

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]

# SENATE BILL NO. 709

89TH GENERAL ASSEMBLY

1998

S3117.01T

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## AN ACT

To repeal section 115.351, RSMo 1994, relating to the establishment of a presidential preference primary, and to enact in lieu thereof twelve new sections relating to the same subject.

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

Section A. Section 115.351, RSMo 1994, is repealed and twelve new sections enacted in lieu thereof, to be known as sections 115.351, 115.750, 115.755, 115.758, 115.761, 115.765, 115.767, 115.770, 115.773,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:

115.351. 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 as a party candidate for nomination to another office.** Any person violating any provision of this section shall be disqualified from running for nomination or election to any office at the primary and general election next succeeding the violation.

**115.750. As used in sections 115.750 to 115.785, "established political party" means a political party which, at the last general election for state and county officers, 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 first Tuesday after the first Monday in April of each presidential election year.**

**115.758. On or before the tenth Tuesday prior to the date of 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 second Tuesday in December in the year preceding 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 substantially the following form:**

**I (We) the undersigned, do hereby request that the name of ..... be placed upon the April ....., ....., 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 candidate or such candidate's authorized representative may have such candidate's 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 such candidate's name not be printed on the official primary ballot. Thereafter, the secretary of state shall not include the name of that candidate 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, the secretary of state shall transmit to each election authority a certified list containing the names of all candidates whose names shall appear on the presidential preference primary ballot of each party. The names of the candidates shall appear in the order in which their request to be included on the presidential primary ballot was received in the office of the secretary of state, except that, in the case of candidates who file a request to be included on the presidential primary ballot with the secretary of state prior to 5:00 p.m. on the first day for filing, the secretary of state shall determine by random drawing the order in which such candidates' names shall appear on the ballot. The drawing shall be conducted so that each candidate, or candidate's representative, may draw a number at random at the time of filing. The secretary of state shall record the number drawn with the candidate's request to be included on the presidential primary ballot. The names of candidates filing on the first day for filing on each party ballot shall be listed in ascending order of the numbers so drawn.**

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

**115.773. After the count and canvass of the votes cast, the secretary of state shall notify the state chair 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 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 section 115.625 and sections 115.250 to 115.785. 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, a person seeking to be selected as national convention delegate or alternate must designate whether or not such person is committed, and, if committed, to which candidate such person is committed.

4. To qualify as a delegate from a congressional district, a person must be a properly 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 such person has been selected and before the national convention for which such person is selected has begun, such person 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 are 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 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 total.

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 such person designated commitment, if any, when such person was selected as a delegate or alternate until that or another candidate received the party's nomination, two ballots have been taken or that candidate withdraws, suspends such candidate's campaign, releases such candidate's delegates, or receives less than fifteen percent of the votes cast on the first ballot, 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 such person's sworn pledge to 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 conducting an election on the first Tuesday in April.**

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