

FIRST REGULAR SESSION

HOUSE BILL NO. 538

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ABEL.

Read 1st time January 24, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1461L.011

AN ACT

To amend chapter 115, RSMo, by adding thereto one new section relating to primary elections.

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

Section A. Chapter 115, RSMo, is amended by adding thereto one new section, to be
2 known as section 115.398, to read as follows:

115.398. 1. For any primary election after August 28, 2001, as an alternative to the
2 multiballot primary established pursuant to sections 115.391 to 115.397, the secretary of
3 state shall administer a pilot project establishing a single-ballot primary pursuant to this
4 section. Any county of this state may apply to participate in the single-ballot primary by
5 submitting an application to participate on a form promulgated by the secretary of state.
6 The application shall be signed by the county clerk and by a majority of the members of
7 the county political party committees of the two political parties receiving the highest
8 number of votes at the last gubernatorial election. The application shall be submitted to
9 the secretary of state no later than one hundred twenty days prior to the primary election
10 in which such county wishes to participate in a single-ballot primary.

11 2. Not later than the fourth Tuesday prior to the primary election, each election
12 authority operating pursuant to this section shall prepare a sample official ballot. The
13 sample ballot shall contain, under the appropriate offices and party designations, the
14 names of all candidates to be voted on in its jurisdiction in the order they will appear on
15 the ballot. Each sample ballot shall be printed upon tinted or colored paper, of a different
16 tint or color from the official primary ballot, and shall contain no endorsements.
17 Immediately after having the sample ballot prepared, each election authority operating
18 pursuant to this section shall mail to the chairman of each county committee in its
19 jurisdiction and to each candidate named on the ballot, a copy of the sample ballot. Such

20 election authority shall also post a copy of the sample ballot in a conspicuous place in its
21 office.

22 **3. Prior to the primary election, each election authority operating pursuant to this**
23 **section shall correct any errors or omissions on the sample ballot and cause official ballots**
24 **to be printed. Such election authority shall deliver to each polling place a number of**
25 **ballots equal to at least one and one-half times the number of ballots cast in the voting**
26 **district at the next to last primary election.**

27 **4. At each primary election conducted pursuant to this section, there shall be one**
28 **ballot. The names of the candidates for each office on the ballot shall be listed by party in**
29 **the order in which they are filed, except that, in the case of candidates who file a**
30 **declaration of candidacy with the secretary of state prior to 5:00 p.m. on the first day for**
31 **filing, the secretary of state shall determine by random drawing for each party the order**
32 **in which such candidates' names shall appear on the ballot. The drawing shall be**
33 **conducted so that each candidate may draw a number at random at the time of filing. The**
34 **secretary of state shall record the number drawn with the candidate's declaration of**
35 **candidacy. The names of candidates filing on the first day for filing for each office on the**
36 **ballot shall be listed by party in ascending order of the numbers so drawn. For the**
37 **purposes of this subsection, the election authority responsible for oversight of the filing of**
38 **candidates, other than candidates that file with the secretary of state, shall clearly**
39 **designate where candidates shall form a line to effectuate such filings and determine the**
40 **order of such filings; except that, in the case of candidates who file a declaration of**
41 **candidacy with the election authority prior to 5:00 p.m. on the first day for filing, the**
42 **election authority may determine by random drawing for each party the order in which**
43 **such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to**
44 **this subsection, it shall be conducted so that each candidate may draw a number at random**
45 **at the time of filing. If such drawing is conducted, the election authority shall record the**
46 **number drawn with the candidate's declaration of candidacy. If such drawing is**
47 **conducted, the names of candidates filing on the first day for filing for each office on the**
48 **ballot shall be listed by party in ascending order of the numbers so drawn.**

49 **5. Insofar as applicable, the provisions of sections 115.237, 115.241 and 115.245**
50 **shall apply to the ballot prepared for a primary election pursuant to this section, except**
51 **that the ballot information may be placed in vertical or horizontal rows and no write-in**
52 **lines shall appear under the name of any office for which a candidate is to be nominated**
53 **at the primary. At a primary election, write-in votes shall be counted only for persons who**
54 **can be elected to an office at the primary.**

55 **6. In each primary election conducted pursuant to this section, each voter shall vote**

56 on the candidates from one and only one political party, designated by the voter on the first
57 page of such voter's ballot in substantially the following form, and followed by such other
58 directions to voters as established pursuant to section 115.439:

59

60 "Instructions to voters: Choose the party primary in which you will vote. You may choose
61 one party only. Place an "X" in the circle immediately below the name of the party
62 primary in which you intend to vote.

63

64 (political party name) If you have selected this party, turn to
65 () page () and continue voting.

66

67 (political party name) If you have selected this party, turn to
68 () page () and continue voting."

69

70 Such form shall be followed until all parties entitled to participate in the primary election
71 have been named on the ballot. Each party entitled to participate in the primary shall have
72 its own pages on the ballot, separate from all other parties as detailed in the form set forth
73 in this subsection, and all of such party's candidates for each office shall be listed together
74 by office on such pages in the manner prescribed in section 115.395. For purposes of this
75 subsection, any electronic or other means approved by law may be used in lieu of the "X"
76 prescribed by the form in this subsection.

77 7. Each voter who votes on the party primary portion of the ballot shall be entitled
78 to vote on all questions and for any nonpartisan candidates submitted by political
79 subdivisions and special districts at the primary election. Each voter who does not wish
80 to vote on the party primary portion may vote on all questions and for any nonpartisan
81 candidates submitted by a political subdivision or special district at the primary election.

82 8. Nothing in this section shall be construed to require voters to declare any
83 political party affiliation at any point during such primary other than on the secret ballot
84 of such voter.

85 9. No rule or portion of a rule promulgated pursuant to this section shall take effect
86 unless such rule has been promulgated pursuant to chapter 536, RSMo.