

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 230445

Calling for submission to the voters of Kansas City, at an election to be held on August 8, 2023, a question amending the Charter of Kansas City to centralize the location for the filing of nominating and recall petitions for City elected office, establish a methodology for the listing of candidates on the ballot, provide that a runoff shall be conducted at the general election for any office in which no candidate for that office receives at least two-thirds (2/3) of the vote at the primary election, establish a minimum number (floor) of signatures for initiative, referendum, and recall petitions, increase the percent of signatures necessary for a recall petition for City elected office from 20% to 25%, and modify the provision regarding the Charter Review Commission; directing the City Clerk to notify the responsible election authorities of the election on or before May 30, 2023; and recognizing this ordinance as having an accelerated effective date because it calls an election.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. ELECTION CALLED. That an election is called on August 8, 2023, for the purpose of submitting to the voters of Kansas City amendments to the City Charter.

Section 2. NOTICE TO ELECTION AUTHORITIES BY CITY CLERK. That following passage of this ordinance the City Clerk shall deliver certified copies of this ordinance and notice of election to the Clerk of Cass County, Board of Election Commissioners of Clay County, Board of Election Commissioners of Kansas City, and Board of Election Commissioners of Platte County, on or before May 30, 2023, which shall be the authority of each election authority of the City to submit the amendment to the electors of Kansas City and to give public notice as provided by law.

Section 3. NOTICE OF ELECTION. The notice of election shall read as follows:

NOTICE OF ELECTION

KANSAS CITY, MISSOURI

Notice is hereby given that the City of Kansas City has called an election to be held on Tuesday, August 8, 2023, between the hours of 6:00 a.m. and 7:00 p.m., at which election all qualified voters residing within Kansas City, Missouri will be given the opportunity to vote.

The official ballot will be in substantially the following form:

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OFFICIAL BALLOT
CITY OF KANSAS CITY

SPECIAL ELECTION, AUGUST 8, 2023

QUESTION NO. ____
(Charter Amendment)

Should the Charter of Kansas City be amended to centralize the location for the filing of nominating and recall petitions for City elected office, establish a methodology for the listing of candidates on the ballot, provide that a runoff shall be conducted at the general election for any office in which no candidate for that office receives at least two-thirds (2/3) of the vote at the primary election, establish a minimum number (floor) of signatures for initiative, referendum, and recall petitions, increase the percent of signatures necessary for a recall petition for City elected office from 20% to 25%, and modify the provision regarding the Charter Review Commission?

Yes
 No

(Instructions to voters will be supplied by the election authorities.)

A full and complete copy of this ordinance (as it may be amended) submitting the above amendments to the electorate is on file in the office of the City Clerk of Kansas City, Missouri where the same is open for inspection and copying.

The polling places for the election will be (INSERT LIST OF POLLING PLACES IN LAST PUBLICATION ONLY)

I hereby certify that the foregoing is the legal notice to be published pursuant to Section 115.127, RSMo, as amended.

Given under my hand and the official seal of the City of Kansas City, Missouri, this ____ day of May 2023.

(SEAL)

MARILYN SANDERS
City Clerk of Kansas City, Missouri

Before me, a notary public, personally appeared Marilyn Sanders, to me known to be the City Clerk of Kansas City, Missouri, and the person who acknowledged to me that she executed the same for the purposes therein stated.

Notary Public

My Commission Expires: _____

Section 4. AMENDMENTS TO BECOME THE CHARTER OF THE CITY OF KANSAS CITY – QUESTION NO. [] – CHARTER AMENDMENT. If a majority of the voters favor this Question (Charter Amendment), then the following amendments to the Charter of the City of Kansas City will become effective September 1, 2023, which amendments shall read as follows:

BE IT ADOPTED BY THE PEOPLE OF KANSAS CITY:

That the Charter of the City of Kansas City is amended by repealing Sections 204, 602, 605, 701, 710, 721, 722, 731, 732, and 1212 and enacting new Sections 204, 602, 605, 701, 710, 721, 722, 731, 732, and 1212 to read as follows:

Sec. 204. Qualifications for membership on the Council, including as Mayor.

To be elected or appointed to the Council, including as Mayor, a person shall meet the following requirements:

- (a) **Qualified voter.** Be a qualified voter of the City;
- (b) **Taxpayer.** Current on all city taxes or municipal user fees, as attested by the candidate to the City Clerk in a form prescribed by the Director of Finance;
- (c) **Minimum age.** Attained the age of twenty-five years before the primary election day;
- (d) **Residency.**
 - (1) **Mayor.** Resided a total of at least five years before the primary election day, including the two years immediately prior to the primary election day, in the territory embraced within the City limits.
 - (2) **Council members.** Resided at least two years immediately prior to the primary election day in the territory embraced within the City limits. Resided at least six months immediately prior to the primary election day within the district from which elected.

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(e) **Criminal record.** Unless otherwise provided by law, no person shall have been found guilty, either after a trial or as a result of a plea of guilty or *nolo contendere*, of a felony or of any other act in another jurisdiction that would be a felony if committed in Missouri unless having been a qualified voter for five years next preceding election. No person having entered a plea of guilty or *nolo contendere* for which imposition of sentence has been suspended shall be qualified for service as a member of the Council, including as Mayor, unless the required period of probation has passed and the charges have been dismissed, or otherwise disposed.

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(f) **Grounds for forfeiture of office.** No person shall assume office as a member of the Council, including as Mayor, if any grounds for forfeiture of office as provided in this Charter exist. Failure to assume office on August 1 or within fifteen days of being elected at a special election or appointed to office will result in the office to which elected or appointed being deemed vacant.

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Sec. 602. Nominations – primary election.

(a) **Filing period.** A person may submit to the City Clerk ~~or election authorities~~ a nominating petition at least twelve weeks prior to the date of the primary election. ~~The City Clerk shall submit the nominating petitions to the election authorities and the~~ election authorities shall examine the petitions immediately as to their sufficiency and shall publish a notice as required by law.

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(a)(b) **Required signatures.** The following number and source of signatures are required to qualify for the primary ballot:

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Mayor	no less than 1,000 nor more than 2,500 registered voters of the City
Council member at-large	no less than 500 nor more than 1,500 registered voters of the City
District Council member	no less than 300 nor more than 750 registered voters of the district

(c) **Nominating petition requirements.**

- (1) **Multiple pages.** Signatures to a nominating petition need not all be appended to one page, but each separate page must have an affidavit of the circulator stating that each signature was made in the ~~circulator's~~ circulator's presence and is the genuine signature of the person whose name it purports to be.
- (2) **Required information.** Each signer of a petition shall sign his or her name in ink or indelible pencil, and designate his or her residence by street and number, or other description sufficient to identify the place. Printed or typed names of each signer shall be included in each petition.

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(3) **No embellishment of nominating petition.** A nominating petition shall not include any political party or other designation.

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(4) **Form of petition.** The City Clerk shall provide form nominating petition papers.

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(5) **Verification of signatures.** If necessary, no later than the Thursday following the close of the filing period the City Clerk will distribute nominating petitions to the appropriate election authorities for verification of signatures. Election authorities will return to the City Clerk nominating petitions showing valid and invalid signatures with a count of valid signatures.

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(d) **Primary ballot.**

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(1) **Determination of signature threshold.** The City Clerk will total the number of valid signatures reported by each election authority for each person to determine compliance with the requirement for valid signatures. Persons who submit a nominating petition to the City Clerk with the required signatures will be placed on the primary ballot for the office designated in the petition.

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(2) **One office.** A person may be on the City primary ballot seeking only one office.

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~~(3) **Ballot order.** The City Clerk shall complete a random ordering of the letters of the alphabet prior to preparing the ballot. The City Clerk shall arrange, by surname, the names of the candidates on the ballot in the random order of the letters of the alphabet completed under this subsection.~~

(4) **Submission of information to election authorities.** The City Clerk will prepare the appropriate documents for submission to the election authorities setting forth those persons to be placed on the primary ballot as soon as possible.

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Sec. 605. Results of elections.

(a) **Primary election.**

(1) **General.**

~~(A) **In the event that a candidate for Mayor, a candidate for member at-large of the Council from any district, or a candidate for district member of the Council from any district, shall receive at least two-thirds (2/3) of votes cast at the regular primary municipal election for any such office, respectively, such candidate shall be declared elected.**~~

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(B) **A runoff shall be conducted at the general election for any office in which no candidate for that office receives at least two-thirds (2/3) of the vote.** The two candidates for Mayor, the two candidates for at-large members of the Council, and the two candidates for district Council members, who

receive the highest number of votes in the primary election for each office, respectively, will be placed on the general election ballot. As soon as determined, the City Clerk will provide the required information to the election authorities for the general election.

~~(2)~~ ~~(2)~~ **Write-in candidates.** If one or both of the two candidates receiving the highest number of votes is a write-in candidate, then that candidate must receive a total number of votes equal to or in excess of the number of nominating signatures required for that office to qualify for the regular **general** election ballot.

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~~(3)~~ ~~(3)~~ **Death, withdrawal, disqualification, failure to meet minimum write-in requirements.** In case of the death, withdrawal or disqualification of any candidate entitled to have ~~his~~ **the candidate's** name printed on the ballot at the regular municipal election, or any write-in candidate who does not receive the minimum number of votes required, the candidate receiving the next highest number of votes at the primary election will be placed on the general election ballot, provided they are eligible.

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~~(b)~~ **General election.** The candidate for Mayor, the candidate for member at large of the Council from each district and the candidate for member of the Council from each district, who shall receive the greatest number of votes at the regular ~~municipal~~ **general** election for each such office, respectively, shall be declared elected.

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Sec. 701. Initiative petitions.

Any new ordinance or any ordinance to amend or repeal, in whole or in part, any existing ordinance, may be submitted to the Council by petition signed by electors of the City equal in number to at least five ~~per cent~~ **percent** (5%) of the total vote cast for candidates for the office of Mayor at the last preceding regular municipal election, ~~provided, that there be not less than four thousand (4,000) signatures.~~ Each petition paper shall contain the proposed ordinance in full and all papers for each petition shall be uniform in character.

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Sec. 710. Referendum petition.

Any ordinance passed by the Council, except ordinances with an accelerated effective date or emergency measures, shall be subject to referendum of the electors. If within forty (40) days after the passage of any such ordinance, and subject to the provisions as to notice required by section 503(b)(2) of this charter, a petition signed by electors equal in number to at least ten ~~per cent~~ **percent** (10%) of the total vote cast for candidates for the office of Mayor at the last preceding regular municipal election, ~~provided, that there be not less than seven thousand (7,000) signatures,~~ be filed with the City Clerk, requesting that the ordinance or any part thereof be repealed or submitted to a vote of the electors, it shall not take effect until the steps herein indicated have been taken. Referendum petitions need not contain the entire text of the ordinance, or of any entire section or sections thereof, the repeal of which is sought, but the text of any portion, the repeal of which is so sought, less than a complete section shall be set forth in such petition.

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Sec. 721. Filing recall petition.

A petition demanding the removal of any officer elected by the vote of the people shall be known as a recall petition. A recall petition, to be effective, must be filed with the City Clerk, ~~or with the election authorities,~~ within thirty (30) days after the filing of the affidavit as provided in the next preceding section, and to be sufficient, must bear the signatures of registered voters of the City or district from which such officer was elected equal in number to at least twenty ~~per cent (20)~~ twenty-five percent (25%) of the total vote cast therein for candidates for the office of Mayor at the last preceding regular municipal election, provided, that there be not less than eighteen thousand (18,000) signatures in the case of officials elected at large and three thousand (3,000) signatures in the case of officials elected by district. A recall petition, if insufficient as originally filed, may be supplemented as provided in this article. The committee of petitioners hereinafter described shall have the right, ~~at their option,~~ to file a recall petition ~~either with the City Clerk or with the election authorities of the City,~~ and the City Clerk ~~or the election authorities, as the case may be, with equal force and effect,~~ shall have the power to certify as to the sufficiency of such recall petition.

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Sec. 722. Recall election ordered.

The City Clerk ~~or election authorities~~ shall examine such recall petition and any supplementary petition, and if found sufficient, the Clerk ~~or they~~ shall at once submit same to the Council with the ~~Clerk's or their Clerk's~~ certificate to that effect and shall notify the officer whose removal is sought of such action. If the officer whose removal is sought does not resign within five (5) days after such submission, the Council shall thereupon order and fix a day for holding a recall election in the City or district from which such officer was elected at the next available municipal or state election held not less than forty-five (45) days after the petition shall have been presented to the Council for which the City can lawfully provide required notices to the election authorities without seeking a court order.

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Sec. 731. Filing petitions.

All petition papers comprising an initiative, referendum or recall petition shall be assembled and filed with the City Clerk ~~or, if a recall petition, with the election authorities,~~ as one instrument. Each petition paper shall include as a part thereof a statement giving the names and addresses of five electors of the city, who, as a committee of petitioners, shall be officially regarded as filing the petition. Within ten days after a petition shall have been filed, the Clerk, ~~or the election authorities, if a recall petition is filed with such authorities,~~ shall determine its sufficiency and shall attach thereto a certificate showing the result of the ~~Clerk's or their Clerk's~~ examination. If the Clerk ~~or they, as the case may be,~~ shall certify that the petition is insufficient, the Clerk ~~or they~~ shall set forth in the certificate the particulars in which it is insufficient and shall at once notify the committee of the petitioners of the ~~Clerk's or their Clerk's~~ findings.

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Sec. 732. Supplementary petitions.

If the City Clerk, ~~or the election authorities, if a recall petition is filed with such authorities,~~ shall find an initiative, referendum or recall petition to be insufficient, the committee

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of petitioners may at any time within ten (10) days after the making of a certificate of insufficiency by the City Clerk, ~~or by the election authorities, if a recall petition was filed with such authorities,~~ file a supplementary petition upon additional papers as provided in case of an original petition. ~~The Clerk, or the election authorities, if a recall petition was filed with such authorities,~~ The Clerk shall, within five (5) days after such a supplementary petition is filed, make examination of such supplementary petition, and, if the ~~Clerk's or their Clerk's~~ certificate shall show the petition, as supplemented still to be insufficient, the Clerk ~~or they~~ shall file it in the ~~Clerk's or their Clerk's~~ office and notify the committee of the petitioners of the findings, and no further action shall be had on such insufficient petition. The determination that any petition is insufficient shall not prejudice the filing of a new petition for the same purpose. No technical rule shall govern the determination of the sufficiency of such petitions or the signatures appealed thereto, but the intent and the identity of each signer thereof shall be fairly determined.

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Sec. 1212. Charter Review.

The Mayor shall appoint a Charter Review Commission no less than once every ten (10) years for the purpose of reviewing the terms and operation of the City Charter. The Commission shall be comprised of fifteen (15) members, appointed by the mayor, and be representative of city's populace and diverse experiences. The Commission's membership shall consist of two (2) members from each council district and three (3) members from the city at-large. All members must be residents of the city and no member may be a current elected official of the City or candidate for any such office. The Commission shall be convened for no less than ninety (90) calendar days. The Commission shall provide for no less than one (1) public meeting in each council district during its review, at least two (2) of which shall be conducted on a Saturday or Sunday. Unless otherwise specified by law, including by ordinance, the Commission shall determine its own rules of procedure to govern its activities. The Commission may make recommendations to the Mayor and City Council for amendments to the City Charter or may recommend no changes. City Clerk shall maintain a copy of any report or correspondence issued by the Commission.

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Section 5. ACCELERATED EFFECTIVE DATE. That this ordinance calls for an election and is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3)(A) of the City Charter and shall take effect in accordance with that section.

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Approved as to form:

Matthew Gigliotti
City Attorney