

SECOND REGULAR SESSION

# HOUSE BILL NO. 1232

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE STACY.

4571H.021

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 115.351, RSMo, and to enact in lieu thereof one new section relating to elections.

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

Section A. Section 115.351, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 115.351, to read as follows:

115.351. **1.** No person who files as a party candidate for nomination or election to an office shall, without withdrawing, file as another party's candidate or an independent candidate for nomination or election to the office for the same term. No person who files as an independent candidate for election to an office shall, without withdrawing, file as a party candidate for nomination or election to the office for the same term. No person shall file for one office and, without withdrawing, file for another office to be filled at the same election. A person who files a request to be included on the presidential primary ballot is not prohibited by this section from filing or appearing on any ballot as a party candidate for nomination to another office. Receipt by the secretary of state of proper certification of nomination pursuant to subsection 1 of section 115.399 constitutes withdrawal by operation of law pursuant to subsection 1 of section 115.359 of any presidential or vice presidential nominee from any other office for which such nominee is a candidate at the same election. Any person violating any provision of this section shall be disqualified from running for nomination or election to any office at the primary and general election next succeeding the violation.

**2. No person who loses the primary election for a party's nomination for a particular office shall be allowed to file as an independent candidate or receive write-in votes for such office in the general election.**

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.

18           **3. No person who receives votes from or declares his or her candidacy to a**  
19 **nominating committee convened to fill an office vacancy by special election but does not**  
20 **win the nomination shall be eligible to file as an independent candidate or receive write-in**  
21 **votes for such office in the special election. A declaration of candidacy may be established**  
22 **by a notarized affidavit from any nominating committee member.**

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