

SECOND REGULAR SESSION

SENATE BILL NO. 475

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAMPING.

Pre-filed December 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4438S.02I

AN ACT

To repeal sections 26.220, 26.225, 115.237, 115.239, 115.307, 115.515, and 115.517, RSMo, and to enact in lieu thereof ten new sections relating to the joint election of governor and lieutenant governor, 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Section A. Sections 26.220, 26.225, 115.237, 115.239, 115.307, 115.515, 2 and 115.517, RSMo, are repealed and ten new sections enacted in lieu thereof, to 3 be known as sections 26.220, 26.225, 115.237, 115.239, 115.307, 115.515, 115.517, 4 115.900, 115.903, and 115.905 to read as follows:

26.220. The transition period shall begin on the fifteenth day of November 2 following the election of a governor [or] **and** lieutenant governor who [is not an 3 incumbent] **are not incumbents** and shall end when that governor-elect [or] 4 **and** lieutenant governor-elect [has] **have** taken the oath of office.

26.225. 1. The commissioner of administration shall provide office space 2 and equipment for the governor-elect and the lieutenant governor-elect and their 3 staff during the transition period. The facilities provided shall be located at the 4 seat of government and shall be suitable for the purpose and capable of 5 adequately housing the transition staff of the governor-elect and the lieutenant 6 governor-elect. [The facilities provided for the staffs of the governor-elect and the 7 lieutenant governor-elect shall be separate facilities.]

2. The commissioner of administration shall furnish the transition 9 facilities with adequate telephone service, office furniture and office machines 10 including but not limited to typewriters, adding machines and duplicating 11 equipment.

3. The transition period office space may be located in state-owned

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

13 buildings or in leased property. All salaries, expenses, rentals and equipment
14 purchase and repairs shall be made only from funds appropriated for the purpose
15 of these transitions.

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

14 2. Except as provided in subsection 5 of this section, each ballot shall
15 have:

16 (1) Each party name printed in capital letters not less than eighteen point
17 in size;

18 (2) The name of each office printed in capital letters not less than eight
19 point in size;

20 (3) The name of each candidate printed in capital letters not less than ten
21 point in size;

22 (4) A small square, the sides of which shall not be less than one-fourth
23 inch in length, printed directly to the left of each candidate's name and on the
24 same line as the candidate's name. When write-in votes are authorized and no
25 candidate's name is to be printed under the name of an office in a party or
26 nonpartisan column, under the name of the office in the column shall be printed
27 a square. Directly to the right of the square shall be printed a horizontal line on
28 which the voter may vote for a person whose name does not appear on the
29 ballot. When more than one position is to be filled for an office, and the number
30 of candidates' names under the office in a column is less than the number of
31 positions to be filled, the number of squares and write-in lines printed in the
32 column shall equal the difference between the number of candidates' names and
33 the number of positions to be filled;

34 (5) The list of candidates of each party and all nonpartisan candidates
 35 placed in separate columns with a heavy vertical line between each list;

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

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

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

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

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

53 OFFICIAL BALLOT DATE

54	REPUBLICAN	DEMOCRATIC	THIRD PARTY	INDEPENDENT
55				
56	For President	For President	For President	For President
57	and	and	and	and
58	Vice President	Vice President	Vice President	Vice President
59	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
60	For	For	For	For
61	United States	United States	United States	United States
62	Senator	Senator	Senator	Senator
63	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
64	For Governor	For Governor	For Governor	For Governor
65	and	and	and	and
66	Lieutenant	Lieutenant	Lieutenant	Lieutenant
67	Governor	Governor	Governor	Governor
68	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

69	[For Lieutenant Governor <input type="checkbox"/>	For Lieutenant Governor <input type="checkbox"/>	For Lieutenant Governor <input type="checkbox"/>	For Lieutenant Governor <input type="checkbox"/>
70]
72	For Secretary of State <input type="checkbox"/>	For Secretary of State <input type="checkbox"/>	For Secretary of State <input type="checkbox"/>	For Secretary of State <input type="checkbox"/>
73				
74				
75	For Treasurer <input type="checkbox"/>	For Treasurer <input type="checkbox"/>	For Treasurer <input type="checkbox"/>	For Treasurer <input type="checkbox"/>
76				
77	For Attorney General <input type="checkbox"/>	For Attorney General <input type="checkbox"/>	For Attorney General <input type="checkbox"/>	For Attorney General <input type="checkbox"/>
78				
79				
80	For United States Representative <input type="checkbox"/>	For United States Representative <input type="checkbox"/>	For United States Representative <input type="checkbox"/>	For United States Representative <input type="checkbox"/>
81				
82				
83				
84	For State Senator <input type="checkbox"/>	For State Senator <input type="checkbox"/>	For State Senator <input type="checkbox"/>	For State Senator <input type="checkbox"/>
85				
86				
87	For State Representative <input type="checkbox"/>	For State Representative <input type="checkbox"/>	For State Representative <input type="checkbox"/>	For State Representative <input type="checkbox"/>
88				
89				
90	For Circuit Judge <input type="checkbox"/>	For Circuit Judge <input type="checkbox"/>	For Circuit Judge <input type="checkbox"/>	For Circuit Judge <input type="checkbox"/>
91				
92				

93 4. No ballot printed or designed for use with an electronic voting system
 94 for any partisan election held under this chapter shall allow a person to vote a
 95 straight political party ticket. For purposes of this subsection, a "straight
 96 political party ticket" means voting for all of the candidates for elective office who
 97 are on the ballot representing a single political party by a single selection on the
 98 ballot.

99 5. The secretary of state shall promulgate rules that specify uniform
 100 standards for ballot layout for each electronic or computerized ballot counting
 101 system approved under the provisions of section 115.225 so that the ballot used
 102 with any counting system is, where possible, consistent with the intent of this
 103 section. Nothing in this section shall be construed to require the format specified
 104 in this section if it does not meet the requirements of the ballot counting system
 105 used by the election authority.

106 6. Any rule or portion of a rule, as that term is defined in section 536.010,
107 that is created under the authority delegated in this section shall become effective
108 only if it complies with and is subject to all of the provisions of chapter 536 and,
109 if applicable, section 536.028. This section and chapter 536 are nonseverable and
110 if any of the powers vested with the general assembly pursuant to chapter 536 to
111 review, to delay the effective date or to disapprove and annul a rule are
112 subsequently held unconstitutional, then the grant of rulemaking authority and
113 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

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

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

115.307. Political parties and groups of voters may nominate candidates
2 in the manner provided by this subchapter and in no other manner, **except as**
3 **provided in sections 115.900 to 115.905.**

115.515. 1. If two or more persons receive an equal number of votes for
2 nomination as a party's candidate for any federal office, governor, [lieutenant
3 governor,] secretary of state, attorney general, state treasurer, state auditor,
4 circuit judge not subject to the provisions of article V, section 29 of the state
5 constitution, state senator or state representative, and a higher number of votes
6 than any other candidate for the same office on the same party ballot, the
7 governor shall, immediately after the results of the election have been announced,
8 issue a proclamation stating the fact and ordering a special primary election to
9 determine the party's nominee for the office. The proclamation shall set the date

10 of the election, which shall be not less than fourteen or more than thirty days
11 after the proclamation is issued, and shall be sent by the governor to each
12 election authority responsible for conducting the special primary election. In his
13 proclamation, the governor shall specify the name of each candidate for the office
14 to be voted on at the election, and the special primary election shall be conducted
15 and the votes counted as in other primary elections.

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

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

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

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

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

34 4. As an alternative to the procedure prescribed in subsections 1, 2, and
35 3 of this section, if the candidates who received an equal number of votes in such
36 election agree to the procedure prescribed in this subsection, the officer with
37 whom such candidates filed their declarations of candidacy may, after notification
38 of the time and place of such drawing given to each such candidate at least five
39 days before such drawing, determine the winner of such election by lot. Any
40 candidate who received an equal number of votes may decline to have his name
41 put into such drawing.

**115.900. Notwithstanding any provision of law to the contrary,
2 the candidates for governor and lieutenant governor shall be
3 nominated and elected jointly as provided in sections 115.903 and
4 115.905. All other provisions of this chapter that are consistent with**

5 sections 115.903 to 115.905 shall apply to the nomination and election
6 of candidates for governor and lieutenant governor.

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

115.905. 1. There shall be no primary election for the position of
2 lieutenant governor. Any qualified candidate for governor on the ballot
3 for the general election shall choose a qualified person to be a
4 candidate for lieutenant governor and to have said lieutenant governor
5 candidate's name appear on the ballot with the gubernatorial
6 candidate's name pursuant to section 115.903.

7 2. Each candidate for governor in the general election shall
8 certify in writing the name of the person's running mate for lieutenant
9 governor to the secretary of state no later than the eleventh Tuesday
10 prior to each general election. Any candidate for governor who fails to
11 comply with the provisions of this subsection shall be deemed to have
12 withdrawn as a candidate for governor as of the date said candidate
13 fails to comply with this subsection.

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

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