

FIRST REGULAR SESSION

# SENATE BILL NO. 409

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS NODLER AND SCOTT.

Read 1st time January 31, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1727S.011

## AN ACT

To repeal sections 115.321 and 115.329, RSMo, and to enact in lieu thereof two new sections relating to independent candidates in general elections.

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

Section A. Sections 115.321 and 115.329, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 115.321 and 115.329, to  
3 read as follows:

115.321. 1. **Any person desiring to be an independent candidate**  
2 **in a general election for any office to be filled by voters throughout the**  
3 **state, or for any congressional district, state senate district, state**  
4 **representative district, or circuit judge district shall file a written**  
5 **declaration of intent to be an independent candidate with the secretary**  
6 **of state not later than 5:00 p.m. on the last Tuesday in March**  
7 **immediately preceding the general election in which the person intends**  
8 **to be an independent candidate.**

9 2. Any person desiring to be an independent candidate for any office to be  
10 filled by voters throughout the state, or for any congressional district, state  
11 senate district, state representative district, or circuit judge district, shall file a  
12 petition with the secretary of state. Any person desiring to be an independent  
13 candidate for any county office shall file a petition with the election authority of  
14 the county.

15 [2.] 3. Each page or a sheet attached to each page of each petition for the  
16 nomination of an independent candidate shall:

- 17 (1) Declare concisely the intention to nominate an independent candidate;  
18 (2) State the name and address, including street and number, of the

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 independent candidate. If independent candidates for presidential elector are to  
20 be nominated, a number of independent candidates for presidential elector equal  
21 to the number of electors to which the state is entitled shall be nominated by one  
22 petition, and the name of their candidate for president and the name of their  
23 candidate for vice president shall be printed on each page or a sheet attached to  
24 each page of the petition. At least one qualified resident of each congressional  
25 district shall be named as a nominee for presidential elector, and the name and  
26 address of each candidate shall be printed on each page or a sheet attached to  
27 each page of the petition. The names of the candidates for president and vice  
28 president shall not be printed on the official ballot without the written consent  
29 of such persons. Their written consent shall accompany and be deemed part of  
30 the petition;

31 (3) State the office for which candidate is to be nominated.

32 [3.] 4. If an independent candidate is to be nominated for a statewide  
33 office, the petition shall be signed by at least ten thousand registered voters of  
34 the state.

35 [4.] 5. If the independent candidate is to be nominated for a district or  
36 county office, the petition shall be signed by the number of registered voters in  
37 the district or county which is equal to at least two percent of the total number  
38 of voters who voted at the last election for candidates for the office being sought  
39 or is equal to ten thousand voters, whichever is less.

40 [5.] 6. The name of each person who files a valid petition for nomination  
41 as an independent candidate shall be placed on the official ballot as an  
42 independent candidate for the office at the next general election or the special  
43 election if the petition nominates a candidate to fill a vacancy which is to be filled  
44 at a special election. If presidential electors are nominated by the petition, the  
45 names of the candidates for elector shall not be placed on the official ballot, but  
46 the name of their candidate for president and the name of their candidate for vice  
47 president shall be placed on the official ballot at the next presidential election.

115.329. 1. **The secretary of state shall not accept for filing any  
2 petition for the nomination of an independent candidate for a general  
3 election unless the candidate has filed a written declaration of intent  
4 to be an independent candidate under subsection 1 of section 115.321.**

5 2. The secretary of state or any election authority shall not accept for  
6 filing any petition for the formation of a new party or for the nomination of an  
7 independent candidate which is submitted prior to 8:00 a.m. on the day

8 immediately following the general election next preceding the general election for  
9 which the petition is submitted or which is submitted after 5:00 p.m. on the  
10 fifteenth Monday immediately preceding the general election for which the  
11 petition is submitted.

12 [2.] 3. When a special election to fill a vacancy is called, neither the  
13 secretary of state nor any election authority shall accept for filing any petition for  
14 the formation of a new party or for the nomination of an independent candidate  
15 which is submitted after 5:00 p.m. on the day which is midway between the day  
16 the election is called and the election day.

Unofficial ✓

Bill

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