

FIRST REGULAR SESSION

# HOUSE BILL NO. 1161

95TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE DEEKEN.

2472L.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 115.013, 115.063, 115.065, 115.075, 115.077, 115.121, 115.123, 115.124, 115.125, 115.329, 115.341, 115.345, 115.349, 115.611, 115.615, 115.621, 115.755, and 115.761, RSMo, and to enact in lieu thereof eighteen new sections relating to elections.

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

Section A. Sections 115.013, 115.063, 115.065, 115.075, 115.077, 115.121, 115.123, 115.124, 115.125, 115.329, 115.341, 115.345, 115.349, 115.611, 115.615, 115.621, 115.755, and 115.761, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 115.013, 115.063, 115.065, 115.075, 115.077, 115.121, 115.123, 115.124, 115.125, 115.329, 115.341, 115.345, 115.349, 115.611, 115.615, 115.621, 115.755, and 115.761, to read as follows:

115.013. As used in this chapter, unless the context clearly implies otherwise, the following terms mean:

(1) "Automatic tabulating equipment", the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results;

(2) "Ballot", the ballot card, paper ballot or ballot designed for use with an electronic voting system on which each voter may cast all votes to which he or she is entitled at an election;

(3) "Ballot card", a ballot which is voted by making a punch or sensor mark which can be tabulated by automatic tabulating equipment;

(4) "Ballot label", the card, paper, booklet, page or other material containing the names of all offices and candidates and statements of all questions to be voted on;

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.

- 12 (5) "Counting location", a location selected by the election authority for the automatic  
13 processing or counting, or both, of ballots;
- 14 (6) "County", any one of the several counties of this state or the City of St. Louis;
- 15 (7) "Disqualified", a determination made by a court of competent jurisdiction, the  
16 Missouri ethics commission, an election authority or any other body authorized by law to make  
17 such a determination that a candidate is ineligible to hold office or not entitled to be voted on for  
18 office;
- 19 (8) "District", an area within the state or within a political subdivision of the state from  
20 which a person is elected to represent the area on a policy-making body with representatives of  
21 other areas in the state or political subdivision;
- 22 (9) "Electronic voting system", a system of casting votes by use of marking devices, and  
23 counting votes by use of automatic tabulating or data processing equipment, and includes  
24 computerized voting systems;
- 25 (10) "Established political party" for the state, a political party which, at either of the last  
26 two general elections, polled for its candidate for any statewide office, more than two percent  
27 of the entire vote cast for the office. "Established political party" for any district or political  
28 subdivision shall mean a political party which polled more than two percent of the entire vote  
29 cast at either of the last two elections in which the district or political subdivision voted as a unit  
30 for the election of officers or representatives to serve its area;
- 31 (11) "Federal office", the office of presidential elector, United States senator, or  
32 representative in Congress;
- 33 (12) "Independent", a candidate who is not a candidate of any political party and who  
34 is running for an office for which party candidates may run;
- 35 (13) "Major political party", the political party whose candidates received the highest or  
36 second highest number of votes at the last general election;
- 37 (14) "Marking device", either an apparatus in which ballots are inserted and voted by use  
38 of a punch apparatus, or any approved device which will enable the votes to be counted by  
39 automatic tabulating equipment;
- 40 (15) "Municipal" or "municipality", a city, village, or incorporated town of this state;
- 41 (16) "New party", any political group which has filed a valid petition and is entitled to  
42 place its list of candidates on the ballot at the next general or special election;
- 43 (17) "Nonpartisan", a candidate who is not a candidate of any political party and who is  
44 running for an office for which party candidates may not run;
- 45 (18) "Political party", any established political party and any new party;
- 46 (19) "Political subdivision", a county, city, town, village, or township of a township  
47 organization county;

48 (20) "Polling place", the voting place designated for all voters residing in one or more  
49 precincts for any election;

50 (21) "Precincts", the geographical areas into which the election authority divides its  
51 jurisdiction for the purpose of conducting elections;

52 (22) **"Public entity", the state and any political subdivision of the state, including**  
53 **municipalities and special districts;**

54 (23) "Public office", any office established by constitution, statute or charter and any  
55 employment under the United States, the state of Missouri, or any political subdivision or special  
56 district, but does not include any office in the reserve forces or the national guard or the office  
57 of notary public or city attorney in cities of the third classification or cities of the fourth  
58 classification;

59 [(23)] (24) "Question", any measure on the ballot which can be voted "YES" or "NO";

60 [(24)] (25) "Relative within the first degree by consanguinity or affinity", a spouse,  
61 parent, or child of a person;

62 [(25)] (26) "Relative within the second degree by consanguinity or affinity", a spouse,  
63 parent, child, grandparent, brother, sister, grandchild, mother-in-law, father-in-law,  
64 daughter-in-law, or son-in-law;

65 [(26)] (27) "Special district", any school district, water district, fire protection district,  
66 hospital district, health center, nursing district, or other districts with taxing authority, or other  
67 district formed pursuant to the laws of Missouri to provide limited, specific services;

68 [(27)] (28) "Special election", elections called by any school district, water district, fire  
69 protection district, or other district formed pursuant to the laws of Missouri to provide limited,  
70 specific services; and

71 [(28)] (29) "Voting district", the one or more precincts within which all voters vote at  
72 a single polling place for any election.

115.063. 1. When any question or candidate is submitted to a vote by any [political  
2 subdivision or special district] **public entity** and no other question or candidate is submitted at  
3 the same election, all costs of the election shall be paid from the general revenue of the [political  
4 subdivision or special district] **public entity** submitting a question or candidate at the election.  
5 **Any such costs paid by the state shall be paid from the state election subsidy fund**  
6 **established in section 115.077.**

7 2. All costs of special elections involving a statewide candidate or statewide issue and  
8 all costs of special elections involving candidates for state senator or state representative shall  
9 be paid by the state, except that if [a political subdivision or special district] **any other public**  
10 **entity** holds an election on the same day, the costs shall be shared proportionately by [the state

11 and the political subdivisions and special districts affected] **all public entities submitting a**  
12 **question or candidate** in the manner provided in section 115.065.

13 3. [The state shall not be liable for any costs of a general election or primary election  
14 held in even-numbered years as designated in subsections 1 and 2 of section 115.121.

15 4.] When a proposed political subdivision submits a petition requesting an election as  
16 part of the formation thereof, the petitioners shall submit together with the petition sufficient  
17 security to pay all costs of the election. If such proposition is successful, the political subdivision  
18 thereby created shall reimburse those persons advancing funds to pay the costs of the election.

115.065. 1. Except as provided in sections 115.069, 115.071, **and** 115.073 [and  
2 115.077], when any question or candidate is submitted to a vote by two or more [political  
3 subdivisions or special districts, or except in primary and general elections by the state and one  
4 or more political subdivisions or special districts at the same election] **public entities**, all costs  
5 of the election shall be paid proportionally from the general revenues of the [state and all  
6 political subdivisions and special districts] **public entities** submitting a question or candidate at  
7 the election, except that costs of publications of legal notice of elections shall not be paid  
8 proportionally. [The state and each political subdivision and each special district] **Each public**  
9 **entity** shall pay for publication of its legal notice of election. At the discretion of the election  
10 authority, ballot printing costs, if any, may be paid proportionally or [the state and each political  
11 subdivision and each special district] **each public entity** may pay for such ballot printing costs,  
12 if any. **Any such costs paid by the state shall be paid from the state election subsidy fund**  
13 **established in section 115.077.**

14 2. Except as provided in sections 115.069, 115.071 and 115.073, when any question or  
15 candidate is submitted to a vote by two or more [political subdivisions or special districts] **public**  
16 **entities** at the same election, all costs of the election shall be paid proportionally from the  
17 general revenues of all [political subdivisions and special districts] **public entities** submitting  
18 a question or candidate at the election.

19 3. Proportional election costs paid under the provisions of subsection 2 of this section  
20 shall be assessed by charging each [political subdivision and special district] **public entity** the  
21 same percentage of the total cost of the election as the number of registered voters of the  
22 [political subdivision or special district] **public entity** on the day of the election is to the total  
23 number of registered voters on the day of the election, derived by adding together the number  
24 of registered voters in each [political subdivision and special district] **public entity** submitting  
25 a question or candidate at the election.

26 4. "Proportional costs" and "election costs", as used in this chapter, are defined as those  
27 costs that require additional out-of-pocket expense by the election authority in conducting an  
28 election. It may include reimbursement to county general revenue for the salaries of employees

29 of the election authority for the hours worked to conduct an election, any indirect expenses  
30 identified under an independent cost allocation study and an amount not to exceed five percent  
31 of the total cost of election to be credited to the election services fund of the county. The  
32 election services fund shall be budgeted and expended at the direction of the election authority  
33 and shall not be used to substitute for or subsidize any allocation of general revenue for the  
34 operation of the election authority's office without the express consent of the election authority.  
35 The election services fund may be audited by the appropriate auditing agency, and any  
36 unexpended balance shall be left in the fund to accumulate from year to year with interest. The  
37 election services fund shall be used by the election authority for training programs and purchase  
38 of additional supplies or equipment to improve the conduct of elections, including anything  
39 necessarily pertaining thereto. In addition to these costs, the state shall, subject to appropriation,  
40 compensate the election services fund for transactions submitted pursuant to the provisions of  
41 section 115.157.

115.075. Except as otherwise provided [in this subchapter] **by law**, all **general** costs and  
2 expenses relating to the conduct of elections and the registration of voters in each county **that**  
3 **are not paid as proportional costs under section 115.065** shall be paid from the general  
4 revenue of the county.

115.077. 1. [Special districts, cities, townships in township organization counties,  
2 villages and the state] **Public entities** shall pay the election costs required by this [subchapter]  
3 **chapter** to each election authority conducting its elections.

4 2. Not later than the fifth Tuesday prior to any election to be conducted for [the state, a  
5 special district or political subdivision] **any public entity**, the election authority shall estimate  
6 the cost of conducting the election for [the state and each political subdivision and special  
7 district] **each public entity** submitting a candidate or question at the election. Not later than the  
8 third Tuesday prior to the election, [the state, each special district and political subdivision] **each**  
9 **public entity** submitting a candidate or question at the election[, except the county,] shall deposit  
10 with the election authority an amount equal to the estimated cost of conducting the election for  
11 the [state, the political subdivision or special district] **public entity**. All payments of election  
12 costs received by an election authority under the provisions of this subsection shall be placed by  
13 the election authority in a special account and used by the election authority only to pay the costs  
14 incurred in conducting the election. If the amount paid to an election authority by the [state or  
15 any political subdivision or special district] **public entity** exceeds the cost of conducting the  
16 election for the [state, political subdivision or special district] **public entity**, the election  
17 authority shall promptly refund to the [state, political subdivision or special district] **public**  
18 **entity** the difference between the amount deposited with it and the cost of conducting the  
19 election **after all bills have been paid**. If the amount deposited with an election authority by

20 the [state or any political subdivision or special district] **public entity** is less than the cost of  
21 conducting the election for the [state, political subdivision or special district, the state, political  
22 subdivision or special district] **public entity, the election authority** shall[, not later than the  
23 fifth Tuesday after the election, pay to the election authority] **bill the public entity** the difference  
24 between the amount deposited and the cost of conducting the election. **Not later than three**  
25 **weeks after the receipt of the bill, the public entity shall pay the final costs of the election.**

26 3. Except as provided in section 115.061, all payments of election costs received by an  
27 election authority under the provisions of this section shall be placed by the election authority  
28 in a special account and used by the election authority only to pay the costs incurred in  
29 conducting elections.

30 4. When [the state or any political subdivision or special district] **any public entity**  
31 willfully fails to make payment of an election cost required by this subchapter by the time  
32 provided in this subchapter, it shall pay a penalty of fifty dollars for each day after the time  
33 provided in this subchapter proper payment is not made. Any such penalty shall be payable to  
34 the election authority authorized to receive payment of the election cost and shall be deposited  
35 in the general revenue fund of such election authority's city or county.

36 5. There is hereby created the "State Election Subsidy Fund" in the state treasury which  
37 shall be funded by appropriations from the general assembly for the purpose of the state making  
38 advance payments of election costs as required by this section. **Notwithstanding the provisions**  
39 **of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of**  
40 **any fiscal year shall not revert to the credit of the general revenue fund or be transferred**  
41 **to any other fund. The state treasurer shall invest moneys in the fund in the same manner**  
42 **as other funds are invested. Any interest and moneys earned on such investments shall be**  
43 **credited to the fund. Notwithstanding any other provision of law to the contrary, no**  
44 **amount of moneys in the fund shall be transferred from the fund or charged for purposes**  
45 **of the administration of central services for the state. Moneys in the fund shall be used to**  
46 **pay the state share of election costs, including proportional costs billed for conducting**  
47 **elections under sections 115.063 and 115.065.** To meet the state's funding obligation to  
48 maintain expenditures pursuant to Section 254(a)(7) of the Help America Vote Act of 2002, the  
49 commissioner of the office of administration shall annually transfer from general revenue to the  
50 state election subsidy fund an amount not less than the amount expended in the fiscal year that  
51 ended June 30, 2000. [At the end of each fiscal year, any amounts in the state election subsidy  
52 fund not expended or obligated to meet the state's obligations pursuant to section 115.065 and  
53 this section shall be transferred to the election administration improvements fund authorized  
54 pursuant to section 115.078 and used to meet the maintenance of effort funding requirements of  
55 Section 254(a)(7) of the Help America Vote Act of 2002.] Any other law to the contrary

56 notwithstanding, the funds received pursuant to Sections 251 and 252 of the Help America Vote  
57 Act of 2002 shall be expended according to the state plan developed pursuant to the provisions  
58 of Section 254 of said act. The secretary of state shall develop the state plan through the  
59 committee appointed by the secretary of state under the provisions of Section 255 of the Help  
60 America Vote Act of 2002.

115.121. 1. The general election day shall be the first Tuesday after the first Monday in  
2 November of even-numbered years.

3       2. **For all years ending on or before December 31, 2010**, the primary election day shall  
4 be the first Tuesday after the first Monday in August of even-numbered years. **For all years**  
5 **beginning on or after January 1, 2011, the primary election day shall be the first Tuesday**  
6 **after the first Monday in June of even-numbered years.**

7       3. **For all elections before April, 2011**, the election day for the election of political  
8 subdivision and special district officers shall be the first Tuesday after the first Monday in April  
9 each year[; and] . **For all elections after April, 2010, the election day for the election of**  
10 **political subdivision and special district offices shall be the first Tuesday after the first**  
11 **Monday in April of odd-numbered years. Such election day** shall be known as the "general  
12 municipal election day".

13       [4. In addition to the primary election day provided for in subsection 2 of this section,  
14 for the year 2003, the first Tuesday after the first Monday in August, 2003, also shall be a  
15 primary election day for the purpose of permitting school districts and other political  
16 subdivisions of Missouri to incur debt in accordance with the provisions of article VI, section  
17 26(a) through 26(g) of the Missouri Constitution, with the approval of four-sevenths of the  
18 eligible voters of such school district or other political subdivision voting thereon, to provide  
19 funds for the acquisition, construction, equipping, improving, restoration, and furnishing of  
20 facilities to replace, repair, reconstruct, reequip, restore, and refurnish facilities damaged,  
21 destroyed, or lost due to severe weather, including, without limitation, windstorms, hail storms,  
22 flooding, tornadic winds, rainstorms and the like which occurred during the month of April or  
23 May, 2003.

24       5. Notwithstanding the provisions of subsection 1 of section 115.125, the officer or  
25 agency calling an election on the first Tuesday after the first Monday of August, 2003, shall  
26 notify the election authorities responsible for conducting the election not later than 5:00 p.m. on  
27 the sixth Tuesday prior to the election. For purposes of any such election, all references in  
28 section 115.125 to the tenth Tuesday prior to such election shall be deemed to refer to the sixth  
29 Tuesday prior to such election.]

115.123. 1. All public elections shall be held on Tuesday. Except as provided in  
2 subsections 2, 3, and 4 of this section, and section 247.180, RSMo, all public elections shall be

3 held on the general election day, the primary election day, **and** the general municipal election  
4 day[, the first Tuesday after the first Monday in February or November, or on another day  
5 expressly provided by city or county charter, the first Tuesday after the first Monday in June and  
6 in nonprimary years on the first Tuesday after the first Monday in August].

7         2. [Notwithstanding the provisions of subsection 1 of this section, an election for a  
8 presidential primary held pursuant to sections 115.755 to 115.785 shall be held on the first  
9 Tuesday after the first Monday in March of each presidential election year.

10         3.] The following elections shall be exempt from the provisions of subsection 1 of this  
11 section:

12         (1) Bond elections necessitated by fire, vandalism or natural disaster;

13         (2) Elections for which ownership of real property is required by law for voting; and

14         (3) Special elections to fill vacancies and to decide tie votes or election contests.

15         [4.] **3.** No city or county shall adopt a charter or charter amendment which calls for  
16 elections to be held on dates other than those established in subsection 1 of this section.

17         [5.] **4. Notwithstanding any other provision of law to the contrary, the primary**  
18 **election for the nomination of candidates for the general municipal election shall be held**  
19 **on the first Tuesday after the first Monday in February in the year of the general**  
20 **municipal election.** Nothing in this section prohibits a charter city or county from having its  
21 primary election in March if the charter provided for a March primary before August 28, 1999.  
22 **Except as provided in subsection 2 of this section, the nomination of candidates for the**  
23 **general municipal election shall be the only question or candidates submitted at the**  
24 **primary election held in February of odd-numbered years.**

25         [6. Nothing in this section shall prohibit elections held pursuant to section 65.600,  
26 RSMo, but no other issues shall be on the March ballot except pursuant to this chapter.]

115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election  
2 **held on or before the general municipal election in 2010** in any political subdivision or special  
3 district except for municipal elections, if the notice provided for in subsection 5 of section  
4 115.127 has been published in at least one newspaper of general circulation in the district, and  
5 if the number of candidates who have filed for a particular office is equal to the number of  
6 positions in that office to be filled by the election, no election shall be held for such office, and  
7 the candidates shall assume the responsibilities of their offices at the same time and in the same  
8 manner as if they had been elected. Notwithstanding any other provision of law to the contrary,  
9 if at any election the number of candidates filing for a particular office exceeds the number of  
10 positions to be filled at such election, the election authority shall hold the election as scheduled,  
11 even if a sufficient number of candidates withdraw from such contest for that office so that the  
12 number of candidates remaining after the filing deadline is equal to the number of positions to

13 be filled. **This subsection shall not apply to any nonpartisan election in any political**  
14 **subdivision or special district election held at the general municipal election after the April**  
15 **2010 general municipal election. Notwithstanding any other provision of law to the**  
16 **contrary, the length of the terms of the offices filled under this subsection shall be as**  
17 **provided in subsection 3 of this section.**

18       2. The election authority or political subdivision responsible for the oversight of the  
19 filing of candidates in any nonpartisan election in any political subdivision or special district  
20 shall clearly designate where candidates shall form a line to effectuate such filings and determine  
21 the order of such filings; except that, in the case of candidates who file a declaration of candidacy  
22 with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing,  
23 the election authority or political subdivision may determine by random drawing the order in  
24 which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to  
25 this subsection, it shall be conducted so that each candidate may draw a number at random at the  
26 time of filing. If such drawing is conducted, the election authority or political subdivision shall  
27 record the number drawn with the candidate's declaration of candidacy. If such drawing is  
28 conducted, the names of candidates filing on the first day of filing for each office on each ballot  
29 shall be listed in ascending order of the numbers so drawn.

30       **3. (1) This act shall be known and may be cited as the "Election Consolidation Act**  
31 **of 2009".**

32       **(2) This subsection shall apply to any elected official who assumes the**  
33 **responsibilities of office under subsection 1 of this section when the number of candidates**  
34 **who have filed for a particular office is equal to the number of positions in that office to**  
35 **be filled by the election, but shall not apply to any state or county official elected in a**  
36 **special election to fill a vacancy that is held in conjunction with a general municipal**  
37 **election.**

38       **(3) Notwithstanding any other provision of law or charter to the contrary, any**  
39 **public official of any municipality, political subdivision, or special district who assumes**  
40 **office at the general municipal election held in April, 2009, shall serve a term as follows:**

41       **(a) If the term is a one-year term, the term shall be extended until a successor is**  
42 **elected at the general municipal election held in 2011. Such term shall be two years, and**  
43 **such office shall be filled by an election every two years thereafter;**

44       **(b) If the term is a three-year term, the term shall be extended until a successor is**  
45 **elected at the general municipal election held in 2013. Such term shall be four years, and**  
46 **such office shall be filled by an election every four years thereafter;**

47 (c) If the term is longer than three years, a successor shall be elected at the general  
48 municipal election held in 2013. Such term shall be four years, and such office shall be  
49 filled by an election every four years thereafter;

50 (d) If the term is two years in a jurisdiction with staggered terms for members of  
51 the governing body, and the governing body adopts an order or ordinance to maintain  
52 staggered terms not later than November 1, 2009, the public official shall serve until a  
53 successor is elected at the general municipal election held in 2013. Such term shall be four  
54 years, and such office shall be filled by an election every four years thereafter.

55 (4) Notwithstanding any other provision of law or charter to the contrary, any  
56 public official of any municipality, political subdivision, or special district who assumes  
57 office at the general municipal election held in April, 2010, shall serve a term as follows:

58 (a) If the term that expires in 2010 was less than three years, the term shall expire  
59 when a successor is elected at the general municipal election held in 2013. Such term shall  
60 be two years, and such office shall be filled by an election at the general municipal election  
61 every two years thereafter. This paragraph shall not apply to any jurisdiction that adopts  
62 an order or ordinance to maintain staggered terms under paragraph (d) of subdivision (3)  
63 of this subsection;

64 (b) If the term that expires in 2010 is in a jurisdiction that adopts an order or  
65 ordinance to maintain staggered terms as provided in paragraph (d) of subdivision (3) of  
66 this subsection not later than November 1, 2009, the public official shall serve for three  
67 years until a successor is elected. Such office shall be filled by an election for a four-year  
68 term at the general municipal election every four years thereafter;

69 (c) If the term that expires in 2010 was longer than two years, the public official  
70 shall serve until a successor is elected at the general municipal election held in 2014. Such  
71 term shall be four years, and such office shall be filled by an election every four years  
72 thereafter.

73 (5) Notwithstanding any other provision of law or charter to the contrary, no public  
74 official of any municipality, political subdivision, or special district who assumes office  
75 after the general municipal election held in April, 2010, shall serve a term of one, three, or  
76 more than four years. If the term of such office before August 28, 2009, was one year, the  
77 term such office filled at the 2011 general municipal election shall be two years, and two  
78 years thereafter. If the term of such office before August 28, 2009, was three years, the  
79 term of such office filled at the 2011 general municipal election shall be four years, and  
80 four years thereafter.

81 (6) Notwithstanding any other provision of law or charter to the contrary, any  
82 municipality, political subdivision, or special district required by law to hold a primary

83 election before the general municipal election may, by order or ordinance adopted no later  
84 than September 1 of any even-numbered year, abolish the primary election for  
85 nominations of candidates for the general municipal election. After the 2010 general  
86 municipal election, the primary election for the nomination of candidates for the general  
87 municipal election shall be held on the first Tuesday after the first Monday in February  
88 in each odd-numbered year. This subsection shall not be construed to prohibit any home  
89 rule city or county with a charter form of government from conducting a primary election  
90 in March if such city or county charter provided for a March primary before August 28,  
91 1999.

115.125. 1. Not later than 5:00 p.m. on the tenth Tuesday prior to any election, except  
2 a special election to decide an election contest, tie vote [or an election to elect seven members  
3 to serve on a school board of a district pursuant to section 162.241, RSMo], or a delay in  
4 notification pursuant to subsection 2 of this section, or pursuant to the provisions of section  
5 115.399, the officer [or agency] **responsible for certification of questions or candidates for**  
6 **the public entity** calling the election shall notify the election authorities responsible for  
7 conducting the election. The notice shall be in writing, shall specify the name of the officer or  
8 agency calling the election and shall include a certified copy of the legal notice to be published  
9 pursuant to subsection 2 of section 115.127 **and a certified copy of the sample ballot.** The  
10 notice and any other information required by this section may, with the prior notification to the  
11 election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 p.m.  
12 on the tenth Tuesday prior to the election, provided that the original copy of the notice and a  
13 certified copy of the legal notice to be published shall be received in the office of the election  
14 authority within three business days from the date of the facsimile transmission. In lieu of a  
15 certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127 **and**  
16 **the certified copy of a sample ballot,** each notice of a special election to fill a vacancy shall  
17 include the name of the office to be filled, the date of the election and the date by which  
18 candidates must be selected or filed for the office. Not later than the fourth Tuesday prior to any  
19 special election to fill a vacancy called by a political subdivision or special district, the officer  
20 [or agency] **responsible for certification of questions or candidates for the public entity**  
21 calling the election shall certify a sample ballot to the election authorities responsible for  
22 conducting the election.

23 2. Except as provided for in sections 115.247 and 115.359, if there is no additional cost  
24 for the printing or reprinting of ballots or if the political subdivision or special district calling for  
25 the election agrees to pay any printing or reprinting costs, a political subdivision or special  
26 district may, at any time after certification required in subsection 1 of this section, but no later  
27 than 5:00 p.m. on the sixth Tuesday before the election, be permitted to make late notification

28 to the election authority pursuant to court order, which, except for good cause shown by the  
29 election authority in opposition thereto, shall be freely given upon application by the political  
30 subdivision or special district to the circuit court of the area of such subdivision or district. No  
31 court shall have the authority to order an individual or issue be placed on the ballot less than six  
32 weeks before the date of the election, except as provided in sections 115.361 and 115.379.

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

7 2. When a special election to fill a vacancy is called, neither the secretary of state nor any  
8 election authority shall accept for filing any petition for the formation of a new party or for the  
9 nomination of an independent candidate which is submitted after 5:00 p.m. on the day which is  
10 midway between the day the election is called and the election day.

115.341. For **primary elections held before the general election in 2010, for the**  
2 nomination of candidates to be elected at the next general election, a primary election shall be  
3 held on the first Tuesday after the first Monday in August of even-numbered years. **After the**  
4 **general election held in 2010, for the nomination of candidates to be elected at the next**  
5 **general election, a primary election shall be held on the first Tuesday after the first**  
6 **Monday in June in even-numbered years.**

115.345. 1. Not later than the third Monday in [December] **November** immediately  
2 preceding the primary election, the secretary of state shall prepare and transmit to each election  
3 authority a notice, in writing, designating the offices for which candidates are to be nominated  
4 at the primary election.

5 2. [Upon receipt of notice] **Not later than the second Tuesday in December**  
6 **immediately preceding the primary election,** the election authority shall publish the notice and  
7 the date by which candidates must file for such offices in a newspaper of general circulation in  
8 its jurisdiction.

115.349. 1. **In 2010,** except as otherwise provided in sections 115.361 to 115.383 or  
2 sections 115.755 to 115.785, no candidate's name shall be printed on any official primary ballot  
3 unless the candidate has filed a written declaration of candidacy in the office of the appropriate  
4 election official by 5:00 p.m. on the last Tuesday in March immediately preceding the primary  
5 election. **In 2011 and thereafter, except as otherwise provided in sections 115.361 to**  
6 **115.383 or sections 115.755 to 115.785, no candidate's name shall be printed on any official**  
7 **primary ballot unless the candidate has filed a written declaration of candidacy in the**

8 **office of the appropriate election official by five o'clock in the evening on the last Tuesday**  
9 **in February immediately preceding the primary election.**

10 2. **In 2010**, no declaration of candidacy for nomination in a primary election shall be  
11 accepted for filing prior to 8:00 a.m. on the last Tuesday in February immediately preceding the  
12 primary election. **In 2011 and thereafter, no declaration of candidacy for nomination in a**  
13 **primary election shall be accepted for filing before eight o'clock in the morning on the last**  
14 **Tuesday in January immediately preceding the primary election.**

15 3. Each declaration of candidacy for nomination in a primary election shall state the  
16 candidate's full name, residence address, office for which such candidate proposes to be a  
17 candidate, the party ticket on which he or she wishes to be a candidate and that if nominated and  
18 elected he or she will qualify. The declaration shall be in substantially the following form:

19 I, ....., a resident and registered voter of the county of ..... and the state of  
20 Missouri, residing at ....., do announce myself a candidate for the office of ..... on the ..... party  
21 ticket, to be voted for at the primary election to be held on the .... day of ....., ...., and I further  
22 declare that if nominated and elected to such office I will qualify.

23

24 ..... Subscribed and sworn to  
25 Signature of candidate before me this ..... day  
26 of ....., .....

27

28 .....  
29 Residence address Signature of election  
30 official or other officer  
31 authorized to administer oaths

32

33 .....  
34 Mailing address (if different)

35

36 .....  
37 Telephone Number (Optional)

38

39 If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate  
40 before an official authorized to accept his or her declaration of candidacy. If the declaration is  
41 to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it shall  
42 be subscribed and sworn to by the candidate before a notary public or other officer authorized  
43 by law to administer oaths.

115.611. 1. Except as provided in subsection 4 of section 115.613, any registered voter  
2 of the county may have such voter's name printed on the primary ballot of such voter's party as  
3 a candidate for county committeeman or committeewoman by filing a declaration of candidacy  
4 in the office of the county election authority and by paying any filing fee required by subsection  
5 2 of this section.

6 2. Before filing such candidate's declaration of candidacy, candidates for county  
7 committeeman or county committeewoman shall pay to the treasurer of such candidate's party's  
8 county committee, or submit to the county election authority to be forwarded to the treasurer of  
9 such candidate's party's committee, a certain sum of money, as follows:

10 (1) One hundred dollars if such candidate is a candidate for county committeeman or  
11 committeewoman in any county which has or hereafter has over nine hundred thousand  
12 inhabitants or in any city not situated in a county;

13 (2) Twenty-five dollars if such candidate is a candidate for county committeeman or  
14 committeewoman in any county of the first class containing the major portion of a city which has  
15 over three hundred thousand inhabitants;

16 (3) Except as provided in subdivisions (1) and (2) of this subsection, no candidate for  
17 county committeeman or committeewoman shall be required to pay a filing fee.

18 3. Any person who cannot pay the fee to file as a candidate for county committeeman  
19 or committeewoman may have the fee waived by filing a declaration of inability to pay and a  
20 petition with the official with whom such candidate files such candidate's declaration of  
21 candidacy. The provisions of section 115.357 shall apply to all such declarations and petitions.

22 4. No person's name shall be printed on any official primary ballot as a candidate for  
23 county committeeman or committeewoman unless the person has filed a declaration of candidacy  
24 with the proper election authority [not later than 5:00 p.m. on the last Tuesday in March  
25 immediately preceding the primary election] **as provided in section 115.349.**

115.615. In years when a primary election is held pursuant to subsection 2 of section  
2 115.121, each county committee shall meet at the county seat on the third Tuesday [of August]  
3 **after the primary election.** In each city not situated in a county, the city committee shall meet  
4 on the same day at such place within the city as the chair of the current city committee may  
5 designate. In all counties of the first, second and third classification the county courthouse shall  
6 be made available for such meetings and any other county political party meeting at no charge  
7 to the party committees. At the meeting, each committee shall organize by electing one of its  
8 members as chair and one of its members as vice chair, a man and a woman, and a secretary and  
9 a treasurer, a man and a woman, who may or may not be members of the committee. The county  
10 chair and vice chair so elected shall by virtue thereof become members of the party  
11 congressional, senatorial and judicial committees of the district of which their county is a part.

115.621. 1. The members of each congressional district committee shall meet at some  
2 place within the district, to be designated by the current chair of the committee, on the last  
3 Tuesday in August after each primary election. The county courthouse in counties of the first,  
4 second and third classification in which the meeting is to take place, as designated by the chair,  
5 shall be made available for such meeting and any other congressional district political party  
6 committee meeting at no charge to the committee. At the meeting, the committee shall organize  
7 by electing one of its members as chair and one of its members as vice chair, one of whom shall  
8 be a woman and one of whom shall be a man, and a secretary and a treasurer, one of whom shall  
9 be a woman and one of whom shall be a man, who may or may not be members of the  
10 committee.

11 2. The members of each legislative district committee shall meet at some place within  
12 the legislative district or within one of the counties in which the legislative district exists, to be  
13 designated by the current chair of the committee, on the third Wednesday after each [August]  
14 primary election. The county courthouse in counties of the first, second and third classification  
15 in which the meeting is to take place, as designated by the chair, shall be made available for such  
16 meeting and any other legislative district political party committee meeting at no charge to the  
17 committee. At the meeting, the committee shall organize pursuant to subsection 1 of section  
18 115.619.

19 3. The members of each senatorial district committee shall meet at some place within  
20 the district, to be designated by the current chair of the committee, if there is one, and if not, by  
21 the chair of the congressional district in which the senatorial district is principally located, on the  
22 third Saturday after each [August] primary election. The county courthouse in counties of the  
23 first, second and third classification in which the meeting is to take place, as so designated  
24 pursuant to this subsection, shall be made available for such meeting and any other senatorial  
25 district political party committee meeting at no charge to the committee. At the meeting, the  
26 committee shall organize by electing one of its members as chair and one of its members as vice  
27 chair, one of whom shall be a woman and one of whom shall be a man, and a secretary and a  
28 treasurer, one of whom shall be a woman and one of whom shall be a man, who may or may not  
29 be members of the committee. The members of each senatorial district shall also meet at some  
30 place within the district, to be designated by the current chair of the committee, if there is one,  
31 and if not, by the chair of the congressional district in which the senatorial district is principally  
32 located, on the Saturday after the third Tuesday in November after each general election. At the  
33 meeting, the committee shall proceed to elect two registered voters of the district, one man and  
34 one woman, as members of the party's state committee.

35 4. The members of each judicial district may meet at some place within the judicial  
36 district or within one of the counties in which the judicial district exists, to be designated by the

37 current chair of the committee or the chair of the congressional district committee, on the first  
 38 Tuesday [in September] **of the month** after each primary election, or at another time designated  
 39 by the chairmen of the committees. The county courthouse in counties of the first, second and  
 40 third classification in which the meeting is to take place, as so designated pursuant to this  
 41 subsection, shall be made available for such meeting and any other judicial district political party  
 42 committee meeting at no charge to the committee. At the meeting, the committee shall organize  
 43 pursuant to subsection 1 of section 115.619.

115.755. A statewide presidential preference primary shall be held on the first Tuesday  
 2 after the first Monday in [February] **June** of each presidential election year.

115.761. 1. The official list of presidential candidates for each established political party  
 2 shall include the names of all constitutionally qualified candidates for whom, on or after 8:00  
 3 a.m. on the fifteenth Tuesday prior to the presidential primary, and on or before 5:00 p.m., on  
 4 the eleventh Tuesday prior to the presidential primary, a written request to be included on the  
 5 presidential primary ballot is filed with the secretary of state along with:

6 (1) Receipt of payment to the state committee of the established political party on whose  
 7 ballot the candidate wishes to appear of a filing fee of one thousand dollars; or

8 (2) A written statement, sworn to before an officer authorized by law to administer oaths,  
 9 that the candidate is unable to pay the filing fee and does not have funds in a campaign fund or  
 10 committee to pay the filing fee and a petition signed by not less than five thousand registered  
 11 Missouri voters, as determined by the secretary of state, that the candidate's name be placed on  
 12 the ballot of the specified established political party for the presidential preference primary. The  
 13 request to be included on the presidential primary ballot shall include each signer's printed name,  
 14 registered address and signature and shall be in substantially the following form:

15 I (We) the undersigned, do hereby request that the name of .....  
 16 be placed upon the [February] ....., ....., presidential primary ballot as candidate for  
 17 nomination as the nominee for President of the United States on the ..... party ticket.

18 2. The state or national party organization of an established political party that adopts  
 19 rules imposing signature requirements to be met before a candidate can be listed as an official  
 20 candidate shall notify the secretary of state by October first of the year preceding the presidential  
 21 primary.

22 3. Any candidate or such candidate's authorized representative may have such candidate's  
 23 name stricken from the presidential primary ballot by filing with the secretary of state on or  
 24 before 5:00 p.m. on the eleventh Tuesday prior to the presidential primary election a written  
 25 statement, sworn to before an officer authorized by law to administer oaths, requesting that such  
 26 candidate's name not be printed on the official primary ballot. Thereafter, the secretary of state

27 shall not include the name of that candidate in the official list announced pursuant to section  
28 115.758 or in the certified list of candidates transmitted pursuant to section 115.765.

29 4. The filing times set out in this section shall only apply to presidential preference  
30 primaries, and are in lieu of those established in section 115.349.

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