

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NOS. 2387 & 2480

103RD GENERAL ASSEMBLY

4243H.04P

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To repeal sections 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.

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

Section A. Sections 115.123, 115.351, 115.776, and 115.904, RSMo, are repealed and  
2 thirteen new sections enacted in lieu thereof, to be known as sections 115.123, 115.351,  
3 115.755, 115.758, 115.761, 115.765, 115.767, 115.770, 115.773, 115.776, 115.785, 115.789,  
4 and 115.904, to read as follows:

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

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.

115.351. 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**  
2 **political party shall include the names of all constitutionally qualified candidates for**  
3 **whom, on or after 8:00 a.m. on the fifteenth Tuesday prior to the presidential primary,**  
4 **and on or before 5:00 p.m. on the eleventh Tuesday prior to the presidential primary, a**  
5 **written request to be included on the presidential primary ballot is filed with the**  
6 **secretary of state along with:**

7 (1) **Receipt of payment of a filing fee to the state committee of the established**  
8 **political party on whose ballot the candidate wishes to appear. The amount of the filing**  
9 **fee may be set by the state committee of the political party, provided that a filing shall be**  
10 **collected; or**

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

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

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

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

35           **4. The filing times set out in this section shall apply only to presidential**  
36 **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 that 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.

115.789. 1. The results of Missouri's presidential preference primary shall be  
2 binding for the purpose of allocating and directing the votes of all delegates and  
3 alternate delegates representing this state at any national political party convention for  
4 the nomination of candidates for President and Vice President of the United States.

2. Each political party conducting a caucus, convention, or other delegate  
6 selection process within this state shall allocate delegates in proportion to the certified

7 statewide and congressional district results of the presidential preference primary,  
8 except where national party rules require an alternative allocation method, in which  
9 case the allocation shall conform as nearly as practicable to the primary results.

10 3. No person shall serve as a delegate or alternate delegate to a national political  
11 convention unless such person files a written pledge with the secretary of state affirming  
12 that he or she will vote for the candidate to whom the delegate is bound under the  
13 primary results for at least the first ballot, and thereafter until released in accordance  
14 with national party rules.

15 4. A delegate who fails to execute the required pledge, or who votes in violation  
16 of such pledge, shall be deemed to have resigned immediately. The alternate delegate  
17 pledged to the same candidate shall fill the vacancy.

18 5. This section is enacted pursuant to the authority granted to the states under  
19 Article II, Section 1 of the United States Constitution to prescribe the manner of  
20 appointing presidential electors. Any party rule inconsistent with this section shall have  
21 no force or effect within this state to the extent of the inconsistency.

22 6. The secretary of state shall certify the results of the presidential preference  
23 primary and may promulgate rules as necessary to implement the provisions of this  
24 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
25 created under the authority delegated in this section shall become effective only if it  
26 complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
27 section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
28 vested with the general assembly pursuant to chapter 536 to review, to delay the  
29 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,  
30 then the grant of rulemaking authority and any rule proposed or adopted after August  
31 28, 2026, shall be invalid and void.

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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