

SECOND REGULAR SESSION

# SENATE BILL NO. 580

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR KRAUS.

Pre-filed December 2, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4506S.011

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## AN ACT

To repeal sections 115.124 and 115.395, RSMo, and to enact in lieu thereof two new sections relating to the process for establishing candidate names on ballots, with an emergency clause.

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

Section A. Section 115.124 and 115.395, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 115.124 and 115.395, to  
3 read as follows:

115.124. 1. Notwithstanding any other law to the contrary, in a  
2 nonpartisan election in any political subdivision or special district except for  
3 municipal elections, if the notice provided for in subsection 5 of section 115.127  
4 has been published in at least one newspaper of general circulation in the  
5 district, and if the number of candidates who have filed for a particular office is  
6 equal to the number of positions in that office to be filled by the election, no  
7 election shall be held for such office, and the candidates shall assume the  
8 responsibilities of their offices at the same time and in the same manner as if  
9 they had been elected. Notwithstanding any other provision of law to the  
10 contrary, if at any election the number of candidates filing for a particular office  
11 exceeds the number of positions to be filled at such election, the election authority  
12 shall hold the election as scheduled, even if a sufficient number of candidates  
13 withdraw from such contest for that office so that the number of candidates  
14 remaining after the filing deadline is equal to the number of positions to be filled.

15 2. The election authority or political subdivision responsible for the  
16 oversight of the filing of candidates in any nonpartisan election in any political  
17 subdivision or special district shall clearly designate where candidates shall form  
18 a line to effectuate such filings and determine the order of such filings; except

19 that, in the case of candidates who file a declaration of candidacy with the  
20 election authority or political subdivision prior to 5:00 p.m. on the first day for  
21 filing, the election authority or political subdivision may determine by random  
22 drawing the order in which such candidates' names shall appear on the ballot. If  
23 a drawing is conducted pursuant to this subsection, it shall be conducted so that  
24 each candidate, **or candidate's representative, if the candidate files**  
25 **pursuant to subsection 2 of section 115.355**, may draw a number at random  
26 at the time of filing. If such drawing is conducted, the election authority or  
27 political subdivision shall record the number drawn with the candidate's  
28 declaration of candidacy. If such drawing is conducted, the names of candidates  
29 filing on the first day of filing for each office on each ballot shall be listed in  
30 ascending order of the numbers so drawn.

115.395. 1. At each primary election, there shall be as many separate  
2 ballots as there are parties entitled to participate in the election.

3 2. The names of the candidates for each office on each party ballot shall  
4 be listed in the order in which they are filed, except that, in the case of  
5 candidates who file a declaration of candidacy with the secretary of state prior to  
6 5:00 p.m. on the first day for filing, the secretary of state shall determine by  
7 random drawing the order in which such candidates' names shall appear on the  
8 ballot. The drawing shall be conducted so that each candidate, **or candidate's**  
9 **representative, if the candidate files pursuant to subsection 2 of section**  
10 **115.355**, may draw a number at random at the time of filing. The secretary of  
11 state shall record the number drawn with the candidate's declaration of  
12 candidacy. The names of candidates filing on the first day for filing for each  
13 office on each party ballot shall be listed in ascending order of the numbers so  
14 drawn. For the purposes of this subsection, the election authority responsible for  
15 oversight of the filing of candidates, other than candidates that file with the  
16 secretary of state, shall clearly designate where candidates shall form a line to  
17 effectuate such filings and determine the order of such filings; except that, in the  
18 case of candidates who file a declaration of candidacy with the election authority  
19 prior to 5:00 p.m. on the first day for filing, the election authority may determine  
20 by random drawing the order in which such candidates' names shall appear on  
21 the ballot. If a drawing is conducted pursuant to this subsection, it shall be  
22 conducted so that each candidate, **or candidate's representative, if the**  
23 **candidate files pursuant to subsection 2 of section 115.355**, may draw a  
24 number at random at the time of filing. If such drawing is conducted, the election

25 authority shall record the number drawn with the candidate's declaration of  
26 candidacy. If such drawing is conducted, the names of candidates filing on the  
27 first day for filing for each office on each party ballot shall be listed in ascending  
28 order of the numbers so drawn.

29           3. Insofar as applicable, the provisions of sections 115.237, 115.241 and  
30 115.245 shall apply to each ballot prepared for a primary election, except that the  
31 ballot information may be placed in vertical or horizontal rows, no circle shall  
32 appear under any party name and no write-in lines shall appear under the name  
33 of any office for which a candidate is to be nominated at the primary. At a  
34 primary election, write-in votes shall be counted only for persons who can be  
35 elected to an office at the primary.

Section B. Because immediate action is necessary to allow the provisions  
2 of this act to apply to the current period of candidate filing, section A of this act  
3 is deemed necessary for the immediate preservation of the public health, welfare,  
4 peace and safety, and is hereby declared to be an emergency act within the  
5 meaning of the constitution, and section A of this act shall be in full force and  
6 effect upon its passage and approval.

Bill ✓

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