

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 630
97TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizational and Elections, January 30, 2014, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

4779S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 115.124 and 115.395, RSMo, and to enact in lieu thereof two new sections relating to the process for establishing candidate names on ballots, with an emergency clause.

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

Section A. Sections 115.124 and 115.395, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.124 and 115.395, to read as follows:

115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district except for municipal elections, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation in the district, and if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. Notwithstanding any other provision of law to the contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

2. The election authority or political subdivision responsible for the oversight of the filing of candidates in any nonpartisan election in any political

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

17 subdivision or special district shall clearly designate where candidates shall form
18 a line to effectuate such filings and determine the order of such filings; except
19 that, in the case of candidates who file a declaration of candidacy with the
20 election authority or political subdivision prior to 5:00 p.m. on the first day for
21 filing, the election authority or political subdivision may determine by random
22 drawing the order in which such candidates' names shall appear on the ballot.
23 If a drawing is conducted pursuant to this subsection, it shall be conducted so
24 that each candidate, **or candidate's representative if the candidate filed**
25 **pursuant to subsection 2 of section 115.355**, may draw a number at random
26 at the time of filing. If such drawing is conducted, the election authority or
27 political subdivision shall record the number drawn with the candidate's
28 declaration of candidacy. If such drawing is conducted, the names of candidates
29 filing on the first day of filing for each office on each ballot shall be listed in
30 ascending order of the numbers so drawn.

115.395. 1. At each primary election, there shall be as many separate
2 ballots as there are parties entitled to participate in the election.

3 2. The names of the candidates for each office on each party ballot shall
4 be listed in the order in which they are filed, except that, in the case of
5 candidates who file a declaration of candidacy with the secretary of state prior to
6 5:00 p.m. on the first day for filing, the secretary of state shall determine by
7 random drawing the order in which such candidates' names shall appear on the
8 ballot. The drawing shall be conducted so that each candidate, **or candidate's**
9 **representative if the candidate filed pursuant to subsection 2 of section**
10 **115.355**, may draw a number at random at the time of filing. The secretary of
11 state shall record the number drawn with the candidate's declaration of
12 candidacy. The names of candidates filing on the first day for filing for each
13 office on each party ballot shall be listed in ascending order of the numbers so
14 drawn. For the purposes of this subsection, the election authority responsible for
15 oversight of the filing of candidates, other than candidates that file with the
16 secretary of state, shall clearly designate where candidates, **or candidate's**
17 **representative if the candidate filed pursuant to subsection 2 of section**
18 **115.355**, shall form a line to effectuate such filings and determine the order of
19 such filings; except that, in the case of candidates who file a declaration of
20 candidacy with the election authority prior to 5:00 p.m. on the first day for filing,
21 the election authority may determine by random drawing the order in which such
22 candidates' names shall appear on the ballot. If a drawing is conducted pursuant

23 to this subsection, it shall be conducted so that each candidate, **or candidate's**
24 **representative if the candidate filed pursuant to subsection 2 of section**
25 **115.355**, may draw a number at random at the time of filing. If such drawing is
26 conducted, the election authority shall record the number drawn with the
27 candidate's declaration of candidacy. If such drawing is conducted, the names of
28 candidates filing on the first day for filing for each office on each party ballot
29 shall be listed in ascending order of the numbers so drawn.

30 3. Insofar as applicable, the provisions of sections 115.237[, 115.241] and
31 115.245 shall apply to each ballot prepared for a primary election, except that the
32 ballot information may be placed in vertical or horizontal rows, no circle shall
33 appear under any party name and no write-in lines shall appear under the name
34 of any office for which a candidate is to be nominated at the primary. At a
35 primary election, write-in votes shall be counted only for persons who can be
36 elected to an office at the primary.

Section B. Because immediate action is necessary to allow the provisions
2 of this act to apply to the immediate needs of candidates filing under subsection
3 2 of section 115.355 for the current period of candidate filing, section A of this act
4 is deemed necessary for the immediate preservation of the public health, welfare,
5 peace and safety, and is hereby declared to be an emergency act within the
6 meaning of the constitution, and section A of this act shall be in full force and
7 effect upon its passage and approval.

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