

SECOND REGULAR SESSION

# SENATE BILL NO. 1114

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR SINGLETON.

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TERRY L. SPIELER, Secretary.

## AN ACT

To repeal sections 26.220, 26.225, 115.237, 115.239, 115.307, 115.515 and 115.517, RSMo, relating to the joint election of governor and lieutenant governor, and to enact in lieu thereof ten new sections relating to the same subject, with a contingent effective date.

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

Section A. Sections 26.220, 26.225, 115.237, 115.239, 115.307, 115.515 and 115.517, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 26.220, 26.225, 115.237, 115.239, 115.307, 115.515, 115.517, 115.800, 115.803 and 115.805, to read as follows:

26.220. The transition period shall begin on the fifteenth day of November following the election of a governor [or] **and** lieutenant governor who [is not an incumbent] **are not incumbents** and shall end when that governor-elect [or] **and** lieutenant governor-elect [has] **have** taken the oath of office.

26.225. 1. The commissioner of administration shall provide office space and equipment for the governor-elect and the lieutenant governor-elect and their staff during the transition period. The facilities provided shall be located at the seat of government and shall be suitable for the purpose and capable of adequately housing the transition staff of the governor-elect and the lieutenant governor-elect. [The facilities provided for the staffs of the governor-elect and the

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

lieutenant governor-elect shall be separate facilities.]

2. The commissioner of administration shall furnish the transition facilities with adequate telephone service, office furniture and office machines including but not limited to typewriters, adding machines and duplicating equipment.

3. The transition period office space may be located in state-owned buildings or in leased property. All salaries, expenses, rentals and equipment purchase and repairs shall be made only from funds appropriated for the purpose of these transitions.

115.237. 1. Each ballot printed for any election under the provisions of sections 115.001 to 115.641 shall contain all questions and the names of all offices and candidates certified or filed pursuant to sections 115.001 to 115.641 and no other. As far as practicable, all questions and the names of all offices and candidates for which each voter is entitled to vote shall be printed on one page except for the ballot for political party committee persons in polling places not utilizing an electronic voting system which may be printed separately and in conformity with the requirements contained in this section. As far as practicable, ballots containing only questions and the names of nonpartisan offices and candidates shall be printed in accordance with the provisions of this section, except that the ballot information may be listed in vertical or horizontal rows. The names of candidates for each office shall be listed in the order in which they are filed.

2. Each ballot shall be plain paper, through which printing or writing cannot be read, and shall have:

- (1) Each party name printed in capital letters not less than eighteen point in size;
- (2) A circle one-half inch in diameter immediately below each party name;
- (3) The name of each office printed in capital letters not less than eight point in size;
- (4) The name of each candidate printed in capital letters not less than ten point in size;
- (5) A small square, the sides of which shall not be less than one-fourth inch in length, printed directly to the left of each candidate's name and on the same line as the candidate's name. When write-in votes are authorized and no candidate's name is to be printed under the name of an office in a party or nonpartisan column, under the name of the office in the column shall be printed a square. Directly to the right of the square shall be printed a horizontal line on which the voter may vote for a person whose name does not appear on the ballot. When more than one position is to be filled for an office, and the number of candidates' names under the office in a column is less than the number of positions to be filled, the number of squares and write-in lines printed in the column shall equal the difference between the number of candidates' names and the number of positions to be filled;
- (6) The list of candidates of each party and all nonpartisan candidates placed in separate columns with a heavy vertical line between each list;

(7) A horizontal line extending across the ballot three-eighths of an inch below the last name or write-in line under each office in such a manner that the names of all candidates and all write-in lines for the same office appear between the same horizontal lines. If write-in votes are not authorized, the horizontal line shall extend across the ballot three-eighths of an inch below the name of the last candidate under each office;

(8) In a separate column or beneath a heavy horizontal line under all names and write-in lines, all questions;

(9) At least three-eighths of an inch below all other matter on the ballot, printed in ten point Gothic type, the words "Instructions to Voters" followed by directions to the voter on marking his ballot as provided in section 115.439;

(10) Printed at the top on the face of the ballot the words "Official Ballot" followed by the date of the election and the statement "Instruction to Voters: Place an X in the square opposite the name of the person for whom you wish to vote."

3. As nearly as practicable, each ballot shall be in substantially the following form:

OFFICIAL BALLOT

DATE .....

REPUBLICAN <b>F</b> For President and Vice President G.....	DEMOCRATIC <b>F</b> For President and Vice President G.....	THIRD PARTY <b>F</b> For President and Vice President G.....	INDEPENDENT <b>F</b> For President and Vice President G.....
For United States Senator G.....	For United States Senator G.....	For United States Senator G.....	For United States Senator G.....
For Governor <b>and</b> <b>Lieutenant</b> <b>Governor</b> G.....	For Governor <b>and</b> <b>Lieutenant</b> <b>Governor</b> G.....	For Governor <b>and</b> <b>Lieutenant</b> <b>Governor</b> G.....	For Governor <b>and</b> <b>Lieutenant</b> <b>Governor</b> G.....
[For Lieutenant Governor G.....	For Lieutenant Governor G.....	For Lieutenant Governor G.....	For Lieutenant Governor G.....]
For Secretary of State G.....	For Secretary of State G.....	For Secretary of State G.....	For Secretary of State G.....
For Treasurer G.....	For Treasurer G.....	For Treasurer G.....	For Treasurer G.....
For Attorney General G.....	For Attorney General G.....	For Attorney General G.....	For Attorney General G.....

For United States Representative G.....	For United States Representative G.....	For United States Representative G.....	For United States Representative G.....
For State Senator G.....	For State Senator G.....	For State Senator G.....	For State Senator G.....
For State Representative G.....	For State Representative G.....	For State Representative G.....	For State Representative G.....
For Circuit Judge G.....	For Circuit Judge G.....	For Circuit Judge G.....	For Circuit Judge G.....

115.239. 1. The party casting the highest number of votes for governor **and lieutenant governor** at the last gubernatorial election shall be placed in the first or left-hand column on the ballot. The party casting the next highest number of votes for the same office shall be placed in the next column to the right, and so on until all established parties have been placed. In order of the date their petitions were filed, new parties shall then be placed in columns to the right of the established party receiving the smallest vote for governor. If there is no more than one independent candidate for any office, all independent candidates shall be placed in one column to the right of the new party filing the latest petition. If there is more than one independent candidate for any office, the candidate filing the earliest petition shall be placed in the column to the right of the new party filing the latest petition. The independent candidate filing the next earliest petition shall be placed in the next column to the right, and so on until all independent candidates for the office have been placed.

2. The name of each candidate shall be placed in the appropriate column by the election authority.

115.307. Political parties and groups of voters may nominate candidates in the manner provided by this subchapter and in no other manner, **except as provided in sections 115.800 to 115.805.**

115.515. 1. If two or more persons receive an equal number of votes for nomination as a party's candidate for any federal office, governor, [lieutenant governor,] secretary of state, attorney general, state treasurer, state auditor, circuit judge not subject to the provisions of article V, section 29 of the state constitution, state senator or state representative, and a higher number of votes than any other candidate for the same office on the same party ballot, the governor shall, immediately after the results of the election have been announced, issue a proclamation stating the fact and ordering a special primary election to determine the party's nominee for the office. The proclamation shall set the date of the election, which shall be not less than fourteen or more than thirty days after the proclamation is issued, and shall be sent by the governor to each election authority responsible for conducting the special primary election. In his proclamation, the governor shall specify the name of each candidate for the office to be voted

on at the election, and the special primary election shall be conducted and the votes counted as in other primary elections.

2. If two or more persons receive an equal number of votes for nomination as a party's candidate for any other office, except party committeeman or committeewoman, and a higher number of votes than any other candidate for the same office on the same party ballot, the officer with whom such candidates filed their declarations of candidacy shall, immediately after the results of the election have been certified, issue a proclamation stating the fact and ordering a special primary election to determine the party's nominee for the office. The proclamation shall set the date of the election, which shall be not less than fourteen or more than thirty days after the proclamation is issued, and shall be sent by the officer to each election authority responsible for conducting the special primary election. In his proclamation, the officer shall specify the name of each candidate for the office to be voted on at the election, and the special primary election shall be conducted and the votes counted as in other primary elections.

3. As an alternative to the procedure prescribed in subsections 1 and 2 of this section, if the candidates who received an equal number of votes in such election agree to the procedure prescribed in this subsection, the officer with whom such candidates filed their declarations of candidacy may, after notification of the time and place of such drawing given to each such candidate at least five days before such drawing, determine the winner of such election by lot. Any candidate who received an equal number of votes may decline to have his name put into such drawing.

115.517. 1. If two or more persons receive an equal number of votes for election to the office of governor[,] **and** lieutenant governor, secretary of state, state auditor, state treasurer or attorney general, and a higher number of votes than any other candidate for the same office, the secretary of state shall, immediately after the results of the election have been announced, issue a proclamation stating the fact, and the general assembly shall, by joint vote and without delay at its next regular session, choose one of such persons for the office. The speaker of the house shall file a certificate declaring which person has been elected to the office with the secretary of state.

2. If two or more persons receive an equal number of votes for election to federal office, state senator, state representative or circuit judge not subject to the provisions of article V, section 25 of the state constitution, and a higher number of votes than any other candidate for the same office, the governor shall, immediately after the results of the election have been announced, issue a proclamation stating the fact and ordering a special election to determine which candidate is elected to the office. The proclamation shall set the date of the election and shall be sent by the governor to each election authority responsible for conducting the special election. In his proclamation, the governor shall specify the name of each candidate for the office to be voted on at the election, and the special election shall be conducted and the votes counted as in other

elections.

3. If two or more persons receive an equal number of votes for nomination or election to any office not otherwise provided for in section 115.515 or this section, and a higher number of votes than any other candidate for nomination or election to the same office, the officer with whom such candidates filed their declarations of candidacy shall, immediately after the results of the election have been certified, issue a proclamation stating the fact and ordering a special election to determine which candidate is elected to the office. The proclamation shall set the date of the election and shall be sent by the officer to each election authority responsible for conducting the special election. In his proclamation, the officer shall specify the name of each candidate for the office to be voted on at the election, and the special election shall be conducted and the votes counted as in other elections.

4. As an alternative to the procedure prescribed in subsections 1, 2, and 3 of this section, if the candidates who received an equal number of votes in such election agree to the procedure prescribed in this subsection, the officer with whom such candidates filed their declarations of candidacy may, after notification of the time and place of such drawing given to each such candidate at least five days before such drawing, determine the winner of such election by lot. Any candidate who received an equal number of votes may decline to have his name put into such drawing.

**115.800. Notwithstanding any provision of law to the contrary, the candidates for governor and lieutenant governor shall be nominated and elected jointly as provided in sections 115.803 and 115.805. All other provisions of this chapter that are consistent with sections 115.803 to 115.805 shall apply to the nomination and election of candidates for governor and lieutenant governor.**

**115.803. For purposes of sections 115.001 to 115.641, the candidates for governor and lieutenant governor from any political party or group of petitioners shall be considered one candidate in the general election. The names of the candidates for governor and lieutenant governor from each political party or group of petitioners shall be enclosed in a brace directly to the left of the names in the appropriate column of the official ballot. Directly to the left of each brace shall be printed one square, the sides of which are not less than one-fourth inch in length.**

**115.805. 1. There shall be no primary election for the position of lieutenant governor. Any qualified candidate for governor on the ballot for the general election shall choose a qualified person to be a candidate for lieutenant governor and to have said lieutenant governor candidate's name appear on the ballot with the gubernatorial candidate's name pursuant to section 115.803.**

**2. Each candidate for governor in the general election shall certify in writing the name of the person's running mate for lieutenant governor to the secretary of**

**state no later than the eleventh Tuesday prior to each general election. Any candidate for governor who fails to comply with the provisions of this subsection shall be deemed to have withdrawn as a candidate for governor as of the date said candidate fails to comply with this subsection.**

Section B. Section A of this act shall become effective only upon approval by the voters of an amendment to section 17 of Article IV, Constitution of Missouri, mandating the joint nomination and election of governor and lieutenant governor.

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