

FIRST REGULAR SESSION

SENATE BILL NO. 167

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUSSELL.

Pre-filed December 3, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0170S.02I

AN ACT

To repeal sections 115.531 and 115.575, RSMo, relating to election contests for the office of circuit or associate circuit judge, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Sections 115.531 and 115.575, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.531 and 115.575, to read as follows:

115.531. **1.** Not later than five days after the official announcement of the results of a primary election is issued by the election authority or the secretary of state, as the case may be, any candidate desiring to contest the primary election shall file a verified petition in the office of the clerk of the circuit court [of any circuit in which part of the election was held and in which any alleged irregularity occurred] **designated in subsection 2 or 3 of this section.** The contestant shall only be required to file one petition with the circuit court for each election contest regardless of the number of counties within the court's jurisdiction. The petition shall set forth the points on which the contestant wishes to contest the election and the facts the contestant will prove in support of such points, and shall pray leave to produce such proof. The judge of the court shall immediately note on the petition the date it was filed and shall immediately set a date, not later than five days after the petition is filed, for a preliminary hearing. If the petition is filed in vacation, the judge of the circuit court shall immediately convene the court in special session for the purpose of hearing the contest. If no regular judge of the court is available the supreme court shall immediately assign another judge. The circuit court in which the petition is filed shall have exclusive jurisdiction over all matters relating to the contest and may issue appropriate orders to all election authorities in the area in which the contested election was held.

2. If the office involved is that of circuit or associate circuit judge, not subject

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

to the provisions of article V, section 25 of the Missouri Constitution, the petition shall be filed and heard and determined by an adjoining circuit court selected by the contestant, as specified in section 115.575.1.

3. All other primary election contests shall be instituted by filing a petition in any circuit in which part of the election was held and in which any alleged irregularity occurred.

4. If a petition contesting a primary election is filed in an incorrect circuit, the court in which it is filed shall have jurisdiction to and shall promptly transfer said suit to the correct circuit court.

115.575. 1. **Notwithstanding any provision of this chapter to the contrary, all contested elections for the office of circuit or associate circuit judge not subject to the provisions of article V, section 25 of the state constitution, whether contested on the basis of qualification, irregularity or other cause, or for recount, and whether in a primary or general election, shall be filed in and heard and determined by an adjoining circuit court selected by the contestant.**

2. All contested elections on any office or question other than those provided for in sections 115.555, 115.563 and subsection 1 of this section shall be heard and determined by the circuit court of any circuit, selected by the contestant, in which all or any part of the election was held and in which any alleged irregularity occurred. The contestant shall only be required to file one petition with the circuit court for each election contest regardless of the number of counties within the court's jurisdiction.

3. If a petition contesting any election is filed in an incorrect circuit, the court in which it is filed shall have jurisdiction to and shall promptly transfer said suit to the correct circuit court.

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