

SECOND REGULAR SESSION

# HOUSE BILL NO. 2387

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BANDERMAN.

4243H.03I

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal sections 115.123, 115.277, 115.279, 115.283, 115.351, 115.776, and 115.904, RSMo, and to enact in lieu thereof fifteen new sections relating to elections.

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

Section A. Sections 115.123, 115.277, 115.279, 115.283, 115.351, 115.776, and 115.904, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 115.123, 115.277, 115.279, 115.283, 115.351, 115.755, 115.758, 115.761, 115.765, 115.767, 115.770, 115.773, 115.776, 115.785, and 115.904, to read as follows:

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

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

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

- (1) Bond elections necessitated by fire, vandalism or natural disaster;
- (2) Elections for which ownership of real property is required by law for voting;
- (3) Special elections to fill vacancies and to decide tie votes or election contests; and

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 (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.

115.277. 1. A registered voter of this state may cast an absentee ballot in person at a  
2 location designated by the election authority for all candidates and issues for which such voter  
3 is eligible to vote at the polling place ~~[if such voter expects to be prevented from going to the~~  
4 ~~polls to vote on election day due to one of the reasons listed in subsection 3 of this section]~~  
5 **beginning the third Tuesday preceding the election.** A registered voter casting a ballot  
6 under the provisions of this subsection shall provide a form of personal photo identification  
7 that is consistent with subsection 1 of section 115.427. ~~[Beginning on the second Tuesday~~  
8 ~~prior to an election, a reason listed under subsection 3 of this section shall not be required,~~  
9 ~~provided that, the provisions of section 1.140 to the contrary notwithstanding, this sentence~~  
10 ~~and section 115.427 shall be nonseverable, and if any provision of section 115.427 is for any~~  
11 ~~reason held to be invalid, such decision shall invalidate this sentence.]~~

12 2. Except as provided in subsections 4, 5, and 6 of this section, a registered voter of  
13 this state may cast an absentee ballot not in person at a location designated by the election  
14 authority for all candidates and issues for which such voter would be eligible to vote at the  
15 polling place if such voter expects to be prevented from going to the polls to vote on election  
16 day due to one of the reasons listed in subsection 3 of this section. An absentee ballot that is  
17 not requested and completed in person at the office of the election authority with a form of  
18 personal photo identification that is consistent with subsection 1 of section 115.427 shall have  
19 the statement on the ballot envelope notarized as required under section 115.283, except that  
20 absentee ballots requested under subdivisions (2) and (5) of subsection 3 of this section shall  
21 not require notarization. This subsection shall apply only in the case of absentee ballots that  
22 are not cast in person.

23 3. A voter may request an absentee ballot **not in person** for any of the following  
24 reasons:

25 (1) Absence on election day from the jurisdiction of the election authority in which  
26 such voter is registered to vote;

27 (2) Incapacity or confinement due to illness or physical disability on election day,  
28 including a person who is primarily responsible for the physical care of a person who is  
29 incapacitated or confined due to illness or disability and resides at the same address;

30 (3) Religious belief or practice;

31 (4) Employment as:

32 (a) An election authority, as a member of an election authority, or by an election  
33 authority at a location other than such voter's polling place;

34 (b) A first responder;

35 (c) A health care worker; or

36 (d) A member of law enforcement;

37 (5) Incarceration, provided all qualifications for voting are retained;

38 (6) Certified participation in the address confidentiality program established under  
39 sections 589.660 to 589.681 because of safety concerns.

40 4. Any covered voter who is eligible to register and vote in this state may vote in any  
41 election for federal office, statewide office, state legislative office, or statewide ballot  
42 initiatives by submitting a federal postcard application to apply to vote by absentee ballot or  
43 by submitting a federal postcard application at the polling place even though the person is not  
44 registered. A federal postcard application submitted by a covered voter pursuant to this  
45 subsection shall also serve as a voter registration application under section 115.908 and the  
46 election authority shall, if satisfied that the applicant is entitled to register, place the voter's  
47 name on the voter registration file. Each covered voter may vote by absentee ballot or, upon  
48 submitting an affidavit that the person is qualified to vote in the election, may vote at the  
49 person's polling place.

50 5. Any interstate former resident may vote by absentee ballot for presidential and vice  
51 presidential electors.

52 6. Any new resident may vote by absentee ballot for presidential and vice presidential  
53 electors after registering to vote in such resident's new jurisdiction of residence.

115.279. 1. Application for an absentee ballot may be made by the applicant in  
2 person, or by mail, or for the applicant, in person, by his or her guardian or a relative within  
3 the second degree by consanguinity or affinity. The election authority shall accept  
4 applications by facsimile transmission and by electronic mail within the limits of its  
5 telecommunications capacity.

6 2. Notwithstanding section 115.284, no individual, group, or party shall solicit a voter  
7 into obtaining an absentee ballot application. Absentee ballot applications shall not have the  
8 information prefilled prior to [it] being provided to a voter. Nothing in this section shall be  
9 interpreted to prohibit a state or local election authority from assisting an individual voter.

10 3. Each application shall be made to the election authority of the jurisdiction in which  
11 the person is or would be registered. Each application shall be in writing and shall state the  
12 applicant's name, address at which he or she is or would be registered, his or her reason for  
13 voting an absentee ballot, the address to which the ballot is to be mailed, if mailing is  
14 requested, and for absent uniformed services and overseas applicants, the applicant's email

15 address if electronic transmission is requested. If ~~[the reason for]~~ the applicant **is** voting  
16 absentee ~~[is]~~ **not in person** due to the reasons established under subdivision (6) of subsection  
17 3 of section 115.277, the applicant shall state the voter's identification information provided  
18 by the address confidentiality program in lieu of the applicant's name, address at which he or  
19 she is or would be registered, and address to which the ballot is to be mailed, if mailing is  
20 requested. Each application to vote in a primary election shall also state which ballot the  
21 applicant wishes to receive. If any application fails to designate a ballot, the election  
22 authority shall, within three working days after receiving the application, notify the applicant  
23 by mail that it will be unable to deliver an absentee ballot until the applicant designates which  
24 political party ballot he or she wishes to receive. If the applicant does not respond to the  
25 request for political party designation, the election authority is authorized to provide the voter  
26 with that part of the ballot for which no political party designation is required.

27 4. All applications ~~[for]~~ **to cast an** absentee ~~[ballots]~~ **ballot not in person** received  
28 prior to the sixth Tuesday before an election shall be stored at the office of the election  
29 authority until such time as the applications are processed in accordance with section 115.281.  
30 No application for an absentee ballot received in the office of the election authority by mail,  
31 by facsimile transmission, by electronic mail, or by a guardian or relative after 5:00 p.m. on  
32 the second Wednesday immediately prior to the election shall be accepted by any election  
33 authority. No application for an absentee ballot submitted by the applicant in person after  
34 5:00 p.m. on the day before the election shall be accepted by any election authority, except as  
35 provided in subsections 7, 8, and 9 of this section.

36 5. Each application for an absentee ballot shall be signed by the applicant or, if the  
37 application is made by a guardian or relative pursuant to this section, the application shall be  
38 signed by the guardian or relative, who shall note on the application his or her relationship to  
39 the applicant. If an applicant, guardian or relative is blind, unable to read or write the English  
40 language or physically incapable of signing the application, he or she shall sign by mark,  
41 witnessed by the signature of an election official or person of his or her own choosing. Any  
42 person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall  
43 be guilty of a class one election offense.

44 6. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri  
45 who resides outside the boundaries of the United States or who is on active duty with the  
46 Armed Forces of the United States or members of their immediate family living with them  
47 may request an absentee ballot for both the primary and subsequent general election with one  
48 application.

49 (2) The election authority shall provide each absent uniformed services voter and  
50 each overseas voter who submits a voter registration application or an absentee ballot request,  
51 if the election authority rejects the application or request, with the reasons for the rejection.

52 (3) Notwithstanding any other law to the contrary, if a standard oath regarding  
53 material misstatements of fact is adopted for uniformed and overseas voters pursuant to the  
54 Help America Vote Act of 2002, the election authority shall accept such oath for voter  
55 registration, absentee ballot, or other election-related materials.

56 (4) Not later than sixty days after the date of each regularly scheduled general  
57 election for federal office, each election authority which administered the election shall  
58 submit to the secretary of state in a format prescribed by the secretary a report on the  
59 combined number of absentee ballots transmitted to, and returned by, absent uniformed  
60 services voters and overseas voters for the election. The secretary shall submit to the Election  
61 Assistance Commission a combined report of such information not later than ninety days after  
62 the date of each regularly scheduled general election for federal office and in a standardized  
63 format developed by the commission pursuant to the Help America Vote Act of 2002. The  
64 secretary shall make the report available to the general public.

65 (5) As used in this section, the terms "absent uniformed services voter" and "overseas  
66 voter" shall have the meaning prescribed in 52 U.S.C. Section 20310.

67 7. An application for an absentee ballot by a new resident shall be submitted in person  
68 by the applicant in the office of the election authority in the election jurisdiction in which  
69 such applicant resides. The application shall be received by the election authority no later  
70 than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit,  
71 executed in duplicate in the presence of the election authority or any authorized officer of the  
72 election authority, and in substantially the following form:

73 "STATE OF \_\_\_\_\_

74 COUNTY OF \_\_\_\_\_, ss.

75 I, \_\_\_\_\_, do solemnly swear that:

76 (1) Before becoming a resident of this state, I resided at \_\_\_\_\_  
77 (residence address) in \_\_\_\_\_ (town, township, village or city) of  
78 \_\_\_\_\_ County in the state of \_\_\_\_\_;

79 (2) I moved to this state after the last day to register to vote in such  
80 general presidential election and I am now residing in the county  
81 of \_\_\_\_\_, state of Missouri;

82 (3) I believe I am entitled pursuant to the laws of this state to vote in  
83 the presidential election to be held November \_\_\_\_\_, \_\_\_\_\_  
84 (year);

85 (4) I hereby make application for a presidential and vice presidential  
86 ballot. I have not voted and shall not vote other than by this ballot  
87 at such election.

88 Signed \_\_\_\_\_

89 (Applicant)

90 \_\_\_\_\_

91 (Residence Address)

92 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,

93 Signed \_\_\_\_\_

94 (Title and name of officer authorized to administer oaths)"

95 8. The election authority in whose office an application is filed pursuant to subsection  
96 7 of this section shall immediately send a duplicate of such application to the appropriate  
97 official of the state in which the new resident applicant last resided and shall file the original  
98 of such application in its office.

99 9. An application for an absentee ballot by an interstate former resident shall be  
100 received in the office of the election authority where the applicant was formerly registered by  
101 5:00 p.m. on the second Wednesday immediately prior to the election, unless the application  
102 is made in person by the applicant in the office of the election authority, in which case such  
103 application shall be made no later than 7:00 p.m. on the day of the election.

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state  
2 the voter's name, the voter's voting address, the voter's mailing address and the voter's reason  
3 for voting an absentee ballot, **if voting absentee not in person**. If the reason for the voter  
4 voting absentee **not in person** is due to the reasons established under subdivision (6) of  
5 subsection 3 of section 115.277, the voter shall state the voter's identification information  
6 provided by the address confidentiality program in lieu of the applicant's name, voting  
7 address, and mailing address. On the form, the voter shall also state under penalties of  
8 perjury that the voter is qualified to vote in the election, that the voter has not previously  
9 voted and will not vote again in the election, that the voter has personally marked the voter's  
10 ballot in secret or supervised the marking of the voter's ballot if the voter is unable to mark it,  
11 that the ballot has been placed in the ballot envelope and sealed by the voter or under the  
12 voter's supervision if the voter is unable to seal it, and that all information contained in the  
13 statement is true. In addition, any person providing assistance to the absentee voter shall  
14 include a statement on the envelope identifying the person providing assistance under  
15 penalties of perjury. Persons authorized to vote only for federal and statewide officers shall  
16 also state their former Missouri residence.

17 2. The statement for persons voting absentee ballots who are registered voters shall be  
18 in substantially the following form:

19 State of Missouri

20 County (City) of \_\_\_\_\_

I, \_\_\_\_\_ (print name), a registered voter of \_\_\_\_\_ County (City of St. Louis, Kansas City), declare under the penalties of perjury that I am voting in person at a location designated by the local election authority or I expect to be prevented from going to the polls on election day due to (check one):

\_\_\_\_\_ absence on election day from the jurisdiction of the election authority in which I am registered;

\_\_\_\_\_ incapacity or confinement due to illness or physical disability on election day, including caring for a person who is incapacitated or confined due to illness or disability and resides at the same address;

\_\_\_\_\_ religious belief or practice;

\_\_\_\_\_ employment as an election authority, by an election authority at a location other than my polling place, as a first responder, as a health care worker, or as a member of law enforcement;

\_\_\_\_\_ incarceration, although I have retained all the necessary qualifications for voting;

\_\_\_\_\_ certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns.

I hereby state under penalties of perjury that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

\_\_\_\_\_  
Signature of Voter

Signed \_\_\_\_\_

Signed \_\_\_\_\_

\_\_\_\_\_  
Signature of Person

Assisting Voter

(if applicable)

Subscribed and sworn

to before me this

56 \_\_\_\_\_ day of \_\_\_\_\_  
 57 Address of Voter \_\_\_\_\_,  
 58 \_\_\_\_\_  
 59 \_\_\_\_\_  
 60 \_\_\_\_\_  
 61 \_\_\_\_\_  
 62 Mailing Addresses Signature of notary or  
 63 (if different) other officer  
 64 authorized to  
 65 administer oaths

66 3. The statement for persons voting absentee ballots pursuant to the provisions of  
 67 subsection 4, 5, or 6 of section 115.277 without being registered shall be in substantially the  
 68 following form:

69 State of Missouri  
 70 County (City) of \_\_\_\_\_

71 I, \_\_\_\_\_ (print name), declare under the penalties of perjury that I am  
 72 a citizen of the United States and eighteen years of age or older. I am  
 73 not adjudged incapacitated by any court of law, and if I have been  
 74 convicted of a felony or of a misdemeanor connected with the right of  
 75 suffrage, I have had the voting disabilities resulting from such  
 76 conviction removed pursuant to law. I hereby state under penalties of  
 77 perjury that I am qualified to vote at this election.

78 I am an interstate former resident of Missouri and authorized to vote  
 79 for presidential and vice presidential electors.

80 I further state under penalties of perjury that I have not voted and will  
 81 not vote other than by this ballot at this election; I marked the enclosed  
 82 ballot in secret or am blind, unable to read or write English, or  
 83 physically incapable of marking the ballot, and the person of my  
 84 choosing indicated below marked the ballot at my direction; all of the  
 85 information on this statement is, to the best of my knowledge and  
 86 belief, true.

87 \_\_\_\_\_ Subscribed to and  
 88 Signature of Voter sworn before me this  
 89 \_\_\_\_\_ day of  
 90 \_\_\_\_\_,  
 91 \_\_\_\_\_

92

93

\_\_\_\_\_  
Address of Voter

94

95

96

97

98

\_\_\_\_\_  
Mailing Address (if different)

99

100

101

\_\_\_\_\_  
Signature of Person

102

Assisting Voter

103

\_\_\_\_\_  
Signature of notary or  
other officer  
authorized to  
administer oaths\_\_\_\_\_  
Address of Last  
Missouri Residence  
(if applicable)

104

105

106

4. The statement for persons voting absentee ballots who are entitled to vote at the election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially the following form:

107

State of Missouri

108

County (City) of \_\_\_\_\_

109

I, \_\_\_\_\_ (print name), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

112

\_\_\_\_\_ absence on election day from the jurisdiction of the election authority in which I am directed to vote;

113

114

\_\_\_\_\_ incapacity or confinement due to illness or physical disability on election day, including caring for a person who is incapacitated or confined due to illness or disability and resides at the same address;

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\_\_\_\_\_ religious belief or practice;

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119

\_\_\_\_\_ employment as an election authority, by an election authority at a location other than my polling place, as a first responder, as a health care worker, or as a member of law enforcement;

120

121

122

\_\_\_\_\_ incarceration, although I have retained all the necessary qualifications of voting;

123

124

\_\_\_\_\_ certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns.

125

126

I hereby state under penalties of perjury that I own property in the \_\_\_\_\_  
 \_\_\_\_\_ district and am qualified to vote at this election; I have not voted  
 and will not vote other than by this ballot at this election. I further state  
 that I marked the enclosed ballot in secret or that I am blind, unable to  
 read and write English, or physically incapable of marking the ballot,  
 and the person of my choosing indicated below marked the ballot at my  
 direction; all of the information on this statement is, to the best of my  
 knowledge and belief, true.

\_\_\_\_\_  
 Signature of Voter

Subscribed and sworn  
 to before me this  
 \_\_\_\_\_ day of  
 \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 Signature of notary or  
 other officer  
 authorized to  
 administer oaths

\_\_\_\_\_  
 Signature of Person

Assisting Voter  
 (if applicable)

5. The statement for persons providing assistance to absentee voters shall be in  
 substantially the following form:

The voter needed assistance in marking the ballot and signing above,  
 because of blindness, other physical disability, or inability to read or to  
~~read~~ **write** English. I marked the ballot enclosed in this envelope at  
 the voter's direction, when I was alone with the voter, and I had no  
 other communication with the voter as to how he or she was to vote.  
 The voter swore or affirmed the voter affidavit above and I then signed  
 the voter's name and completed the other voter information above.  
 Signed under the penalties of perjury.

Reason why voter needed assistance: \_\_\_\_\_

ASSISTING PERSON SIGN HERE

1. \_\_\_\_\_ (signature of assisting person)
2. \_\_\_\_\_ (assisting person's name printed)

163 3. \_\_\_\_\_ (assisting person's residence)

164 4. \_\_\_\_\_ (assisting person's home city or town).

165 6. Notwithstanding any other provision of this section, any covered voter as defined  
166 in section 115.902 or persons who have declared themselves to be permanently disabled  
167 pursuant to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary  
168 seal or signature on his or her absentee ballot.

169 7. Notwithstanding any other provision of this section or section 115.291 to the  
170 contrary, the subscription, signature and seal of a notary or other officer authorized to  
171 administer oaths shall not be required on any ballot, ballot envelope, or statement required by  
172 this section if the reason for the voter voting absentee is due to the reasons established  
173 pursuant to subdivision (2) of subsection 3 of section 115.277.

174 8. No notary shall charge or collect a fee for notarizing the signature on any absentee  
175 ballot or absentee voter registration.

176 9. A notary public who charges more than the maximum fee specified or who charges  
177 or collects a fee for notarizing the signature on any absentee ballot or absentee voter  
178 registration is guilty of official misconduct.

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 for or appearing on any ballot as a party candidate**  
9 **for 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 first**  
2 **Tuesday 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 political party shall include the names of all constitutionally qualified candidates for whom, on or after 8:00 a.m. on the fifteenth Tuesday prior to the presidential primary, and on or before 5:00 p.m. on the eleventh Tuesday prior to the presidential primary, a written request to be included on the presidential primary ballot is filed with the secretary of state along with:

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

(2) A written statement, sworn to before an officer authorized by law to administer oaths, that the candidate is unable to pay the filing fee and does not have funds in a campaign fund or committee to pay the filing fee and a petition signed by not less than five thousand registered Missouri voters, as determined by the secretary of state, that the candidate's name be placed on the ballot of the specified established political party for the presidential preference primary. The request to be included on the presidential primary ballot shall include each signer's printed name, registered address, and signature and shall be in substantially the following form:

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

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

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

4. The filing times set out in this section shall apply only to presidential 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 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.

2 **115.785. All costs of a presidential preference primary shall be paid by the state,**  
3 **except that pursuant to section 115.065, costs shall be shared proportionately by the**  
4 **state and any political subdivisions and special districts holding an election on the same**  
5 **day as any such primary.**

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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