

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 773**  
96TH GENERAL ASSEMBLY

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Reported from the Committee on Financial and Governmental Organizations and Elections, February 15, 2012, with recommendation that the Senate Committee Substitute do pass.

5719S.03C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 115.345 and 115.349, RSMo, and to enact in lieu thereof two new sections relating to primary elections, with an emergency clause.

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

Section A. Sections 115.345 and 115.349, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 115.345 and 115.349, to  
3 read as follows:

115.345. 1. Not later than the third Monday in December immediately  
2 preceding the primary election, the secretary of state shall prepare and transmit  
3 to each election authority a notice, in writing, designating the offices for which  
4 candidates are to be nominated at the primary election.

5 2. Upon receipt of notice, the election authority shall publish the notice  
6 and the date by which candidates must file for such offices in a newspaper of  
7 general circulation in its jurisdiction.

8 **3. Notwithstanding the provisions of subsection 2 of this section**  
9 **to the contrary, for the primary occurring on August 7, 2012, the**  
10 **secretary of state shall publish the notice and the date by which**  
11 **candidates shall file required under subsection 2 of this section.**

115.349. 1. Except as otherwise provided in sections 115.361 to 115.383  
2 or sections 115.755 to 115.785, no candidate's name shall be printed on any  
3 official primary ballot unless the candidate has filed a written declaration of  
4 candidacy in the office of the appropriate election official by 5:00 p.m. on the last  
5 Tuesday in March immediately preceding the primary election.

6 2. No declaration of candidacy for nomination in a primary election shall  
7 be accepted for filing prior to 8:00 a.m. on the last Tuesday in February  
8 immediately preceding the primary election.

9           3. Each declaration of candidacy for nomination in a primary election  
 10 shall state the candidate's full name, residence address, office for which such  
 11 candidate proposes to be a candidate, the party ticket on which he or she wishes  
 12 to be a candidate and that if nominated and elected he or she will qualify. The  
 13 declaration shall be in substantially the following form:

14 I, ....., a resident and registered voter of the county of ..... and the  
 15 state of Missouri, residing at ....., do announce myself a candidate for the office  
 16 of ..... on the ..... party ticket, to be voted for at the primary election to be held  
 17 on the .... day of ....., ..., and I further declare that if nominated and elected to  
 18 such office I will qualify.

19 .....	Subscribed and sworn to
20 Signature of candidate	before me this .... day
21 .....	of ....., .....
22 .....	.....
23 Residence address	Signature of election
24 .....	official or other officer
25 .....	authorized to administer oaths
26 .....	
27 Mailing address (if different)	
28 .....	
29 Telephone Number (Optional)	

30 If the declaration is to be filed in person, it shall be subscribed and sworn to by  
 31 the candidate before an official authorized to accept his or her declaration of  
 32 candidacy. If the declaration is to be filed by certified mail pursuant to the  
 33 provisions of subsection 2 of section 115.355, it shall be subscribed and sworn to  
 34 by the candidate before a notary public or other officer authorized by law to  
 35 administer oaths.

36           **4. Notwithstanding subsections 1 and 2 of this section to the**  
 37 **contrary, the filing period for candidates to file a declaration of**  
 38 **candidacy under this section for the primary election to be held on**  
 39 **August 7, 2012, shall begin at 8:00 a.m. on March 27, 2012, and end at**  
 40 **5:00 p.m. on April 24, 2012.**

          Section B. Because of the need to ensure that candidates have adequate  
 2 notice of changing electoral district boundaries before filing declarations of  
 3 candidacy for public office, section A of this act is deemed necessary for the  
 4 immediate preservation of the public health, welfare, peace and safety, and is

5 hereby declared to be an emergency act within the meaning of the constitution,  
6 and section A of this act shall be in full force and effect upon its passage and  
7 approval.

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Unofficial

Bill

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