

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 797

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Pre-filed December 1, 2007, and ordered printed.

Read 2nd time January 10, 2008, and referred to the Committee on Financial and Governmental Organizations and Elections.

Reported from the Committee March 6, 2008, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 31, 2008. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

3178S.01P

AN ACT

To repeal sections 115.315 and 115.327, RSMo, and to enact in lieu thereof two new sections relating to third party candidates.

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

Section A. Sections 115.315 and 115.327, RSMo, are repealed and two
2 new sections enacted in lieu thereof, to be known as sections 115.315 and
3 115.327, to read as follows:

115.315. 1. Sections 115.315 to 115.327 shall be known and may be cited
2 as the "Fair Ballot Access Act".

3 2. Any group of persons desiring to form a new political party throughout
4 the state, or for any congressional district, state senate district, state
5 representative district or circuit judge district, shall file a petition with the
6 secretary of state. Any group of persons desiring to form a new party for any
7 county shall file a petition with the election authority of the county.

8 3. Each page or a sheet attached to each page of each petition for the
9 formation of a new political party shall:

10 (1) Declare concisely the intention to form a new political party in the
11 state, district or county;

12 (2) State in not more than five words the name of the proposed party;

13 (3) [If presidential electors are to be nominated by petition, at least one

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

14 qualified resident of each congressional district shall be named as a nominee for
15 presidential elector. The number of candidates to be nominated shall equal the
16 number of electors to which the state is entitled, and the name of their candidate
17 for president and the name of their candidate for vice president shall be printed
18 on each page or a sheet attached to each page of the petition. The names of the
19 candidates for president and vice president may be added to the party name, but
20 the names of the candidates for president and vice president shall not be printed
21 on the official ballot without the written consent of such persons. Their written
22 consent shall accompany and be deemed part of the petition;

23 (4)] Give a complete list of the names and addresses, including the street
24 and number, of the chairman and treasurer of the party.

25 4. When submitted for filing, each petition shall contain the names and
26 addresses of two people, not candidates, to serve as provisional chairman and
27 treasurer for the party in the event the party becomes a new political party.

28 5. If the new party is to be formed for the entire state, which shall include
29 being formed for all districts and counties in which the party has nominations so
30 listed on its certified list of candidates required pursuant to section 115.327, then
31 this statewide petition shall be signed by at least ten thousand registered voters
32 of the state obtained at large.

33 6. If the new party is to be formed for any district or county, but not by
34 the statewide method set out in subsection 5 of this section, then the petition
35 shall be signed by the number of registered voters in the district or county which
36 is equal to at least two percent of the total number of voters who voted at the last
37 election for candidates for the office being sought or is equal to ten thousand
38 voters, whichever is less.

115.327. When submitted for filing, each petition for the nomination of an
2 independent candidate or for the formation of a new political party shall be
3 accompanied by a declaration of candidacy for each candidate to be nominated by
4 the petition or by the party, respectively. The party's duly authorized chairman
5 and treasurer shall also submit a certified complete list of the names and
6 addresses of all their candidates and the office for which each seeks. The party
7 shall nominate its candidates in the manner prescribed in the party's bylaws. **If
8 presidential electors are to be nominated, at least one qualified
9 resident of each congressional district shall be named as a nominee for
10 presidential elector. The number of candidates to be nominated shall
11 equal the number of electors to which the state is entitled. Each**

12 declaration of candidacy for the office of presidential elector shall be in the form
 13 provided in section 115.399. Each declaration of candidacy for an office other
 14 than presidential elector shall state the candidate's full name, residence address,
 15 office for which he proposes to be a candidate, the party, if any, upon whose ticket
 16 he is to be a candidate and that if nominated and elected he will qualify. Each
 17 such declaration shall be in substantially the following form:

18 I,, a resident and registered voter of the precinct of the
 19 town of or the precinct of the ward of the
 20 city of, or the precinct of township of the
 21 county of and the state of Missouri, do announce myself a candidate
 22 for the office of on the ticket, to be voted for at the general
 23 (special) election to be held on the day of, 20...., and I
 24 further declare that if nominated and elected I will qualify.

25	Subscribed and sworn to
26	Signature of candidate	before me this
27		day of, 20....
28
29	Residence address	Signature of election
30		official or officer
31		authorized to administer
32		oaths

33 Each such declaration shall be subscribed and sworn to by the candidate before
 34 the election official accepting the candidate's petition, a notary public or other
 35 officer authorized by law to administer oaths.

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