Summary
Board Bill Number 159
Introduced by Alderwoman Sharon Tyus
January 14, 2022

This Board Bill would **repeal Ordinance 71410** Proposition D (Open, Non-Partisan Elections) in its entirety.
An ordinance **repealing in its entirety Ordinance 71410** Proposition D (Open, Non-Partisan Elections)

**WHEREAS**, in November 2020 an Election was held in which the Voters in the City of St. Louis, voted on a Citizen Initiative Petition called Proposition D which provided for an open non-partisan election to be conducted as a non-partisan election with top-two runoff elections in the City of St. Louis for the elections for the offices of Mayor, Comptroller, President of the Board of Aldermen, and Aldermen.

**WHEREAS**, the election for the passage of Proposition D was in the General Election which was held on the first Tuesday in November 3, 2020.

**WHEREAS**, it often takes the St. Louis Board of Elections three (3) weeks or more to certify an election and the filing time to seek office for the elections of Mayor, Comptroller, President of the Board of Aldermen and Aldermen under the proposed Proposition D, began on Monday, November 23, 2020 less than three weeks from the time of the election.

**WHEREAS**, the time frame for the legal interpretation and implementation of Proposition D for the Election Board, Candidates and Citizens was an extraordinarily short time between certification of the Ballot issue and the filing of candidate causing much bewilderment and confusion for the St. Louis City Election Board, the Candidates filling for the offices and the Citizens of St. Louis.

**WHEREAS**, there was no time to even file any potential legal challenges to the Proposition D election.
WHEREAS, the timing of the implementation of Proposition D caused both financial and time hardships on the St. Louis Board of Elections.

WHEREAS, Proposition D as written and passed by the voters in the City of St. Louis, has not been passed in any other City in the United States.

WHEREAS, Proposition D as written has caused inherent problems that produced unfair non-democratic outcomes such as allowing candidate A to win the first election with well over 55-60 percent in a two candidate race and then have that election negated and have the candidate B win the second election with fewer percentage points than candidate A had in the first election, discounting the first election and not having some type of reconciliation of the two elections to determine who received the most votes in both elections; allowing some candidates in the City of St. Louis to seek positions as partisan candidates while prohibiting the choice of others who wish to see positions as partisan candidates; requiring when there was only two candidates in a race for an office for those two candidates in the primary election, no matter how large a victory one candidate had over the other to also run against one another in the general elections; not providing for or allowing a candidate in any circumstance who received over 50 percent of the vote to be declared the winner in the primary election; prohibiting Challengers and Watchers to be in the polls to watch or challenge potential voting improprieties; additional cost for the Board of Elections; a time frame that is too short for the St. Louis Board of Elections to properly implement Proposition D; and other problems.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:
Ordinance 71410 known Proposition D, the Open, Non-Partisan Election Ordinance is now repealed in its entirety.

EMERGENCY CLAUSE. This being an ordinance for the immediate reservation of public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and Section 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance shall become effective immediately upon its passage and approval by the Mayor.
An ordinance establishing an open, non-partisan system for elections to the offices of Mayor, Comptroller, President of the Board of Aldermen, and Alderman that enables voters to choose all the candidates they wish in the open, non-partisan primary and allow the top two candidates to then compete in a runoff general election.

WHEREAS, it is critical to representative democracy to ensure that winning candidates in city elections have broad support from voters across St. Louis City;

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION 1. Municipal elections.
Notwithstanding any other provision of law to the contrary, the elections for the offices of Mayor, Comptroller, President of the Board of Aldermen, and Alderman shall be conducted as non-partisan, top-two runoff elections. Elections for any municipal offices not provided for in the Charter or this Code as of the date of enactment of this section shall be conducted as described in Section 2.

SECTION 2. Conduct of municipal elections.
Notwithstanding any other provision of law to the contrary, in the primary election for the offices of Mayor, Comptroller, President of the Board of Aldermen, and Alderman, voters shall select as many candidates as they approve of for each office. The two candidates receiving the most votes for each office shall advance to the general election. The candidate for each office receiving the most votes in the general election shall be declared the winner.

SECTION 3. Ballot instructions for municipal elections.
Notwithstanding any other provision of law to the contrary, for the primary election for the offices of Mayor, Comptroller, President of the Board of Aldermen, and Alderman, the instructions on the ballot shall state, "Vote for AS MANY names as you approve of," with "AS MANY" being written in uppercase.

SECTION 4. Vacancies.
Notwithstanding any other provision of law to the contrary, the election to fill a vacancy in the offices of Mayor, Comptroller, President of the Board of Aldermen, or Alderman shall be conducted as a non-partisan, top-two runoff election.

SECTION 5. Effect on Election Ordinances
Notwithstanding any other provision of law to the contrary, the elections described in Section 1 shall be non-partisan elections. Candidates for office elected by the method described in Section 2 shall be required to declare their candidacy with the Board of Elections, however, they shall not declare a party affiliation to the Board of Elections.

To the extent that there is no conflict, generally-applicable election ordinances shall apply to the elections described in Section 1. However, no political party committee shall be allowed to formally nominate a candidate for non-partisan office, but nothing herein shall prohibit a party or committee from endorsing any candidate.

SECTION 6. Severability
The provisions of this section are severable. If any provision of this ordinance is declared invalid, that invalidity shall not affect other provisions of the ordinance which can be given effect without the invalid provision.