

SECOND REGULAR SESSION

# HOUSE BILL NO. 2031

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES FLANIGAN (Sponsor) AND ALLEN (Co-sponsor).

6256L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 115.123 and 115.755, RSMo, and to enact in lieu thereof two new sections relating to presidential primaries.

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

Section A. Sections 115.123 and 115.755, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.123 and 115.755, to read as follows:

115.123. 1. All public elections shall be held on Tuesday. Except as provided in subsections 2, 3, and 4 of this section, and section 247.180, all public elections shall be held on the general election day, the primary election day, the general municipal election day, the first Tuesday after the first Monday in February or November, or on another day expressly provided by city or county charter, the first Tuesday after the first Monday in June and in nonprimary years on the first Tuesday after the first Monday in August.

2. Notwithstanding the provisions of subsection 1 of this section, an election for a presidential primary held pursuant to sections 115.755 to 115.785 shall be held on the first Tuesday after the first Monday in **[March] February** of each presidential election year.

3. The following elections shall be exempt from the provisions of subsection 1 of this section:

(1) Bond elections necessitated by fire, vandalism or natural disaster;

(2) Elections for which ownership of real property is required by law for voting; and

(3) Special elections to fill vacancies and to decide tie votes or election contests.

4. No city or county shall adopt a charter or charter amendment which calls for elections to be held on dates other than those established in subsection 1 of this section.

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           5. Nothing in this section prohibits a charter city or county from having its primary  
18 election in March if the charter provided for a March primary before August 28, 1999.

19           6. Nothing in this section shall prohibit elections held pursuant to section 65.600, but no  
20 other issues shall be on the March ballot except pursuant to this chapter.

          115.755. **1.** A statewide presidential preference primary shall be held on the first  
2 Tuesday after the first Monday in February of each presidential election year.

3           **2. The results of the presidential preference primary conducted under this section**  
4 **shall bind each party delegate on a first vote at the national party convention, and shall**  
5 **take precedence over any result of any presidential preference caucus.**

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