

FIRST REGULAR SESSION

HOUSE BILL NO. 297

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GREEN (73).

Read 1st time January 9, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1065L.011

AN ACT

To repeal sections 115.391, 115.393, 115.395 and 115.397, RSMo 2000, relating to primary elections, and to enact in lieu thereof four new sections relating to the same subject.

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

Section A. Sections 115.391, 115.393, 115.395 and 115.397, RSMo 2000, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 115.391, 115.393, 115.395
3 and 115.397, to read as follows:

115.391. Not later than the fourth Tuesday prior to the primary election, each election
2 authority shall prepare a sample official [ballots] **ballot**. The sample [ballots] **ballot** shall
3 contain, under the appropriate offices and party designations, the names of all candidates to be
4 voted on in its jurisdiction in the order they will appear on the ballot. Each sample ballot shall
5 be printed upon tinted or colored paper, of a different tint or color from the official primary
6 ballot, and shall contain no endorsements. Immediately after having the sample [ballots] **ballot**
7 prepared, each election authority shall mail to the chairman of each county committee in its
8 jurisdiction and to each candidate named on the ballot, a copy of the sample ballot [for his party].
9 The election authority shall also post a copy of [each] **the** sample ballot in a conspicuous place
10 in its office.

115.393. Prior to the primary election, each election authority shall correct any errors or
2 omissions on the sample [ballots] **ballot** and cause official ballots to be printed. [For each party
3 having a ballot at the primary election,] The election authority shall deliver to each polling place
4 a number of ballots equal to at least one and a half times the number of ballots cast in the voting
5 district [for the party] at the next to last primary election. [If no ballots were cast for a party in

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

6 a voting district at the last primary election, the election authority shall deliver to the polling
7 place a number of ballots estimated to be sufficient for the party.]

115.395. 1. At each primary election, there shall be [as many separate ballots as there
2 are parties entitled to participate in the election] **one ballot**.

3 2. The names of the candidates for each office on [each party] **the** ballot shall be listed
4 **by party** in the order in which they are filed, except that, in the case of candidates who file a
5 declaration of candidacy with the secretary of state prior to 5:00 p.m. on the first day for filing,
6 the secretary of state shall determine by random drawing **for each party** the order in which such
7 candidates' names shall appear on the ballot. The drawing shall be conducted so that each
8 candidate may draw a number at random at the time of filing. The secretary of state shall record
9 the number drawn with the candidate's declaration of candidacy. The names of candidates filing
10 on the first day for filing for each office on [each party] **the** ballot shall be listed **by party** in
11 ascending order of the numbers so drawn. For the purposes of this subsection, the election
12 authority responsible for oversight of the filing of candidates, other than candidates that file with
13 the secretary of state, shall clearly designate where candidates shall form a line to effectuate such
14 filings and determine the order of such filings; except that, in the case of candidates who file a
15 declaration of candidacy with the election authority prior to 5:00 p.m. on the first day for filing,
16 the election authority may determine by random drawing **for each party** the order in which such
17 candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this
18 subsection, it shall be conducted so that each candidate may draw a number at random at the time
19 of filing. If such drawing is conducted, the election authority shall record the number drawn with
20 the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates
21 filing on the first day for filing for each office on [each party] **the** ballot shall be listed **by party**
22 in ascending order of the numbers so drawn.

23 3. Insofar as applicable, the provisions of sections 115.237, 115.241 and 115.245 shall
24 apply to [each] **the** ballot prepared for a primary election, except that the ballot information may
25 be placed in vertical or horizontal rows[, no circle shall appear under any party name] and no
26 write-in lines shall appear under the name of any office for which a candidate is to be nominated
27 at the primary. At a primary election, write-in votes shall be counted only for persons who can
28 be elected to an office at the primary.

115.397. 1. In each primary election, each voter shall be entitled to receive [the ballot
2 of one and only one political party, designated by the voter before receiving his ballot.] **one**
3 **ballot. Each voter may only vote for one candidate for each office. Each voter may vote**
4 **for candidates from any party for any office.**

5 2. Each voter who [participates in a] **votes on the party primary portion of the ballot**
6 shall be entitled to vote on all questions and for any nonpartisan candidates submitted by political

7 subdivisions and special districts at the primary election. Each voter who does not wish to
8 [participate in a] **vote on the** party primary **portion** may vote on all questions and for any
9 nonpartisan candidates submitted by a political subdivision or special district at the primary
10 election.

11 **3. No rule or portion of a rule promulgated pursuant to this section shall take effect**
12 **unless such rule has been promulgated pursuant to chapter 536, RSMo.**