

FIRST REGULAR SESSION

HOUSE BILL NO. 738

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WOODS.

1559H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.105, 115.123, 115.351, 115.776, and 115.904, RSMo, and to enact in lieu thereof thirteen new sections relating to the presidential preference primary.

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

Section A. Sections 115.105, 115.123, 115.351, 115.776, and 115.904, RSMo, are
2 repealed and thirteen new sections enacted in lieu thereof, to be known as sections 115.105,
3 115.123, 115.351, 115.755, 115.758, 115.761, 115.765, 115.767, 115.770, 115.773, 115.776,
4 115.785, and 115.904, to read as follows:

115.105. 1. The chair of the county committee of each political party named on the
2 ballot shall have the right to designate a challenger for each polling place, who may be
3 present until all ballots are cast on the day of election, and a challenger for each location at
4 which absentee ballots are counted, who may be present while the ballots are being prepared
5 for counting and counted. No later than four business days before the election, the chair of
6 each county committee of each political party named on the ballot shall provide signed
7 official designation forms with the names of the designated challengers and substitutes to the
8 local election authority for confirmation of eligibility to serve as a challenger. The local
9 election authority, after verifying the eligibility of each designated and substitute challenger,
10 shall sign off on the official designation forms, unless the challenger is found not to have the
11 qualifications established by subsection 4 of this section. If the election authority determines
12 that a challenger does not meet the qualifications of subsection 4 of this section, the
13 designating party chair may designate a replacement challenger and provide the local election
14 authority with the name of the replacement challenger before 5:00 p.m. of the Monday

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.

15 preceding the election. The designating chair may substitute challengers at his or her
16 discretion during such hours.

17 2. Challenges may only be made when the challenger believes the election laws of
18 this state have been or will be violated, and each challenger shall report any such belief to the
19 election judges, or to the election authority if not satisfied with the decision of the election
20 judges.

21 3. Prior to the close of the polls, challengers may list and give out the names of those
22 who have voted. The listing and giving out of names of those who have voted by a challenger
23 shall not be considered giving information tending to show the state of the count.

24 4. **In a presidential primary election, challengers may collect information about**
25 **the party ballot selected by the voter and may disclose party affiliation information after**
26 **the polls close.**

27 5. All persons selected as challengers shall have the same qualifications required by
28 section 115.085 for election judges, except that such challenger shall be a registered voter in
29 the jurisdiction of the election authority for which the challenger is designated as a challenger.

30 ~~5.~~ 6. Any challenge by a challenger to a voter's identification for validity shall be
31 made only to the election judges or other election authority. If the poll challenger is not
32 satisfied with the decision of the election judges, then he or she may report his or her belief
33 that the election laws of this state have been or will be violated to the election authority as
34 allowed under this section.

115.123. 1. All public elections shall be held on Tuesday. Except as provided in
2 subsection 2 of this section, and section 247.180, all public elections shall be held on the
3 general election day, the primary election day, the general municipal election day, the first
4 Tuesday after the first Monday in November, or on another day expressly provided by city or
5 county charter, and in nonprimary years on the first Tuesday after the first Monday in August.
6 Bond elections may be held on the first Tuesday after the first Monday in February but no
7 other issue shall be included on the ballot for such election.

8 2. **Notwithstanding the provisions of subsection 1 of this section, an election for a**
9 **presidential primary held under sections 115.755 to 115.785 shall be held on the second**
10 **Tuesday after the first Monday in March of each presidential election year.**

11 3. The following elections shall be exempt from the provisions of subsection 1 of this
12 section:

- 13 (1) Bond elections necessitated by fire, vandalism or natural disaster;
- 14 (2) Elections for which ownership of real property is required by law for voting;
- 15 (3) Special elections to fill vacancies and to decide tie votes or election contests; and
- 16 (4) Tax elections necessitated by a financial hardship due to a five percent or greater
17 decline in per-pupil state revenue to a school district from the previous year.

18 ~~[3-]~~ 4. Nothing in this section prohibits a charter city or county from having its
19 primary election in March if the charter provided for a March primary before August 28,
20 1999.

21 ~~[4-]~~ 5. Nothing in this section shall prohibit elections held pursuant to section 65.600,
22 but no other issues shall be on the March ballot except pursuant to this chapter.

 115.351. No person who files as a party candidate for nomination or election to an
2 office shall, without withdrawing, file as another party's candidate or an independent
3 candidate for nomination or election to the office for the same term. No person who files as
4 an independent candidate for election to an office shall, without withdrawing, file as a party
5 candidate for nomination or election to the office for the same term. No person shall file for
6 one office and, without withdrawing, file for another office to be filled at the same election.
7 **A person who files a request to be included on the presidential primary ballot is not**
8 **prohibited by this section from filing or appearing on any ballot as a party candidate for**
9 **nomination to another office.** Receipt by the secretary of state of proper certification of
10 nomination pursuant to subsection 1 of section 115.399 constitutes withdrawal by operation
11 of law pursuant to subsection 1 of section 115.359 of any presidential or vice presidential
12 nominee from any other office for which such nominee is a candidate at the same election.
13 Any person violating any provision of this section shall be disqualified from running for
14 nomination or election to any office at the primary and general election next succeeding the
15 violation.

115.755. A statewide presidential preference primary shall be held on the second
2 **Tuesday after the first Monday in March of each presidential election year.**

115.758. On or before the tenth Tuesday prior to the date of the presidential
2 **preference primary, the secretary of state shall announce the official list of presidential**
3 **candidates for each established political party as provided in section 115.761.**

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

7 **(1) Receipt of payment to the state committee of the established political party**
8 **on whose ballot the candidate wishes to appear of a filing fee of five thousand dollars; or**

9 **(2) A written statement, sworn to before an officer authorized by law to**
10 **administer oaths, that the candidate is unable to pay the filing fee and does not have**
11 **funds in a campaign fund or committee to pay the filing fee and a petition signed by not**
12 **less than five thousand registered Missouri voters, as determined by the secretary of**

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

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

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

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

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

115.765. On or before the tenth Tuesday prior to a presidential preference
2 primary, the secretary of state shall transmit to each election authority a certified list
3 containing the names of all candidates whose names shall appear on the presidential
4 preference primary ballot of each party. The names of the candidates shall appear in
5 the order in which their request to be included on the presidential primary ballot was
6 received in the office of the secretary of state, except that, in the case of candidates who
7 file a request to be included on the presidential primary ballot with the secretary of state
8 prior to 5:00 p.m. on the first day for filing, the secretary of state shall determine by
9 random drawing the order in which such candidates' names shall appear on the ballot.
10 The drawing shall be conducted so that each candidate, or candidate's representative,
11 may draw a number at random at the time of filing. The secretary of state shall record
12 the number drawn with the candidate's request to be included on the presidential
13 primary ballot. The names of candidates filing on the first day for filing on each party
14 ballot shall be listed in ascending order of the numbers so drawn.

115.767. Each election authority shall cause the name of candidates certified by
2 the secretary of state to appear on the presidential preference primary ballot of each
3 party, followed by a listing for an uncommitted vote.

115.770. The conduct of the presidential preference primary election and the
2 count and canvass of the votes cast therein shall conform as nearly as is practicable to
3 that prescribed for the conduct of the primary election for state officers. All primary
4 election laws not inconsistent with the provisions of sections 115.750 to 115.785 shall be
5 applicable to the conduct of this election, and the form of the ballot insofar as is
6 practicable shall be substantially as that prescribed by section 115.395. In a presidential
7 preference primary, each voter shall be entitled to receive the ballot of one and only one
8 established political party, designated by the voter before receiving such voter's ballot.
9 Each voter who participates in a presidential preference primary shall be entitled to
10 vote on all questions and for any candidates submitted by political subdivisions and
11 special districts at the general municipal election. Each voter who does not wish to
12 participate in a presidential preference primary may vote on all questions and for any
13 candidates submitted by a political subdivision or special district at the general
14 municipal election.

115.773. After the count and canvass of the votes cast, the secretary of state shall
2 notify the state chair of each of the established political parties for whom a candidate
3 was listed of the number of votes recorded in that established political party's primary
4 that each candidate and uncommitted listing received.

115.776. The state party organization which is the state organization recognized by
2 the national organization of that established political party shall, **after the primary and**
3 before the national convention, conduct a series of caucuses culminating in congressional and
4 state conventions [~~for the purpose of nominating a candidate for the president of the United~~
5 ~~States~~]. Delegates to the national conventions shall be chosen at the congressional district
6 and state conventions pursuant to rules established by the political parties.

115.785. All costs of a presidential preference primary shall be paid by the state,
2 except that, pursuant to section 115.065, costs shall be shared proportionately by the
3 state and any political subdivisions and special districts holding an election on the same
4 day as any such primary. For any county with more than five hundred polling places,
5 the state shall assist in assuring adequate poll workers and equipment.

115.904. The voting procedures in sections 115.900 to 115.936 shall apply to:
2 (1) A general, special, **presidential preference**, or primary election for federal office;
3 (2) A general, special, or primary election for statewide or state legislative office or
4 state ballot measure; or

5 (3) Any election in which absentee voting is conducted pursuant to sections 115.275
6 to 115.304.

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