

SECOND REGULAR SESSION

HOUSE BILL NO. 1793

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WINDHAM.

3389H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 115.395, RSMo, and to enact in lieu thereof two new sections relating to primary elections.

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

Section A. Section 115.395, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 115.395 and 115.396, to read as follows:

115.395. 1. At each primary election, there shall be ~~[as many separate ballots as there are parties entitled to participate in the election]~~ **a single ballot listing all candidates who have properly filed to run for office.**

2. The names of the candidates for each office ~~[on each party ballot]~~ shall be listed in the order in which they are filed, except that, in the case of candidates who file a declaration of candidacy with the secretary of state prior to 5:00 p.m. on the first day for filing, the secretary of state shall determine by random drawing the order in which such candidates' names shall appear on the ballot. The drawing shall be conducted so that each candidate, or candidate's representative if the candidate filed under subsection 2 of section 115.355, may draw a number at random at the time of filing. The secretary of state shall record the number drawn with the candidate's declaration of candidacy. The names of candidates filing on the first day for filing for each office on each party ballot shall be listed in ascending order of the numbers so drawn. For the purposes of this subsection, the election authority responsible for oversight of the filing of candidates, other than candidates that file with the secretary of state, shall clearly designate where candidates, or a candidate's representative if the candidate filed under subsection 2 of section 115.355, shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a

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 declaration of candidacy with the election authority prior to 5:00 p.m. on the first day for
19 filing, the election authority may determine by random drawing the order in which such
20 candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this
21 subsection, it shall be conducted so that each candidate, or candidate's representative if the
22 candidate filed under subsection 2 of section 115.355, may draw a number at random at the
23 time of filing. If such drawing is conducted, the election authority shall record the number
24 drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names
25 of candidates filing on the first day for filing for each office [~~on each party ballot~~] shall be
26 listed in ascending order of the numbers so drawn.

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

**115.396. Notwithstanding any other provisions of chapter 115 to the contrary,
2 the primary election for all local, state, and federal offices shall have a single,
3 nonpartisan ballot listing all candidates who properly file to run for a particular office,
4 as described in section 115.395. The two candidates receiving the most votes for a
5 particular office on the nonpartisan ballot shall advance to the general election, without
6 regard to those candidates' party affiliations.**

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