

FIRST REGULAR SESSION

HOUSE BILL NO. 41

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROWLAND.

0180L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.399 and 115.761, RSMo, and to enact in lieu thereof two new sections relating to declarations of candidacy.

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

Section A. Sections 115.399 and 115.761, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.399 and 115.761, to read as follows:

115.399. 1. Not later than the twelfth Tuesday prior to each presidential election, or notwithstanding any prior laws to the contrary, in the year 1996 and thereafter, within seven working days after choosing its nominees for president and vice president of the United States, whichever is later, the state committee of each established political party shall certify in writing to the secretary of state the names of its nominees for president and vice president of the United States. **Such certification shall provide verifiable evidence of identity and of proof of status as a natural born citizen of the United States for each nominee and the origins of such evidence. Such evidence shall be in the form of the most complete record of birth available by the controlling legal authority at the time of the nominee's birth, and shall be kept and maintained by the secretary of state, and shall be deemed a public record under chapter 610. The burden of proof for such evidence shall lie solely upon each nominee. As used in this subsection, "natural born citizen" means having been declared a national and citizen of the United States at birth under 8 U.S.C. Sections 1401 to**

1409, as amended, or having been declared a national and citizen of the United States under federal law as it existed at the time of the nominee's birth.

2. Not later than the third Tuesday prior to each presidential election, the state committee of each established political party shall certify in writing to the secretary of state the names of

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 its nominees for presidential elector. At least one qualified resident of each congressional district
19 shall be named as a nominee for presidential elector by each state committee, and the number
20 of nominees for presidential elector named by each state committee shall equal the number to
21 which the state is entitled.

22 3. When submitted for filing, each certification made by a state committee pursuant to
23 the provisions of subsection 2 of this section shall be accompanied by a declaration of candidacy
24 for each candidate for presidential elector. Each declaration of candidacy shall state the
25 candidate's full name, residence address, office for which such person proposes to be a candidate
26 and that if elected the person will qualify. Each such declaration shall be in substantially the
27 following form:

28

29 I, , a resident of the congressional district and the state of Missouri do
30 announce myself a candidate for the office of presidential elector from the . . . congressional
31 district (state at large) on the . . . ticket, to be voted for at the presidential election to be held on
32 the . . . day of . . . , 20. ., and I further declare that if nominated and elected to such office I will
33 qualify.

34

35	Subscribed and sworn to
36 Signature of candidate	before me this
37	day of , 20.
38
39 Residence address	Signature of election official
40	or officer authorized to
41	administer oaths
42	

43 Each such declaration shall be subscribed and sworn to by the candidate before the election
44 official receiving the certification, a notary public or other officer authorized by law to
45 administer oaths.

46 **4. Failure to provide the certification required under this section shall render any**
47 **candidate ineligible to file a declaration of intent to be a write-in candidate for election to**
48 **the office of president or vice president of the United States.**

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] . **Such written**

6 **request shall provide verifiable evidence of identity and of proof of status as a natural born**
 7 **citizen of the United States for each candidate and the origins of such evidence. Such**
 8 **evidence shall be in the form of the most complete record of birth available by the**
 9 **controlling legal authority at the time of the candidate's birth, and shall be kept and**
 10 **maintained by the secretary of state, and shall be deemed a public record under chapter**
 11 **610. The burden of proof for such evidence shall lie solely upon each candidate. As used**
 12 **in this subsection, "natural born citizen" means having been declared a national and**
 13 **citizen of the United States at birth under 8 U.S.C. Sections 1401 to 1409, as amended, or**
 14 **having been declared a national and citizen of the United States under federal law as it**
 15 **existed at the time of the nominee's birth. Each written request shall also include:**

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

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

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

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

32 3. Any candidate or such candidate's authorized representative may have such candidate's
 33 name stricken from the presidential primary ballot by filing with the secretary of state on or
 34 before 5:00 p.m. on the eleventh Tuesday prior to the presidential primary election a written
 35 statement, sworn to before an officer authorized by law to administer oaths, requesting that such
 36 candidate's name not be printed on the official primary ballot. Thereafter, the secretary of state
 37 shall not include the name of that candidate in the official list announced pursuant to section
 38 115.758 or in the certified list of candidates transmitted pursuant to section 115.765.

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

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