

SECOND REGULAR SESSION

HOUSE BILL NO. 1125

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DUGGER (Sponsor), DAVIS, DIEHL, WALKER, FRAKER, WILSON, REIBOLDT, ENTLICHER, LYNCH, CONWAY (10), SHUMAKE, MCGAUGH, POGUE, ROSS, ENGLISH, MAYFIELD AND NEWMAN (Co-sponsors).

4460L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.124 and 115.395, RSMo, and to enact in lieu thereof two new sections relating to elections, with an emergency clause.

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

Section A. Sections 115.124 and 115.395, RSMo, are repealed and two new sections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

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

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

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.

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

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

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

25 3. Insofar as applicable, the provisions of sections 115.237[, 115.241] and 115.245 shall
26 apply to each ballot prepared for a primary election, except that the ballot information may be

27 placed in vertical or horizontal rows, no circle shall appear under any party name and no write-in
28 lines shall appear under the name of any office for which a candidate is to be nominated at the
29 primary. At a primary election, write-in votes shall be counted only for persons who can be
30 elected to an office at the primary.

Section B. Because immediate action is necessary to allow the provisions of this act to
2 apply to the immediate needs of candidates filing under subsection 2 of section 115.355 for the
3 current period of candidate filing, this act is deemed necessary for the immediate preservation
4 of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
5 within the meaning of the constitution, and this act shall be in full force and effect upon its
6 passage and approval.

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