

SECOND REGULAR SESSION

HOUSE BILL NO. 2480

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VEIT.

6117H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 115.123, 115.277, 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Section A. Sections 115.123, 115.277, 115.351, 115.776, and 115.904, RSMo, are 2 repealed and thirteen new sections enacted in lieu thereof, to be known as sections 115.123, 3 115.277, 115.351, 115.755, 115.758, 115.761, 115.765, 115.767, 115.770,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:

115.123. 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.

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

[4.] 5. Nothing in this section shall prohibit elections held pursuant to section 65.600, 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. A
5 registered voter casting a ballot under the provisions of this subsection shall provide a form of
6 personal photo identification that is consistent with subsection 1 of section 115.427.
7 Beginning on the ~~second~~ **third** Tuesday prior to an election, a reason listed under subsection
8 3 of this section shall not be required, provided that, the provisions of section 1.140 to the
9 contrary notwithstanding, this sentence and section 115.427 shall be nonseverable, and if any
10 provision of section 115.427 is for any reason held to be invalid, such decision shall
11 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.

3. A voter may request an absentee ballot for any of the following reasons:

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

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

29 (3) Religious belief or practice;

30 (4) Employment as:

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

33 (b) A first responder;

34 (c) A health care worker; or

35 (d) A member of law enforcement;

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

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

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

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

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

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

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