, shall draw a number at random at the time of filing. The City Clerk shall record the number drawn with the candidate's declaration of candidacy. The names of candidates filing on the first (1st) day of filing for each office on each ballot shall be listed in ascending order of the numbers drawn. Any candidate filing after the first (1st) day shall be placed on the ballot in the order received by the City Clerk. At least one (1) notice of election shall be published as required by state law and shall be posted on the City's website, which notice shall contain the names of candidates to be elected.

Section 6.10. Voting at primary

election— Who nominated. On the ballots, above the names of the candidates at the primary election for the office of mayor, shall appear the instruction "Vote for one (1)"; every registered qualified voter of the city shall be entitled to vote for one (1) candidate; and the two (2) candidates receiving the greatest number of votes shall be nominated.

On the ballots, above the names of the candidates for the offices of councilmembers at large, shall appear the instructions "Vote for two (2)"; every registered qualified voter of the city shall be entitled to vote for two (2) candidates; and the four (4) candidates receiving the

greatest number of votes shall be nominated.

On the ballots above the names of the candidates for the office of district councilmember in each district, shall appear the instruction "Vote for one"; every registered qualified voter of the district shall be entitled to vote for one (1) candidate; and the two (2) candidates receiving the greatest number of votes shall be nominated.

However, if a candidate for mayor, councilmember at large, or a district council position receives more than fifty percent (50%) of the total votes cast for such position in a primary election, that candidate shall be elected and shall not participate in the general election.

Section 6.11. Voting at general election— Who elected. On the ballots, above the names of the candidates at the general election for the office of mayor, shall appear the instruction "Vote for one (1)"; every registered qualified voter of the city shall be entitled to vote for one (1) candidate; and the candidate receiving the greatest number of votes shall be elected.

On the ballots, above the names of the candidates for the offices of councilmembers at large, shall appear the instructions "Vote for two (2)"; every registered qualified voter of the city shall be entitled to vote for two (2) candidates; and the two (2) candidates receiving the greatest number of votes shall be elected.

On the ballots above the names of the candidates for the office of district councilmember in each district, shall appear the instruction "Vote for one (1)"; every registered qualified voter of the district shall be entitled to vote for one (1) candidate; and the candidate receiving the greatest number of votes shall be elected.

Section 6.12. Canvassing returns at primary election—Certifying results.

Not later than the second Tuesday after the election, the verification board shall issue a statement announcing the results of the election. Within ten (10) days after every primary election, the returns shall be canvassed, and the results thereof shall be certified by the board of election commissioners to the city clerk. The city clerk shall immediately issue election certificates to all persons elected to office

and certify the results on all questions submitted at the election.

department of revenue and include a copy of the affidavit with the acceptance of nomination required under section 6.6(3).

Section 6.13. Canvassing returns at general election – Certifying results.

~~Within (10) days after every election, general or special, the returns shall be canvassed. Not later than the second Tuesday after the election, the verification board shall issue a statement announcing the results of the election, and the results thereof shall be~~ certified by the board of election commissioners to the city clerk. The city clerk shall immediately issue election certificates to all persons elected to office and certify the results on all questions submitted at the election.

Section 6.14. Tie votes. In case of failure to elect the mayor or a councilmember because of a tie, the election shall be determined fairly by ~~lot~~ drawing of straws from among the candidates tying with the greatest number of votes, by the council in a public meeting. At least two (2) days' notice of the ~~casting of lots~~ drawing of straws shall be given to said candidates tying, by service or by mail.

Section 6.15. Special elections— Submission of proposals at elections. The council may order special elections, fix the time thereof, and provide for holding the same and may submit proposals at elections, general and special. Nothing in this charter shall prohibit holding a city election on the same day and by the same election personnel as a state or other public election, or submitting a city proposal at such election.

Section 6.13. Effect of tax delinquency on nomination.

Any person who files as a candidate for a City election shall be disqualified from participation in the election for which the candidate has filed if such person has unresolved municipal warrants, is delinquent in the payment of any state income taxes, personal property taxes, municipal taxes or other municipal fees, real property taxes on the place of residence or other properties owned by such person, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state.

Each potential candidate for a City election to a public office shall file an affidavit with the

