

FIRST REGULAR SESSION

HOUSE BILL NO. 796

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHUPP (Sponsor), DIEHL, WALTON GRAY,
CARLSON AND MEADOWS (Co-sponsors).

0105L.011

D. ADAM CRUMBLISS, Chief Clerk

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Section A. Sections 115.315 and 115.327, RSMo, are repealed and two new sections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

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

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

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

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

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

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

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

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

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

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

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

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

15 I,, a resident and registered voter of the precinct of the town of
16 or the precinct of the ward of the city of, or
17 the precinct of township of the county of and the state of
18 Missouri, do announce myself a candidate for the office of on the ticket,

19 to be voted for at the general (special) election to be held on the day of,
20 20...., and I further declare that if nominated and elected I will qualify.

21

22

23 Signature of candidate

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25

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27 Residence address

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

Subscribed and sworn to
before me this
day of, 20....

.....
Signature of election
official or officer
authorized to administer
oaths