

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 133

92ND GENERAL ASSEMBLY

Reported from the Committee on Elections March 6, 2003, with recommendation that the House Committee Substitute for House Bill No. 133 Do Pass by Consent.

Perfectured by Consent March 14, 2003.

STEPHEN S. DAVIS, Chief Clerk

0805L.02P

AN ACT

To repeal sections 115.531 and 115.575, RSMo, and to enact in lieu thereof two new sections relating to elections of circuit and associate circuit judges.

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

Section A. Sections 115.531 and 115.575, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 115.531 and 115.575, to read as follows:

115.531. 1. Not later than five days after the official announcement of the results of a
2 primary election is issued by the election authority or the secretary of state, as the case may be,
3 any candidate desiring to contest the primary election shall file a verified petition in the office
4 of the clerk of the circuit court of any circuit in which part of the election was held and in which
5 any alleged irregularity occurred, **unless the office involved in the contest is that of a circuit
6 or associate circuit judge not subject to section 25, article V, Constitution of Missouri, in
7 which case the verified petition shall be filed, heard, and determined by an adjoining
8 circuit court selected by the contestant as specified in section 115.575.** The contestant shall
9 only be required to file one petition with the circuit court for each election contest regardless of
10 the number of counties within the court's jurisdiction. The petition shall set forth the points on
11 which the contestant wishes to contest the election and the facts the contestant will prove in
12 support of such points, and shall pray leave to produce such proof. The judge of the court shall
13 immediately note on the petition the date it was filed and shall immediately set a date, not later
14 than five days after the petition is filed, for a preliminary hearing. If the petition is filed in
15 vacation, the judge of the circuit court shall immediately convene the court in special session for

16 the purpose of hearing the contest. If no regular judge of the court is available the supreme court
17 shall immediately assign another judge. The circuit court in which the petition is filed shall have
18 exclusive jurisdiction over all matters relating to the contest and may issue appropriate orders
19 to all election authorities in the area in which the contested election was held.

20 **2. If a petition contesting a primary election is filed in an incorrect circuit, the court**
21 **in which it is filed shall have jurisdiction and shall promptly transfer the suit to the correct**
22 **circuit court.**

115.575. 1. **Notwithstanding any provision of this chapter to the contrary, all**
2 contested elections for the office of circuit or associate circuit judge not subject to the provisions
3 of article V, section 25 of the state constitution, **whether contested on the basis of**
4 **qualification, irregularity, or other cause, or for recount other than the automatic recount**
5 **provided for in section 115.601, and whether in a primary or general election, shall be filed**
6 in and heard and determined by an adjoining circuit court selected by the contestant.

7 2. All contested elections on any office or question other than those provided for in
8 sections 115.555, 115.563 and subsection 1 of this section shall be heard and determined by the
9 circuit court of any circuit, selected by the contestant, in which all or any part of the election was
10 held and in which any alleged irregularity occurred. The contestant shall only be required to file
11 one petition with the circuit court for each election contest regardless of the number of counties
12 within the court's jurisdiction.

13 **3. If a petition contesting any election is filed in an incorrect circuit, the court in**
14 **which it is filed shall have jurisdiction and shall promptly transfer the suit to the correct**
15 **circuit court.**