

SECOND REGULAR SESSION

# HOUSE BILL NO. 1412

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE STACY.

4376H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 115.327, 115.349, and 115.351, RSMo, and to enact in lieu thereof three new sections relating to candidate filing procedures, with a delayed effective date.

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

Section A. Sections 115.327, 115.349, and 115.351, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 115.327, 115.349, and 115.351,  
3 to read as follows:

115.327. **1.** When submitted for filing, each petition for the nomination of an  
2 independent candidate or for the formation of a new political party shall be accompanied by a  
3 declaration of candidacy for each candidate to be nominated by the petition or by the party,  
4 respectively. The party's duly authorized chairman and treasurer shall also submit a certified  
5 complete list of the names and addresses of all their candidates and the office for which each  
6 seeks. The party shall nominate its candidates in the manner prescribed in the party's bylaws.  
7 If presidential electors are to be nominated, at least one qualified resident of each  
8 congressional district shall be named as a nominee for presidential elector. The number of  
9 candidates to be nominated shall equal the number of electors to which the state is entitled.  
10 Each declaration of candidacy for the office of presidential elector shall be in the form  
11 provided in section 115.399. Each declaration of candidacy for an office other than  
12 presidential elector shall state the candidate's full name, residence address, office for which he  
13 proposes to be a candidate, the party, if any, upon whose ticket he is to be a candidate and that  
14 if nominated and elected he will qualify. Each such declaration shall be in substantially the  
15 following form:

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 I, \_\_\_\_\_, a resident and registered voter of the \_\_\_\_\_ precinct of the  
 17 town of \_\_\_\_\_ or the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward of the city  
 18 of \_\_\_\_\_, or the \_\_\_\_\_ precinct of \_\_\_\_\_ township of the county of  
 19 \_\_\_\_\_ and the state of Missouri, do announce myself a candidate for  
 20 the office of \_\_\_\_\_ on the \_\_\_\_\_ ticket, to be voted for at the general  
 21 (special) election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,  
 22 and I further declare that if nominated and elected I will qualify.

23 _____	Subscribed and sworn
24 Signature of candidate	to before me this
25 _____	_____ day of
26 _____	_____, 20_____
27 _____	_____
28 Residence address	Signature of election
29 _____	official or officer
30 _____	authorized to
31 _____	administer oaths
32 _____	

33 Each such declaration shall be subscribed and sworn to by the candidate before the election  
 34 official accepting the candidate's petition, a notary public or other officer authorized by law to  
 35 administer oaths.

36 **2. Any person who files a declaration of candidacy as an independent candidate**  
 37 **or as the candidate of a new political party for election to an office shall be unaffiliated**  
 38 **with any established political party, as evidenced by his or her voter registration, no**  
 39 **later than the twenty-third Tuesday prior to any candidate filing opening date preceding**  
 40 **a political party primary election.**

115.349. 1. Except as otherwise provided in sections 115.361 to 115.383, no  
 2 candidate's name shall be printed on any official primary ballot unless the candidate has filed  
 3 a written declaration of candidacy in the office of the appropriate election official by 5:00  
 4 p.m. on the last Tuesday in March immediately preceding the primary election.

2. No declaration of candidacy for nomination in a primary election shall be accepted  
 6 for filing prior to 8:00 a.m. on the last Tuesday in February immediately preceding the  
 7 primary election.

3. Each declaration of candidacy for nomination in a primary election shall state the  
 9 candidate's full name, residence address, office for which such candidate proposes to be a  
 10 candidate, the party ticket on which he or she wishes to be a candidate and that if nominated

11 and elected he or she will qualify. The declaration shall be in substantially the following  
12 form:

13 I, \_\_\_\_\_, a resident and registered voter of the county of \_\_\_\_\_ and  
14 the state of Missouri, residing at \_\_\_\_\_, do announce myself a  
15 candidate for the office of \_\_\_\_\_ on the \_\_\_\_\_ party ticket, to be  
16 voted for at the primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_  
17 \_\_\_\_\_, and I further declare that if nominated and elected to such  
18 office I will qualify.

19 \_\_\_\_\_ Subscribed and sworn to before  
20 Signature of candidate me this \_\_\_\_\_ day of \_\_\_\_\_,

21 \_\_\_\_\_  
22 \_\_\_\_\_  
23 Residence address Signature of election official or  
24 other officer authorized to  
25 administer oaths

26 \_\_\_\_\_  
27 Mailing address (if different)

28 \_\_\_\_\_  
29 Telephone Number (Optional)

30

31 If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate  
32 before an official authorized to accept his or her declaration of candidacy. If the declaration is  
33 to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it  
34 shall be subscribed and sworn to by the candidate before a notary public or other officer  
35 authorized by law to administer oaths.

36 **4. Any person who files a declaration of candidacy as a party candidate for**  
37 **nomination or election to an office shall be affiliated with that political party, as**  
38 **evidenced by his or her voter registration, no later than twenty-three weeks prior to the**  
39 **last Tuesday in February immediately preceding the primary election.**

115.351. ~~[No person who files as a party candidate for nomination or election to an  
2 office shall, without withdrawing, file as another party's candidate or an independent  
3 candidate for nomination or election to the office for the same term. No person who files as  
4 an independent candidate for election to an office shall, without withdrawing, file as a party  
5 candidate for nomination or election to the office for the same term.]~~ No person shall file for  
6 one office and, without withdrawing, file for another office to be filled at the same election.  
7 Receipt by the secretary of state of proper certification of nomination pursuant to subsection 1  
8 of section 115.399 constitutes withdrawal by operation of law pursuant to subsection 1 of

9 section 115.359 of any presidential or vice presidential nominee from any other office for  
10 which such nominee is a candidate at the same election. Any person violating any provision  
11 of this section shall be disqualified from running for nomination or election to any office at  
12 the primary and general election next succeeding the violation.

Section B. The repeal and reenactment of sections 115.327, 115.349, and 115.351, of  
2 this act shall become effective on January 1, 2025.

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