

FIRST REGULAR SESSION

HOUSE BILL NO. 638

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOLSMAN (Sponsor), GRILL,
LeVOTA AND ATKINS(Co-sponsors).

0677L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.349 and 115.761, RSMo, and to enact in lieu thereof two new sections relating to candidate filing periods.

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

Section A. Sections 115.349 and 115.761, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.349 and 115.761, to read as follows:

115.349. 1. Except as otherwise provided in **this subsection or** sections 115.361 to 115.383 or sections 115.755 to 115.785, no candidate's name shall be printed on any official primary ballot unless the candidate has filed a written declaration of candidacy in the office of the appropriate election official by 5:00 p.m. on the last Tuesday in March immediately preceding the primary election. **No name of any candidate for presidential elector, United States senator, representative in Congress, statewide office, state senator, and state representative shall be printed on any official primary ballot if the candidate has filed a written declaration of candidacy in the office of the appropriate election official at any time other than within the last ten business days in January immediately preceding the primary election.**

2. **Except as provided in subsection 1 of this section,** no declaration of candidacy for nomination in a primary election shall be accepted for filing prior to 8:00 a.m. on the last Tuesday in February immediately preceding the primary election.

3. Each declaration of candidacy for nomination in a primary election shall state the candidate's full name, residence address, office for which such candidate proposes to be a

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.

16 candidate, the party ticket on which he or she wishes to be a candidate and that if nominated and
 17 elected he or she will qualify. The declaration shall be in substantially the following form:
 18 I,, a resident and registered voter of the county of and the state of
 19 Missouri, residing at, do announce myself a candidate for the office of on the party
 20 ticket, to be voted for at the primary election to be held on the day of, ..., and I further
 21 declare that if nominated and elected to such office I will qualify.

22	
23
24	Signature of candidate
25	
26
27	Residence address
28	
29	
30
31	Mailing address (if different)
32
33	Telephone Number (Optional)
34	

Subscribed and sworn to
 before me this day
 of,

 Signature of election
 official or other officer
 authorized to administer oaths

35 If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate
 36 before an official authorized to accept his or her declaration of candidacy. If the declaration is
 37 to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it shall
 38 be subscribed and sworn to by the candidate before a notary public or other officer authorized
 39 by law to administer oaths.

115.761. 1. The official list of presidential candidates for each established political party
 2 shall include the names of all constitutionally qualified candidates for whom, [on or after 8:00
 3 a.m. on the fifteenth Tuesday prior to the presidential primary, and on or before 5:00 p.m., on
 4 the eleventh Tuesday prior to] **in the last ten business days in January immediately preceding**
 5 the presidential primary, a written request to be included on the presidential primary ballot is
 6 filed with the secretary of state along with:

7 (1) Receipt of payment to the state committee of the established political party on whose
 8 ballot the candidate wishes to appear of a filing fee of one thousand dollars; or
 9 (2) A written statement, sworn to before an officer authorized by law to administer oaths,
 10 that the candidate is unable to pay the filing fee and does not have funds in a campaign fund or
 11 committee to pay the filing fee and a petition signed by not less than five thousand registered
 12 Missouri voters, as determined by the secretary of state, that the candidate's name be placed on

13 the ballot of the specified established political party for the presidential preference primary. The
14 request to be included on the presidential primary ballot shall include each signer's printed name,
15 registered address and signature and shall be in substantially the following form:

16 I (We) the undersigned, do hereby request that the name of
17 be placed upon the February,, presidential primary ballot as candidate for nomination
18 as the nominee for President of the United States on the party ticket.

19 2. The state or national party organization of an established political party that adopts
20 rules imposing signature requirements to be met before a candidate can be listed as an official
21 candidate shall notify the secretary of state by October first of the year preceding the presidential
22 primary.

23 3. Any candidate or such candidate's authorized representative may have such candidate's
24 name stricken from the presidential primary ballot by filing with the secretary of state on or
25 before 5:00 p.m. on the [eleventh Tuesday prior to] **last business day in January immediately**
26 **preceding** the presidential primary election a written statement, sworn to before an officer
27 authorized by law to administer oaths, requesting that such candidate's name not be printed on
28 the official primary ballot. Thereafter, the secretary of state shall not include the name of that
29 candidate in the official list announced pursuant to section 115.758 or in the certified list of
30 candidates transmitted pursuant to section 115.765.

31 4. The filing times set out in this section shall only apply to presidential preference
32 primaries, and are in lieu of those established in section 115.349.

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