

FIRST REGULAR SESSION

# HOUSE BILL NO. 1100

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DOUGHERTY.

2416L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 115.124 and 115.395, RSMo, and to enact in lieu thereof two new sections relating to candidate filing procedures.

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*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Section A. Sections 115.124 and 115.395, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.124 and 115.395, to read as follows: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 any political subdivision or special district except for municipal elections, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation in the district, and if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. Notwithstanding any other provision of law to the contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

2. The election authority or political subdivision responsible for the oversight of the filing of candidates in any [nonpartisan] election in any political subdivision or special district shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a declaration of candidacy with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing,

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

23 3. Insofar as applicable, the provisions of sections 115.237, 115.241 and 115.245 shall  
24 apply to each ballot prepared for a primary election, except that the ballot information may be  
25 placed in vertical or horizontal rows, no circle shall appear under any party name and no write-in  
26 lines shall appear under the name of any office for which a candidate is to be nominated at the  
27 primary. At a primary election, write-in votes shall be counted only for persons who can be  
28 elected to an office at the primary.

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