SECOND REGULAR SESSION

HOUSE BILL NO. 1938

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WINDHAM.

AN ACT

To repeal section 115.395, RSMo, and to enact in lieu thereof two new sections relating to primary elections.

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

Section A. Section 115.395, RSMo, is repealed and two new sections enacted in lieu
2 thereof, to be known as sections 115.395 and 115.396, to read as follows:

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**]** **a single ballot listing all candidates who have**
3 **properly filed to run for office**.

4   2. The names of the candidates for each office **[**on each party ballot**]** shall be listed in the
5 order in which they are filed, except that, in the case of candidates who file a declaration of
6 candidacy with the secretary of state prior to 5:00 p.m. on the first day for filing, the secretary
7 of state shall determine by random drawing the order in which such candidates' names shall
8 appear on the ballot. The drawing shall be conducted so that each candidate, or candidate's
9 representative if the candidate filed under subsection 2 of section 115.355, may draw a number
10 at random at the time of filing. The secretary of state shall record the number drawn with the
11 candidate's declaration of candidacy. The names of candidates filing on the first day for filing
12 for each office on each party ballot shall be listed in ascending order of the numbers so drawn.
13 For the purposes of this subsection, the election authority responsible for oversight of the filing
14 of candidates, other than candidates that file with the secretary of state, shall clearly designate
15 where candidates, or a candidate's representative if the candidate filed under subsection 2 of
16 section 115.355, shall form a line to effectuate such filings and determine the order of such
17 filings; except that, in the case of candidates who file a declaration of candidacy with the election

18   authority prior to 5:00 p.m. on the first day for filing, the election authority may determine by
19   random drawing the order in which such candidates' names shall appear on the ballot. If a
20   drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate,
21   or candidate's representative if the candidate filed under subsection 2 of section 115.355, may
22   draw a number at random at the time of filing. If such drawing is conducted, the election
23   authority shall record the number drawn with the candidate's declaration of candidacy. If such
24   drawing is conducted, the names of candidates filing on the first day for filing for each office [on
25   each party ballot] shall be listed in ascending order of the numbers so drawn.
26   3. Insofar as applicable, the provisions of sections 115.237 and 115.245 shall apply to
27   each ballot prepared for a primary election, except that the ballot information may be placed in
28   vertical or horizontal rows, no circle shall appear under any party name and no write-in lines
29   shall appear under the name of any office for which a candidate is to be nominated at the
30   primary. At a primary election, write-in votes shall be counted only for persons who can be
31   elected to an office at the primary.

115.396. Notwithstanding any other provisions of chapter 115 to the contrary, the
2   **primary election for all local, state, and federal offices shall have a single, nonpartisan**
3   **ballot listing all candidates who properly file to run for a particular office, as described in**
4   **section 115.395. The two candidates receiving the most votes for a particular office on the**
5   **nonpartisan ballot shall advance to the general election, without regard to those**
6   **candidates' party affiliation.**

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