

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILLS NOS. 247, 109,  
99 & 100**  
91ST GENERAL ASSEMBLY

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Reported from the Committee on Elections, February 26, 2001, with recommendation that the House Committee Substitute for House Bills Nos. 247, 109, 99 & 100 Do Pass.

TED WEDEL, Chief Clerk

0880L.03C

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**AN ACT**

To repeal sections 28.160, 28.163, 115.013, 115.027, 115.063, 115.065, 115.075, 115.081, 115.083, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.105, 115.107, 115.123, 115.127, 115.133, 115.135, 115.137, 115.151, 115.155, 115.157, 115.162, 115.163, 115.165, 115.179, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.291, 115.409, 115.417, 115.419, 115.429, 115.433, 115.439, 115.453, 115.493, 115.613 and 115.637, RSMo 2000, relating to elections, and to enact in lieu thereof fifty-five new sections relating to the same subject.

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

Section A. Sections 28.160, 28.163, 115.013, 115.027, 115.063, 115.065, 115.075,  
2 115.081, 115.083, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.105, 115.107,  
3 115.123, 115.127, 115.133, 115.135, 115.137, 115.151, 115.155, 115.157, 115.162, 115.163,  
4 115.165, 115.179, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.291, 115.409,  
5 115.417, 115.419, 115.429, 115.433, 115.439, 115.453, 115.493, 115.613 and 115.637, RSMo  
6 2000, are repealed and fifty-five new sections enacted in lieu thereof, to be known as sections  
7 28.160, 28.163, 71.005, 115.013, 115.027, 115.062, 115.063, 115.065, 115.074, 115.075,  
8 115.081, 115.087, 115.089, 115.095, 115.097, 115.099, 115.100, 115.101, 115.102, 115.105,  
9 115.107, 115.123, 115.126, 115.127, 115.133, 115.135, 115.137, 115.151, 115.155, 115.157,  
10 115.162, 115.163, 115.165, 115.179, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283,  
11 115.291, 115.409, 115.417, 115.419, 115.420, 115.429, 115.433, 115.439, 115.450, 115.453,

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

12 115.493, 115.613, 115.637, 115.801 and 115.825, to read as follows:

- 28.160. 1. The state shall be entitled to fees for services to be rendered by the secretary of state as follows:
- |   |         |
|---|---------|
| 3 For issuing commission to notary public   | \$15.00 |
| 4 For countersigning and sealing certificates of official character                 | 10.00   |
| 5 For all other certificates  | 5.00    |
| 6 For copying archive and state library records, papers or documents, for each      |         |
| 7 page 8 ½ x 14 inches and smaller, not more than                                   | .10     |
| 8 For duplicating microfilm, for each roll  | 15.00   |
| 9 For copying all other records, papers or documents, for each page 8 ½ x 14 inches |         |
| 10 and smaller, not more than.  | .10     |
| 11 For certifying copies of records and papers or documents                         | 5.00    |
| 12 For causing service of process to be made  | 10.00   |
| 13 For electronic telephone transmittal, per page                                   | 2.00    |
- 14 2. There is hereby established the "Secretary of State's Technology Trust Fund Account"
- 15 which shall be administered by the state treasurer. All yield, interest, income, increment, or gain
- 16 received from time deposit of moneys in the state treasury to the credit of the secretary of state's
- 17 technology trust fund account shall be credited by the state treasurer to the account. The
- 18 provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the fund shall
- 19 not be transferred and placed to the credit of general revenue until the amount in the fund at the
- 20 end of a biennium exceeds five million dollars. In any such biennium the amount in the fund in
- 21 excess of five million dollars shall be transferred to general revenue.
- 22 3. The secretary of state may collect an additional fee of ten dollars for the issuance of
- 23 new and renewal notary commissions which shall be deposited in the state treasury and credited
- 24 to the secretary of state's technology trust fund account.
- 25 4. The secretary of state may ask the general assembly to appropriate funds from the
- 26 technology trust fund for the purposes of establishing, procuring, developing, modernizing and
- 27 maintaining:
- 28 (1) An electronic data processing system and programs capable of maintaining a
- 29 centralized database of all registered voters in the state;
- 30 (2) Library services offered to the citizens of this state;
- 31 (3) Administrative rules services, equipment and functions;
- 32 (4) Services, equipment and functions relating to securities;
- 33 (5) Services, equipment and functions relating to corporations and business
- 34 organizations;
- 35 (6) Services, equipment and functions relating to the Uniform Commercial Code;

- 36 (7) Services, equipment and functions relating to archives; [and]  
37 (8) Services, equipment and functions relating to record services; **and**  
38 **(9) Services, equipment and functions relating to elections.**

28.163. The secretary of state may, by administrative rule, provide for [a one-time] **an**  
2 increase not to exceed the amounts specified in sections 347.740, RSMo, 351.127, RSMo,  
3 355.023, RSMo, 356.233, RSMo, 359.653, RSMo, 400.9-508, RSMo, and 417.018, RSMo.

**71.005. No person shall be a candidate for municipal office unless such person**  
2 **complies with the provisions of section 115.346, RSMo, regarding payment of municipal**  
3 **taxes or user fees.**

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

- 3 (1) "Automatic tabulating equipment", the apparatus necessary to examine and  
4 automatically count votes, and the data processing machines which are used for counting votes  
5 and tabulating results;
- 6 (2) "Ballot", the ballot card [or], paper ballot **or ballot designed for use with an**  
7 **electronic voting system** on which each voter may cast all votes to which he or she is entitled  
8 at an election;
- 9 (3) "Ballot card", a ballot which is voted by making a punch or sensor mark which can  
10 be tabulated by automatic tabulating equipment;
- 11 (4) "Ballot label", the card, paper, booklet, page or other material containing the names  
12 of all offices and candidates and statements of all questions to be voted on;
- 13 (5) "Counting location", a location selected by the election authority for the automatic  
14 processing or counting, or both, of ballots;
- 15 (6) "County", any one of the several counties of this state or the city of St. Louis;
- 16 (7) "Disqualified", a determination made by a court of competent jurisdiction, the  
17 Missouri ethics commission, an election authority or any other body authorized by law to make  
18 such a determination that a candidate is ineligible to hold office or not entitled to be voted on for  
19 office;
- 20 (8) "District", an area within the state or within a political subdivision of the state from  
21 which a person is elected to represent the area on a policy-making body with representatives of  
22 other areas in the state or political subdivision;
- 23 (9) "Electronic voting system", a system of casting votes by use of marking devices, and  
24 counting votes by use of automatic tabulating or data processing equipment, **and includes**  
25 **computerized voting systems;**
- 26 (10) "Established political party" for the state, a political party which, at either of the last  
27 two general elections, polled for its candidate for any statewide office, more than two percent

28 of the entire vote cast for the office. "Established political party" for any district or political  
29 subdivision shall mean a political party which polled more than two percent of the entire vote  
30 cast at either of the last two elections in which the district or political subdivision voted as a unit  
31 for the election of officers or representatives to serve its area;

32 (11) "Federal office", the office of presidential elector, United States senator, or  
33 representative in Congress;

34 (12) "Independent", a candidate who is not a candidate of any political party and who  
35 is running for an office for which party candidates may run;

36 (13) "Major political party", the political party whose candidates received the highest or  
37 second highest number of votes at the last general election;

38 (14) "Marking device", either an apparatus in which ballots are inserted and voted by use  
39 of a punch apparatus, or any approved device for marking paper ballots with ink or other  
40 substance which will enable the votes to be counted by automatic tabulating equipment;

41 (15) "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 (16) "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 (17) "Political party", any established political party and any new party;

46 (18) "Political subdivision", a county, city, town, village, or township of a township  
47 organization county;

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

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

52 (21) "Public office", any office established by constitution, statute or charter and any  
53 employment under the United States, the state of Missouri, or any political subdivision or special  
54 district, but does not include any office in the reserve forces or the national guard or the office  
55 of notary public;

56 (22) "Question", any measure on the ballot which can be voted "YES" or "NO";

57 (23) "Relative within the second degree by consanguinity or affinity", a spouse, each  
58 grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child and grandchild of a person;

59 (24) "Special district", any school district, water district, fire protection district, hospital  
60 district, health center, nursing district, or other districts with taxing authority, or other district  
61 formed pursuant to the laws of Missouri to provide limited, specific services;

62 (25) "Special election", elections called by any school district, water district, fire  
63 protection district, or other district formed pursuant to the laws of Missouri to provide limited,

64 specific services; and

65 (26) "Voting district", the one or more precincts within which all voters vote at a single  
66 polling place for any election.

115.027. **1.** Each board of election commissioners shall be composed of four members,  
2 appointed by the governor **from the names submitted by each major political party**, with the  
3 advice and consent of the senate. **The state committee of each major political party shall**  
4 **submit a list of no more than four names to the governor. The state committee of such**  
5 **party shall defer to the local county committee in selecting names to submit to the**  
6 **governor.** Two commissioners on each board shall be members of one major political party, and  
7 two commissioners on each board shall be members of the other major political party. In no case  
8 shall more than two commissioners on a board be members of the same political party. When  
9 appointing commissioners, the governor shall designate one commissioner on each board to be  
10 chairman of the board and one commissioner on each board to be secretary of the board. The  
11 chairman and secretary of a board shall not be members of the same political party.

12 **2. In jurisdictions with boards of election commissioners as the election authority,**  
13 **the governor may appoint to such board one representative from each established political**  
14 **party. Such representative shall not be a member of the board for purposes of subsection**  
15 **1 of this section. The state chairperson of each established political party shall submit a**  
16 **list of no more than four names from which the governor shall select the representative**  
17 **from that party. Such representative shall not have voting status, and may not be**  
18 **compensated, but shall be allowed to participate in discussions and be informed of any**  
19 **meeting of such board.**

**115.062. The state of Missouri shall, within ninety days, pay its current obligations**  
2 **to election authorities pursuant to the proportional cost provisions of sections 115.065 and**  
3 **115.157, for transactions submitted on or after August 28, 2001.**

115.063. 1. When any question or candidate is submitted to a vote by any political  
2 subdivision or special district **or the state** and no other question or candidate is submitted at the  
3 same election, all costs of the election shall be paid from the general revenue of the political  
4 subdivision or special district **or the state** submitting a question or candidate at the election.

5 2. All costs of special elections involving a statewide candidate or statewide issue and  
6 all costs of special elections involving candidates for state senator or state representative shall  
7 be paid by the state, except that if a political subdivision or special district holds an election on  
8 the same day, the costs shall be shared proportionately by the state and the political subdivisions  
9 and special districts affected in the manner provided in section 115.065.

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

12           4.] **3.** When a proposed political subdivision submits a petition requesting an election  
13 as part of the formation thereof, the petitioners shall submit together with the petition sufficient  
14 security to pay all costs of the election. If such proposition is successful, the political subdivision  
15 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, 115.073 and 115.077,  
2 when any question or candidate is submitted to a vote by two or more political subdivisions or  
3 special districts[, or except in primary and general elections by the state and one or more political  
4 subdivisions or special districts at the same election] **or the state**, all costs of the election shall  
5 be paid proportionally from the general revenues of the state and all political subdivisions and  
6 special districts submitting a question or candidate at the election, except that costs of  
7 publications of legal notice of elections shall not be paid proportionally. The state and each  
8 political subdivision and each special district shall pay for publication of its legal notice of  
9 election. At the discretion of the election authority, ballot printing costs, if any, may be paid  
10 proportionally or the state and each political subdivision and each special district may pay for  
11 such ballot printing costs, if any.

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

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

23           4. "Proportional costs" and "election costs", as used in this chapter, are defined as those  
24 costs that require additional out-of-pocket expense by the election authority in conducting an  
25 election. It may include reimbursement to county general revenue for the salaries of employees  
26 of the election authority for the hours worked to conduct an election, any indirect expenses  
27 identified under an independent cost allocation study and an amount not to exceed five percent  
28 of the total cost of election to be credited to the election services fund of the county. The  
29 election services fund shall be budgeted and expended at the direction of the election authority  
30 and shall not be used to substitute for or subsidize any allocation of general revenue for the  
31 operation of the election authority's office without the express consent of the election authority.  
32 The election services fund may be audited by the appropriate auditing agency, and any

33 unexpended balance shall be left in the fund to accumulate from year to year with interest. The  
34 election services fund shall be used by the election authority for training programs and purchase  
35 of additional supplies or equipment to improve the conduct of elections, including anything  
36 necessarily pertaining thereto. In addition to these costs, the state shall, subject to appropriation,  
37 compensate the election services fund for transactions submitted pursuant to the provisions of  
38 section 115.157.

**115.074. 1. Subject to appropriation from general revenue funds, the secretary of  
2 state shall administer a grant program in an amount not less than five million dollars  
3 annually for the purposes of providing funds to election authorities to upgrade or improve  
4 the voting process or equipment. Such funding shall be in the form of matching grants.  
5 The secretary or state may promulgate rules to effectuate the provisions of this section.**

**6 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
7 that is created under the authority delegated in this section shall become effective only if  
8 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if  
9 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
10 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,  
11 to review, to delay the effective date or to disapprove and annul a rule are subsequently  
12 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
13 adopted after August 28, 2001, shall be invalid and void.**

115.075. Except as otherwise provided in this [subchapter] **chapter**, all costs and  
2 expenses relating to the conduct of elections and the registration of voters in each county shall  
3 be paid from the general revenue of the county.

115.081. 1. Each election authority shall appoint at least four election judges for each  
2 polling place within its jurisdiction. If the expected voter turnout at a polling place indicates that  
3 four judges may be insufficient, the election authority may appoint an even number of additional  
4 judges for the polling place. [One-half of the judges at each polling place shall be members of  
5 one major political party, and one-half of the judges at each polling place shall be members of  
6 the other major political party.] **At least one judge from each major political party shall be  
7 chosen to serve at each polling place. No political party shall have a majority of the judges  
8 at any polling place.**

9 2. The election authority shall designate two of the judges appointed for each polling  
10 place, one from each major political party, as supervisory judges. Supervisory judges shall be  
11 responsible for the return of election supplies from the polling place to the election authority and  
12 shall have any additional duties prescribed by the election authority.

13 3. Election judges may be employed to serve for the first half or last half of any election  
14 day. Such judges shall be paid one-half the regular rate of pay. If part-time judges are employed,

15 the election authority shall employ such judges and shall see that a sufficient number for each  
16 period are present at all times so as to have the proper total number of judges present at each  
17 polling place throughout each election day. The election authority shall require that at each  
18 polling place at least one election judge from each **major** political party serve a full day and that  
19 at all times during the day [there be an equal number of election judges from each political party]  
20 **no political party has a majority of the judges at any polling place.**

21 **4. An election authority may appoint additional election judges representing other**  
22 **established political parties and additional election judges who do not claim a political**  
23 **affiliation. Any question which requires a decision by the majority of judges shall only be**  
24 **made by the judges from the major political parties.**

2 [115.083. Any election authority may appoint an even number of additional  
3 judges for use as needed on election day. One-half of such judges shall be members  
4 of one major political party, and one-half of such judges shall be members of the  
5 other major political party.]

115.087. **1.** In each county which does not have a board of election commissioners, the  
2 election judges shall be selected from lists provided by the county committee of each major  
3 political party. Not later than December tenth in each year in which county committeemen are  
4 elected, the county committee of each major political party shall submit to the county clerk a list  
5 of persons qualified to serve as election judges in double the number required to hold a general  
6 election in the county. Not later than February tenth in each year immediately following the year  
7 in which county committeemen are elected, each county clerk shall select and appoint the  
8 number of judges required to hold a general election in his county, taking one-half of the judges  
9 from each of the lists. If a county committee fails to present the prescribed number of names of  
10 qualified persons by the time prescribed, the county clerk may select and appoint the number of  
11 judges provided by law for the county committee's party. If the county clerk deems any person  
12 on a list to be unqualified, he may request the county committee which submitted the list to  
13 furnish another name. The election judges shall be appointed for a term ending on February  
14 tenth in the year immediately following the year in which county committeemen are next elected  
15 and until their successors are appointed and qualified.

16 **2. The state chairperson of each established political party may, in jurisdictions**  
17 **where the county clerk is the election authority, submit a list of persons qualified to serve**  
18 **as election judges to the county clerk. The county clerk may select and appoint additional**  
19 **judges from such list pursuant to section 115.081.**

20 **3. County clerks may compile a list of persons who claim no political affiliation and**  
21 **who volunteer to be election judges. A county clerk may select and appoint additional**  
22 **judges from such list pursuant to section 115.081.**

115.089. Each board of election commissioners shall have authority to appoint election



2 judges for individual elections, or for a term coincident with the term of the board and until the  
3 judges' successors are appointed and qualified. The board may ask the county committee of each  
4 major political party **and the state chairperson of any established party** to submit a list of  
5 persons qualified to serve as election judges and may select and appoint judges from the lists.  
6 **The board may compile a list of persons who claim no political affiliation and who**  
7 **volunteer to be election judges and may select and appoint judges from the list.**

115.095. If any judge fails to act or to appear by the time fixed by law for the opening  
2 of the polls, the election authority shall be notified immediately by an election judge. The  
3 election authority or the election judges present in the polling place shall appoint another judge  
4 [from the same political party as the judge failing to act or to appear]. If the election judges elect  
5 a qualified temporary judge, he shall have full authority to act as judge for the election, except  
6 that he may be removed at any time by the election authority and replaced with another qualified  
7 judge [from the same political party as the removed judge]. **Any judge selected pursuant to**  
8 **this section shall be selected to ensure that no political party shall have a majority of judges**  
9 **at any polling place and that each major political party has at least one judge serving at**  
10 **the polling place.**

115.097. No election judge shall be absent from the polls for more than one hour during  
2 the hours the polls are open on election day. No election judge shall be absent from the polls  
3 before 9:00 a.m. or after 5:00 p.m. on election day. No more than one judge from the same  
4 **major** political party shall be absent from the polls at the same time on election day.

115.099. Each election authority shall have authority to direct judges in their duties and  
2 to compel compliance with the law. Each election authority may substitute judges at his  
3 discretion on election day. Each election authority shall also have authority at any time to  
4 remove any judge for good cause and to replace him with a qualified person [from the same  
5 political party as the removed judge]. **Any judge selected pursuant to this section shall be**  
6 **selected to ensure that no political party shall have a majority of judges at any polling place**  
7 **and that each major political party has at least one judge serving at the polling place.**

**115.100. 1. An employer shall not terminate, discipline, threaten or take adverse**  
2 **actions against an employee based on the employee's service as an election judge.**

3 **2. An employee who is appointed to serve as an election judge may, on election day,**  
4 **be absent from his or her employment for the period of time that the election authority**  
5 **requires the employee to serve as election judge. Employees must notify employers at least**  
6 **seven days prior to an election that they will be absent from work on election day due to**  
7 **service as an election judge.**

8 **3. An employee discharged in violation of this section may bring a civil action**  
9 **against the employer within ninety days of discharge for recovery of lost wages and other**

10 **damages caused by the violation and for an order directing reinstatement of the employee.**  
11 **If the employee prevails, the employee shall be entitled to receive reasonable attorney's fees**  
12 **and costs.**

115.101. For service in conducting elections and house-to-house canvasses, each election  
2 judge shall be paid [a specific dollar amount which shall be set by the legislative authority of  
3 each county and by any city not within a county] **an amount established by the election**  
4 **authority.** [For purposes of this section, and the Constitution of Missouri,] Election judges  
5 appointed by the election authority shall not be considered employees of the election authority  
6 **for purposes of defining employee pursuant to the laws and the Constitution of Missouri.**

**115.102. 1. Subject to appropriation from general revenue funds, the secretary of**  
2 **state shall administer a grant program for the purpose of increasing the compensation of**  
3 **election judges. Such funding shall be in the form of matching grants, and shall be made**  
4 **available to election authorities contingent upon the election authority increasing the**  
5 **compensation of election judges to an amount not less than seven dollars per hour. The**  
6 **secretary of state may promulgate rules to effectuate the provisions of this section.**

7 **2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
8 **that is created under the authority delegated in this section shall become effective only if**  
9 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
10 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
11 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
12 **to review, to delay the effective date or to disapprove and annul a rule are subsequently**  
13 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
14 **adopted after August 28, 2001, shall be invalid and void.**

115.105. 1. **Not later than 5:00 p.m. on the Wednesday before an election,** the chair  
2 of the county committee of each political party named on the ballot shall have the right to  
3 designate a challenger for each polling place, who may be present during the hours of voting, and  
4 a challenger for each location at which absentee ballots are counted, who may be present while  
5 the ballots are being prepared for counting and counted. [The designating chair may substitute  
6 challengers at his or her discretion during such hours.] **The designating chair shall submit the**  
7 **list of challengers to the election authority not later than 5:00 p.m. on the Wednesday**  
8 **before the election.**

9 2. Challenges may only be made when the challenger believes the election laws of this  
10 state have been or will be violated, and each challenger shall report any such belief to the  
11 election judges, or to the election authority if not satisfied with the decision of the election  
12 judges.

13 3. Prior to the close of the polls, challengers may list and give out the names of those

14 who have voted. The listing and giving out of names of those who have voted by a challenger  
15 shall not be considered giving information tending to show the state of the count.

16 4. In a presidential primary election, challengers may collect information about the party  
17 ballot selected by the voter and may disclose party affiliation information after the polls close.

18 5. All persons selected as challengers shall have the same qualifications required by  
19 section 115.085 for election judges.

115.107. 1. At every election, the chairman of the county committee of each political  
2 party named on the ballot shall have the right to designate a watcher for each place votes are  
3 counted.

4 2. Watchers are to observe the counting of the votes and present any complaint of  
5 irregularity or law violation to the election judges, or to the election authority if not satisfied with  
6 the decision of the election judges. No watcher may be substituted for another on election day.

7 3. No watcher shall report to anyone the name of any person who has or has not voted.

8 4. All persons selected as watchers shall have the same qualifications required by section  
9 115.085 for election judges. **The names of watchers designated by the chair shall be**  
10 **submitted to the election authority not later than 5:00 p.m. on the Friday before an**  
11 **election.**

115.123. 1. All public elections shall be held on Tuesday. Except as provided in  
2 subsections 2, 3, 4 and 5 of this section, and section 247.180, RSMo, all public elections shall  
3 be held on the general election day, the primary election day, the general municipal election day,  
4 the first Tuesday after the first Monday in February or November, or on another day expressly  
5 provided by city or county charter.

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

9 3. [Notwithstanding the provisions of subsection 1 of this section, school districts may  
10 hold elections on the first Tuesday after the first Monday in June and in nonprimary years on the  
11 first Tuesday after the first Monday in August, and municipalities may hold elections in  
12 nonprimary years on the first Tuesday after the first Monday in August.

13 4.] The following elections shall be exempt from the provisions of subsection 1 of this  
14 section:

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

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

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

18 [5.] 4. No city or county shall adopt a charter or charter amendment which calls for  
19 elections to be held on dates other than those established in subsection 1 of this section.

20 [6.] 5. Nothing in this section prohibits a charter city or county from having its primary  
21 election in March if the charter provided for a March primary before August 28, 1999.

22 [7.] 6. Nothing in this section shall prohibit elections held pursuant to section 65.600,  
23 RSMo, but no other issues shall be on the March ballot except pursuant to this chapter.

**115.126. 1. Notwithstanding any provision of this chapter to the contrary, election  
2 authorities shall establish an advance voting period when eligible registered voters may  
3 vote before any general and primary election in even-numbered years at the office of the  
4 election authority or another polling place designated by and under the control of the  
5 election authority. The permissible advance voting period shall begin fourteen days prior  
6 to such election and end at 5:00 p.m. on the Wednesday before the day of such election.**

7 **2. Election authorities shall, pursuant to subsection 1 of this section, establish the  
8 hours, dates and locations for advance voting and shall post this information at the election  
9 authority's office and in such other locations as the election authority may select.**

10 **3. Except as provided in this section, advance voting procedures shall be conducted  
11 pursuant to sections 115.407 to 115.445. The secretary of state shall design the necessary  
12 application and affidavit envelope for use in an advance voting program pursuant to this  
13 section. Not later than November first of each year each election authority shall submit to  
14 the secretary of state a plan and funding request to implement the provisions of this  
15 section. The secretary of state shall submit a request for funding to the governor based on  
16 the plans and funding requests submitted. If a sufficient sum is appropriated to finance  
17 the plan and to pay the state's other financial obligations to the election authorities  
18 pursuant to this chapter, including its proportional share of costs for primary and general  
19 elections, an advance voting program and shall be implemented for the state at the  
20 elections held during that fiscal year. No advance voting or other absentee voting program  
21 authorized pursuant to this section shall occur when the state has failed to appropriate  
22 funds to pay its obligations. The secretary of state shall assist election authorities in  
23 developing a plan for the implementation of an advance-voting program.**

24 **4. Before the precinct registers are delivered to the polling places for an election,  
25 the election authority shall record in the precinct registers the names of all voters who have  
26 submitted an advance voting ballot. The election judge shall not allow any person who has  
27 voted an advance voting ballot in the election to vote at the polls on election day. If it is  
28 determined that any voter submitted an advance voting ballot and voted at the polls on  
29 election day:**

30 **(1) That the person, having voted more than once, is guilty of a class one election  
31 offense pursuant to subdivision (2) of section 115.631;**

32 **(2) The election authority shall certify that fact and the name of the voter to the**

33 **verification board. Such certificate shall be included with the abstracts drawn by the**  
34 **verification board.**

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, RSMo, which are published within the  
19 bounds of the area holding the election. If there is only one so qualified newspaper, then notice  
20 shall be published in only one newspaper. If there is no newspaper published within the bounds  
21 of the election area, then the notice shall be published in two qualified newspapers of different  
22 political faith serving the area. Notice shall be published twice, the first publication occurring  
23 in the second week prior to the election, and the second publication occurring within one week  
24 prior to the election. Each such legal notice shall include the date and time of the election, the  
25 name 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.

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 five hundred

35 registered voters and in which no newspaper qualified pursuant to chapter 493, RSMo, is  
36 published,] may cause legal notice to be mailed during the second week prior to the election[,  
37 by first class mail,] to each registered voter at [his voting address] **the mailing address listed**  
38 **on his or her voter registration record.** All such legal notices shall include the date and time  
39 of the election, the location of the polling place, the name of the officer or agency calling the  
40 election and a sample ballot. **The election authority may authorize the mailing of one copy**  
41 **of the notice contained in this subsection to each household if more than one voter is**  
42 **registered at that address.**

43         5. If the opening date for filing a declaration of candidacy for any office in a political  
44 subdivision or special district is not required by law or charter, the opening filing date shall be  
45 8:00 a.m., the fifteenth Tuesday prior to the election. If the closing date for filing a declaration  
46 of candidacy for any office in a political subdivision or special district is not required by law or  
47 charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to the election. The  
48 political subdivision or special district calling an election shall, before the fifteenth Tuesday prior  
49 to any election at which offices are to be filled, notify the general public of the opening filing  
50 date, the office or offices to be filled, the proper place for filing and the closing filing date of the  
51 election. Such notification may be accomplished by legal notice published in at least one  
52 newspaper of general circulation in the political subdivision or special district.

53         6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost  
54 for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting  
55 costs, a candidate who has filed for an office or who has been duly nominated for an office, may,  
56 at any time after the certification required in section 115.125 but no later than 5:00 p.m. on the  
57 sixth Tuesday before the election, withdraw as a candidate pursuant to a court order, which,  
58 except for good cause shown by the election authority in opposition thereto, shall be freely given  
59 upon application by the candidate to the circuit court of the area of such candidate's residence.

115.133. 1. Except as provided in [subsection] **subsections 2 and 3** of this section, any  
2 citizen of the United States who is a resident of the state of Missouri and seventeen years and six  
3 months of age or older shall be entitled to register and to vote in any election which is held on  
4 or after his eighteenth birthday.

5         2. No person who is adjudged incapacitated shall be entitled to register or vote. No  
6 person shall be entitled to **register and** vote:

7             (1) While confined under a sentence of imprisonment;

8             (2) While on probation or parole after conviction of a felony, until finally discharged  
9 from such probation or parole; or

10            (3) After conviction of a felony or misdemeanor connected with the right of suffrage.

11         **3. No person shall be entitled to vote if the person has not registered to vote in the**

12 **jurisdiction of his or her residence prior to the deadline to register to vote.**

115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote  
2 on or before the day of election, shall be entitled to register in the jurisdiction within which he  
3 or she resides. In order to vote in any election for which registration is required, a person must  
4 be registered **to vote in the jurisdiction of his or her residence** no later than 5:00 p.m., or the  
5 normal closing time of any public building where the registration is being held if such time is  
6 later than 5:00 p.m., on the fourth Wednesday prior to the election. In no case shall registration  
7 for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any  
8 person registering after such date shall be eligible to vote in subsequent elections.

9 2. A person applying to register with an election authority or a deputy registration official  
10 shall present a valid Missouri drivers license or other form of personal identification at the time  
11 of registration.

115.137. 1. Except as provided in subsection 2 of this section, any citizen who is  
2 entitled to register and vote shall be entitled to register for and vote **pursuant to the provisions**  
3 **of this chapter** in all statewide public elections and all public elections held for districts and  
4 political subdivisions within which he resides.

5 2. Any person who and only persons who fulfill the ownership requirements shall be  
6 entitled to vote in elections for which ownership of real property is required by law for voting.

115.151. 1. Each qualified applicant who appears before the election authority shall be  
2 deemed registered as of the time the applicant's completed, signed and sworn registration  
3 application is witnessed by the election authority or deputy registration official.

4 2. Each applicant who registers by mail shall be deemed to be registered as of the date  
5 the application is postmarked, if such application is accepted and not rejected by the election  
6 authority and the verification notice required pursuant to section 115.155 is not returned as  
7 undeliverable by the postal service.

8 3. Each applicant who registers at a voter registration agency or the division of motor  
9 vehicle and drivers licensing of the department of revenue shall be deemed to be registered as  
10 of the date the application is signed by the applicant, if such application is accepted and not  
11 rejected by the election authority and the verification notice required pursuant to section 115.155  
12 is not returned as undeliverable by the postal service. **Voter registration agencies and the**  
13 **division of motor vehicle and drivers licensing of the department of revenue shall transmit**  
14 **voter registration application forms to the appropriate election authority not later than five**  
15 **business days after the form is completed by the applicant.**

115.155. 1. The election authority shall provide for the registration of each voter. Each  
2 application shall be in substantially the following form:

3 APPLICATION FOR REGISTRATION

4	.....	
5		Township (or Ward)
6	.....	.....
7	Name	Precinct
8	.....	.....
9	Home Address	Required Personal
10		Identification Information
11	.....	
12	City                      ZIP	
13	.....	.....
14	Date of Birth	Place of Birth (Optional)
15	.....	.....
16	Telephone Number	Mother's Maiden Name
17	(Optional)	(Optional)
18	.....	.....
19	Occupation (Optional)	Last Place Previously
20		Registered
21	.....	.....
22	Last four digits of	Under What Name
23	Social Security Number	
24	(Required for	
25	registration unless no Social	
26	Security number exists for	
27	Applicant)	
28	Remarks:	
29		
30		.....
31		When
32	I am a citizen of the United States and a resident of the state of Missouri. I have not been	
33	adjudged incapacitated by any court of law. If I have been convicted of a felony or of a	
34	misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting	
35	from such conviction removed pursuant to law. I do solemnly swear that all statements made	
36	on this card are true to the best of my knowledge and belief.	
37	.....	.....
38	Signature of Voter	Date
39	.....	



## 40 Signature of Election Official

41           2. After supplying all information necessary for the registration records, each applicant  
42 who appears in person before the election authority shall swear or affirm the statements on the  
43 registration application by signing his or her full name, witnessed by the signature of the election  
44 authority or such authority's deputy registration official. Each applicant who applies to register  
45 by mail pursuant to section 115.159, or pursuant to the provisions of section 115.160 or 115.162,  
46 shall attest to the statements on the application by his or her signature.

47           3. Upon receipt by mail of a completed and signed voter registration application, a voter  
48 registration application forwarded by the division of motor vehicle and drivers licensing of the  
49 department of revenue pursuant to section 115.160, or a voter registration agency pursuant to  
50 section 115.162, the election authority shall, if satisfied that the applicant is entitled to register,  
51 transfer all data necessary for the registration records from the application to its registration  
52 system. Within seven business days after receiving the application, the election authority shall  
53 send the applicant a verification notice. If such notice is returned as undeliverable by the postal  
54 service within the time established by the election authority, the election authority shall not place  
55 the applicant's name on the voter registration file.

56           4. If, upon receipt by mail of a voter registration application or a voter registration  
57 application forwarded pursuant to section 115.160 or 115.162, the election authority determines  
58 that the applicant is not entitled to register, such authority shall, within seven business days after  
59 receiving the application, so notify the applicant by mail and state the reason such authority has  
60 determined the applicant is not qualified. The applicant may have such determination reviewed  
61 pursuant to the provisions of section 115.223.

62           5. It shall be the responsibility of the secretary of state to prescribe specifications for  
63 voter registration documents so that they are uniform throughout the state of Missouri and  
64 comply with the National Voter Registration Act of 1993, including the reporting requirements,  
65 and so that registrations, name changes and transfers of registrations within the state may take  
66 place as allowed by law. **The secretary of state shall design numbered voter registration**  
67 **documents and a distribution system so that each application to register to vote can be**  
68 **traced to the person originally receiving the application from the secretary of state or**  
69 **election authority. The secretary of state shall ensure that each application to register to**  
70 **vote contains a form that can be detached from the application to register to vote, and**  
71 **provided to the voter registration applicant by the person providing the application, which**  
72 **indicates:**

73           **(1) That the applicant is not registered to vote until he or she receives a notice from**  
74 **the election authority;**

75           **(2) The procedures to follow if the applicant does not receive a notification that the**

76 **application has been accepted;**

77 **(3) The number of the application that has been assigned pursuant to this**  
78 **subsection;**

79 **(4) Information on application procedures for an absentee ballot; and**

80 **(5) Pollworker recruitment information.**

81

82 **The secretary of state shall design a request form for any person who requests from the**  
83 **secretary of state or election authority voter registration applications for distribution.**

84 **Such request form shall include the requester's name, address and telephone number.**

85 6. All voter registration applications shall be preserved in the office of the election  
86 authority.

115.157. 1. The election authority may place all information on any registration cards  
2 in computerized form in accordance with subsection 2 of section 115.158. No election authority  
3 or secretary of state shall furnish to any member of the public electronic media or printout  
4 showing any registration information, except as provided in this section. **Except as provided**  
5 **in subsection 2 of this section,** the election authority or secretary of state shall make available  
6 electronic media or printouts showing unique voter identification numbers, voters' names, dates  
7 of birth, addresses, townships or wards, and precincts. Electronic data shall be maintained in at  
8 least the following separate fields:

9 (1) Voter identification number;

10 (2) First name;

11 (3) Middle initial;

12 (4) Last name;

13 (5) Suffix;

14 (6) Street number;

15 (7) Street direction;

16 (8) Street name;

17 (9) Street suffix;

18 (10) Apartment number;

19 (11) City;

20 (12) State;

21 (13) Zip code;

22 (14) Township;

23 (15) Ward;

24 (16) Precinct;

25 (17) Senatorial district;

26 (18) Representative district;

27 (19) Congressional district.

28

29 All election authorities shall enter voter history in their computerized registration systems and  
30 shall, not more than six months after the election, forward such data to the centralized voter  
31 registration system established in section 115.158. **Except as provided in subsection 2 of this**  
32 **section**, the election authority shall also furnish, for a fee, electronic media or a printout showing  
33 the names, dates of birth and addresses of voters, or any part thereof, within the jurisdiction of  
34 the election authority who voted in any specific election, including primary elections, by  
35 township, ward or precinct, provided that nothing in this chapter shall require such voter  
36 information to be released to the public over the Internet. The amount of fees charged for  
37 information provided in this section shall be established pursuant to chapter 610, RSMo. All  
38 revenues collected by the secretary of state pursuant to this section shall be deposited in the state  
39 treasury and credited to the secretary of state's technology trust fund account established pursuant  
40 to section 28.160, RSMo. In even-numbered years, each election authority shall, upon request,  
41 supply the voter registration list for its jurisdiction to all candidates and party committees for a  
42 charge established pursuant to chapter 610, RSMo. **Except as provided in subsection 2 of this**  
43 **section**, all election authorities shall make the information described in this section available  
44 pursuant to chapter 610, RSMo. Any election authority who fails to comply with the  
45 requirements of this section shall be subject to the provisions of chapter 610, RSMo.

46 **2. Any peace officer as defined in subsection 4 of section 590.100, RSMo, any**  
47 **person working as an undercover officer of a law enforcement agency of this state, agents**  
48 **of a federal law enforcement agency, persons in witness protection programs and victims**  
49 **of domestic violence and abuse who have received orders of protection pursuant to chapter**  
50 **455, RSMo, shall be entitled to apply to the circuit court having jurisdiction in his or her**  
51 **county of residence to have the residential address on his or her voter registration records**  
52 **closed to the public if the release of such information could endanger the safety of the**  
53 **person. Any person working as an undercover agent or in a witness protection program**  
54 **shall also submit a statement from the chief executive officer, as defined in subsection 2 of**  
55 **section 590.100, RSMo, of the agency under whose direction he or she is serving. The**  
56 **petition to close the residential address shall be incorporated into any petition for**  
57 **protective order provided by circuit clerks pursuant to chapter 455, RSMo. If satisfied**  
58 **that the person filing the petition meets the qualifications of this subsection, the circuit**  
59 **court shall issue an order to the election authority to keep the residential address of the**  
60 **voter a closed record and the address may be used only for the purposes of administering**  
61 **elections pursuant to this chapter. The election authority may require the voter who has**

62 **a closed residential address record to verify that his or her residential address has not**  
63 **changed or to file a change of address and to affirm that the reasons contained in the**  
64 **original petition are still accurate prior to receiving a ballot. A change of address within**  
65 **an election authority's jurisdiction shall not require that the voter file a new petition. Any**  
66 **voter who no longer qualifies pursuant to this subsection to have his or her residential**  
67 **address as a closed record shall notify the circuit court. Upon such notification, the circuit**  
68 **court shall void the order closing the residential address and so notify the election**  
69 **authority.**

115.162. 1. A voter registration application shall be provided by the secretary of state  
2 in all offices of the state that provide public assistance, all offices that provide state-funded  
3 programs primarily engaged in providing services to persons with disabilities, and other offices  
4 as directed by the governor. In addition all armed forces recruitment offices shall be considered  
5 a voter registration agency.

6 2. At each voter registration agency, the following services shall be made available:

7 (1) Assistance to applicants in completing voter registration application forms, unless  
8 the applicant refuses such assistance;

9 (2) Acceptance of completed voter registration application forms for transmittal to the  
10 election authority located in the same county or any city not within a county, or if there is more  
11 than one election authority within the county, to the election authority nearest to the office of the  
12 agency. The election authority receiving the application forms shall review the applications and  
13 forward any applications pertaining to a different election authority to that election authority[.  
14 Forms shall be transmitted as soon as possible and according to dates established by the state  
15 election authority];

16 (3) **Voter registration sites shall transmit voter registration application forms to the**  
17 **appropriate election authority within five business days of completion by the applicant;**

18 (4) If a voter registration agency provides services to a person with a disability at the  
19 person's home, the agency shall provide the services provided in this section at the person's  
20 home.

21 3. An applicant declining to register in any agency shall be noted in a declination section  
22 incorporated into the voter registration form used by the agency. No information relating to a  
23 declination to register to vote in connection with an application made at a voter registration  
24 agency may be used for any purpose other than voter registration.

25 [4. Subject to the approval of the secretary of state, the voter registration agency shall  
26 adopt rules and regulations pertaining to the format of a voter registration application to be used  
27 by that agency.]

115.163. 1. Each election authority shall arrange one set of registration cards into

2 permanent binders for each precinct, or it may authorize the creation of computerized lists for  
3 each precinct. The computerized lists or binder shall be arranged alphabetically or by street  
4 address as the election authority determines and shall be known as the "precinct register". At  
5 least one set of registration cards shall be arranged in a central file in such a manner as the  
6 election authority determines, and shall be known as the "headquarters register". The election  
7 authority shall be the custodian of the registration records, and no cards or records shall be  
8 removed or handled except at its direction and under its supervision. The precinct registers shall  
9 be kept by the election authority in a secure place, except when given to election judges for use  
10 at an election. **Except as provided in subsection 2 of section 115.157**, all registration records  
11 shall be open to inspection by the public at all reasonable times.

12         2. In counties using computer printouts as precinct registers, a new computer printout  
13 shall be printed prior to each election.

14         3. In those counties using computer printouts as precinct registers, the election authority  
15 shall send to each voter a voter identification card [not less than ninety days prior to the primary  
16 election in each year in which a primary and general election will be held] **in each odd-**  
17 **numbered year**, unless the voter has received such a card during the preceding six months **or**  
18 **unless the election authority, in the year preceding the election of state auditor, has**  
19 **canvassed the voter registration records through the use of postal service contractors under**  
20 **the NCOA program**. The voter identification card shall contain the voter's name, address,  
21 precinct and a signature line. The card may also contain other voting information at the  
22 discretion of the election authority. The voter shall be instructed to sign the card for use as  
23 identification at the polls. The voter identification card shall be sent to a voter after a new  
24 registration or a change of address. If any voter shall lose his voter identification card he may  
25 request a new one from the election authority. The voter identification card authorized pursuant  
26 to this section may be used as a canvass of voters in lieu of the provisions set out in sections  
27 115.179 to 115.193. **Except as provided in subsection 2 of section 115.157**, anyone, upon  
28 request and payment of a reasonable fee, may obtain a printout, list and/or computer tape of those  
29 newly registered voters or voters deleted from the voting rolls, since the last canvass or updating  
30 of the rolls. **The election authority may authorize the use of the postal service contractors**  
31 **under the NCOA program to identify those voters whose address is not correct on the voter**  
32 **registration records. The election authority shall not be required to mail a voter**  
33 **registration card to those voters whose addresses are incorrect. The election authority**  
34 **shall have until May 1, 2002, to complete the first mailing after the revision of this**  
35 **subsection. Thereafter the mailing shall be completed prior to December thirty-first in**  
36 **each odd-numbered year.**

115.165. 1. If the voter files a change of address application in person at the office of

2 the election authority, at the polling place, or pursuant to section 115.159, 115.160, 115.162 or  
3 115.193, or otherwise provides signed written notice of the move, an election authority may  
4 change the address on a voter registration record for a voter who moves within the election  
5 authority's jurisdiction after comparing and verifying the signature. Before changing the address  
6 on a voter record, the election authority shall be satisfied that the record is that of the person  
7 providing the change of address information.

8         2. A registered voter who has changed his or her residence within an election authority's  
9 jurisdiction and has not been removed from the list of registered voters pursuant to this chapter  
10 shall be permitted to file a change of address with the election authority or before an election  
11 judge at a polling place and vote at a central polling place or at the polling place that serves his  
12 or her new address upon written or oral affirmation by the voter of the new address. **If the voter  
13 is at the polling place for his or her old address and if the ballot that the voter is eligible  
14 to vote on for his or her new address is available at the old polling place, the election  
15 authority may authorize the election judges at the old polling place to allow the voter to  
16 cast his or her ballot at that polling place for that election after providing the election  
17 judges with the change of address.**

18         3. If the applicant for registration was last registered in another jurisdiction within this  
19 state or another state, the election authority shall send notice of the registration to the election  
20 authority where the applicant was previously registered. The election authority sending the  
21 notice shall provide identifying information to assist the election authority receiving the notice  
22 to determine whether the person named was previously registered in such jurisdiction and  
23 whether, based on the identifying information provided, the application can be removed from the  
24 voting record in the former jurisdiction.

25         4. Upon receipt of a notice from another election authority that a voter has registered in  
26 another jurisdiction in this state or another state, the election authority shall determine whether  
27 sufficient information is provided in the notice to identify the person named in such notice as  
28 previously registered in the election authority's jurisdiction and presently removable from the  
29 voting records in the election authority's jurisdiction. Every election authority is authorized to  
30 examine the information provided in a notice of duplicate registration provided by the centralized  
31 voter registration database authorized pursuant to section 115.158 to determine if a voter in one  
32 election authority's voter registration records has subsequently registered in another jurisdiction.  
33 If, after reviewing the information provided, the election authority is satisfied that the person  
34 identified in the notice is listed as a registered voter in the election authority's jurisdiction but has  
35 subsequently registered in another jurisdiction, the election authority may remove the person's  
36 registration from the list of registered voters.

115.179. [1. In each jurisdiction with a board of election commissioners, the board of

2 election commissioners] **The election authority** shall have the registration records of all  
3 precincts in its jurisdiction canvassed every four years and that it be completed no later than  
4 [ninety days prior to the date of] **December thirty-first in the year before** a primary or general  
5 election for federal office. **The election authority may utilize postal service contractors**  
6 **under the NCOA program to canvass the records. The election authority shall have until**  
7 **May 1, 2002 to complete a canvass that may be required in 2001.**

8 [2. In each jurisdiction without a board of election commissioners, the county clerk shall  
9 have the registration records of all precincts in its jurisdiction canvassed every four years and that  
10 it be completed no later than ninety days prior to the date of a primary or general election for  
11 federal office.]

115.225. 1. Before use by election authorities in this state, the secretary of state shall  
2 approve the marking devices and the automatic tabulating equipment used in electronic voting  
3 systems and may promulgate rules and regulations to implement the intent of sections 115.225  
4 to 115.235.

5 2. No electronic voting system shall be approved unless it:

6 (1) Permits voting in absolute secrecy;

7 (2) Permits each voter to vote for as many candidates for each office as he is lawfully  
8 entitled to vote for;

9 (3) Permits each voter to vote for or against as many questions as he is lawfully entitled  
10 to vote on, and no more;

11 (4) Provides facilities for each voter to cast as many write-in votes for each office as he  
12 is lawfully entitled to cast;

13 (5) Permits each voter at a general election to vote for all candidates of one party by one  
14 punch or mark or to vote a split ticket, as he desires;

15 (6) Permits each voter in a primary election to vote for the candidates of only one party  
16 announced by the voter in advance;

17 (7) Permits each voter at a presidential election to vote by use of a single punch or mark  
18 for the candidates of one party or group of petitioners for president, vice president and their  
19 presidential electors;

20 (8) Accurately counts all proper votes cast for each candidate and for and against each  
21 question;

22 (9) Is set to reject all votes, except write-in votes, for any office and on any question  
23 when the number of votes exceeds the number a voter is lawfully entitled to cast;

24 (10) Permits each voter, while voting, to clearly see the ballot label.

25 3. [No rule or portion of a rule promulgated under the authority of this section shall  
26 become effective unless it has been promulgated pursuant to the provisions of section 536.024,

27 RSMo.] **The secretary of state shall promulgate rules and regulations to allow the use of**  
28 **a computerized voting system. The procedures shall provide for the use of a computerized**  
29 **voting system with:**

30 **(1) Multiple voting terminals for the input of vote selections on the ballot presented**  
31 **by a main computer;**

32 **(2) A main computer to coordinate ballot presentation, vote selection, ballot image**  
33 **storage, and result tabulation; and**

34 **(3) Ability to provide a paper audit trail.**

35 **Notwithstanding any provisions of this chapter to the contrary, such a system may allow**  
36 **for the storage of processed ballot materials in an electronic form on the main computer.**

37 **4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
38 **that is created under the authority delegated in this section shall become effective only if**  
39 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
40 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
41 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
42 **to review, to delay the effective date or to disapprove and annul a rule are subsequently**  
43 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
44 **adopted after August 28, 2001, shall be invalid and void.**

115.233. 1. Within five days prior to an election at which an electronic voting system  
2 is to be used, the election authority shall have the automatic tabulating equipment tested to  
3 ascertain that the equipment is in compliance with the law and that it will correctly count the  
4 votes cast for all offices and on all questions. At least forty-eight hours prior to the test, notice  
5 of the time and place of the test shall be mailed to each independent and new party candidate and  
6 the chairman of the county committee of each established political party named on the ballot.  
7 The test shall be observed by at least two persons designated by the election authority, one from  
8 each major political party, and shall be open to representatives of the political parties, candidates,  
9 the news media and the public. The test shall be conducted by processing a preaudited group of  
10 ballots. If any error is detected, the cause shall be ascertained and corrected, and an errorless  
11 count shall be made before the tabulating equipment is approved.

12 **2. The secretary of state may promulgate rules and regulations that specify any**  
13 **additional testing procedures to effectuate the provisions of this section.**

14 **3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
15 **that is created under the authority delegated in this section shall become effective only if**  
16 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
17 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
18 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**



19 **to review, to delay the effective date or to disapprove and annul a rule are subsequently**  
20 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
21 **adopted after August 28, 2001, shall be invalid and void.**

115.237. 1. Each ballot printed **or designed for use with an electronic voting system**  
2 for any election under the provisions of sections 115.001 to 115.641 shall contain all questions  
3 and the names of all offices and candidates certified or filed pursuant to sections 115.001 to  
4 115.641 and no other. As far as practicable, all questions and the names of all offices and  
5 candidates for which each voter is entitled to vote shall be printed on one page except for the  
6 ballot for political party committee persons in polling places not utilizing an electronic voting  
7 system which may be printed separately and in conformity with the requirements contained in  
8 this section. As far as practicable, ballots containing only questions and the names of  
9 nonpartisan offices and candidates shall be printed in accordance with the provisions of this  
10 section, except that the ballot information may be listed in vertical or horizontal rows. The  
11 names of candidates for each office shall be listed in the order in which they are filed.

12 2. Each ballot shall be plain paper, through which printing or writing cannot be read, **or**  
13 **electronically designed for use with an electronic voting system**, and shall have:

14 (1) Each party name printed in capital letters not less than eighteen point in size;

15 (2) A circle one-half inch in diameter immediately below each party name;

16 (3) The name of each office printed in capital letters not less than eight point in size;

17 (4) The name of each candidate printed in capital letters not less than ten point in size;

18 (5) A small square, the sides of which shall not be less than one-fourth inch in length,  
19 printed directly to the left of each candidate's name and on the same line as the candidate's name.

20 When write-in votes are authorized and no candidate's name is to be printed under the name of  
21 an office in a party or nonpartisan column, under the name of the office in the column shall be  
22 printed a square. Directly to the right of the square shall be printed a horizontal line on which  
23 the voter may vote for a person whose name does not appear on the ballot. When more than one  
24 position is to be filled for an office, and the number of candidates' names under the office in a  
25 column is less than the number of positions to be filled, the number of squares and write-in lines  
26 printed in the column shall equal the difference between the number of candidates' names and  
27 the number of positions to be filled;

28 (6) The list of candidates of each party and all nonpartisan candidates placed in separate  
29 columns with a heavy vertical line between each list;

30 (7) A horizontal line extending across the ballot three-eighths of an inch below the last  
31 name or write-in line under each office in such a manner that the names of all candidates and all  
32 write-in lines for the same office appear between the same horizontal lines. If write-in votes are  
33 not authorized, the horizontal line shall extend across the ballot three-eighths of an inch below

34 the name of the last candidate under each office;

35 (8) In a separate column or beneath a heavy horizontal line under all names and write-in  
36 lines, all questions;

37 (9) At least three-eighths of an inch below all other matter on the ballot, printed in ten  
38 point Gothic type, the words "Instructions to Voters" followed by directions to the voter on  
39 marking his ballot as provided in section 115.439;

40 (10) Printed at the top on the face of the ballot the words "Official Ballot" followed by  
41 the date of the election and the statement "Instruction to Voters: Place an X in the square  
42 opposite the name of the person for whom you wish to vote."

43 3. As nearly as practicable, each ballot shall be in substantially the following form:

44 OFFICIAL BALLOT			DATE .....	
45 REPUBLICAN	DEMOCRATIC	THIRD PARTY	INDEPENDENT	
46 O	O	O	O	
47 For President	For President	For President	For President	
48 and	and	and	and	
49 Vice President	Vice President	Vice President	Vice President	
50 <input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	
51 For	For	For	For	
52 United States	United States	United States	United States	
53 Senator	Senator	Senator	Senator	
54 <input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	
55 For Governor	For Governor	For Governor	For Governor	
56 <input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	
57 For Lieutenant	For Lieutenant	For Lieutenant	For Lieutenant	
58 Governor	Governor	Governor	Governor	
59 <input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	
60 For Secretary	For Secretary	For Secretary	For Secretary	
61 of State	of State	of State	of State	
62 <input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	
63 For Treasurer	For Treasurer	For Treasurer	For Treasurer	
64 <input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	
65 For Attorney	For Attorney	For Attorney	For Attorney	
66 General	General	General	General	
67 <input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	
68 For	For	For	For	
69 United States	United States	United States	United States	

70	Representative	Representative	Representative	Representative
71	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
72	For State	For State	For State	For State
73	Senator	Senator	Senator	Senator
74	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
75	For State	For State	For State	For State
76	Representative	Representative	Representative	Representative
77	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
78	For Circuit	For Circuit	For Circuit	For Circuit
79	Judge	Judge	Judge	Judge
80	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....

115.277. 1. Except as provided in subsections 3, 4 and 5 of this section, any registered voter of this state may vote by absentee ballot for all candidates and issues for which such voter would be eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day due to:

- 5 (1) Absence on election day from the jurisdiction of the election authority in which such voter is registered to vote;
- 7 (2) Incapacity or confinement due to illness or physical disability;
- 8 (3) Religious belief or practice;
- 9 (4) Employment as an election authority, as a member of an election authority, or by an election authority at a location other than such voter's polling place;
- 11 (5) Incarceration, provided all qualifications for voting are retained; **or**
- 12 **(6) A person who is primarily responsible for the physical care of a person who is**
- 13 **incapacitated or confined due to illness or disability.**

2. Any person in federal service, as defined in section 115.275, who is eligible to register and vote in any election in this state may vote in the election even if the person is not registered. Each person in federal service may vote by absentee ballot or, upon submitting an affidavit that the person is qualified to vote in the election, may vote at the person's polling place.

3. Any interstate former resident, as defined in section 115.275, may vote by absentee ballot for presidential and vice presidential electors.

4. Any intrastate new resident, as defined in section 115.275, may vote by absentee ballot at the election for presidential and vice presidential electors, United States senator, representative in Congress, statewide elected officials and statewide questions, propositions and amendments from such resident's new jurisdiction of residence after registering to vote in such resident's new jurisdiction of residence.

5. Any new resident, as defined in section 115.275, may vote by absentee ballot for

26 presidential and vice presidential electors after registering to vote in such resident's new  
27 jurisdiction of residence.

115.279. 1. Application for an absentee ballot may be made by the applicant in person,  
2 or by mail, or for the applicant, in person, by his or her guardian or a relative within the second  
3 degree by consanguinity or affinity. The election authority [may] **shall** accept applications by  
4 facsimile transmission [at its discretion and] within the limits of its telecommunications capacity.

5 2. Each application shall be made to the election authority of the jurisdiction in which  
6 the person is or would be registered. Each application shall be in writing and shall state the  
7 applicant's name, address at which he or she is or would be registered, his or her reason for  
8 voting an absentee ballot and the address to which the ballot is to be mailed, if mailing is  
9 requested. Each application to vote in a primary election shall also state which ballot the  
10 applicant wishes to receive. If any application fails to designate a ballot, the election authority  
11 shall, within three working days after receiving the application, notify the applicant by mail that  
12 it will be unable to deliver an absentee ballot until the applicant designates which political party  
13 ballot he or she wishes to receive. If the applicant does not respond to the request for political  
14 party designation, the election authority is authorized to provide the voter with that part of the  
15 ballot for which no political party designation is required.

16 3. All applications for absentee ballots received prior to the sixth Tuesday before an  
17 election shall be stored at the office of the election authority until such time as the applications  
18 are processed in accordance with section 115.281. No application for an absentee ballot received  
19 in the office of the election authority by mail, by facsimile transmission or by a guardian or  
20 relative after 5:00 p.m. on the Wednesday immediately prior to the election shall be accepted by  
21 any election authority. No application for an absentee ballot submitted by the applicant in person  
22 after 5:00 p.m. on the day before the election shall be accepted by any election authority, except  
23 as provided in subsections 6, 8 and 9 of this section.

24 4. Each application for an absentee ballot shall be signed by the applicant or, if the  
25 application is made by a guardian or relative pursuant to the provisions of this section, the  
26 application shall be signed by the guardian or relative, who shall note on the application his or  
27 her relationship to the applicant. If an applicant, guardian or relative is blind, unable to read or  
28 write the English language or physically incapable of signing the application, he or she shall sign  
29 by mark, witnessed by the signature of an election official or person of his or her own choosing.  
30 Any person who knowingly makes, delivers or mails a fraudulent absentee ballot application  
31 shall be guilty of a class one election offense.

32 5. Notwithstanding any law to the contrary, any resident of the state of Missouri who  
33 resides outside the boundaries of the United States or who is on active duty with the armed forces  
34 of the United States or members of their immediate family living with them may request an

35 absentee ballot for both the primary and subsequent general election with one application.

36 6. An application for an absentee ballot by a new resident, as defined in section 115.275,  
37 shall be submitted in person by the applicant in the office of the election authority in the election  
38 jurisdiction in which such applicant resides. The application shall be received by the election  
39 authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form  
40 of an affidavit, executed in duplicate in the presence of the election authority or any authorized  
41 officer of the election authority, and in substantially the following form:

42 "STATE OF .....

43 COUNTY OF ....., ss.

44 I, ....., do solemnly swear that:

45 (1) Before becoming a resident of this state, I resided at ..... (residence address)  
46 in ..... (town, township, village or city) of ..... County in the state of  
47 .....

48 (2) I moved to this state after the last day to register to vote in such general presidential  
49 election and I am now residing in the county of ....., state of Missouri;

50 (3) I believe I am entitled pursuant to the laws of this state to vote in the presidential  
51 election to be held November ....., ..... (year);

52 (4) I hereby make application for a presidential and vice presidential ballot. I have not  
53 voted and shall not vote other than by this ballot at such election.

54 Signed .....

55 (Applicant)

56 .....

57 (Residence Address)

58 Subscribed and sworn to before me this ..... day of ....., .....

59 Signed .....

60 (Title and name of officer authorized to administer oaths)"

61 7. The election authority in whose office an application is filed pursuant to subsection  
62 6 of this section shall immediately send a duplicate of such application to the appropriate official  
63 of the state in which the new resident applicant last resided and shall file the original of such  
64 application in its office.

65 8. An application for an absentee ballot by an intrastate new resident, as defined in  
66 section 115.275, shall be made in person by the applicant in the office of the election authority  
67 in the election jurisdiction in which such applicant resides. The application shall be received by  
68 the election authority no later than 7:00 p.m. on the day of the election. Such application shall  
69 be in the form of an affidavit, executed in duplicate in the presence of the election authority or  
70 an authorized officer of the election authority, and in substantially the following form:

71 "STATE OF .....  
72 COUNTY OF ....., ss.

73 I, ....., do solemnly swear that:

74 (1) Before becoming a resident of this election jurisdiction, I resided at .....  
75 (residence address) in ..... (town, township, village or city) of ..... county in the  
76 state of .....

77 (2) I moved to this election jurisdiction after the last day to register to vote in such  
78 election;

79 (3) I believe I am entitled pursuant to the laws of this state to vote in the election to be  
80 held ..... (date);

81 (4) I hereby make application for an absentee ballot for candidates and issues on which  
82 I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other  
83 than by this ballot at such election.

84 Signed .....  
85 (Applicant)

86 .....  
87 (Residence Address)

88 Subscribed and sworn to before me this ..... day of ....., .....

89 Signed .....  
90 (Title and name of officer authorized to administer oaths)"

91 9. An application for an absentee ballot by an interstate former resident, as defined in  
92 section 115.275, shall be received in the office of the election authority where the applicant was  
93 formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the  
94 application is made in person by the applicant in the office of the election authority, in which  
95 case, such application shall be made no later than 7:00 p.m. on the day of the election.

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state  
2 the voter's name, the voter's voting address, the voter's mailing address and the voter's reason for  
3 voting an absentee ballot. On the form, the voter shall also state, under penalties of perjury that  
4 the voter is qualified to vote in the election, that the voter has not previously voted and will not  
5 vote again in the election, that the voter has personally marked the voter's ballot in secret or  
6 supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has  
7 been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the  
8 voter is unable to seal it, and that all information contained in the statement is true. In addition,  
9 any person providing assistance to the absentee voter shall include a statement on the envelope  
10 identifying the person providing assistance under penalties of perjury. Persons authorized to vote  
11 only for federal and statewide officers shall also state their former Missouri residence.

12 2. The statement for persons voting absentee ballots who are registered voters shall be  
13 in substantially the following form:

14 State of Missouri

15 County (City) of .....

16 I, ..... (print name), a registered voter of ..... County  
17 (City of St. Louis, Kansas City), declare under the penalties of perjury that I expect to be  
18 prevented from going to the polls on election day due to (check one):

19 ..... absence on election day from the jurisdiction of the election authority in which I am  
20 registered;

21 ..... incapacity or confinement due to illness or physical disability;

22 ..... religious belief or practice;

23 ..... employment as an election authority or by an election authority at a location other than my  
24 polling place;

25 ..... incarceration, although I have retained all the necessary qualifications for voting;

26 ..... **caring for a person who is incapacitated or confined due to illness or disability.**

27

28 I hereby state under penalties of perjury that I am qualified to vote at this election; I have not  
29 voted and will not vote other than by this ballot at this election. I further state that I marked the  
30 enclosed ballot in secret or that I am blind, unable to read or write English, or physically  
31 incapable of marking the ballot, and the person of my choosing indicated below marked the  
32 ballot at my direction; all of the information on this statement is, to the best of my knowledge  
33 and belief, true.

34 .....

35 Signature of Voter

36

37

38 .....

39 .....

40 Address of Voter

41 .....

42 .....

43 Mailing addresses

44 (if different)

45

.....

Signature of Person

Assisting Voter

(if applicable)

Subscribed and sworn to

before me this ..... day

of ....., .....

.....

.....

Signature of notary or

other officer authorized

to administer oaths

46 3. The statement for persons voting absentee ballots pursuant to the provisions of  
47 subsection 2, 3, 4 [or], 5 or 6 of section 115.277 without being registered shall be in substantially

48 the following form:

49 State of Missouri

50 County (City) of.....

51 I, ..... (print name), declare under the penalties of perjury that I am a citizen of the  
52 United States and eighteen years of age or older. I am not adjudged incapacitated by any court  
53 of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of  
54 suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to  
55 law. I hereby state under penalties of perjury that I am qualified to vote at this election.

56 (1) I am a resident of the state of Missouri and (check one):

57 ..... am a member of the U.S. armed forces in active service;

58 ..... am an active member of the U.S. merchant marine;

59 ..... am a civilian employee of the U.S. government working outside the United States;

60 ..... am an active member of a religious or welfare organization assisting servicemen;

61 ..... have been honorably discharged or terminated my service in one of the groups mentioned  
62 above within sixty days of this election;

63 ..... am a spouse or dependent of one of the above;

64 ..... am a registered voter in ..... County and moved from that county to ..... County,  
65 Missouri, after the last day to register to vote in this election.

66 OR (check if applicable)

67 (2) ..... I am an interstate former resident of Missouri and authorized to vote  
68 for presidential and vice presidential electors. I further state under penalties of perjury that I  
69 have not voted and will not vote other than by this ballot at this election; I marked the enclosed  
70 ballot in secret or am blind, unable to read or write English, or physically incapable of marking  
71 the ballot, and the person of my choosing indicated below marked the ballot at my direction; all  
72 of the information on this statement is, to the best of my knowledge and belief, true.

73 ..... Subscribed to and sworn  
74 Signature of Voter before me this ..... day  
75 of ....., .....

76 .....  
77 .....

78 Address of Voter Signature of notary or  
79 other officer authorized  
80 to administer oaths

81 .....

82 .....

83 Mailing Address



84 (if different) .....

85 ..... .....

86 Signature of Person Address of Last Missouri

87 Assisting Voter Residence

88 (if applicable)

89 4. The statement for persons voting absentee ballots who are entitled to vote at the  
90 election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially  
91 the following form:

92 State of Missouri

93 County (City) of .....

94 I, ..... (print name), declare under the penalties of perjury that I expect to  
95 be prevented from going to the polls on election day due to (check one):

96 ..... absence on election day from the jurisdiction of the election authority in which I am  
97 directed to vote;

98 ..... incapacity or confinement due to illness or physical disability;

99 ..... religious belief or practice;

100 ..... employment as an election authority or by an election authority at a location other than my  
101 polling place;

102 ..... incarceration, although I have retained all the necessary qualifications of voting;

103 ..... **caring for a person who is incapacitated or confined due to illness or disability.**

104 I hereby state under penalties of perjury that I own property in the ..... district and am  
105 qualified to vote at this election; I have not voted and will not vote other than by this ballot at  
106 this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable  
107 to read and write English, or physically incapable of marking the ballot, and the person of my  
108 choosing indicated below marked the ballot at my direction; all of the information on this  
109 statement is, to the best of my knowledge and belief, true.

110 ..... Subscribed and sworn to

111 Signature of Voter before me this .....

112 day of ....., .....

113 .....  
114 .....

115 Address Signature of notary or  
116 other officer authorized  
117 to administer oaths

118 .....

119 Signature of Person

120 Assisting Voter

121 (if applicable)

122 5. The statement for persons providing assistance to absentee voters shall be in  
123 substantially the following form:

124 The voter needed assistance in marking the ballot and signing above, because of blindness, other  
125 physical disability, or inability to read or to read English. I marked the ballot enclosed in this  
126 envelope at the voter's direction, when I was alone with the voter, and I had no other  
127 communication with the voter as to how he or she was to vote. The voter swore or affirmed the  
128 voter affidavit above and I then signed the voter's name and completed the other voter  
129 information above. Signed under the penalties of perjury.

130 Reason why voter needed assistance: .....

131 ASSISTING PERSON SIGN HERE

132 1. .... (signature of assisting person)

133 2. .... (assisting person's name printed)

134 3. .... (assisting person's residence)

135 4. .... (assisting person's home city or town).

136 6. Notwithstanding any other provision of this section, any resident of the state of  
137 Missouri who resides outside the boundaries of the United States or who is on active duty with  
138 the armed forces of the United States or members of their immediate family living with them or  
139 persons who have declared themselves to be permanently disabled pursuant to section 115.284,  
140 otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his or her  
141 absentee ballot.

142 7. Notwithstanding any other provision of this section or section 115.291 to the contrary,  
143 the subscription, signature and seal of a notary or other officer authorized to administer oaths  
144 shall not be required on any ballot, ballot envelope, or statement required by this section if the  
145 reason for the voter voting absentee is due to [illness or physical disability] **the reasons**  
146 **established pursuant to subdivisions (2) and (6) of subsection 1 of section 115.277.**

115.291. 1. Upon receiving an absentee ballot, the voter shall mark his ballot in secret,  
2 place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot  
3 envelope. The affidavit of each person voting an absentee ballot shall be subscribed and sworn  
4 to before the election official receiving the ballot, a notary public or other officer authorized by  
5 law to administer oaths, unless the voter is voting absentee due to incapacity or confinement due  
6 to the provisions of section 115.284, illness or physical disability. If the voter is blind, unable  
7 to read or write the English language, or physically incapable of voting his ballot, he may be  
8 assisted by a person of his own choosing. Any person assisting a voter who is not entitled to  
9 such assistance, and any person who assists a voter and in any manner coerces or initiates a

10 request or a suggestion that the voter vote for or against or refrain from voting on any question,  
11 ticket or candidate, shall be guilty of a class one election offense. If, upon counting, challenge  
12 or election contest, it is ascertained that any absentee ballot was voted with unlawful assistance,  
13 the ballot shall be rejected.

14         2. Each absentee ballot shall be returned to the election authority in the ballot envelope  
15 and shall only be returned by the voter in person, **or in person by a relative of the voter who**  
16 **is within the second degree of consanguinity or affinity**, by mail or registered carrier or by a  
17 team of deputy election authorities; **except that persons in federal service, when sent from**  
18 **a location determined by the secretary of state to be inaccessible on election day, shall be**  
19 **allowed to return their absentee ballots cast by use of facsimile transmission under a**  
20 **program approved by the Department of Defense for electronic transmission of election**  
21 **materials.**

22         3. In cases of an emergency declared by the President of the United States or the  
23 governor of this state where the conduct of an election may be affected, the secretary of state may  
24 provide for the delivery and return of absentee ballots by use of a facsimile transmission device  
25 or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of  
26 voters as provided for by the secretary of state.

115.409. Except election authority personnel, election judges, watchers and challengers  
2 appointed pursuant to section 115.105 or 115.107, law enforcement officials at the request of  
3 election officials or in the line of duty, minor children under the age of eighteen accompanying  
4 an adult who is in the process of voting, **international observers who have registered as such**  
5 **with the election authority**, persons designated by the election authority to administer a  
6 simulated youth election for persons ineligible to vote because of their age, members of the news  
7 media who present identification satisfactory to the election judges and who are present only for  
8 the purpose of bona fide news coverage except as provided in subdivision (18) of section  
9 115.637, provided that such coverage does not disclose how any voter cast his ballot on any  
10 question or candidate or in the case of a primary election on which party ballot they voted or does  
11 not interfere with the general conduct of the election as determined by the election judges or  
12 election authority, and registered voters who are eligible to vote at the polling place, no person  
13 shall be admitted to a polling place.

115.417. 1. Before the time fixed by law for the opening of the polls, the election  
2 authority shall deliver to each polling place a sufficient number of voter instruction cards which  
3 include the following information:

4         (1) If paper ballots or an electronic voting system is used, the instructions shall inform  
5 the voter on how to obtain a ballot for voting, how to vote and prepare the ballot for deposit in  
6 the ballot box and how to obtain a new ballot to replace one accidentally spoiled;

7 (2) If voting machines are used, the instructions shall inform the voter how to operate  
8 the machine in such a manner that he may vote as he wishes.

9 **2. The election authority at each polling place shall post in each voting booth voting**  
10 **instructions on a poster no smaller than twenty-four inches by thirty inches. Such**  
11 **instructions shall also inform the voter that the voting equipment can be demonstrated**  
12 **upon request of the voter.**

13 **3.** If marking devices or voting machines are used, the election authority shall also  
14 provide to each polling place a model of a marking device or portion of the face of a voting  
15 machine. If requested to do so by a voter, the election judges shall give instructions on operation  
16 of the marking device or voting machine by use of the model.

17 **4. The secretary of state may develop multilingual voting instructions to be made**  
18 **available to election authorities.**

115.419. Before the time fixed by law for the opening of the polls, the election authority  
2 shall deliver to each polling place a sufficient number of sample ballots, ballot cards or ballot  
3 labels which shall be a different color but otherwise exact copies of the official ballot. The  
4 samples shall be printed in the form of a diagram, showing the form of the ballot or the front of  
5 the marking device or voting machine as it will appear on election day. **The secretary of state**  
6 **may develop multilingual sample ballots to be made available to election authorities.**

**115.420. 1. An election authority operating a voting system that uses ballot cards**  
2 **shall not use a butterfly ballot unless the secretary of state provides written approval to the**  
3 **election authority for the use of a butterfly ballot in the particular election.**

4 **2. For purposes of this section, "butterfly ballot" means a ballot where two ballot**  
5 **pages are used side by side and where voters must vote on candidates or issues on both**  
6 **sides of the pages.**

7 **3. The secretary of state may approve the use of a butterfly ballot in a particular**  
8 **election when a large number of candidates and issues are to be decided, no alternative**  
9 **ballot is reasonable under the circumstances, and the election authority submits to the**  
10 **secretary of state a written explanation of the need for using a butterfly ballot.**

115.429. 1. The election judges shall not permit any person to vote unless satisfied that  
2 such person is the person whose name appears on the precinct register.

3 **2.** The identity or qualifications of any person offering to vote may be challenged by any  
4 election authority personnel, any registered voter, or any duly authorized challenger at the polling  
5 place. No person whose right to vote is challenged shall receive a ballot until his identity and  
6 qualifications have been established.

7 **3.** Any question of doubt concerning the identity or qualifications of a voter shall be  
8 decided by a majority of the judges **from the major political parties.** If the election judges

9 decide not to permit a person to vote because of doubt as to his identity or qualifications, the  
10 person may apply to the election authority or to the circuit court as provided in sections 115.193  
11 and 115.223. **The election authority and the circuit court shall not allow a person to vote**  
12 **unless the person provides sufficient evidence that he or she has complied with the voter**  
13 **registration requirements in this chapter.**

14 4. If the election judges cannot reach a decision on the identity or qualifications of any  
15 person, the question shall be decided by the election authority, subject to appeal to the circuit  
16 court as provided in section 115.223. **The election authority and the circuit court shall not**  
17 **allow a person to vote unless the person provides sufficient evidence that he or she has**  
18 **complied with the voter registration requirements in this chapter. The supreme court shall**  
19 **provide forms for petitions and written instructions on filling out all forms and pleadings**  
20 **necessary for the presentation of an appeal to the circuit court and shall adopt such rules**  
21 **as are necessary to ensure that voter appeals to the circuit court filed pursuant to this**  
22 **chapter are processed uniformly in this state.**

23 5. The election judges or the election authority may require any person whose right to  
24 vote is challenged to execute an affidavit affirming his qualifications. The election authority  
25 shall furnish to the election judges a sufficient number of blank affidavits of qualification, and  
26 the election judges shall enter any appropriate information or comments under the title  
27 "Remarks" which shall appear at the bottom of the affidavit. All executed affidavits of  
28 qualification shall be returned to the election authority with the other election supplies. Any  
29 person who makes a false affidavit of qualification shall be guilty of a class one election offense.  
30 **The election authority may require that the affidavit of qualification be in the form of an**  
31 **envelope in which the ballot is placed and that the ballot not be counted and certified until**  
32 **the qualifications of the voter are confirmed by the election authority.**

115.433. After the voter's identification certificate has been initialed, two judges of  
2 different political parties, **or one judge from a political party and one judge with no political**  
3 **affiliation**, shall, where paper ballots or ballot cards are used, initial the voter's ballot or ballot  
4 card.

115.439. 1. If paper ballots or ballot cards are used, the voter shall, immediately upon  
2 receiving his ballot, go alone to a voting booth and vote his ballot in the following manner:

3 (1) If the voter desires to vote a straight party ticket, he may place a cross (X) mark in  
4 the circle directly below the party name at the head of the column, or he may place cross (X)  
5 marks in the squares directly to the left of the names of candidates on one party ticket;

6 (2) If the voter desires to vote a split party ticket, he may place a cross (X) mark in the  
7 circle directly below one party name at the head of the column and cross (X) marks in the squares  
8 directly to the left of the names of candidates on other party tickets, or he may place cross (X)

9 marks in the squares directly to the left of the names of candidates on different party tickets;

10 (3) If the voter desires to vote for a person whose name does not appear on the ballot,  
11 he may cross out a name which appears on the ballot for the office and write the name of the  
12 person for whom he wishes to vote above or below the crossed-out name and place a cross (X)  
13 mark in the square directly to the left of the crossed-out name. If a write-in line appears on the  
14 ballot, he may write the name of the person for whom he wishes to vote on the line and place a  
15 cross (X) mark in the square directly to the left of the name;

16 (4) If the ballot does not contain any party designations, the voter shall place a cross (X)  
17 mark in the squares directly to the left of the names of the candidates for whom he desires to  
18 vote;

19 (5) If the ballot is one which contains no candidates, the voter shall place a cross (X)  
20 mark in the square directly to the left of each "yes" or "no" he desires to vote. No voter shall  
21 vote for the same person more than once for the same office at the same election.

22 2. For purposes of this section, a punch or sensor mark or any other mark clearly  
23 indicating that the voter intends to mark that particular square shall be equivalent to a cross (X)  
24 mark.

25 3. If voting machines are used, the voter shall, immediately upon direction by the judges,  
26 go alone to a voting machine, close the curtain and vote in substantially the same manner  
27 provided in subsection 1 of this section. Rather than placing cross (X) marks on the ballot,  
28 however, the voter shall cause the designations to appear on the face of the voting machine, cast  
29 any write-in votes and register his votes as directed in the instructions for use of the machine.

30 4. If the voter accidentally spoils his ballot or ballot card or makes an error, he may  
31 return it to an election judge and receive another. The election judge shall mark "SPOILED"  
32 across the ballot or ballot card and place it in an envelope marked "SPOILED BALLOTS". After  
33 another ballot has been prepared in the manner provided in section 115.433, the ballot shall be  
34 given to the voter for voting.

35 5. [If any] **The election authority may authorize the use of a sticker or other item**  
36 **containing a write-in candidate's name, in lieu of a handwritten name[, is present on the ballot,].**  
37 **If authorized,** such sticker or item shall contain a cross (X) mark, or other mark as described  
38 in subsection 2 of this section, in the square directly left of the candidate's name and the office  
39 for which the candidate is a write-in candidate. A write-in vote that does not meet the  
40 requirements of this subsection which appears on a ballot shall not be counted under sections  
41 115.447 to 115.525. In those jurisdictions using an electronic voting system which utilizes mark  
42 sense or optical scan technology **and if the election authority authorizes the use of stickers**  
43 **for write-ins,** such system shall be programmed to identify and separate those ballots which  
44 contain an office in which write-in candidates are eligible to receive votes, and which contain

45 less votes than a voter is entitled to cast. In addition, such sticker shall be considered "printed  
46 matter" as defined in subsection 8 of section 130.031, RSMo, and as such shall contain the  
47 designation required by subsection 8 of section 130.031, RSMo.

**115.450. 1. The secretary of state shall promulgate rules that specify uniform  
2 counting standards that all election authorities shall use when counting ballots of all types,  
3 including the hand counting of any ballots.**

**4 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
5 that is created under the authority delegated in this section shall become effective only if  
6 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if  
7 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
8 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,  
9 to review, to delay the effective date or to disapprove and annul a rule are subsequently  
10 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
11 adopted after August 28, 2001, shall be invalid and void.**

115.453. Election judges shall count votes for all candidates in the following manner:

2 (1) If a cross (X) mark appears in the circle immediately below a party name at the head  
3 of a column, each candidate of the party shall be counted as voted for. If a cross (X) mark  
4 appears in the circle immediately below more than one party name, no candidate shall be counted  
5 as voted for, except a candidate before whose name a cross (X) mark appears in the square  
6 preceding the name and a cross (X) mark does not appear in the square preceding the name of  
7 any candidate for the same office in another column. If a cross (X) mark appears in the circle  
8 immediately below a party name at the head of a column, and a cross (X) mark appears in the  
9 square next to the name of any candidate in another column, each candidate of the party whose  
10 circle is marked shall be counted as voted for, except where a cross (X) mark appears in the  
11 square preceding the name of any candidate in another column. Except as provided in this  
12 subdivision and subdivision (2) of this section, each candidate with a cross (X) mark in the  
13 square preceding his or her name shall be counted as voted for.

14 (2) If no cross (X) mark appears in the circle immediately below any party name, but a  
15 cross (X) mark does appear in the square next to any candidate's name, the name of each  
16 candidate next to which a cross (X) mark appears shall be counted as voted for, and no other  
17 name shall be counted as voted for. If cross (X) marks appear next to the names of more  
18 candidates for an office than are entitled to fill the office, no candidate for the office shall be  
19 counted as voted for. If more than one candidate is to be nominated or elected to an office, and  
20 any voter has voted for the same candidate more than once for the same office at the same  
21 election, no votes cast by the voter for the candidate shall be counted.

22 (3) No vote shall be counted for any candidate that is not marked substantially in

23 accordance with the provisions of this section. [The judges shall count votes marked  
24 substantially in accordance with this section when the intent of the voter seems clear.] No ballot  
25 containing any proper votes shall be rejected for containing fewer marks than are authorized by  
26 law.

27 (4) Write-in votes shall be counted only for candidates for election to office who have  
28 filed a declaration of intent to be a write-in candidate for election to office with the proper  
29 election authority, who shall then notify the proper filing officer of the write-in candidate prior  
30 to 5:00 p.m. on the second Friday immediately preceding the election day; except that, write-in  
31 votes shall be counted only for candidates for election to state or federal office who have filed  
32 a declaration of intent to be a write-in candidate for election to state or federal office with the  
33 secretary of state pursuant to section 115.353 prior to 5:00 p.m. on the second Friday  
34 immediately preceding the election day. No person who filed as a party or independent candidate  
35 for nomination or election to an office may, without withdrawing as provided by law, file as a  
36 write-in candidate for election to the same office for the same term. No candidate who files for  
37 nomination to an office and is not nominated at a primary election may file a declaration of intent  
38 to be a write-in candidate for the same office at the general election. When declarations are  
39 properly filed with the secretary of state, the secretary of state shall promptly transmit copies of  
40 all such declarations to the proper election authorities for further action pursuant to this section.  
41 The election authority shall furnish a list to the election judges and counting teams prior to  
42 election day of all write-in candidates who have filed such declaration. This subdivision shall  
43 not apply to elections wherein candidates are being elected to an office for which no candidate  
44 has filed.

45 (5) Write-in votes shall be cast and counted for a candidate without party designation.  
46 Write-in votes for a person cast with a party designation shall not be counted. Except for  
47 candidates for political party committees, no candidate shall be elected as a write-in candidate  
48 unless such candidate receives a separate plurality of the votes without party designation  
49 regardless of whether or not the total write-in votes for such candidate under all party and  
50 without party designations totals a majority of the votes cast.

51 (6) When submitted to the election authority, each declaration of intent to be a write-in  
52 candidate for the office of United States president shall include the name of a candidate for vice  
53 president and the name of nominees for presidential elector equal to the number to which the  
54 state is entitled. At least one qualified resident of each congressional district shall be nominated  
55 as presidential elector. Each such declaration of intent to be a write-in candidate shall be  
56 accompanied by a declaration of candidacy for each presidential elector in substantially the form  
57 set forth in subsection 3 of section 115.399. Each declaration of candidacy for the office of  
58 presidential elector shall be subscribed and sworn to by the candidate before the election official



59 receiving the declaration of intent to be a write-in, notary public or other officer authorized by  
60 law to administer oaths.

115.493. The election authority shall keep all voted ballots, ballot cards, **processed**  
2 **ballot materials in electronic form** and write-in forms, and all applications, statements,  
3 certificates, affidavits and computer programs relating to each election for twelve months after  
4 the date of the election. During the time that voted ballots, ballot cards, **processed ballot**  
5 **materials in electronic form** and write-in forms are kept by the election authority, it shall not  
6 open or inspect them or allow anyone else to do so, except upon order of a legislative body trying  
7 an election contest, a court or a grand jury. After twelve months, the ballots, ballot cards,  
8 **processed ballot materials in electronic form**, write-in forms, applications, statements,  
9 certificates, affidavits and computer programs relating to each election may be destroyed. If an  
10 election contest, grand jury investigation or civil or criminal case relating to the election is  
11 pending at the time, however, the materials shall not be destroyed until the contest, investigation  
12 or case is finally determined.

115.613. 1. Except as provided in subsection 4 of this section, the qualified man and  
2 woman receiving the highest number of votes from each committee district for committeeman  
3 and committeewoman of a party shall be members of the county committee of the party.

4 2. If two or more qualified persons receive an equal number of votes for county  
5 committeeman or committeewoman of a party and a higher number of votes than any other  
6 qualified person from the party, a vacancy shall exist on the county committee which shall be  
7 filled by a majority of the committee in the manner provided in section 115.617.

8 3. If no qualified person is elected county committeeman or committeewoman from a  
9 committee district for a party, a vacancy shall exist on the county committee which shall be filled  
10 by a majority of the committee in the manner provided in section 115.617.

11 4. The provisions of this subsection shall apply only in any county where no filing fee  
12 is required for filing a declaration of candidacy for committeeman or committeewoman in a  
13 committee district. **If only one qualified candidate has filed a declaration of candidacy for**  
14 **committeeman or committeewoman in a committee district for a party prior to the deadline**  
15 **established by law, no election shall be held for committeeman or committeewoman in the**  
16 **committee district for that party and the election authority shall certify the qualified**  
17 **candidate in the same manner and at the same time as candidates elected pursuant to**  
18 **subsection 1 of this section are certified.** If no qualified candidate files for committeeman or  
19 committeewoman in a committee district for a party, no election shall be held and a vacancy shall  
20 exist on the county committee which shall be filled by a majority of the committee in the manner  
21 provided in section 115.617. [The state shall pay the cost of producing ballots for any election  
22 held for the purposes of this subsection. The election authority shall pay all public notice costs

23 for any election held pursuant to this subsection.]

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] **fifty** feet of the building's outer door closest to the polling place, or, on the  
68 part of any person, refusing to remove or permit removal from property owned or controlled by  
69 him, any such election sign or literature located within such distance on such day after request  
70 for removal by any person.

**115.801. 1. Subject to appropriation from general revenue funds, the secretary of**

2 state shall administer a grant program in an amount not to exceed one hundred thousand  
3 dollars annually for the purpose of involving youth in "Kids Voting" or other youth voting  
4 programs. The secretary of state may promulgate rules to effectuate the provisions of this  
5 section.

6       **2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
7 **that is created under the authority delegated in this section shall become effective only if**  
8 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
9 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
10 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
11 **to review, to delay the effective date or to disapprove and annul a rule are subsequently**  
12 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
13 **adopted after August 28, 2001, shall be invalid and void.**

**115.825. 1. The secretary of state shall administer a grant program for the purpose**  
2 **of allowing election authorities to receive grants from the federal government for the**  
3 **purpose of improving the election process in federal elections. The secretary of state may**  
4 **promulgate rules to effectuate the provisions of this section.**

5       **2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
6 **that is created under the authority delegated in this section shall become effective only if**  
7 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
8 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
9 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
10 **to review, to delay the effective date or to disapprove and annul a rule are subsequently**  
11 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
12 **adopted after August 28, 2001, shall be invalid and void.**

      Section B. Notwithstanding to the contrary the provisions of section B of senate  
2 substitute for senate bill no. 635, eighty-seventh general assembly, second regular session, the  
3 provisions of sections 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508 and 417.018  
4 shall not expire on December 31, 2001.