HOUSE BILL NO. 2597

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KOLKMEYER.

AN ACT

To repeal sections 115.357 and 115.761, RSMo, and to enact in lieu thereof two new sections relating to filing fees for candidates for political office.

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

Section A. Sections 115.357 and 115.761, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 115.357 and 115.761, to read as follows:

115.357. 1. Except as provided in subsections 3 and 4 of this section, each candidate for
2 federal, state or county office shall, before filing his declaration of candidacy, pay to the treasurer
3 of the state or county committee of the political party upon whose ticket he seeks nomination a
4 certain sum of money as follows:

5　　　(1) To the treasurer of the state central committee, **[two] five** hundred dollars if he or she
6 is a candidate for statewide office or for United States senator, **[one] three** hundred dollars if he
7 or she is a candidate for representative in Congress, circuit judge or state senator, and **one**
8 **hundred** fifty dollars if he or she is a candidate for state representative;

9　　　(2) To the treasurer of the county central committee, **[fifty] one hundred** dollars if he
10 or she is a candidate for county office.

11　　　2. The required sum may be submitted by the candidate to the official accepting his
12 declaration of candidacy. All sums so submitted shall be forwarded promptly by the official to
13 the treasurer of the appropriate party committee.

14　　　3. Any person who cannot pay the fee required to file as a candidate may have the fee
15 waived by filing a declaration of inability to pay and a petition with his declaration of candidacy.
16 Each such declaration shall be in substantially the following form:

17

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.

18
19   DECLARATION OF INABILITY TO PAY FILING FEE
20   I, _____, do hereby swear that I am financially unable to pay the fee of _____ (amount of fee)
21   to file as a candidate for nomination to the office of _____ at the primary election to be held on
22   the _____ day of _____, 20_____.
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   If the candidate's declaration of candidacy is to be filed in person, the declaration of inability to
34   pay shall be subscribed and sworn to by the candidate before the election official who witnesses
35   the candidate's declaration of candidacy. If his declaration of candidacy is to be filed by certified
36   mail pursuant to subsection 2 of section 115.355, the declaration of inability to pay shall be
37   subscribed and sworn to by the candidate before the notary or other officer who witnesses the
38   candidate's declaration of candidacy. With his declaration of inability to pay, the candidate shall
39   submit a petition endorsing his candidacy. Except for the number of signatures required, each
40   such petition shall, insofar as practicable, be in the form provided in sections 115.321 and
41   115.325. If the person filing declaration of indigence is to be a candidate for statewide office, his
42   petition shall be signed by the number of registered voters in the state equal to at least one-half
43   of one percent of the total number of votes cast in the state for the office at the last election in
44   which a candidate ran for the office. If the person filing a declaration of indigence is to be a
45   candidate for any other office, the petition shall be signed by the number of registered voters in
46   the district or political subdivision which is equal to at least one percent of the total number of
47   votes cast for the office at the last election in which a candidate ran for the office. The
48   candidate's declaration of inability to pay and the petition shall be filed at the same time and in
49   the same manner as his declaration of candidacy is filed. The petition shall be checked and its
50   sufficiency determined in the same manner as new party and independent candidate petitions.
51   4. No filing fee shall be required of any person who proposes to be an independent
52   candidate, the candidate of a new party or a candidate for presidential elector.

53   5. Except as provided in subsections 3 and 4 of this section, no candidate's name shall
54   be printed on any official ballot until the required fee has been paid.

          115.761. 1. The official list of presidential candidates for each established political party
 2   shall include the names of all constitutionally qualified candidates for whom, on or after 8:00
 3   a.m. on the fifteenth Tuesday prior to the presidential primary, and on or before 5:00 p.m., on
 4   the eleventh Tuesday prior to the presidential primary, a written request to be included on the
 5   presidential primary ballot is filed with the secretary of state along with:
 6   (1) Receipt of payment to the state committee of the established political party on whose
 7   ballot the candidate wishes to appear of a filing fee of [one] **five** thousand dollars; or
 8   (2) A written statement, sworn to before an officer authorized by law to administer oaths,
 9   that the candidate is unable to pay the filing fee and does not have funds in a campaign fund or
10   committee to pay the filing fee and a petition signed by not less than five thousand registered
11   Missouri voters, as determined by the secretary of state, that the candidate's name be placed on
12   the ballot of the specified established political party for the presidential preference primary. The
13   request to be included on the presidential primary ballot shall include each signer's printed name,
14   registered address and signature and shall be in substantially the following form:
15
16
17   I (We) the undersigned, do hereby request that the name of _____ be placed upon the February
18   _____, _____, presidential primary ballot as candidate for nomination as the nominee for
19   President of the United States on the _____ party ticket.
20
21   2. The state or national party organization of an established political party that adopts
22   rules imposing signature requirements to be met before a candidate can be listed as an official
23   candidate shall notify the secretary of state by October first of the year preceding the presidential
24   primary.
25   3. Any candidate or such candidate's authorized representative may have such candidate's
26   name stricken from the presidential primary ballot by filing with the secretary of state on or
27   before 5:00 p.m. on the eleventh Tuesday prior to the presidential primary election a written
28   statement, sworn to before an officer authorized by law to administer oaths, requesting that such
29   candidate's name not be printed on the official primary ballot. Thereafter, the secretary of state
30   shall not include the name of that candidate in the official list announced pursuant to section
31   115.758 or in the certified list of candidates transmitted pursuant to section 115.765.
32   4. The filing times set out in this section shall only apply to presidential preference
33   primaries, and are in lieu of those established in section 115.349.

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