

SECOND REGULAR SESSION

HOUSE BILL NO. 1060

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DUGGER.

4222L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 52.010, 54.033, 54.330, 78.090, 115.124, 115.127, 115.241, 115.293, 115.342, 115.601, 115.637, and 115.761, RSMo, and to enact in lieu thereof eleven new sections relating to elections, with penalty provisions.

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

Section A. Sections 52.010, 54.033, 54.330, 78.090, 115.124, 115.127, 115.241, 115.293, 115.342, 115.601, 115.637, and 115.761, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 52.010, 54.033, 54.330, 78.090, 115.124, 115.127, 115.293, 115.342, 115.601, 115.637, and 115.761, to read as follows:

52.010. **1.** At the general election in 1906, and every four years thereafter, a collector, to be styled the collector of the revenue, shall be elected in each of the counties of this state, except counties under township organization, who shall hold [his] office for four years and until [his] a successor is duly elected and qualified. The collector shall [be a resident of] **reside in** the county from which such person [was] **is** elected **throughout such person's term in office.**

2. A candidate for the office of collector shall be at least twenty-one years of age and a resident of the state and the county in which such person is a candidate for at least one year prior to the date of filing for such office. The candidate shall be a registered voter and current in the payment of all state income taxes and personal and real property taxes.

3. The candidate shall present to the election authority a copy of a signed affidavit from a surety company authorized to do business in this state, indicating that the candidate meets the statutory bond requirements for the office for which the candidate is filing.

54.033. In the event of a vacancy caused by death, resignation, or otherwise, in the office of county treasurer in any county except a county **having a township form of government with**

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.

3 **an office of collector-treasurer and any county** with a charter form of government, the county
4 commission shall appoint a deputy treasurer or a qualified person to serve as an interim treasurer
5 until said treasurer returns or the unexpired term is filled under section 105.030. Such individual
6 must be eligible to serve as a county treasurer under section 54.040, and must comply with
7 section 54.090.

54.330. 1. **A candidate for county collector-treasurer shall be at least twenty-one**
2 **years of age and a resident of the county in which such person is a candidate for at least**
3 **one year prior to the date of filing for the office. The candidate shall also be a registered**
4 **voter and shall be current in the payment of all state income taxes and personal and real**
5 **property taxes. The candidate shall present to the election authority a copy of a signed**
6 **affidavit from a surety company authorized to do business in this state, indicating that the**
7 **candidate meets the statutory bond requirements for the office for which the candidate is**
8 **filing. A collector-treasurer shall reside in the county throughout such person's term in**
9 **office and shall remain in office until a successor is duly elected and qualified.**

10 2. County collector-treasurers in a county having township organization, shall be
11 required to give bonds as other county collectors under the general revenue law, **and shall have**
12 **the sole authority to appoint deputies under section 52.300.**

13 [2.] 3. Before entering upon the duties for which they are employed, deputies and
14 assistants employed in the office of any collector-treasurer shall give bond and security to the
15 satisfaction of the collector-treasurer. The bond for each individual deputy or assistant shall not
16 exceed one-half of the amount of the maximum bond required for any collector-treasurer. The
17 official bond required pursuant to this section shall be a surety bond with a surety company
18 authorized to do business in this state. The premium of the bond shall be paid by the county or
19 city being protected.

78.090. 1. Candidates to be voted for at all general municipal elections at which a mayor
2 and councilmen are to be elected under the provisions of sections 78.010 to [78.420] **78.400** shall
3 be nominated by a primary election, **except as provided in this section**, and no other names
4 shall be placed upon the general ballot except those selected in the manner herein prescribed.
5 The primary election for such nomination shall be held on the first Tuesday after the first
6 Monday in February preceding the municipal election.

7 2. (1) **In lieu of conducting a primary election under this section, any city organized**
8 **under sections 78.010 to 78.400 may, by order or ordinance, provide for the elimination of**
9 **the primary election and the conduct of elections for mayor and councilman as provided**
10 **in this subsection.**

11 (2) **Any person desiring to become a candidate for mayor or councilman shall file**
12 **with the city clerk a signed statement of such candidacy, stating whether such person is a**

13 resident of the city and a qualified voter of the city, that the person desires to be a
14 candidate for nomination to the office of mayor or councilman to be voted upon at the next
15 municipal election for such office, that the person is eligible for such office, that the person
16 requests to be placed on the ballot, and that such person will serve if elected. Such
17 statement shall be sworn to or affirmed before the city clerk.

18 (3) Under the requirements of section 115.023, the city clerk shall notify the
19 requisite election authority who shall cause the official ballots to be printed, and the names
20 of the candidates shall appear on the ballots in the order that their statements of candidacy
21 were filed with the city clerk. Above the names of the candidates shall appear the words
22 "Vote for (number to be elected)". The ballot shall also include a warning that voting for
23 more than the total number of candidates to be elected to any office invalidates the ballot.

115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in
2 any political subdivision or special district except for municipal elections **in any city, town, or**
3 **village with more than six thousand inhabitants**, if the notice provided for in subsection 5 of
4 section 115.127 has been published in at least one newspaper of general circulation in the
5 district, and if the number of candidates who have filed for a particular office is equal to the
6 number of positions in that office to be filled by the election, no election shall be held for such
7 office, and the candidates shall assume the responsibilities of their offices at the same time and
8 in the same manner as if they had been elected. **If no election is held for such office as**
9 **provided in this section, the election authority shall publish a notice containing the names**
10 **of the candidates that will assume the responsibilities of office under this section. Such**
11 **notice shall be published by April first of each year, and shall be published in at least one**
12 **newspaper of general circulation in such political subdivision or district.** Notwithstanding
13 any other provision of law to the contrary, if at any election the number of candidates filing for
14 a particular office exceeds the number of positions to be filled at such election, the election
15 authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw
16 from such contest for that office so that the number of candidates remaining after the filing
17 deadline is equal to the number of positions to be filled.

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.

115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice of
2 a special election to fill a vacancy submitted pursuant to section 115.125, the election authority
3 shall cause legal notice of the special election to be published in a newspaper of general
4 circulation in its jurisdiction. The notice shall include the name of the officer or agency calling
5 the election, the date and time of the election, the name of the office to be filled and the date by
6 which candidates must be selected or filed for the office. Within one week prior to each special
7 election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of
8 the election to be published in two newspapers of different political faith and general circulation
9 in the jurisdiction. The legal notice shall include the date and time of the election, the name of
10 the officer or agency calling the election and a sample ballot. If there is only one newspaper of
11 general circulation in the jurisdiction, the notice shall be published in the newspaper within one
12 week prior to the election. If there are two or more newspapers of general circulation in the
13 jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the
14 newspapers within one week prior to the election.

2. Except as provided in subsections 1 and 4 of this section and in sections 115.521,
16 115.549 and 115.593, the election authority shall cause legal notice of each election held in its
17 jurisdiction to be published. The notice shall be published in two newspapers of different
18 political faith and qualified pursuant to chapter 493 which are published within the bounds of
19 the area holding the election. If there is only one so qualified newspaper, then notice shall be
20 published in only one newspaper. If there is no newspaper published within the bounds of the
21 election area, then the notice shall be published in two qualified newspapers of different political
22 faith serving the area. Notice shall be published twice, the first publication occurring in the
23 second week prior to the election, and the second publication occurring within one week prior
24 to the election. Each such legal notice shall include the date and time of the election, the name
25 of the officer or agency calling the election and a sample ballot; and, unless notice has been
26 given as provided by section 115.129, the second publication of notice of the election shall
27 include the location of polling places. The election authority may provide any additional notice
28 of the election it deems desirable.

3. The election authority shall print the official ballot as the same appears on the sample
30 ballot, and no candidate's name or ballot issue which appears on the sample ballot or official
31 printed ballot shall be stricken or removed from the ballot except on death of a candidate or by
32 court order.

33 4. In lieu of causing legal notice to be published in accordance with any of the provisions
34 of this chapter, the election authority in jurisdictions which have less than seven hundred fifty
35 registered voters and in which no newspaper qualified pursuant to chapter 493 is published, may
36 cause legal notice to be mailed during the second week prior to the election, by first class mail,
37 to each registered voter at the voter's voting address. All such legal notices shall include the date
38 and time of the election, the location of the polling place, the name of the officer or agency
39 calling the election and a sample ballot.

40 5. **(1) Except for filing for office filled by election on the general municipal election**
41 **day as provided in subdivision (2) of this subsection,** if the opening date for filing a
42 declaration of candidacy for any office in a political subdivision or special district is not required
43 by law or charter, the opening filing date shall be 8:00 a.m., the sixteenth Tuesday prior to the
44 election, except that for any home rule city with more than four hundred thousand inhabitants
45 and located in more than one county and any political subdivision or special district located in
46 such city, the opening filing date shall be 8:00 a.m., the fifteenth Tuesday prior to the election.
47 **Except for filing for office filled by election on the general municipal election day as**
48 **provided in subdivision (2) of this subsection,** if the closing date for filing a declaration of
49 candidacy for any office in a political subdivision or special district is not required by law or
50 charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to the election. The
51 political subdivision or special district calling an election shall, before the sixteenth Tuesday, or
52 the fifteenth Tuesday for any home rule city with more than four hundred thousand inhabitants
53 and located in more than one county or any political subdivision or special district located in
54 such city, prior to any election at which offices are to be filled, notify the general public of the
55 opening filing date, the office or offices to be filled, the proper place for filing and the closing
56 filing date of the election. Such notification may be accomplished by legal notice published in
57 at least one newspaper of general circulation in the political subdivision or special district.

58 **(2) The opening filing date for any office filled by election on the general municipal**
59 **election day as established under section 115.121 shall be the first Tuesday in December**
60 **of the immediately preceding year, and the closing filing date shall be the first Tuesday**
61 **after the first Monday in January of the year in which the election is held. This subdivision**
62 **shall not apply to any election in a political subdivision or special district in any county**
63 **with a charter form of government except that this subdivision shall apply in any county**
64 **with a charter form of government and with more than two hundred thousand but fewer**
65 **than three hundred fifty thousand inhabitants.**

66 6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost
67 for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting
68 costs, a candidate who has filed for an office or who has been duly nominated for an office may,

69 at any time after the certification required in section 115.125 but no later than 5:00 p.m. on the
70 sixth Tuesday before the election, withdraw as a candidate pursuant to a court order, which,
71 except for good cause shown by the election authority in opposition thereto, shall be freely given
72 upon application by the candidate to the circuit court of the area of such candidate's residence.

115.293. [1.] All proper votes on each absentee ballot received by an election authority
2 at or before the time fixed by law for the closing of the polls on election day shall be counted.
3 No votes on any absentee ballot received by an election authority after the time fixed by law for
4 the closing of the polls on election day shall be counted.

5 [2. If sufficient evidence is shown to an election authority that any absentee voter has
6 died prior to the opening of the polls on election day, the ballot of the deceased voter shall be
7 rejected. Any ballot so rejected, still sealed in its ballot envelope, shall be sealed with the
8 application and any other papers connected therewith in an envelope marked "Rejected ballot of
9, an absentee voter of voting district". The reason for rejection
10 shall be noted on the envelope, which shall be kept by the election authority with the other
11 ballots from the election until the ballots are destroyed according to law.]

115.342. 1. Any person who files as a candidate for election to a public office shall be
2 disqualified from participation in the election for which the candidate has filed if such person
3 is delinquent in the payment of any state income taxes, personal property taxes, real property
4 taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past
5 or present corporate officer of any fee office that owes any taxes to the state.

6 2. Each potential candidate for election to a public office shall file an affidavit with the
7 department of revenue and include a copy of the affidavit with the declaration of candidacy
8 required under section 115.349. Such affidavit shall be in substantially the following form:
9 "AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

10 I hereby declare under penalties of perjury that I am not currently aware of any
11 delinquency in the filing or payment of any state income taxes, personal property taxes, real
12 property taxes on the place of residence, as stated on the declaration of candidacy, or that I am
13 a past or present corporate officer of any fee office that owes any taxes to the state, other than
14 those taxes which may be in dispute. **I declare under penalties of perjury that I am not
15 aware of any information that would prohibit me from fulfilling any bonding requirements
16 for the office for which I am filing.**

17 Candidate's Signature Printed Name of Candidate."

18 3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or
19 payment of any state income taxes, personal property taxes, real property taxes on the place of
20 residence, as stated on the declaration of candidacy, or if the person is a past or present corporate
21 officer of any fee office that owes any taxes to the state, the department of revenue shall

22 investigate such potential candidate to verify the claim contained in the complaint. If the
23 department of revenue finds a positive affirmation to be false, the department shall contact the
24 secretary of state, or the election official who accepted such candidate's declaration of candidacy,
25 and the potential candidate. The department shall notify the candidate of the outstanding tax
26 owed and give the candidate thirty days to remit any such outstanding taxes owed which are not
27 the subject of dispute between the department and the candidate. If the candidate fails to remit
28 such amounts in full within thirty days, the candidate shall be disqualified from participating in
29 the current election and barred from refileing for an entire election cycle even if the individual
30 pays all of the outstanding taxes that were the subject of the complaint.

31 **4. Any person who files as a candidate for election to a public office having a bond**
32 **requirement shall file with the department of revenue a signed affidavit from a surety**
33 **company authorized to do business in this state, indicating that the candidate meets the**
34 **bond requirements set by statute or by the county commission for the office for which the**
35 **candidate is filing. The candidate shall include a copy of the surety company affidavit with**
36 **the declaration of candidacy required in this chapter.**

115.601. 1. Any contestant in a primary or other election contest who was defeated by
2 less than **one-half of** one percent of the votes cast for the office and any contestant who received
3 the second highest number of votes cast for that office if two or more are to be elected and who
4 was defeated by less than one percent of the votes cast, or any person whose position on a
5 question was defeated by less than **one-half of** one percent of the votes cast on the question, shall
6 have the right to a recount of the votes cast for the office or on the question.

7 2. In cases where the candidate filed or the ballot question was originally filed with an
8 election authority as defined in section 115.015, such recount shall be requested in accordance
9 with the provisions of section 115.531 or 115.577 and conducted under the direction of the court
10 or the commissioner representing the court trying the contest according to the provisions of this
11 subchapter.

12 3. In cases where the candidate filed or the ballot question was originally filed with the
13 secretary of state, the defeated candidate or the person whose position on a question was defeated
14 by less than **one-half of** one percent of the votes cast on the question shall be allowed a recount
15 pursuant to this section by filing with the secretary of state a request for a recount stating that the
16 person or the person's position on a question was defeated by less than **one-half of** one percent
17 of the votes cast. Such request shall be filed not later than seven days after certification of the
18 election. The secretary of state shall notify all concerned parties of the filing of the request for
19 a recount. The secretary of state shall authorize the election authorities to conduct a recount
20 pursuant to this section if the requesting party or his position on a question was defeated by less
21 than **one-half of** one percent of the votes cast. The secretary of state shall conduct and certify

22 the results of the recount as the official results in the election within twenty days of receipt of the
23 aforementioned notice of recount.

24 4. Whenever a recount is requested pursuant to subsection 3 of this section, the secretary
25 of state shall determine the number of persons necessary to assist with the recount and shall
26 appoint such persons equally from lists submitted by the contestant and the opponent who
27 received more votes or a person whose position on a question received more votes than the
28 contestant's position on that question. Each person appointed pursuant to this section shall be
29 a disinterested person and a registered voter of the area in which the contested election was held.
30 Each person so appointed shall take the oath prescribed for and receive the same pay as an
31 election judge in the jurisdiction where the person is registered. After being sworn not to
32 disclose any facts uncovered by the recount, except those which are contained in the report, the
33 contestant and the opponent who received more votes or a person whose position on a question
34 received more votes than the contestant's position on that question shall be permitted to be
35 present in person or represented by an attorney at the recount and to observe the recount. Each
36 recount shall be completed under the supervision of the secretary of state with the assistance of
37 the election authorities involved, and the persons appointed to assist with the recount shall
38 perform such duties as the secretary of state directs. Upon completion of any duties prescribed
39 by the secretary of state the persons appointed to assist with the recount shall make a written and
40 signed report of their findings. The findings of the persons appointed to assist with the recount
41 shall be prima facie evidence of the facts stated therein, but any person present at the
42 examination of the votes may be a witness to contradict the findings. No one other than the
43 secretary of state, the election authorities involved, the contestant and the other witnesses
44 described in this subsection, their attorneys, and those specifically appointed by the secretary of
45 state to assist with the recount shall be present during any recount conducted pursuant to this
46 section.

47 5. For purposes of this section, "recount" means one additional counting of all votes
48 counted for the office or on the question with respect to which the recount is requested.

115.637. The following offenses, and any others specifically so described by law, shall
2 be class four election offenses and are deemed misdemeanors not connected with the exercise
3 of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment
4 of not more than one year or by a fine of not more than two thousand five hundred dollars or by
5 both such imprisonment and fine:

6 (1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample
7 ballots that may be furnished by an organization or individual at or near any voting place on
8 election day, except that this subdivision shall not be construed so as to interfere with the right
9 of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate

10 and substituting the name of the person for whom he intends to vote; or to dispose of the
11 received sample ballot;

12 (2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent
13 sample ballots which appear on their face to be designed as a fraud upon voters;

14 (3) Purposefully giving a printed or written sample ballot to any qualified voter which
15 is intended to mislead the voter;

16 (4) On the part of any candidate for election to any office of honor, trust, or profit,
17 offering or promising to discharge the duties of such office for a less sum than the salary, fees,
18 or emoluments as fixed by law or promising to pay back or donate to any public or private
19 interest any portion of such salary, fees, or emolument as an inducement to voters;

20 (5) On the part of any canvasser appointed to canvass any registration list, willfully
21 failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to
22 perform his duties in making such canvass or willfully neglecting any duties lawfully assigned
23 to him;

24 (6) On the part of any employer, making, enforcing, or attempting to enforce any order,
25 rule, or regulation or adopting any other device or method to prevent an employee from engaging
26 in political activities, accepting candidacy for nomination to, election to, or the holding of,
27 political office, holding a position as a member of a political committee, soliciting or receiving
28 funds for political purpose, acting as chairman or participating in a political convention,
29 assuming the conduct of any political campaign, signing, or subscribing his name to any
30 initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

31 (7) On the part of any person authorized or employed to print official ballots, or any
32 person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any
33 ballot to or by any person other than the official under whose direction the ballots are being
34 printed, any ballot in any form other than that prescribed by law, or with unauthorized names,
35 with names misspelled, or with the names of candidates arranged in any way other than that
36 authorized by law;

37 (8) On the part of any election authority or official charged by law with the duty of
38 distributing the printed ballots, or any person acting on his behalf, knowingly distributing or
39 causing to be distributed any ballot in any manner other than that prescribed by law;

40 (9) Any person having in his possession any official ballot, except in the performance
41 of his duty as an election authority or official, or in the act of exercising his individual voting
42 privilege;

43 (10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

44 (11) On the part of any election judge, willfully absenting himself from the polls on
45 election day without good cause or willfully detaining any election material or equipment and

46 not causing it to be produced at the voting place at the opening of the polls or within fifteen
47 minutes thereafter;

48 (12) On the part of any election authority or official, willfully neglecting, refusing, or
49 omitting to perform any duty required of him by law with respect to holding and conducting an
50 election, receiving and counting out the ballots, or making proper returns;

51 (13) On the part of any election judge, or party watcher or challenger, furnishing any
52 information tending in any way to show the state of the count to any other person prior to the
53 closing of the polls;

54 (14) On the part of any voter, except as otherwise provided by law, allowing his ballot
55 to be seen by any person with the intent of letting it be known how he is about to vote or has
56 voted, or knowingly making a false statement as to his inability to mark his ballot;

57 (15) On the part of any election judge, disclosing to any person the name of any
58 candidate for whom a voter has voted;

59 (16) Interfering, or attempting to interfere, with any voter inside a polling place;

60 (17) On the part of any person at any registration site, polling place, counting location
61 or verification location, causing any breach of the peace or engaging in disorderly conduct,
62 violence, or threats of violence whereby such registration, election, count or verification is
63 impeded or interfered with;

64 (18) Exit polling, surveying, sampling, electioneering, distributing election literature,
65 posting signs or placing vehicles bearing signs with respect to any candidate or question to be
66 voted on at an election on election day inside the building in which a polling place is located or
67 within twenty-five feet of the building's outer door closest to the polling place, or, on the part of
68 any person, refusing to remove or permit removal from property owned or controlled by him, any
69 such election sign or literature located within such distance on such day after request for removal
70 by any person;

71 (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on
72 private property, except that this subdivision shall not be construed to interfere with the right of
73 any private property owner to take any action with regard to campaign yard signs on the owner's
74 property and this subdivision shall not be construed to interfere with the right of any candidate,
75 or the candidate's designee, to remove the candidate's campaign yard sign from the owner's
76 private property after the election day;

77 **(20) On the part of any person discouraging, hampering, pressuring, or attempting**
78 **to prevent another person from filing for public office for the purpose of eliminating the**
79 **requirement to hold a special election because the number of candidates filing is the same**
80 **as the number of positions to be filled under section 115.124.**

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

(1) Receipt of payment to the state committee of the established political party on whose ballot the candidate wishes to appear of a filing fee of one thousand dollars **for any election held on or before December 1, 2012, and ten thousand dollars for any election held thereafter;** or

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

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

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

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

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

[115.241. Each party emblem shall be printed on the ballot above the party caption.]

