

SECOND REGULAR SESSION

# SENATE BILL NO. 1139

## 103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (15).

4860S.011

KRISTINA MARTIN, Secretary

### AN ACT

To repeal sections 115.105, 115.123, 115.351, 115.776, and 115.904, RSMo, and to enact in lieu thereof thirteen new sections relating to reinstating the presidential preference primary election.

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

Section A. Sections 115.105, 115.123, 115.351, 115.776,  
2 and 115.904, RSMo, are repealed and thirteen new sections  
3 enacted in lieu thereof, to be known as sections 115.105,  
4 115.123, 115.351, 115.755, 115.758, 115.761, 115.765, 115.767,  
5 115.770, 115.773, 115.776, 115.785, and 115.904, to read as  
6 follows:

115.105. 1. The chair of the county committee of each  
2 political party named on the ballot shall have the right to  
3 designate a challenger for each polling place, who may be  
4 present until all ballots are cast on the day of election,  
5 and a challenger for each location at which absentee ballots  
6 are counted, who may be present while the ballots are being  
7 prepared for counting and counted. No later than four  
8 business days before the election, the chair of each county  
9 committee of each political party named on the ballot shall  
10 provide signed official designation forms with the names of  
11 the designated challengers and substitutes to the local  
12 election authority for confirmation of eligibility to serve  
13 as a challenger. The local election authority, after

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

14 verifying the eligibility of each designated and substitute  
15 challenger, shall sign off on the official designation  
16 forms, unless the challenger is found not to have the  
17 qualifications established by subsection 4 of this section.  
18 If the election authority determines that a challenger does  
19 not meet the qualifications of subsection 4 of this section,  
20 the designating party chair may designate a replacement  
21 challenger and provide the local election authority with the  
22 name of the replacement challenger before 5:00 p.m. of the  
23 Monday preceding the election. The designating chair may  
24 substitute challengers at his or her discretion during such  
25 hours.

26       2. Challenges may only be made when the challenger  
27 believes the election laws of this state have been or will  
28 be violated, and each challenger shall report any such  
29 belief to the election judges, or to the election authority  
30 if not satisfied with the decision of the election judges.

31       3. Prior to the close of the polls, challengers may  
32 list and give out the names of those who have voted. The  
33 listing and giving out of names of those who have voted by a  
34 challenger shall not be considered giving information  
35 tending to show the state of the count.

36       4. **In a presidential primary election, challengers may**  
37 **collect information about the party ballot selected by the**  
38 **voter and may disclose party affiliation information after**  
39 **the polls close.**

40       5. All persons selected as challengers shall have the  
41 same qualifications required by section 115.085 for election  
42 judges, except that such challenger shall be a registered  
43 voter in the jurisdiction of the election authority for  
44 which the challenger is designated as a challenger.

45       [5.] 6. Any challenge by a challenger to a voter's  
46 identification for validity shall be made only to the  
47 election judges or other election authority. If the poll  
48 challenger is not satisfied with the decision of the  
49 election judges, then he or she may report his or her belief  
50 that the election laws of this state have been or will be  
51 violated to the election authority as allowed under this  
52 section.

115.123. 1. All public elections shall be held on  
2 Tuesday. Except as provided in [subsection] subsections 2  
3 and 3 of this section, and section 247.180, all public  
4 elections shall be held on the general election day, the  
5 primary election day, the general municipal election day,  
6 the first Tuesday after the first Monday in November, or on  
7 another day expressly provided by city or county charter,  
8 and in nonprimary years on the first Tuesday after the first  
9 Monday in August. Bond elections may be held on the first  
10 Tuesday after the first Monday in February but no other  
11 issue shall be included on the ballot for such election.

12       2. **Notwithstanding the provisions of subsection 1 of**  
13 **this section to the contrary, an election for a presidential**  
14 **primary held under sections 115.755 to 115.785 shall be held**  
15 **on the second Tuesday in March of each presidential election**  
16 **year.**

17       3. The following elections shall be exempt from the  
18 provisions of subsection 1 of this section:

19       (1) Bond elections necessitated by fire, vandalism or  
20 natural disaster;

21       (2) Elections for which ownership of real property is  
22 required by law for voting;

23       (3) Special elections to fill vacancies and to decide  
24 tie votes or election contests; and

(4) Tax elections necessitated by a financial hardship due to a five percent or greater decline in per-pupil state revenue to a school district from the previous year.

[3.] 4. Nothing in this section prohibits a charter city or county from having its primary election in March if the charter provided for a March primary before August 28, 1999.

[4.] 5. Nothing in this section shall prohibit elections held pursuant to section 65.600, but no other issues shall be on the March ballot except pursuant to this chapter.

115.351. No person who files as a party candidate for nomination or election to an office shall, without withdrawing, file as another party's candidate or an independent candidate for nomination or election to the office for the same term. No person who files as an independent candidate for election to an office shall, without withdrawing, file as a party candidate for nomination or election to the office for the same term. No person shall file for one office and, without withdrawing, file for another office to be filled at the same election.

**A person who files a request to be included on the presidential primary ballot is not prohibited by this section from filing or appearing on any ballot as a party candidate for nomination to another office.** Receipt by the secretary of state of proper certification of nomination pursuant to subsection 1 of section 115.399 constitutes withdrawal by operation of law pursuant to subsection 1 of section 115.359 of any presidential or vice presidential nominee from any other office for which such nominee is a candidate at the same election. Any person violating any provision of this section shall be disqualified from running

22 for nomination or election to any office at the primary and  
23 general election next succeeding the violation.

115.755. A statewide presidential preference primary  
2 shall be held on the second Tuesday in March of each  
3 presidential election year.

115.758. On or before the tenth Tuesday prior to the  
2 date of the presidential preference primary, the secretary  
3 of state shall announce the official list of presidential  
4 candidates for each established political party as provided  
5 in section 115.761.

115.761. 1. The official list of presidential  
2 candidates for each established political party shall  
3 include the names of all constitutionally qualified  
4 candidates for whom, on or after 8:00 a.m. on the fifteenth  
5 Tuesday prior to the presidential primary, and on or before  
6 5:00 p.m., on the eleventh Tuesday prior to the presidential  
7 primary, a written request to be included on the  
8 presidential primary ballot is filed with the secretary of  
9 state along with:

10 (1) Receipt of payment to the state committee of the  
11 established political party on whose ballot the candidate  
12 wishes to appear of a filing fee of five thousand dollars; or

13 (2) A written statement, sworn to before an officer  
14 authorized by law to administer oaths, that the candidate is  
15 unable to pay the filing fee and does not have funds in a  
16 campaign fund or committee to pay the filing fee and a  
17 petition signed by not less than five thousand registered  
18 Missouri voters, as determined by the secretary of state,  
19 that the candidate's name be placed on the ballot of the  
20 specified established political party for the presidential  
21 preference primary. The request to be included on the  
22 presidential primary ballot shall include each signer's

23 printed name, registered address, and signature and shall be  
24 in substantially the following form:

25 I (We) the undersigned, do hereby request that the  
26 name of \_\_\_\_\_ be placed upon the March \_\_\_\_\_,  
27 \_\_\_\_\_, presidential primary ballot as candidate  
28 for nomination as the nominee for President of the  
29 United States on the \_\_\_\_\_ party ticket.

30 2. The state or national party organization of an  
31 established political party that adopts rules imposing  
32 signature requirements to be met before a candidate can be  
33 listed as an official candidate shall notify the secretary  
34 of state by October first of the year preceding the  
35 presidential primary.

36 3. Any candidate or such candidate's authorized  
37 representative may have such candidate's name stricken from  
38 the presidential primary ballot by filing with the secretary  
39 of state on or before 5:00 p.m. on the eleventh Tuesday  
40 prior to the presidential primary election a written  
41 statement, sworn to before an officer authorized by law to  
42 administer oaths, requesting that such candidate's name not  
43 be printed on the official primary ballot. Thereafter, the  
44 secretary of state shall not include the name of that  
45 candidate in the official list announced pursuant to section  
46 115.758 or in the certified list of candidates transmitted  
47 pursuant to section 115.765.

48 4. The filing times set out in this section shall only  
49 apply to presidential preference primaries, and are in lieu  
50 of those established in section 115.349.

115.765. On or before the tenth Tuesday prior to a  
2 presidential preference primary, the secretary of state  
3 shall transmit to each election authority a certified list

4 containing the names of all candidates whose names shall  
5 appear on the presidential preference primary ballot of each  
6 party. The names of the candidates shall appear in the  
7 order in which their request to be included on the  
8 presidential primary ballot was received in the office of  
9 the secretary of state, except that, in the case of  
10 candidates who file a request to be included on the  
11 presidential primary ballot with the secretary of state  
12 prior to 5:00 p.m. on the first day for filing, the  
13 secretary of state shall determine by random drawing the  
14 order in which such candidates' names shall appear on the  
15 ballot. The drawing shall be conducted so that each  
16 candidate, or candidate's representative, may draw a number  
17 at random at the time of filing. The secretary of state  
18 shall record the number drawn with the candidate's request  
19 to be included on the presidential primary ballot. The  
20 names of candidates filing on the first day for filing on  
21 each party ballot shall be listed in ascending order of the  
22 numbers so drawn.

115.767. Each election authority shall cause the name  
2 of candidates certified by the secretary of state to appear  
3 on the presidential preference primary ballot of each party,  
4 followed by a listing for an uncommitted vote.

115.770. The conduct of the presidential preference  
2 primary election and the count and canvass of the votes cast  
3 therein shall conform as nearly as is practicable to that  
4 prescribed for the conduct of the primary election for state  
5 officers. All primary election laws not inconsistent with  
6 the provisions of sections 115.750 to 115.785 shall be  
7 applicable to the conduct of this election, and the form of  
8 the ballot insofar as is practicable shall be substantially  
9 as that prescribed by section 115.395. In a presidential

10 preference primary, each voter shall be entitled to receive  
11 the ballot of one and only one established political party,  
12 designated by the voter before receiving such voter's  
13 ballot. Each voter who participates in a presidential  
14 preference primary shall be entitled to vote on all  
15 questions and for any candidates submitted by political  
16 subdivisions and special districts at the general municipal  
17 election. Each voter who does not wish to participate in a  
18 presidential preference primary may vote on all questions  
19 and for any candidates submitted by a political subdivision  
20 or special district.

115.773. After the count and canvass of the votes  
2 cast, the secretary of state shall notify the state chair of  
3 each of the established political parties for whom a  
4 candidate was listed of the number of votes recorded in that  
5 established political party's primary that each candidate  
6 and uncommitted listing received.

115.776. The state party organization which is the  
2 state organization recognized by the national organization  
3 of that established political party shall, **after the primary**  
4 **and** before the national convention, conduct a series of  
5 caucuses culminating in congressional and state conventions  
6 [for the purpose of nominating a candidate for the president  
7 of the United States]. Delegates to the national  
8 conventions shall be chosen at the congressional district  
9 and state conventions pursuant to rules established by the  
10 political parties.

115.785. All costs of a presidential preference  
2 primary shall be paid by the state, except that, pursuant to  
3 section 115.065, costs shall be shared proportionately by  
4 the state and any political subdivisions and special  
5 districts holding an election on the same day as any such



6 **primary. For any county with more than five hundred polling**  
7 **places, the state shall assist in assuring adequate poll**  
8 **workers and equipment.**

115.904. The voting procedures in sections 115.900 to  
2 115.936 shall apply to:

3 (1) A general, special, **presidential preference**, or  
4 primary election for federal office;

5 (2) A general, special, or primary election for  
6 statewide or state legislative office or state ballot  
7 measure; or

8 (3) Any election in which absentee voting is conducted  
9 pursuant to sections 115.275 to 115.304.

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