

FIRST REGULAR SESSION

HOUSE BILL NO. 281

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALTON.

Read 1st time January 4, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0058L.03I

AN ACT

To repeal sections 115.531 and 115.553, RSMo 2000, relating to elections, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Sections 115.531 and 115.553, RSMo 2000, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 115.531 and 115.553, to read as follows:

115.531. Not later than five days after the official announcement of the results of a
2 primary election is issued by the election authority or the secretary of state, as the case may be,
3 any candidate **for nomination to public office** desiring to contest the primary election shall file
4 a verified petition in the office of the clerk of the circuit court of any circuit in which part of the
5 election was held and in which any alleged irregularity occurred. The contestant shall only be
6 required to file one petition with the circuit court for each election contest regardless of the
7 number of counties within the court's jurisdiction. The petition shall set forth the points on
8 which the contestant wishes to contest the election and the facts the contestant will prove in
9 support of such points, and shall pray leave to produce such proof. The judge of the court shall
10 immediately note on the petition the date it was filed and shall immediately set a date, not later
11 than five days after the petition is filed, for a preliminary hearing. If the petition is filed in
12 vacation, the judge of the circuit court shall immediately convene the court in special session for
13 the purpose of hearing the contest. If no regular judge of the court is available the supreme court
14 shall immediately assign another judge. The circuit court in which the petition is filed shall have
15 exclusive jurisdiction over all matters relating to the contest and may issue appropriate orders
16 to all election authorities in the area in which the contested election was held.

115.553. 1. Any candidate for election to any office, **including election to the county**
2 **committee of any party**, may challenge the correctness of the returns for the office, charging

3 that irregularities occurred in the election.

4 2. The result of any election on any question may be contested by one or more registered
5 voters from the area in which the election was held. The petitioning voter or voters shall be
6 considered the contestant and the officer or election authority responsible for issuing the
7 statement setting forth the result of the election shall be considered the contestee. In any such
8 contest, the proponents and opponents of the ballot question shall have the right to engage
9 counsel to represent and act for them in all matters involved in and pertaining to the contest.