

SECOND REGULAR SESSION

SENATE BILL NO. 544

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SINGLETON.

Pre-filed December 1, 1997, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S2064.02I

AN ACT

To repeal sections 115.123 and 115.495, RSMo Supp. 1997, relating to the establishment of a presidential preference primary, and to enact in lieu thereof thirteen new sections relating to the same subject.

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

Section A. Sections 115.123 and 115.495, RSMo Supp. 1997, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 115.123, 115.495, 115.750, 115.755, 115.758, 115.761, 115.765, 115.767, 115.770, 115.773, 115.776, 115.780 and 115.785, to read as follows:

115.123. 1. All public elections shall be held on Tuesday. Except as provided in subsections 2, 3, [and] 4, **5, 6 and 7** of this section, and section 247.180, RSMo, all public elections shall be held on the general election day, the primary election day, the general municipal election day, the first Tuesday after the first Monday in February or November, or on another day expressly provided by city or county charter.

2. Notwithstanding the provisions of subsection 1 of this section, school districts may hold elections on the first Tuesday after the first Monday in June and in nonprimary years on the first Tuesday after the first Monday in August, and municipalities may hold elections in nonprimary years on the first Tuesday after the first Monday in August.

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

- (1) Bond elections necessitated by fire, vandalism or natural disaster;
- (2) Elections for which ownership of real property is required by law for voting; and
- (3) Special elections to fill vacancies and to decide tie votes or election contests.

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

4. After the effective date of this section, no city or county shall adopt a charter or charter amendment which calls for elections to be held on dates other than those established in subsection 1 of this section.

5. 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 the effective date of this section.

6. Nothing in this section shall prohibit elections held pursuant to section 65.600, RSMo, but no other issues shall be on the March ballot.

7. Notwithstanding the provisions of subsection 1 of this section, the statewide presidential preference primary election shall be held in accordance with section 115.755.

115.495. **Except for voting machines or voting devices used during the presidential preference primary election held on the second Tuesday in March**, after being locked and sealed against further voting by the election judges, voting machines shall remain locked for the period provided by law for filing an election contest and as much longer as may be necessary or advisable because of any threatened or pending contest, grand jury investigation, or civil or criminal case relating to the election. **Voting machines or voting devices used during the presidential preference primary election held on the second Tuesday in March, after being locked and sealed against further voting by the election authority, shall remain locked for a period of seven calendar days.** During this time, the voting machines shall not be unlocked, except upon order of a court, grand jury or legislative body trying an election contest.

115.750. As used in sections 115.750 to 115.785, the term "established political party" shall mean a political party which at the last general election for state and county officer, polled for its candidate for governor more than two percent of the entire vote cast for governor in this state.

115.755. A statewide presidential preference primary shall be held on the second Tuesday in March, 2000, and on the second Tuesday in March every four years thereafter.

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

115.761. 1. The official list of presidential candidates for each established political party shall include the names of all constitutionally qualified candidates who meet all of the requirements specified in the rules of the state or national party organization of each established political party for whom, on or after 8:00 a.m. on the fifteenth Tuesday prior to the presidential primary, and on or before 5:00 p.m., on the eleventh Tuesday prior to the presidential primary, a written request to be included

on the presidential primary ballot is filed with the secretary of state along with:

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

(2) A written statement, sworn to before an officer authorized by law to administer oaths, that the candidate is unable to pay the filing fee and does not have funds in a campaign fund or committee to pay the filing fee and a petition signed by not less than one thousand registered voters in each of the state's congressional districts requesting that the candidate's name be placed on the ballot of the specified established political party for the presidential preference primary. The request to be included on the presidential primary ballot shall be in the following form:

I (We) the undersigned, do hereby request that the name of be placed upon the March, 19...., presidential primary ballot as candidate for nomination as the nominee for President of the United States on the Party ticket.

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

3. Any person may have his name stricken from the presidential primary ballot by, on or before 5:00 p.m., on the Friday before the tenth Tuesday prior to the election, filing with the secretary of state a written statement, sworn to before an officer authorized by law to administer oaths, requesting that his name not be printed on the official primary ballot. Thereafter, the secretary of state shall not include the name of that person in the official list announced under section 115.758 or in the certified list of candidates transmitted under section 115.765.

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

115.765. On or before the tenth Tuesday prior to a presidential preference primary election, the secretary of state shall transmit to each election authority a certified list containing the names of each candidate whose name shall appear on the presidential preference primary ballot of each party.

115.767. Each election authority shall cause the name of candidates certified by the secretary of state to appear on the presidential preference primary ballot of each party along with the listing for an uncommitted vote.

115.770. The conduct of the presidential preference primary election and the count and canvass of the votes cast therein shall conform as nearly as is practicable to that prescribed for the conduct of the primary election for state officers. All primary election laws not inconsistent with the provisions of sections 115.750 to 115.785 shall be

applicable to the conduct of this election, and the form of the ballot insofar as is practicable shall be substantially as that prescribed by section 115.395.

115.773. After the count and canvass of the votes cast, the secretary of state shall notify the state chairman of each of the established political parties for whom a candidate was listed, of the number of votes and the proportion of the total number of votes recorded in that established political party's primary that each candidate and uncommitted listing received in each congressional district individually and in the state at large.

115.776. 1. The state party organization which is the state organization recognized by the national organization of that established political party shall, after the primary and before the national convention, conduct a series of caucuses culminating in the congressional and state conventions. Delegates to the national conventions shall be chosen at the congressional district and state conventions pursuant to rules established by the political parties; provided, however that rules so established require national delegates to be pledged to support presidential candidates as provided by this act. The delegates and alternates shall be selected as provided in this section; except that, if the rules of the national committee of the established political party are in conflict with the provisions of this section, then the national committee rules shall govern the selection of delegates where in conflict with this section.

2. Not less than three-fourths of the convention delegates from the state to the national convention shall be allocated equally to the state congressional districts. Those delegates not allotted to congressional districts must be allotted to the state as at-large delegates. Additional at-large delegates allocated to a state under national party rules shall not be included in the calculation of the proportion of the state's delegates allocated to congressional districts and at-large.

3. Following the state presidential primary anyone seeking to be selected as national convention delegate or alternate must designate whether or not he is committed, and, if committed, to which candidate he is committed.

4. To qualify as a delegate from a congressional district, a person must be a registered voter of the congressional district from which he seeks to be a delegate. To qualify as an at-large delegate, a person must be a registered voter of this state.

5. If a delegate or alternate dies, withdraws or becomes disqualified after he has been selected and before the national convention for which he is selected has begun, he shall be replaced by a qualified person committed to the same preference and selected by the party's congressional district committee or state committee, as the case may be.

6. Congressional district delegates and alternates shall be selected so that the

proportion of the total district delegates and alternates that are committed to each candidate or are uncommitted equals as nearly as possible the proportion of the popular vote cast in the presidential primary election in that district for each candidate and for the uncommitted position; except that votes for a candidate or for the uncommitted position which total less than fifteen percent of the district total shall be counted as uncommitted in determining proportions of district delegates awarded if the sum of all such votes exceeds fifteen percent of the district total.

7. At large delegates and alternates shall be selected in numerical order from each slate so that the proportion of the total at large delegates and alternates that is uncommitted or committed to each candidate equals as nearly as possible the proportion of the popular vote for that established political party that was cast as uncommitted and for each candidate in the state at large; except that, votes for a candidate or uncommitted listing that total less than fifteen percent of the total shall be counted as uncommitted in determining proportions of district delegates awarded as if the sum of all such votes exceeds fifteen percent of the state totals.

8. In determining the number of delegates and alternates to be awarded to each candidate and as the uncommitted delegates and alternates, the percentage of the vote received by each candidate and the percentage of the uncommitted vote in each congressional district or state at-large, as the case may be, shall be multiplied by the total number of delegates allotted to the congressional district or the state at large, as the case may be. The product arrived at for each candidate or the uncommitted vote shall be rounded off to the nearest whole number to arrive at the number of delegates to be awarded to a particular candidate or the uncommitted vote. The percentage of the vote received by each candidate and for uncommitted shall be determined in accordance with the provisions of this section and shall not take into consideration the votes for any candidate or uncommitted listing that total less than fifteen percent of the district total or the state at large as the case may be.

9. The delegates and alternates shall be selected and allocated as provided in this section; except that, if the rules of the national committee of the established political party are in conflict with the provisions of this section, then the national committee rules shall govern the selection and allocation of delegates where in conflict with this section.

115.780. 1. Each national convention delegate and alternate shall be bound to vote for the candidate for whom he designated commitment, if any, when he was selected as a delegate or alternate until that or another candidate receives the party's nomination, two ballots have been taken or that candidate withdraws, suspends his campaign, releases his delegates, or receives less than fifteen percent of the votes, whichever first occurs.

2. Each delegate and alternate, within ten days after accepting selection as a delegate or alternate, shall file with the secretary of state his sworn pledge that he will abide by the provisions of sections 115.750 to 115.785.

3. If the rules of the national committee of an established political party prohibit any delegates from being bound to cast his or her vote for a candidate, then the provisions of the national committee rules shall govern.

115.785. The provisions of sections 115.061 to 115.077, to the contrary notwithstanding, a presidential preference primary shall impose on the state of Missouri only those costs which pertain directly to the presidential preference primary and the state shall not be liable for any costs ordinarily incurred by any local election authority.

Unofficial

Bill

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