

SECOND REGULAR SESSION

# SENATE BILL NO. 679

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Pre-filed December 1, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3529S.011

## AN ACT

To repeal sections 115.315 and 115.327, RSMo, and to enact in lieu thereof two new sections relating to third party candidates.

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

Section A. Sections 115.315 and 115.327, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 115.315 and 115.327, to  
3 read as follows:

115.315. 1. Sections 115.315 to 115.327 shall be known and may be cited  
2 as the "Fair Ballot Access Act".

3 2. Any group of persons desiring to form a new political party throughout  
4 the state, or for any congressional district, state senate district, state  
5 representative district or circuit judge district, shall file a petition with the  
6 secretary of state. Any group of persons desiring to form a new party for any  
7 county shall file a petition with the election authority of the county.

8 3. Each page or a sheet attached to each page of each petition for the  
9 formation of a new political party shall:

10 (1) Declare concisely the intention to form a new political party in the  
11 state, district or county;

12 (2) State in not more than five words the name of the proposed party;

13 (3) [If presidential electors are to be nominated by petition, at least one  
14 qualified resident of each congressional district shall be named as a nominee for  
15 presidential elector. The number of candidates to be nominated shall equal the  
16 number of electors to which the state is entitled, and the name of their candidate  
17 for president and the name of their candidate for vice president shall be printed  
18 on each page or a sheet attached to each page of the petition. The names of the

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

19 candidates for president and vice president may be added to the party name, but  
20 the names of the candidates for president and vice president shall not be printed  
21 on the official ballot without the written consent of such persons. Their written  
22 consent shall accompany and be deemed part of the petition;

23 (4)] Give a complete list of the names and addresses, including the street  
24 and number, of the chairman and treasurer of the party.

25 4. When submitted for filing, each petition shall contain the names and  
26 addresses of two people, not candidates, to serve as provisional chairman and  
27 treasurer for the party in the event the party becomes a new political party.

28 5. If the new party is to be formed for the entire state, which shall include  
29 being formed for all districts and counties in which the party has nominations so  
30 listed on its certified list of candidates required pursuant to section 115.327, then  
31 this statewide petition shall be signed by at least ten thousand registered voters  
32 of the state obtained at large.

33 6. If the new party is to be formed for any district or county, but not by  
34 the statewide method set out in subsection 5 of this section, then the petition  
35 shall be signed by the number of registered voters in the district or county which  
36 is equal to at least two percent of the total number of voters who voted at the last  
37 election for candidates for the office being sought or is equal to ten thousand  
38 voters, whichever is less.

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

17 such declaration shall be in substantially the following form:

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

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

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

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