

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 26 & 922, Page 8, Section 115.168, Line
2 9, by inserting after the phrase "to section 115.165." on said line the following:

3
4 "An unaffiliated voter may participate and vote in the independent candidate primary election
5 established under section 115.340."; and

6
7 Further amend said bill, Page 13, Section 115.287, Line 9, by inserting immediately after the phrase
8 "the unaffiliated ballot" the following:

9
10 "authorized under section 115.340 or other provisions of this chapter"; and

11
12 Further amend said bill, Pages 14 and 15, Section 115.327, Lines 1 to 38, by removing all of said
13 section from the bill and inserting in lieu thereof the following:

14
15 "115.321. 1. Any person desiring to be an independent candidate for any office to be filled
16 by voters throughout the state, or for any congressional district, state senate district, state
17 representative district, or circuit judge district, shall file a petition with the secretary of state. Any
18 person desiring to be an independent candidate for any county office shall file a petition with the
19 election authority of the county. The petition shall verify that the independent candidate is
20 registered as an unaffiliated voter and is authorized to participate in the primary election process
21 under section 115.340.

22 2. ~~[Each page or a sheet attached to each page of each petition for the nomination of an~~
23 ~~independent candidate shall:~~

24 ~~—— (1) Declare concisely the intention to nominate an independent candidate;~~

25 ~~—— (2) State the name and address, including street and number, of the independent candidate.~~

26 ~~If independent candidates for presidential elector are to be nominated, a number of independent~~
27 ~~candidates for presidential elector equal to the number of electors to which the state is entitled shall~~
28 ~~be nominated by one petition, and the name of their candidate for president and the name of their~~
29 ~~candidate for vice president shall be printed on each page or a sheet attached to each page of the~~
30 ~~petition. At least one qualified resident of each congressional district shall be named as a nominee~~
31 ~~for presidential elector, and the name and address of each candidate shall be printed on each page or~~
32 ~~a sheet attached to each page of the petition. The names of the candidates for president and vice~~
33 ~~president shall not be printed on the official ballot without the written consent of such persons.~~
34 ~~Their written consent shall accompany and be deemed part of the petition;~~

35 ~~—— (3) State the office for which candidate is to be nominated.~~

36 ~~—— 3. If an independent candidate is to be nominated for a statewide office, the petition shall be~~

Action Taken _____ Date _____

signed by at least ten thousand registered voters of the state.

~~4. If the independent candidate is to be nominated for a district or county office, the petition shall be signed by the number of registered voters in the district or county which is equal to at least two percent of the total number of voters who voted at the last election for candidates for the office being sought or is equal to ten thousand voters, whichever is less.~~

5.] The name of each person who files a valid petition for nomination as an independent candidate shall be placed on the official ballot as an independent candidate for the office at the requisite primary election under section 115.340 ~~[next general election]~~ or the special election if the petition nominates a candidate to fill a vacancy which is to be filled at a special election. If presidential electors are nominated by the petition, the names of the candidates for elector shall not be placed on the official ballot, but the name of their candidate for president and the name of their candidate for vice president shall be placed on the official ballot at the next presidential election.

115.325. 1. Each petition filed pursuant to sections 115.307 to 115.405 shall consist of pages of uniform size. The space for signatures on either side of a petition page shall be no larger than eight and one-half by fourteen inches, and each page shall contain signatures of registered voters from only one county. When submitted for filing, the pages of each petition shall be numbered in sequence for each county.

2. Each page of each petition for the formation of a new party shall be in substantially the following form:

It is a felony for anyone to sign any petition for the formation of a new party with any name other than his or her own, or knowingly to sign his or her name more than once to the same petition, or to sign a petition when he or she knows he or she is not a registered voter. Signing this petition does not obligate you to vote for any candidate or party.

PETITION FOR PLACING A
NEW PARTY ON THE BALLOT

To the Honorable _____ (title of official with whom petition is to be filed) for _____ (the state of Missouri or appropriate county):

We, the undersigned, citizens and registered voters of the state of Missouri, _____ County and _____ (district if appropriate), respectfully order that the _____ (name of new political party) and its candidates be placed on the ballot, for election or rejection to such public offices at the next election, to be held on the _____ day of _____, _____, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri, _____ County and _____ (district if appropriate); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

CIRCULATOR'S AFFIDAVIT
STATE OF MISSOURI,
COUNTY OF _____

I, _____, a resident of the state of Missouri, being first duly sworn, say (print or type names of signers)

REGISTERED
VOTING

| | | | | | |
|-------------|------------------|----------------|------|--------|-----------|
| NAME | DATE | ADDRESS | ZIP | CONGR. | NAME |
| (Signature) | SIGNED | (Street)(City, | CODE | DIST. | (Printed |
| | Town or Village) | | | | or Typed) |

(Here follow numbered lines for signers)

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and _____ County.

Signature of Affiant
(Person obtaining signatures)

Address of Affiant

Subscribed and sworn to before me this _____ day of _____, A.D. _____

Signature of Notary
Notary Public (Seal)
My commission expires _____

If this form is followed substantially, it shall be sufficient, disregarding clerical and merely technical errors.

~~{3. Each sheet of each petition for nomination of an independent candidate for public office shall be in substantially the following form:~~

~~It is a felony for anyone to sign any petition for the nomination of an independent candidate with any name other than his or her own, or knowingly to sign his or her name more than once to the same petition, or to sign a petition when he or she knows he or she is not a registered voter.~~

~~PETITION FOR THE NOMINATION OF AN
INDEPENDENT CANDIDATE~~

~~To the Honorable _____ (title of official with whom petition is to be filed) for _____ (the state of Missouri or appropriate county):~~

~~We, the undersigned, citizens and registered voters of the state of Missouri, _____ County and _____ (district if appropriate), nominate _____ (name of independent candidate), residing at _____ (address of candidate), as an independent candidate for _____ (name of public office for which candidate is to be nominated) and respectfully order that the name of _____ (name of candidate) be placed on the ballot, for election or rejection to such office at the next election, to be held on the _____ day of _____, _____, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri, _____ County and _____ (district if appropriate); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.~~

~~CIRCULATOR'S AFFIDAVIT~~

~~STATE OF MISSOURI,~~

~~COUNTY OF _____~~

~~I, _____, a resident of the state of Missouri, being first duly sworn, say (print or type names of signers)~~

~~REGISTERED _____~~

~~VOTING _____~~

~~NAME DATE ADDRESS ZIP CONGR. NAME
(Signature) SIGNED (Street)(City, CODE DIST. (Printed
Town or Village) or Typed)~~

~~(Here follow numbered lines for signers)~~

~~signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and _____ County.~~

Signature of Affiant
(Person obtaining signatures)

 _____ Address of Affiant
 _____ Subscribed and sworn to before me this _____ day of _____, A.D. _____

 _____ Signature of Notary
 _____ Notary Public (Seal)
 _____ My commission expires _____

If this form is followed substantially, it shall be sufficient, disregarding clerical and merely technical errors.

~~4. When any registered voter wishes to sign a petition for the formation of a new party or nomination of an independent candidate and is unable to sign his or her name, the required information shall be printed on the petition by the circulator of the petition page. The voter shall then sign the petition by making his or her mark, witnessed by the signature of the circulator. For purposes of this subchapter, all marks made and witnessed in accordance with this subsection shall be considered signatures.]~~

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

I, _____, a resident and registered voter of the _____ precinct of the town of _____ or the _____ precinct of the _____ ward of the city of _____, or the _____ precinct of _____ township of the county of _____ and the state of Missouri, do announce myself a candidate for the office of _____ on the _____ ticket, to be voted for at the general (special) election to be held on the _____ day of _____, 20_____, and I further declare that if nominated and elected I will qualify.

Subscribed and sworn
 Signature of candidate _____ to before me this
 _____ day of
 _____, 20____

Residence address _____ Signature of election
 official or officer
 authorized to
 administer oaths

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

1 2. Any person who files a declaration of candidacy as an independent candidate or as the
 2 candidate of a new political party for election to an office shall be unaffiliated with any established
 3 political party, as evidenced by his or her voter registration, no later than the twenty-third Tuesday
 4 prior to any candidate filing opening date preceding a political party primary election. Unaffiliated
 5 voters shall be entitled to vote in an independent primary election under section 115.340.

6 115.329. 1. The secretary of state or any election authority shall not accept for filing any
 7 petition for the formation of a new party [~~or for the nomination of an independent candidate~~] which
 8 is submitted prior to 8:00 a.m. on the day immediately following the general election next preceding
 9 the general election for which the petition is submitted or which is submitted after 5:00 p.m. on the
 10 fifteenth Monday immediately preceding the general election for which the petition is submitted.

11 2. When a special election to fill a vacancy is called, no election authority shall accept for
 12 filing any petition for the formation of a new party or for the nomination of an independent
 13 candidate which is submitted after 5:00 p.m. on the day which is midway between the day the
 14 election is called and the election day.

15 3. When a special election to fill a vacancy is called to fill an unexpired term for state
 16 representative or state senator, the secretary of state shall not accept for filing any petition for the
 17 formation of a new party or for the nomination of an independent candidate which is submitted after
 18 5:00 p.m. on the twenty-first day after the writ of election is issued by the governor pursuant to
 19 Article III, Section 14 of the Missouri Constitution, calculated by excluding the day the writ is
 20 issued.

21 115.331. When any petition is offered for filing with the secretary of state or an election
 22 authority under the provisions of this chapter, the officer receiving the petition shall prepare and
 23 issue to the person submitting the petition a receipt indicating the number of petition pages
 24 presented from each county. The receipt shall be evidence of the filing of the petition pages subject
 25 to the determination that the petition complies with the provisions of this chapter.

26 115.333. 1. When any petition is filed with the secretary of state or an election authority
 27 under the provisions of this subchapter, the secretary of state or the election authority shall
 28 determine whether or not it complies with the provisions of this subchapter. When any petition is
 29 filed with the secretary of state or an election authority under the provisions of this subchapter, the
 30 secretary of state or the election authority shall, not later than the eleventh Tuesday prior to the
 31 general election, issue a statement setting forth such person's determination. When a petition for the
 32 formation of a new party or [~~nomination of an independent candidate~~] for a special election is filed
 33 with the secretary of state or an election authority, the secretary of state or the election authority
 34 shall issue a statement setting forth its determination as soon as possible but in no case too late to
 35 permit placement of the party or candidate on the ballot. If the secretary of state or the election
 36 authority determines that a petition does not comply with the provisions of this subchapter, such
 37 person shall state the reason for such person's determination in the statement.

38 2. If the secretary of state or the election authority refuses to file a petition for the formation
 39 of a new party [~~or the nomination of an independent candidate~~] or refuses to issue a statement
 40 setting forth such person's determination within the time prescribed, any registered voter may apply,
 41 within ten days after the refusal, to the circuit court for a writ of mandamus to compel such person
 42 to file the petition or issue the statement. Within ten days after the secretary of state or the election
 43 authority issues a statement setting forth such person's determination, any registered voter may
 44 apply to the circuit court to compel the secretary of state or the election authority to reverse such
 45 person's determination. If it is decided by the court that the petition is legally sufficient, the
 46 secretary of state or the election authority shall file it, with a certified copy of the judgment attached
 47 thereto, as of the date it was originally offered for filing in such person's office. On showing that
 48 any petition filed is not legally sufficient, the court may enjoin all election officials from certifying
 49 or printing the name of the independent candidate or new party and its candidates on the official

1 ballot. All such suits shall be advanced on the court docket and heard and decided by the court as
 2 quickly as possible. Either party to the suit may appeal to the supreme court within ten days after a
 3 circuit court decision is rendered. The circuit court of Cole County shall have jurisdiction if the
 4 secretary of state is a party, and otherwise, the circuit court of the county in which the election
 5 authority is located shall have jurisdiction.

6 115.335. 1. The secretary of state or the election authority shall have specific authority to
 7 determine the validity of signatures on petitions filed with his or her office and shall have authority
 8 not to count those which are, in his or her opinion, forged or fraudulent or the signatures of persons
 9 who are not registered voters.

10 2. For the purpose of verifying signatures on any new party [~~or independent candidate~~]
 11 petition filed with his or her office, the secretary of state may send copies of petition pages to the
 12 appropriate election authorities for registration verification. Each election authority receiving a
 13 copy of petition pages shall check any signature indicated by the secretary of state against the
 14 registration records and return all such copies to the secretary of state no later than the day
 15 designated by the secretary of state. The secretary of state shall not designate any deadline for
 16 returning copies and certifications which is less than seven days after the copies have been received
 17 by the election authority. If the secretary of state or an election authority determines the
 18 congressional district number written after the signature of any registered voter is not the
 19 congressional district in which the voter resides, the secretary of state or the election authority shall
 20 correct the congressional district number on the petition page. Failure of a voter to give his or her
 21 correct congressional district number shall not alone be sufficient reason to disqualify his or her
 22 signature. Only valid signatures from the county named in the circulator's affidavit shall be counted
 23 on any petition page.

24 3. The secretary of state or election authority shall have authority to verify the signatures on
 25 petitions filed with his or her office by use of random sampling. Random sampling may be used on
 26 any petition on which five hundred or more signatures are required. Petitions requiring fewer than
 27 five hundred signatures shall have each signature checked and random sampling shall not be used.
 28 The random sample of signatures to be verified shall be drawn in such a manner that every signature
 29 contained on the filed petition shall be given an equal opportunity to be included in the sample.
 30 Such a random sampling shall include an examination of not less than five percent of the signatures
 31 so filed.

32 4. If the random sample verification establishes that the number of valid signatures is less
 33 than ninety-five percent of the number of qualified voters needed to find the petition sufficient, the
 34 petition shall be deemed to have failed to qualify.

35 5. If the random sample verification establishes that the number of valid signatures total
 36 more than one hundred five percent of the number of qualified voters needed to find the petition
 37 sufficient, the petition shall be deemed to qualify in that district.

38 6. If the random sample verification establishes that the number of valid signatures is more
 39 than ninety-five percent but less than one hundred five percent of the number of qualified voters
 40 needed to find the petition sufficient, each signature filed shall be examined and verified.

41 7. The secretary of state is authorized to adopt rules to ensure uniform, complete and
 42 accurate checking of petition signatures either by actual counting or random sampling.

43 8. If copies of petition pages are sent to any local election authority for registration
 44 verification under the provisions of this subchapter, the secretary of state's final determination on the
 45 number of valid signatures submitted on the petition from the election authority's jurisdiction shall
 46 be based on the certification made by the election authority.

47 115.337. 1. When an election authority for a county and an election authority for a city have
 48 jurisdiction within the same county, the county election authority may, for the purpose of verifying
 49 signatures on any new party [~~or independent candidate~~] petition filed with its office, deliver copies

of petition pages to the city election authority for registration verification. The city election authority receiving a copy of petition pages shall check each signature indicated by the county election authority against its registration records and return all such copies to the county election authority no later than the day designated by the county election authority. At the same time the copies are returned, the city election authority shall certify to the county election authority the page number of each page it received and the total number of valid signatures from the city on the pages. The county election authority shall not designate any deadline for returning copies and certifications which is less than six or more than twelve working days after the copies have been received by the city election authority.

2. If copies of petition pages are sent to a city election authority for registration verification under the provisions of this section, the county election authority's final determination on the number of valid signatures submitted on the petition from the city shall be based on the certification made by the city election authority.

115.340. 1. Notwithstanding any other provision of law to the contrary, any person filing an independent declaration of candidacy shall be subject to a primary election held in the same manner and with the same rules and deadlines, as political party primary elections.

2. Any person who is an unaffiliated voter under chapter 115 shall be entitled to vote in such independent candidate primary and shall receive a ballot with the names of independent candidates who have properly filed under the provisions of this chapter.

3. The independent candidate receiving the most votes at the independent primary election shall have their name placed on the general election ballot.

4. The costs of holding an independent candidate primary may be recovered by use of a filing fee imposed upon independent candidate petitions. Such fees shall be used solely for elections costs and expenses incurred by the requisite election authority.

5. The process for independent candidate primary elections shall be subject to the identical effective dates and procedures for political party primary candidates under sections 115.628 and other provisions of this chapter. Independent candidates for President shall be subject to an independent candidate presidential preference primary under section 115.770 and this section."; and

Further amend said bill, Page 19, Section 115.395, Lines 3 and 4, by removing all of said lines from the bill and inserting in lieu thereof the following:

"a separate ballot for unaffiliated voters, which shall contain ballot measures, nonpartisan candidates submitted by political subdivisions and special districts, and independent candidates for the independent candidate primary authorized under section 115.340."; and

Further amend said bill, Page 19, Section 115.397, Line 5, by inserting immediately after the phrase "unaffiliated ballot" on said line the following:

"which shall include the option of choosing an independent candidate in a primary election authorized under section 115.340"; and

Further amend said bill, Page 21, Section 115.429, Line 23, by inserting immediately after the phrase "primary election" on said line the following:

"or verify that an unaffiliated voter may participate in the independent candidate primary election under section 115.340"; and

Further amend said bill by amending the title, enacting clause, and intersectional references

1 accordingly.
2