

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 166

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOSKINS.

Pre-filed December 19, 2006 and copies ordered printed.

Read 1st time January 3, 2007.

Read 2nd time January 4, 2007 and referred to the Committee on Elections January 22, 2007.

Reported from the Committee on Elections February 26, 2007 with recommendation that the bill Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules February 28, 2007 with recommendation that the bill Do Pass.

Taken up for Perfection March 6, 2007. Bill ordered Perfected and printed, as amended.

D. ADAM CRUMBLISS, Chief Clerk

0659L.01P

AN ACT

To repeal section 115.453, RSMo, and to enact in lieu thereof one new section relating to write-in candidates.

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

Section A. Section 115.453, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.453, to read as follows:

115.453. Election judges shall count votes for all candidates in the following manner:

(1) No candidate shall be counted as voted for, except a candidate before whose name a cross (X) mark appears in the square preceding the name and a cross (X) mark does not appear in the square preceding the name of any candidate for the same office in another column. Except as provided in this subdivision and subdivision (2) of this section, each candidate with a cross (X) mark in the square preceding his or her name shall be counted as voted for.

(2) If cross (X) marks appear next to the names of more candidates for an office than are entitled to fill the office, no candidate for the office shall be counted as voted for. If more than one candidate is to be nominated or elected to an office, and any voter has voted for the same

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 candidate more than once for the same office at the same election, no votes cast by the voter for
11 the candidate shall be counted.

12 (3) No vote shall be counted for any candidate that is not marked substantially in
13 accordance with the provisions of this section. The judges shall count votes marked substantially
14 in accordance with this section and section 115.456 when the intent of the voter seems clear.
15 Regulations promulgated by the secretary of state shall be used by the judges to determine voter
16 intent. No ballot containing any proper votes shall be rejected for containing fewer marks than
17 are authorized by law.

18 (4) Write-in votes shall be counted only for candidates for election to office who have
19 filed a declaration of intent to be a write-in candidate for election to office with the proper
20 election authority, who shall then notify the proper filing officer of the write-in candidate prior
21 to 5:00 p.m. on the second Friday immediately preceding the election day; except that, write-in
22 votes shall be counted only for candidates for election to state or federal office who have filed
23 a declaration of intent to be a write-in candidate for election to state or federal office with the
24 secretary of state pursuant to section 115.353 prior to 5:00 p.m. on the second Friday
25 immediately preceding the election day. No person who filed as a party or independent candidate
26 for nomination or election to an office may, without withdrawing as provided by law, file as a
27 write-in candidate for election to the same office for the same term. No candidate who files for
28 nomination to an office and is not nominated at a primary election may file a declaration of intent
29 to be a write-in candidate for the same office at the general election. When declarations are
30 properly filed with the secretary of state, the secretary of state shall promptly transmit copies of
31 all such declarations to the proper election authorities for further action pursuant to this section.
32 The election authority shall furnish a list to the election judges and counting teams prior to
33 election day of all write-in candidates who have filed such declaration. This subdivision shall
34 not apply to elections wherein candidates are being elected to an office for which no candidate
35 has filed. **No person shall file a declaration of intent to be a write-in candidate for election
36 to any municipal office unless such person is qualified to file a declaration of candidacy
37 under section 115.349 and is qualified to be certified as a candidate under sections 115.342
38 and 115.346.**

39 (5) Write-in votes shall be cast and counted for a candidate without party designation.
40 Write-in votes for a person cast with a party designation shall not be counted. Except for
41 candidates for political party committees, no candidate shall be elected as a write-in candidate
42 unless such candidate receives a separate plurality of the votes without party designation
43 regardless of whether or not the total write-in votes for such candidate under all party and
44 without party designations totals a majority of the votes cast.

45 (6) When submitted to the election authority, each declaration of intent to be a write-in
46 candidate for the office of United States president shall include the name of a candidate for vice

47 president and the name of nominees for presidential elector equal to the number to which the
48 state is entitled. At least one qualified resident of each congressional district shall be nominated
49 as presidential elector. Each such declaration of intent to be a write-in candidate shall be
50 accompanied by a declaration of candidacy for each presidential elector in substantially the form
51 set forth in subsection 3 of section 115.399. Each declaration of candidacy for the office of
52 presidential elector shall be subscribed and sworn to by the candidate before the election official
53 receiving the declaration of intent to be a write-in, notary public or other officer authorized by
54 law to administer oaths.

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