

FIRST REGULAR SESSION

SENATE BILL NO. 143

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CIERPIOT.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0177S.011

AN ACT

To repeal sections 26.220, 26.225, 115.239, 115.307, 115.515, and 115.517, RSMo, and to enact in lieu thereof nine new sections relating to the joint election of governor and lieutenant governor, with a contingent effective date.

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

Section A. Sections 26.220, 26.225, 115.239, 115.307, 115.515, and
2 115.517, RSMo, are repealed and nine new sections enacted in lieu thereof, to be
3 known as sections 26.220, 26.225, 115.239, 115.307, 115.515, 115.517, 115.820,
4 115.822, and 115.824, to read as follows:

26.220. The transition period shall begin on the fifteenth day of November
2 following the election of a governor [or] **and** lieutenant governor who [is not an
3 incumbent] **are not incumbents** and shall end when that governor-elect [or]
4 **and** lieutenant governor-elect [has] **have** taken the oath of office.

26.225. 1. The commissioner of administration shall provide office space
2 and equipment for the governor-elect and the lieutenant governor-elect and their
3 staff during the transition period. The facilities provided shall be located at the
4 seat of government and shall be suitable for the purpose and capable of
5 adequately housing the transition staff of the governor-elect and the lieutenant
6 governor-elect. [The facilities provided for the staffs of the governor-elect and the
7 lieutenant governor-elect shall be separate facilities.]

2. The commissioner of administration shall furnish the transition
9 facilities with adequate telephone service, office furniture and office machines
10 including but not limited to typewriters, adding machines and duplicating
11 equipment.

12 3. The transition period office space may be located in state-owned

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

13 buildings or in leased property. All salaries, expenses, rentals and equipment
14 purchase and repairs shall be made only from funds appropriated for the purpose
15 of these transitions.

115.239. 1. The party casting the highest number of votes for governor
2 **and lieutenant governor** at the last gubernatorial election shall be placed in
3 the first or left-hand column on the ballot. The party casting the next highest
4 number of votes for the same office shall be placed in the next column to the
5 right, and so on until all established parties have been placed. In order of the
6 date their petitions were filed, new parties shall then be placed in columns to the
7 right of the established party receiving the smallest vote for governor. If there
8 is no more than one independent candidate for any office, all independent
9 candidates shall be placed in one column to the right of the new party filing the
10 latest petition. If there is more than one independent candidate for any office,
11 the candidate filing the earliest petition shall be placed in the column to the right
12 of the new party filing the latest petition. The independent candidate filing the
13 next earliest petition shall be placed in the next column to the right, and so on
14 until all independent candidates for the office have been placed.

15 2. The name of each candidate shall be placed in the appropriate column
16 by the election authority.

115.307. Political parties and groups of voters may nominate candidates
2 in the manner provided by [this subchapter] **sections 115.307 to 115.405** and
3 in no other manner, **except as provided in sections 115.820 to 115.824**.

115.515. 1. If two or more persons receive an equal number of votes for
2 nomination as a party's candidate for any federal office, governor[,] **and**
3 lieutenant governor, secretary of state, attorney general, state treasurer, state
4 auditor, circuit judge not subject to the provisions of Article V, Sections 25(a) to
5 25(g) of the State Constitution, state senator or state representative, and a higher
6 number of votes than any other candidate for the same office on the same party
7 ballot, the governor shall, immediately after the results of the election have been
8 announced, issue a proclamation stating the fact and ordering a special primary
9 election to determine the party's nominee for the office. The proclamation shall
10 set the date of the election, which shall be not less than fourteen or more than
11 thirty days after the proclamation is issued, and shall be sent by the governor to
12 each election authority responsible for conducting the special primary election.
13 In the proclamation, the governor shall specify the name of each candidate for the
14 office to be voted on at the election, and the special primary election shall be

15 conducted and the votes counted as in other primary elections.

16 2. If two or more persons receive an equal number of votes for nomination
17 as a party's candidate for any other office, except party committeeman or
18 committeewoman, and a higher number of votes than any other candidate for the
19 same office on the same party ballot, the officer with whom such candidates filed
20 their declarations of candidacy shall, immediately after the results of the election
21 have been certified, issue a proclamation stating the fact and ordering a special
22 primary election to determine the party's nominee for the office. The
23 proclamation shall set the date of the election, which shall be not less than
24 fourteen or more than thirty days after the proclamation is issued, and shall be
25 sent by the officer to each election authority responsible for conducting the special
26 primary election. In the proclamation, the officer shall specify the name of each
27 candidate for the office to be voted on at the election, and the special primary
28 election shall be conducted and the votes counted as in other primary elections.

29 3. As an alternative to the procedure prescribed in subsections 1 and 2 of
30 this section, if the candidates who received an equal number of votes in such
31 election agree to the procedure prescribed in this subsection, the officer with
32 whom such candidates filed their declarations of candidacy may, after notification
33 of the time and place of such drawing given to each such candidate at least five
34 days before such drawing, determine the winner of such election by lot. Any
35 candidate who received an equal number of votes may decline to have his or her
36 name put into such drawing.

115.517. 1. If two or more persons receive an equal number of votes for
2 election to the office of governor[,] **and** lieutenant governor, secretary of state,
3 state auditor, state treasurer or attorney general, and a higher number of votes
4 than any other candidate for the same office, the secretary of state shall,
5 immediately after the results of the election have been announced, issue a
6 proclamation stating the fact, and the general assembly shall, by joint vote and
7 without delay at its next regular session, choose one of such persons for the
8 office. The speaker of the house shall file a certificate declaring which person has
9 been elected to the office with the secretary of state.

10 2. If two or more persons receive an equal number of votes for election to
11 federal office, state senator, state representative or circuit judge not subject to the
12 provisions of Article V, Section 25 of the State Constitution, and a higher number
13 of votes than any other candidate for the same office, the governor shall,
14 immediately after the results of the election have been announced, issue a

15 proclamation stating the fact and ordering a special election to determine which
16 candidate is elected to the office. The proclamation shall set the date of the
17 election and shall be sent by the governor to each election authority responsible
18 for conducting the special election. In his proclamation, the governor shall
19 specify the name of each candidate for the office to be voted on at the election,
20 and the special election shall be conducted and the votes counted as in other
21 elections.

22 3. If two or more persons receive an equal number of votes for nomination
23 or election to any office not otherwise provided for in section 115.515 or this
24 section, and a higher number of votes than any other candidate for nomination
25 or election to the same office, the officer with whom such candidates filed their
26 declarations of candidacy shall, immediately after the results of the election have
27 been certified, issue a proclamation stating the fact and ordering a special
28 election to determine which candidate is elected to the office. The proclamation
29 shall set the date of the election and shall be sent by the officer to each election
30 authority responsible for conducting the special election. In his proclamation, the
31 officer shall specify the name of each candidate for the office to be voted on at the
32 election, and the special election shall be conducted and the votes counted as in
33 other elections.

34 4. As an alternative to the procedure prescribed in subsections 1, 2, and
35 3 of this section, if the candidates who received an equal number of votes in such
36 election agree to the procedure prescribed in this subsection, the officer with
37 whom such candidates filed their declarations of candidacy may, after notification
38 of the time and place of such drawing given to each such candidate at least five
39 days before such drawing, determine the winner of such election by lot. Any
40 candidate who received an equal number of votes may decline to have his name
41 put into such drawing.

**115.820. Notwithstanding any provision of law to the contrary,
2 the candidates for governor and lieutenant governor shall be
3 nominated and elected jointly as provided in sections 115.822 and
4 115.824. All other provisions of this chapter that are consistent with
5 sections 115.822 to 115.824 shall apply to the nomination and election
6 of candidates for governor and lieutenant governor.**

**115.822. For purposes of sections 115.001 to 115.641, the
2 candidates for governor and lieutenant governor from any political
3 party or group of petitioners shall be considered one candidate in the**

4 general election. The names of the candidates for governor and
5 lieutenant governor from each political party or group of petitioners
6 shall be enclosed in a brace directly to the left of the names in the
7 appropriate column of the official ballot. Directly to the left of each
8 brace shall be printed one square, the sides of which are not less than
9 one-fourth inch in length.

115.824. 1. There shall be no primary election for the position of
2 lieutenant governor. Any qualified candidate for governor on the ballot
3 for the general election shall choose a qualified person to be a
4 candidate for lieutenant governor and to have said lieutenant governor
5 candidate's name appear on the ballot with the gubernatorial
6 candidate's name pursuant to section 115.822.

7 2. Each candidate for governor in the general election shall
8 certify in writing the name of the person's running mate for lieutenant
9 governor to the secretary of state no later than the eleventh Tuesday
10 prior to each general election. Any candidate for governor who fails to
11 comply with the provisions of this subsection shall be deemed to have
12 withdrawn as a candidate for governor as of the date said candidate
13 fails to comply with this subsection.

Section B. Section A of this act shall become effective only upon approval
2 by the voters of an amendment to section 17 of Article IV, Constitution of
3 Missouri, mandating the joint nomination and election of governor and lieutenant
4 governor.

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