

FIRST REGULAR SESSION

HOUSE BILL NO. 867

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WALTON, JOHNSON (90) (Co-sponsors),
WILSON (42) AND JOHNSON (61).

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TED WEDEL, Chief Clerk

1826L.011

AN ACT

To repeal sections 115.399, 115.625, 128.070 and 128.080, RSMo 2000, relating to presidential electors, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 115.399, 115.625, 128.070 and 128.080, RSMo 2000, are repealed
2 and five new sections enacted in lieu thereof, to be known as sections 115.399, 115.625,
3 128.070, 128.080 and 128.115, to read as follows:

115.399. 1. Not later than the twelfth Tuesday prior to each presidential election, or
2 notwithstanding any prior laws to the contrary, in the year 1996 and thereafter, within seven
3 working days after choosing its nominees for president and vice president of the United States,
4 whichever is later, the state committee of each established political party shall certify in writing
5 to the secretary of state the names of its nominees for president and vice president of the United
6 States.

7 2. Not later than the third Tuesday prior to each presidential election, the state committee
8 of each established political party shall certify in writing to the secretary of state the names of
9 its **two** nominees for **at-large** presidential elector. **Not later than the third Tuesday prior to**
10 **each presidential election, each congressional district committee of each established**
11 **political party shall certify in writing to the secretary of state the name of its nominee for**
12 **presidential elector from that district.** At least one qualified resident of each congressional
13 district shall be named as a nominee for presidential elector by each [state] **such congressional**
14 **district** committee[, and]. The **total** number of nominees for presidential elector named by [each

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

15 state committee] **the state committees and congressional district committees of each such**
16 **party** shall equal the number to which the state is entitled.

17 3. When submitted for filing, each certification made by a state committee **or**
18 **congressional district committee** pursuant to the provisions of subsection 2 of this section shall
19 be accompanied by a declaration of candidacy for each candidate for presidential elector. Each
20 declaration of candidacy shall state the candidate's full name, residence address, office for which
21 such person proposes to be a candidate and that if elected the person will qualify. Each such
22 declaration shall be in substantially the following form:

23 I, , a resident of the congressional district and the state of Missouri
24 do announce myself a candidate for the office of presidential elector from the
25 congressional district (state at large) on the ticket, to be voted for at the presidential
26 election to be held on the day of , 20. . , and I further declare that if nominated
27 and elected to such office I will qualify.

28	Subscribed and sworn to
29 Signature of candidate	before me this
30	day of , 20. .
31
32 Residence address	Signature of election
33	official or officer
34	authorized to administer
35	oaths

36 Each such declaration shall be subscribed and sworn to by the candidate before the election
37 official receiving the certification, a notary public or other officer authorized by law to
38 administer oaths.

115.625. **1.** The state committee of any established political party may, except as
2 otherwise provided by law, call a convention of delegates to be apportioned, chosen or elected
3 in such manner as it may prescribe for the purpose of nominating **its two at-large** presidential
4 electors, electing delegates to national conventions, electing members of national committees
5 adopting or making declarations of party principles on national questions, and to do and perform
6 any other act not inconsistent with the law.

7 **2.** **The congressional district committee of any established political party may,**
8 **except as otherwise provided by law, call a convention of delegates to be apportioned,**
9 **chosen or elected in such manner as it may prescribe for the purpose of nominating its**
10 **presidential elector.**

128.070. The governor, on receipt of the certificates from the several counties in each
2 district which [he] **the governor** may have received within fifteen days after the day of election,

3 shall immediately add up the vote from the several counties, and [the]:

4 **(1) For the electors nominated from congressional districts, each person [residing**
5 **in any one district] having the highest number of votes given in [the state for any one person**
6 **residing in the same] that person's electoral district shall [by him] be declared by the governor**
7 **to be the duly elected elector for [said] that electoral district[.]; and**

8 **(2) For the electors nominated as at-large electors, the two persons nominated by**
9 **the party or person whose electors receive the highest number of votes given in the state**
10 **shall be declared by the governor to be the two duly elected at-large electors.**

128.080. If two or more persons [residing] **who reside** in one **electoral district and who**
2 **are standing for election as presidential electors from such electoral district** shall have an
3 equal number of votes given **in such district, or if two or more persons who are standing for**
4 **election as presidential electors at-large from different persons or parties shall have an**
5 **equal number of votes given** in the state, as aforesaid, and more than any other person residing
6 in the same district **or in the state, as the case may be**, the governor shall immediately notify
7 the general assembly thereof, and such election shall be determined by joint vote of both houses
8 of the general assembly, by choosing one of the persons so having an equal number of votes.

128.115. 1. The electors elected pursuant to this chapter shall, on the day appointed
2 **by act of congress for their meeting, cast their vote for the presidential and vice**
3 **presidential candidate for whom they were nominated as electors, and for no other**
4 **candidate.**

5 **2. Any elector who violates the provisions of this section shall be guilty of a class**
6 **three election offense.**