168.161 Offices of state senator or representative; eligibility.

Sec. 161. A person is not eligible to the office of state senator or representative unless the person is a citizen of the United States and a registered and qualified elector of the district he or she represents by the filing deadline, as provided in section 7 of article IV of the state constitution of 1963.


Popular name: Election Code

168.162 Candidates for state senator or representative; nomination at primary.

Sec. 162. A general primary election of all political parties shall be held in every election precinct in this state on the Tuesday succeeding the first Monday in August preceding every general November election, at which time the qualified and registered electors of each political party within every senatorial district and every representative district shall vote for party candidates for the offices of state senator and representative, to be filled at the November election: Provided, That this section shall not apply to parties required to nominate candidates at caucuses or conventions.


Popular name: Election Code

168.163 Candidate for state senator or representative; nominating petitions; signatures; form; filing; filing fee in lieu of nominating petition; deposit of fee; refund of deposit.

Sec. 163. (1) To obtain the printing of the name of a person as a candidate for nomination by a political party for the office of state senator or representative under a particular party heading upon the official primary ballots in the various election precincts of a district, there shall be filed nominating petitions signed by a number of qualified and registered electors residing in the district as determined under section 544f. If the district comprises more than 1 county, the nominating petitions shall be filed with the secretary of state. If the district comprises 1 county or less, the nominating petitions shall be filed with the county clerk of that county. Nominating petitions shall be in the form prescribed in section 544c. Until December 31, 2013, the secretary of state and the various county clerks shall receive nominating petitions for filing in accordance with this act up to 4 p.m. of the twelfth Tuesday before the August primary. Beginning January 1, 2014, the secretary of state and the various county clerks shall receive nominating petitions for filing in accordance with this act up to 4 p.m. of the fifteenth Tuesday before the August primary.

(2) In lieu of filing a nominating petition, a filing fee of $100.00 may be paid to the county clerk or, for a candidate in a district comprising more than 1 county, to the secretary of state. Payment of the fee and certification of the name of the candidate paying the fee shall be governed by the same provisions as in the case of nominating petitions. The fee shall be deposited in the general fund of the county and shall be refunded to candidates who are nominated and to an equal number of candidates who receive the next highest number of votes in the primary election. If 2 or more candidates tie in having the lowest number of votes allowing a refund, the sum of $100.00 shall be divided among them. A refund of a deposit shall not be made to a candidate who withdraws as a candidate.


Popular name: Election Code


Compiler's note: The repealed section provided for designation of incumbent on ballot.

Popular name: Election Code

168.164 Candidates for state senator or representative; withdrawal; notice.

Sec. 164. After the filing of a nominating petition or filing fee by or in behalf of a proposed candidate for the office of state senator or representative, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the official with whom his or her nominating petitions or filing fee were filed, or his or her duly authorized agent, not later than 4 o'clock, eastern standard time, in the afternoon of the
third day after the last day for filing such petition.


**Popular name:** Election Code

### 168.165 Candidates for state senator or representative; death; selection of candidate to fill vacancy; ballots.

Sec. 165. If a candidate of a political party for the office of state senator or state representative, as applicable, after having qualified as a candidate, dies after the last day for qualifying as a candidate, leaving the political party without a candidate for the office of state senator or state representative, a candidate to fill the vacancy caused by the death may be selected by 3 delegates elected by a majority of the precinct delegates and nominees for state representative and state senator of the candidate's political party from within the senatorial or representative district. However, if the senatorial or representative district comprises more than 1 county, the meeting shall be called and conducted by the chairperson of the state central committee or his or her authorized representative. The name of the candidate selected under this subsection shall be transmitted to the county officials required by law to print and distribute ballots. The county officials shall print the name of the candidate selected under this section on the ballot in place of the deceased candidate, or if the ballots are already printed, have the ballots reprinted with the candidate's name on the ballots and the reprinted ballots shall be distributed to the various voting precincts within their respective county.


**Popular name:** Election Code

### 168.166 Candidate for state senator or representative; write-in.

Sec. 166. If for any reason the number of candidates of a political party for the office of state senator or representative is equal to less than the total number to be nominated and elected, a sufficient number of blank spaces shall be provided on the primary ballots that affords every elector of the political party an opportunity to vote for as many candidates as are to be nominated and elected by writing in the name or names of his or her selection.


**Popular name:** Election Code

### 168.167 Candidates for state senator or representative; nomination, certification.

Sec. 167. The candidates of each political party for the office of state senator and representative receiving the greatest number of votes cast for candidates for said offices as set forth in the report of the board of canvassers canvassing said votes, based on the returns from the various election precincts or as determined by said board as a result of a recount, shall be declared the nominees of that political party for said offices at the next ensuing November election. If the district which the candidate seeks to represent comprises 1 county or less, said determination shall be by the board of county canvassers. If the district which the candidate seeks to represent comprises more than 1 county, then the county clerk of each such county shall transmit to the secretary of state within 8 days after the primary elections a certified statement of the number of votes received by each person for nominations as a candidate of any political party for said offices. The secretary of state shall appoint a meeting of the board of state canvassers at his office not later than 15 days after the primary elections, which date he shall forthwith certify to the chairman of the state central committee of each political party for the purpose of canvassing the returns and declaring the result of the primary for the nomination of the candidates for state senator and representative. The board of canvassers making such canvass shall forthwith certify such nomination or nominations to the county election commission or commissions.


**Popular name:** Election Code

### 168.168 Candidates for state senator or representative; withdrawal after nomination; procedure.

Sec. 168. When a candidate of any political party has filed a nominating petition or filing fee for state senator or representative and has been nominated for the office by a party, he or she shall not be permitted to withdraw unless he or she shall be certified as a nominee at the subsequent state convention of the same party for a statewide office, or has removed from the district, or has become physically unfit, or become disqualified for any reason. If certified by a state convention for a statewide office, the candidate shall be deemed to have withdrawn from the previous nomination. No such vacancy shall be filled by the county
executive committee or committees except for the causes and as herein specified. This prohibition shall not be
construed to prohibit the withdrawal of any candidate who has been nominated without having filed a
nominating petition or filing fee and whose name has been written or placed on the ballot of any political
party.


Popular name: Election Code

168.169 Candidates for state senator or representative; death, certification for statewide
office, withdrawal, physical unfitness, or disqualification; selection of candidate to fill
vacancy; certification; ballots.

Sec. 169. When the candidate of a political party, after having been nominated to the office of state senator
or representative, shall die, be certified by a state convention for a statewide office, withdraw from the
district, become physically unfit, or become disqualified for any reason, the members residing within said
senatorial or representative district of the county executive committees of such candidate's political party for
the counties comprising said senatorial or representative district shall meet at a time and place designated by
the chairperson of the state central committee of such political party and notice of such meeting shall be sent
to all such members of the county executive committees. The meeting shall be conducted by the secretary of
the state central committee or his or her duly authorized agent, but said secretary or agent shall not be
privileged to vote at such meeting. A candidate to fill the vacancy shall be selected by a majority vote of the
committee members present and voting: Provided, That if such vacancy occurs in a senatorial or
representative district wholly within 1 county, a candidate to fill the vacancy shall be selected by the county
electricity committee of the county by a majority vote thereof. The name of the candidate so selected shall be
certified immediately by the chairperson and the secretary of said committee to the secretary of state in those
districts comprising 2 or more counties and to the county clerk in those districts contained within 1 county.
The certification shall be sent in any case to the board of election commissioners for each county, whose duty
it is to prepare the official ballots; and said board shall cause to be printed or placed upon such ballots, in the
proper place, the name of the candidate so selected and certified to fill such vacancy.


Popular name: Election Code

168.170 State senators and representatives; election, date.

Sec. 170. A state senator in each senatorial district shall be elected in the general election in 1964, 1966
and every fourth year thereafter. A representative in each representative district shall be elected at each
general November election.


Popular name: Election Code

168.171 Candidate receiving greatest number of votes; duties of board of canvassers or
county canvassers.

Sec. 171. The board of state canvassers or the board of county canvassers, as appropriate, shall determine
which candidate has received the greatest number of votes and shall declare that candidate to be duly elected.
The board of state canvassers shall proceed as prescribed in section 841. The board of county canvassers shall
proceed as prescribed in section 826.


Popular name: Election Code

168.172 State senators and representatives; certificate of election; publication of certificate
of determination and statement of votes; notice of election results.

Sec. 172. The secretary of state or the county clerk shall file in his or her office and preserve the original
statement and determination of the board of state canvassers or the board of county canvassers of the result of
the election and shall immediately execute and cause to be delivered to the persons declared elected, a
certificate of election, certified by him or her under the great seal of the state or the seal of the circuit court of
the county. In each county which alone constitutes 1 or more senatorial or representative districts, the county
clerk may cause a copy of the certificate of determination, together with a statement of votes cast at the
election for the officers, to be published in at least 1 newspaper printed or circulated, or both, in that county.
The county clerk shall notify the daily or weekly newspapers of the election results, in writing, as soon as
practical after that information becomes available.
168.173 State senators and representatives; terms of office.
Sec. 173. The term of office of state senator and representative shall commence at 12 noon on January 1 next following his election. The term of office of state representative shall be 2 years. The term of office of state senators elected at the general election in 1964 shall be 2 years. The term of office of state senators elected at the general election in 1966 and every fourth year thereafter shall be 4 years.

168.174 State senators and representatives; oath of office.
Sec. 174. Every person elected to the office of state senator or representative, before entering upon the duties of his office, shall take and subscribe to the oath as provided in section 1 of article 11 of the state constitution.

168.175 State senator or representative; resignation, notice; effective for duration of unexpired legislative term.
Sec. 175. An individual elected to the office of state senator or representative who desires to resign shall file a written notice containing the effective date of the resignation with the presiding officer of his or her respective house, who shall immediately transmit the written notice to the governor. The resignation of an individual from the office of state senator or representative remains in effect for the duration of the unexpired legislative term.

168.176 State senators and representatives; vacancy, creation.
Sec. 176. The office of state senator or representative shall become vacant on the happening of any of the following events, before the expiration of the term of such office: The death of the incumbent; his resignation; his removal from office; his ceasing to be an inhabitant of the district for which he shall have been elected; the decision of a competent tribunal declaring void his election or appointment; or his refusal or neglect to take and subscribe to his oath of office. Regardless of any change in the boundaries of any state senatorial or representative district, an incumbent state senator or representative shall continue to represent the district from which he was elected until his current term of office shall expire or his successor is elected and qualified.

168.177 State senator or representative; removal from office; effective for duration of unexpired legislative term.
Sec. 177. Any state senator or representative may be removed from office as provided in section 16 of article IV of the state constitution of 1963. The removal of an individual from the office of state senator or representative remains in effect for the duration of the unexpired legislative term.

168.178 State senators and representatives; vacancy in office; special election.
Sec. 178. The governor may call a special election as provided in section 634 in any senatorial or representative district of the state when the right of office of a person elected state senator or representative shall cease before the commencement of the term of service for which the state senator or representative was elected, or whenever a vacancy occurs in the office of state senator or representative after the term of service has begun for which the state senator or representative was elected.

168.179 State senators and representatives; primary or election, recount of votes.
Sec. 179. The votes cast for any candidate for the office of state senator or representative at any primary or
election shall be subject to recount as provided in chapter 33 of this act.


Popular name: Election Code

168.180 State senators and representatives; recall.
Sec. 180. Any person elected to the office of state senator or representative shall be subject to recall as
provided in chapter 36 of this act and in section 8 of article 2 of the state constitution.


Popular name: Election Code