

FIRST REGULAR SESSION
[PERFECTED]
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 511
92ND GENERAL ASSEMBLY

Taken up for Perfection April 2, 2003.

House Substitute for House Bill No. 511 ordered Perfected and printed, as amended.

STEPHEN S. DAVIS, Chief Clerk

1632L.04P

AN ACT

To repeal sections 115.027, 115.073, 115.074, 115.076, 115.085, 115.098, 115.103, 115.105, 115.107, 115.125, 115.127, 115.133, 115.135, 115.155, 115.157, 115.158, 115.159, 115.165, 115.275, 115.277, 115.279, 115.283, 115.284, 115.287, 115.292, 115.417, 115.430, 115.761, 115.801, 116.175, and 116.190, RSMo, and to enact in lieu thereof thirty-four new sections relating to elections, with a penalty provision in a certain section.

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

Section A. Sections 115.027, 115.073, 115.074, 115.076, 115.085, 115.098, 115.103, 2 115.105, 115.107, 115.125, 115.127, 115.133, 115.135, 115.155, 115.157, 115.158, 115.159, 3 115.165, 115.275, 115.277, 115.279, 115.283, 115.284, 115.287, 115.292, 115.417, 115.430, 4 115.761, 115.801, 116.175, and 116.190, RSMo, are repealed and thirty-four new sections 5 enacted in lieu thereof, to be known as sections 28.035, 115.027, 115.073, 115.074, 115.076, 6 115.078, 115.085, 115.098, 115.103, 115.105, 115.107, 115.125, 115.127, 115.133, 115.135, 7 115.155, 115.157, 115.158, 115.159, 115.165, 115.275, 115.277, 115.279, 115.283, 115.284, 8 115.287, 115.292, 115.417, 115.430, 115.761, 115.801, 116.025, 116.175, and 116.190 to read 9 as follows:

28.035. 1. The secretary of state shall be the chief state election official responsible 2 for the administration and coordination of state responsibilities pursuant to the Help 3 America Vote Act of 2002. The secretary is authorized to appoint members to 4 commissions, develop and submit plans, set voting systems standards and compliance

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

5 **deadlines, and any other activities reasonably necessary to comply with the Help America**
6 **Vote Act of 2002.**

7 **2. The office of the secretary of state shall be designated as the single office which**
8 **shall be responsible for providing information regarding voter registration procedures and**
9 **absentee ballot procedures to be used by absent uniformed services voters and overseas**
10 **voters, as defined in section 115.279, RSMo, with respect to elections for federal office.**

11 **3. The secretary of state shall establish state-based administrative complaint**
12 **procedures to remedy grievances concerning a violation of Title III of the Help America**
13 **Vote Act of 2002. These procedures shall:**

14 **(1) Require complaints to be in writing and notarized, and signed and sworn by the**
15 **person filing the complaint;**

16 **(2) Allow complaints to be consolidated;**

17 **(3) At the request of the complainant, require a hearing on the record which may**
18 **be conducted exclusively by written testimony and information;**

19 **(4) Provide an appropriate remedy for any substantiated violation of Title III of the**
20 **Help America Vote Act of 2002;**

21 **(5) Dismiss the complaint and publish the results of the procedures when there is**
22 **a determination of no violation;**

23 **(6) Require a final determination with respect to the complaint before the**
24 **expiration of the ninety-day period which begins on the date the complaint is filed, unless**
25 **the complainant consents to a longer period for making such a determination; and**

26 **(7) If the final determination is not completed within ninety days, resolve the**
27 **complaint within sixty days under alternative dispute resolution procedures. The record**
28 **and any other materials from proceedings conducted pursuant to this subsection shall be**
29 **made available for use under the alternative dispute resolution procedures.**

30 **4. The secretary of state is authorized to promulgate rules to execute this section.**
31 **No rule or portion of a rule promulgated pursuant to the authority of this section shall**
32 **become effective unless it has been promulgated pursuant to chapter 536, RSMo.**

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

9 of the board and one commissioner on each board to be secretary of the board. The chairman
10 and secretary of a board shall not be members of the same political party.

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

115.073. 1. In any county containing a portion but not the major portion of a city which
2 has over three hundred thousand inhabitants, all general expenses related to the conduct of
3 elections and the registration of voters shall be paid proportionally from the general revenue of
4 the city and the general revenue of the county. The city shall pay such proportion as its
5 population within the county is to the total population of the county as determined by the last
6 preceding federal decennial census. **The annual general operating expenditures from the**
7 **general revenue funds of any county of the first classification with more than seventy-three**
8 **thousand seven hundred but less than seventy-three thousand eight hundred inhabitants**
9 **or any city located within such county shall be subject to the budgeting approval of the**
10 **governing body of such city or county to ensure expenditures reasonable and necessary to**
11 **adequately fund said elections.**

12 2. In any county containing a portion but not the major portion of a city which has over
13 three hundred thousand inhabitants, the salaries of election judges at all county and state primary,
14 general and special elections shall be paid from the general revenue of the county, unless the city
15 submits a question or candidate at the election, in which case the salaries of election judges shall
16 be paid proportionally from the general revenue of the city and the general revenue of the county
17 as provided in subsection 1 of this section.

18

115.074. 1. Subject to appropriation from federal funds, the secretary of state shall
2 administer a grant, **loan, or other aid** program [annually] for the purposes of providing funds
3 to election authorities to upgrade or improve the voting process or equipment. Such funding
4 [shall] **may** be in the form of matching grants. The secretary of state when awarding grants shall
5 give priority to jurisdictions which have the highest number of residents according to the most
6 recent federal census, with an income below the federal poverty level as established by the
7 federal department of health and human services or its successor agency. The secretary of state
8 may promulgate rules to effectuate the provisions of this section.

9 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that

10 is created under the authority delegated in this section shall become effective only if it complies
11 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
12 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
13 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
14 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
15 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be
16 invalid and void.

115.076. 1. Subject to appropriation of federal funds, the secretary of state shall
2 administer a grant, **loan, or other aid** program [annually] for the purpose of providing funds to
3 election authorities:

4 (1) To purchase electronic voting machines that are accessible to all individuals with
5 disabilities, including people who are blind or visually impaired;

6 (2) To make polling places, including path of travel, entrances, exits and voting areas
7 of each polling facility accessible to individuals with disabilities, including the blind and visually
8 impaired, in a manner that provides the same opportunity for access and secret, independent and
9 verifiable participation, including privacy and independence, as for other voters;

10 (3) To provide individuals with disabilities and individuals who are blind and visually
11 impaired with information about the accessibility of polling places, including outreach programs
12 to inform individuals about the availability of accessible polling places and to train election
13 officials, poll workers, and election volunteers on how to best promote the access and
14 participation of individuals in elections, and to provide assistance in all accommodations needed
15 by voters with disabilities.

16
17 Such funding [shall] **may** be in the form of matching grants. The secretary of state when
18 awarding grants shall give priority to jurisdictions which have the highest number of residents,
19 according to the most recent federal census, with an income below the federal poverty level as
20 established by the federal Department of Health and Human Services or its successor agency.
21 The secretary of state may promulgate rules to effectuate the provisions of this section.

22 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
23 is created under the authority delegated in this section shall become effective only if it complies
24 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
25 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
26 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
27 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
28 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be
29 invalid and void.

115.078. 1. There is hereby created in the state treasury the "Election Administration Improvements Fund", which shall consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources for the purpose of improving the administration of elections within Missouri. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Money in the fund shall be used exclusively for election administration improvements as directed by the secretary of state. The secretary of state may transfer moneys from the fund to the election improvements revolving loan fund as the secretary deems necessary to facilitate compliance with the Help America Vote Act of 2002. Notwithstanding section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of any biennium shall not revert to the credit of the general revenue fund. All yield, interest, income, increment, or gain received from time deposit of moneys in the state treasury to the credit of the fund shall be credited to the fund. Notwithstanding any provision of law to the contrary, no amount of moneys in the fund shall be transferred from the fund or charged for purposes of the administration of central services for the state of Missouri.

2. There is hereby created in the state treasury the "Election Improvements Revolving Loan Fund", which shall consist of all moneys appropriated to it by the general assembly, all repayment of moneys from eligible lenders and any moneys deposited or transferred to the fund for the purpose of improving the administration of elections through loans. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Money in the fund shall be used solely for improving the administration of elections through loans. Notwithstanding section 33.080, RSMo, to the contrary, any moneys remaining in the fund shall not revert to the credit of the general revenue fund. All yield, interest, income, increment, or gain received from time deposit of moneys in the state treasury to the credit of the fund shall be credited to the fund. Notwithstanding any provision of law to the contrary, no amount of moneys in the fund shall be transferred from the fund or charged for purposes of the administration of central services for the state of Missouri. The secretary of state is authorized to administer the fund in accordance with this section and the Help America Vote Act of 2002, and to promulgate rules to execute this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

115.085. No person shall be appointed to serve as an election judge who is not a registered voter in [the jurisdiction of the election authority for which he or she is appointed] this state; provided that, before any election authority may appoint judges who are registered

4 **voters of another election authority's jurisdiction, the election authority shall obtain the**
5 **written consent of the election authority for the jurisdiction where the prospective judges**
6 **are registered to vote.** Each election judge shall be a person of good repute and character who
7 can speak, read, and write the English language. No person shall serve as an election judge at
8 any polling place in which his or her name or the name of a relative within the second degree,
9 by consanguinity or affinity, appears on the ballot. However, no relative of any unopposed
10 candidate shall be disqualified from serving as an election judge in any election jurisdiction of
11 the state. No election judge shall, during his or her term of office, hold any other **elective** public
12 office, other than as a member of a political party committee or township office, except any
13 person who is [an employee of the state of Missouri or who is appointed to or employed by or]
14 elected to a board or commission of a political subdivision or special district may serve as an
15 election judge except at a polling place where such political subdivision or special district has
16 an issue or candidate on the ballot. In any county having a population of less than two hundred
17 fifty thousand inhabitants, any candidate for the county committee of a political party who is not
18 a candidate for any other office and who is unopposed for election as a member of the committee
19 shall not be disqualified from serving as an election judge.

115.098. 1. Subject to appropriation from federal funds, the secretary of state shall
2 administer a grant, **loan, or other aid** program for the purpose of increasing the compensation
3 of election judges. Such funding shall be made available to election authorities contingent upon
4 the election authority increasing the compensation of election judges to an amount not less than
5 seven dollars per hour. Such funding [shall] **may** be in the form of matching grants. The
6 secretary of state when awarding grants shall give priority to jurisdictions which have the highest
7 number of residents according to the most recent federal census, with an income below the
8 federal poverty level as established by the federal Department of Health and Human Services or
9 its successor agency. The secretary of state may promulgate rules to effectuate the provisions
10 of this section.

11 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
12 is created under the authority delegated in this section shall become effective only if it complies
13 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
14 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
15 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
16 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
17 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be
18 invalid and void.

115.103. [Any election authority may establish training courses for election judges and
2 may compensate them for attendance at the rate set for election service subject to the approval

3 of the governing body of a county not having a board of election commissioners, or the political
4 subdivision or special district] **All election authorities shall establish training courses for**
5 **election judges. Such courses shall include substantially the curriculum developed by the**
6 **secretary of state's office in accordance with the Help America Vote Act of 2002. Election**
7 **authorities may compensate judges for attendance at the rate set for election service subject**
8 **to the approval of the governing body of a county not having a board of election**
9 **commissioners, or the political subdivision or special district.**

115.105. 1. The chair of the county committee of each political party named on the
2 ballot shall have the right to designate a challenger for each polling place, who may be present
3 during the hours of voting, and a challenger for each location at which absentee ballots are
4 counted, who may be present while the ballots are being prepared for counting and counted. **No**
5 **later than four business days before the election, the chair of each county committee of**
6 **each political party named on the ballot shall provide signed official designation forms with**
7 **the names of the designated challengers and substitutes to the local election authority for**
8 **confirmation of eligibility to serve as a challenger. The local election authority, after**
9 **verifying the eligibility of each designated and substitute challenger, shall sign off on the**
10 **official designation forms, unless the challenger is found not to have the qualifications**
11 **established by subsection 5 of this section. If the election authority determines that a**
12 **challenger does not meet the qualifications of subsection 5 of this section, the designating**
13 **party chair may designate a replacement challenger and provide the local election**
14 **authority with the name of the replacement challenger before 5:00 p.m, of the Monday**
15 **preceding the election.** The designating chair may substitute challengers at his or her discretion
16 during such hours.

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

21 3. Prior to the close of the polls, challengers may list and give out the names of those
22 who have voted. The listing and giving out of names of those who have voted by a challenger
23 shall not be considered giving information tending to show the state of the count.

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

26 5. All persons selected as challengers shall have the same qualifications required by
27 section 115.085 for election judges, **except that such challenger shall be a registered voter**
28 **in the jurisdiction of the election authority for which the challenger is designated as a**
29 **challenger.**

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

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

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

4. All persons selected as watchers shall have the same qualifications required by section 115.085 for election judges, **except that such watcher shall be a registered voter in the jurisdiction of the election authority for which the watcher is designated as a watcher.**

115.125. 1. Not later than 5:00 p.m. on the tenth Tuesday prior to any election, except a special election to decide an election contest, tie vote or an election to elect seven members to serve on a school board of a district pursuant to section 162.241, RSMo, or a delay in notification pursuant to subsection 2 of this section, or pursuant to the provisions of section 115.399, the officer or agency calling the election shall notify the election authorities responsible for conducting the election. The notice shall be in writing, shall specify the name of the officer or agency calling the election and shall include a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127. The notice and any other information required by this section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 p.m. on the tenth Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three business days from the date of the facsimile transmission. In lieu of a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127, each notice of a special election to fill a vacancy shall include the name of the office to be filled, the date of the election and the date by which candidates must be selected or filed for the office. Not later than the fourth Tuesday prior to any special election to fill a vacancy called by a political subdivision or special district, the officer or agency calling the election shall certify a sample ballot to the election authorities responsible for conducting the election.

2. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the political subdivision or special district calling for the election agrees to pay any printing or reprinting costs, a political subdivision or special district may, at any time after certification required in subsection 1 of this section, but no later than 5:00 p.m. on the sixth Tuesday before the election, be permitted to make late notification to the election authority pursuant to court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the political

27 subdivision or special district to the circuit court of the area of such subdivision or district. **No**
28 **court shall have the authority to order an individual or issue be placed on the ballot less**
29 **than six weeks before the date of the election, except as provided in sections 115.361 and**
30 **115.379.**

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.

15 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.

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

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

40 5. If the opening date for filing a declaration of candidacy for any office in a political
41 subdivision or special district is not required by law or charter, the opening filing date shall be
42 8:00 a.m., the [fifteenth] **sixteenth** Tuesday prior to the election. If the closing date for filing
43 a declaration of candidacy for any office in a political subdivision or special district is not
44 required by law or charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior
45 to the election. The political subdivision or special district calling an election shall, before the
46 [fifteenth] **sixteenth** Tuesday prior to any election at which offices are to be filled, notify the
47 general public of the opening filing date, the office or offices to be filled, the proper place for
48 filing and the closing filing date of the election. Such notification may be accomplished by legal
49 notice published in at least one newspaper of general circulation in the political subdivision or
50 special district.

51 6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost
52 for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting
53 costs, a candidate who has filed for an office or who has been duly nominated for an office may,
54 at any time after the certification required in section 115.125 but no later than 5:00 p.m. on the
55 sixth Tuesday before the election, withdraw as a candidate pursuant to a court order, which,
56 except for good cause shown by the election authority in opposition thereto, shall be freely given
57 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 2 of this section, any citizen of the United
2 States who is a resident of the state of Missouri and seventeen years and six months of age or
3 older shall be entitled to register and to vote in any election which is held on or after his
4 eighteenth birthday.

5 2. No person who is adjudged incapacitated shall be entitled to register or vote. No
6 person shall be entitled to 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. Except as provided in federal law or federal elections and in section 115.277, no

12 person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his
13 or her residence prior to the deadline to register to vote[, unless the voter is an intrastate new
14 resident or an interstate new resident, as defined in section 115.275].

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, unless the voter is an
7 **interstate former resident, an** intrastate new resident or [an interstate] **a** new resident, as
8 defined in section 115.275. In no case shall registration for an election extend beyond 10:00 p.m.
9 on the fourth Wednesday prior to the election. Any person registering after such date shall be
10 eligible to vote in subsequent elections.

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

14 3. Except as provided in federal law or federal elections and in section 115.277, no
15 person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his
16 or her residence prior to the deadline to register to vote[, unless the voter is an intrastate new
17 resident or an interstate new resident, as defined in section 115.275].

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 **Are you a citizen of the United States?** YES NO

6

7 **Will you be 18 years of age on or before election day?** YES NO

8

9 **IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THESE QUESTIONS,**
10 **DO NOT COMPLETE THIS FORM.**

11 **IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING**
12 **FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID PHOTO**
13 **IDENTIFICATION OR A COPY OF A CURRENT UTILITY BILL, BANK**
14 **STATEMENT, GOVERNMENT CHECK, PAYCHECK, OR GOVERNMENT**
15 **DOCUMENT THAT SHOWS YOUR NAME AND ADDRESS. IF YOU DO NOT**
16 **SUBMIT SUCH INFORMATION, YOU WILL BE REQUIRED TO PRESENT**

17 **ADDITIONAL IDENTIFICATION UPON VOTING FOR THE FIRST TIME.**

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Township (or Ward)
.....

Name Precinct
.....

Home Address Required Personal
Identification Information
.....

City ZIP
.....

Date of Birth Place of Birth (Optional)
.....

Telephone Number Mother's Maiden Name
(Optional) (Optional)
.....

Occupation (Optional) Last Place Previously
.....

Last four digits of Under What Name
Social Security Number
.....

(Required for registration unless
no Social Security number exists
for Applicant)

Remarks:
.....
When

I am a citizen of the United States and a resident of the state of Missouri. I have not been
adjudged incapacitated by any court of law. If I have been convicted of a felony or of a
misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting
from such conviction removed pursuant to law. I do solemnly swear that all statements made
on this card are true to the best of my knowledge and belief.

.....
Signature of Voter Date
.....

53 Signature of Election Official

54 2. After supplying all information necessary for the registration records, each applicant
55 who appears in person before the election authority shall swear or affirm the statements on the
56 registration application by signing his or her full name, witnessed by the signature of the election
57 authority or such authority's deputy registration official. Each applicant who applies to register
58 by mail pursuant to section 115.159, or pursuant to [the provisions of] section 115.160 or
59 115.162, shall attest to the statements on the application by his or her signature.

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

69 4. If, upon receipt by mail of a voter registration application or a voter registration
70 application forwarded pursuant to section 115.160 or 115.162, the election authority determines
71 that the applicant is not entitled to register, such authority shall, within seven business days after
72 receiving the application, so notify the applicant by mail and state the reason such authority has
73 determined the applicant is not qualified. The applicant may have such determination reviewed
74 pursuant to the provisions of section 115.223. **If an applicant for voter registration fails to**
75 **answer the question on the application concerning United States citizenship, the election**
76 **authority shall notify the applicant of the failure and provide the applicant with an**
77 **opportunity to complete the form in a timely manner to allow for the completion of the**
78 **registration form before the next election.**

79 5. It shall be the responsibility of the secretary of state to prescribe specifications for
80 voter registration documents so that they are uniform throughout the state of Missouri and
81 comply with the National Voter Registration Act of 1993, including the reporting requirements,
82 and so that registrations, name changes and transfers of registrations within the state may take
83 place as allowed by law.

84 6. All voter registration applications shall be preserved in the office of the election
85 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
3 authority or secretary of state shall furnish to any member of the public electronic media or

4 printout showing any registration information, except as provided in this section. Except as
5 provided in subsection 2 of this section, the election authority or secretary of state shall make
6 available electronic media or printouts showing unique voter identification numbers, voters'
7 names, dates of birth, addresses, townships or wards, and precincts. Electronic data shall be
8 maintained in at 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]
31 **Missouri** voter registration system established in section 115.158. **In addition, election**
32 **authorities shall forward registration and other data in a manner prescribed by the**
33 **secretary of state to comply with the Help America Voter Act of 2002.** Except as provided
34 in subsection 2 of this section, the election authority shall also furnish, for a fee, electronic media
35 or a printout showing the names, dates of birth and addresses of voters, or any part thereof,
36 within the jurisdiction of the election authority who voted in any specific election, including
37 primary elections, by township, ward or precinct, provided that nothing in this chapter shall
38 require such voter information to be released to the public over the Internet. The amount of fees
39 charged for information provided in this section shall be established pursuant to chapter 610,

40 RSMo. All revenues collected by the secretary of state pursuant to this section shall be deposited
41 in the state treasury and credited to the secretary of state's technology trust fund account
42 established pursuant to section 28.160, RSMo. In even-numbered years, each election authority
43 shall, upon request, supply the voter registration list for its jurisdiction to all candidates and party
44 committees for a charge established pursuant to chapter 610, RSMo. Except as provided in
45 subsection 2 of this section, all election authorities shall make the information described in this
46 section available pursuant to chapter 610, RSMo. Any election authority who fails to comply
47 with the requirements of this section shall be subject to the provisions of chapter 610, RSMo.
48

49 2. Any person working as an undercover officer of a local, state or federal law
50 enforcement agency, persons in witness protection programs, and victims of domestic violence
51 and abuse who have received orders of protection pursuant to chapter 455, RSMo, shall be
52 entitled to apply to the circuit court having jurisdiction in his or her county of residence to have
53 the residential address on his or her voter registration records closed to the public if the release
54 of such information could endanger the safety of the person. Any person working as an
55 undercover agent or in a witness protection program shall also submit a statement from the chief
56 executive officer[, as defined in subsection 2 of section 590.100, RSMo,] of the agency under
57 whose direction he or she is serving. The petition to close the residential address shall be
58 incorporated into any petition for protective order provided by circuit clerks pursuant to chapter
59 455, RSMo. If satisfied that the person filing the petition meets the qualifications of this
60 subsection, the circuit court shall issue an order to the election authority to keep the residential
61 address of the voter a closed record and the address may be used only for the purposes of
62 administering elections pursuant to this chapter. The election authority may require the voter
63 who has a closed residential address record to verify that his or her residential address has not
64 changed or to file a change of address and to affirm that the reasons contained in the original
65 petition are still accurate prior to receiving a ballot. A change of address within an election
66 authority's jurisdiction shall not require that the voter file a new petition. Any voter who no
67 longer qualifies pursuant to this subsection to have his or her residential address as a closed
68 record shall notify the circuit court. Upon such notification, the circuit court shall void the order
69 closing the residential address and so notify the election authority.

115.158. 1. [On or before July 1, 1996, the secretary of state may begin to procure and
2 develop an electronic data processing system and programs capable of maintaining a centralized
3 database of all registered voters in the state. This system shall be known as the "Centralized
4 Voter Registration System". In addition to maintaining a centralized voter registration database,
5 the election authorities and secretary of state may use the system for the collection and
6 dissemination of election results and other pertinent information. Any information contained in

7 any state or local voter registration system, limited to the master voter registration list or any
8 other list generated from the information, subject to chapter 610, RSMo, shall not be used for
9 commercial purposes; provided, however, that the information can be used for elections, for
10 candidates, or for ballot measures, furnished at a reasonable fee. Violation of this section shall
11 be a class B misdemeanor.] **The secretary of state shall implement a centralized, interactive**
12 **computerized statewide voter registration list. This computerized list shall be known as**
13 **the "Missouri Voter Registration System". The system shall be implemented by January**
14 **1, 2004, unless a waiver is obtained pursuant to the Help America Vote Act of 2002. If a**
15 **waiver is obtained, the system shall be implemented by January 1, 2006. The system shall**
16 **be maintained and administered by the secretary of state and contain the name and**
17 **registration information of every legally registered voter in Missouri. In addition, the**
18 **system shall:**

- 19 (1) **Assign a unique identifier to each legally registered voter in Missouri;**
- 20 (2) **Serve as the single system for storing and managing the official list of registered**
21 **voters throughout Missouri;**
- 22 (3) **Be coordinated with other agency databases in Missouri;**
- 23 (4) **Allow any election official in Missouri, including local election authorities,**
24 **immediate electronic access to the information contained in the system;**
- 25 (5) **Allow all voter registration information obtained by any local election official**
26 **in Missouri to be electronically entered into the system on an expedited basis at the time**
27 **the information is provided to the local official. The secretary of state, as the chief state**
28 **election official, shall provide such support as may be required so that local election**
29 **officials are able to enter the registration information; and**
- 30 (6) **Serve as the official voter registration list for the conduct of all elections in**
31 **Missouri.**

32 2. The secretary of state [may adopt rules and regulations necessary to administer the
33 system required in subsection 1 of this section. The rules and regulations must at least:

- 34 (1) Provide for voters to submit their registration to those offices and agencies authorized
35 in this chapter and the National Voter Registration Act of 1993;
- 36 (2) Provide for the establishment and maintenance of a centralized database for all voter
37 registration information;
- 38 (3) Provide procedures for entering data into the centralized database;
- 39 (4) Provide for the interaction with other state agencies and departments to facilitate
40 voter registration;
- 41 (5) Allow election authorities and the secretary of state to add, modify, and delete
42 information from the system to provide for accurate and up-to-date information;

43 (6) Allow election authorities and the secretary of state access to the centralized database
44 for review and search capabilities;

45 (7) Provide security and protection of all information in the centralized database and
46 monitor the centralized database to ensure unauthorized entry is not allowed;

47 (8) Provide a system for each election authority to identify the precinct to which a voter
48 should be assigned for voting purposes;

49 (9) Provide a procedure for phasing in or converting existing manual and computerized
50 voter registration systems to the centralized voter registration system; and

51 (10) Provide a procedure for transferring data from election authorities' existing
52 computerized voter registration systems located in first class counties to the centralized voter
53 registration system] **and local election authorities shall perform system maintenance on a
54 regular basis, which shall include:**

55 (1) **Removing names in accordance with the provisions and procedures of the
56 National Voter Registration Act of 1993 and coordinating system maintenance activities
57 with state agency records on death and felony status;**

58 (2) **Requiring the name of each registered voter to appear in the system;**

59 (3) **Removing only voters who are not registered or who are not eligible to vote; and**

60 (4) **Eliminating duplicate names from the system.**

61 3. The secretary of state shall [be responsible for the implementation and maintenance
62 of the centralized voter registration system] **provide adequate technological security measures
63 to prevent the unauthorized access to the system established pursuant to this section.**

64 4. The secretary of state shall [by rule and regulation establish an advisory committee
65 to assist in the establishment and maintenance of a centralized voter registration system] **develop
66 procedures to ensure that voter registration records within the system are accurate and
67 updated regularly. At a minimum, the procedures shall include:**

68 (1) **A system of file maintenance that makes a reasonable effort to remove
69 registrants who are ineligible to vote. Consistent with the National Voter Registration Act
70 of 1993, registrants who have not responded to a notice and who have not voted in two
71 consecutive general elections for federal office shall be removed from the official list of
72 eligible voters, except that no registrant may be removed solely by reason of a failure to
73 vote; and**

74 (2) **Safeguards to ensure that eligible voters are not removed in error.**

75 5. [Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
76 is created under the authority delegated in this section shall become effective only if it complies
77 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
78 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and

79 effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity
80 of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable
81 provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the
82 powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
83 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
84 grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be
85 invalid and void.] **Voter registration information shall be verified in accordance with the**
86 **Help America Vote Act of 2002.**

87 **(1) Except as provided in subdivision (2) of this subsection, an application for voter**
88 **registration may not be accepted or processed unless the application includes:**

89 **(a) In the case of an applicant who has been issued a current and valid driver's**
90 **license, the applicant's driver's license number; or**

91 **(b) In the case of any other applicant, other than an applicant to whom subdivision**
92 **(2) applies, the last four digits of the applicant's Social Security number.**

93 **(2) If an applicant for voter registration has not been issued a current and valid**
94 **driver's license or a Social Security number, the applicant shall be assigned a number**
95 **which will serve to identify the applicant for voter registration purposes. The number**
96 **assigned under this subdivision shall be used as the unique identifying number within the**
97 **system.**

98 **(3) The secretary of state and the director of the department of revenue shall enter**
99 **into an agreement to match information in the database of the voter registration system**
100 **with information in the database of the motor vehicle system to enable the secretary to**
101 **verify the accuracy of information provided on applications for voter registration.**

102 **(4) The director of the department of revenue shall enter into an agreement with**
103 **the commissioner of Social Security and comply with the Help America Vote Act of 2002.**

104 **6. In addition to using the system for voter registration, the election authorities and**
105 **secretary of state may use the system for the collection and dissemination of election results**
106 **and other pertinent information. Any information contained in any state or local voter**
107 **registration system, limited to the master voter registration list or any other list generated**
108 **from the information, subject to chapter 610, RSMo, shall not be used for commercial**
109 **purposes; provided, however, that the information may be used for elections, for**
110 **candidates, or for ballot measures, furnished at a reasonable fee. Violation of this section**
111 **shall be a class B misdemeanor. For purposes of this section, "commercial purposes"**
112 **means the use of a public record for the purpose of sale or resale or for the purpose of**
113 **producing a document containing all or part of the copy, printout, or photograph for sale**
114 **or the obtaining of names and addresses from public records for the purpose of solicitation**

115 or the sale of names and addresses to another for the purpose of solicitation or for any
116 purpose in which the purchaser can reasonably anticipate the receipt of monetary gain
117 from the direct or indirect use of the public record.

118 7. The secretary of state shall establish an advisory committee to assist in the
119 establishment and maintenance of the Missouri voter registration system.

120 8. The secretary of state may promulgate rules to execute this section. No rule or
121 portion of a rule promulgated pursuant to the authority of this section shall become
122 effective unless it has been promulgated pursuant to chapter 536, RSMo.

123 9. Election authorities shall forward registration and other data in a manner
124 prescribed by the secretary of state to assist with administering and maintaining the
125 Missouri voter registration system in accordance with the Help America Vote Act of 2002.

126

115.159. 1. Any person who is qualified to register in Missouri shall, upon application,
2 be entitled to register by mail. Upon request, application forms shall be furnished by the election
3 authority or the secretary of state.

4 2. Notwithstanding any provision of law to the contrary, the election authority shall not
5 deliver any voter identification card to any person who registers to vote by mail until after such
6 person has voted, in person, after presentation of a proper form of identification, for the first time
7 following registration at [his] the new polling place designated by the election authority. **An
8 individual who has registered to vote by mail and who desires to vote in person, but who
9 does not present a proper form of identification for the first time following registration,
10 may cast a provisional ballot. Such provisional ballot shall not be counted pursuant to this
11 chapter, and the individual shall be notified of the reason for not counting the ballot.**

12 3. Notwithstanding any provision of law to the contrary, the election authority shall not
13 deliver any absentee ballot to any person who registers to vote by mail until after such person
14 has:

15 (1) Voted, in person, after presentation of a proper form of identification set out in
16 section 115.427, for the first time following registration; or

17 (2) Provided a copy of identification set out in section 115.427 to the election authority.

18

19 This subsection shall not apply to those persons identified in section 115.283 who are exempted
20 from obtaining a notary seal or signature on their absentee ballots. **An individual who has
21 registered to vote by mail but who does not meet the requirements of this subsection may
22 cast a provisional ballot by mail. Such ballot shall not be counted pursuant to this chapter,
23 and the individual shall be notified of the reason for not counting the ballot.**

24 4. Subsections 2 and 3 of this section shall not apply in the case of a person:

25 **(1) Who registers to vote by mail pursuant to section 6 of the National Voter**
26 **Registration Act of 1993 and submits as part of such registration either:**

27 **(a) A copy of a current and valid photo identification; or**

28 **(b) A copy of a current utility bill, bank statement, government check, paycheck,**
29 **or government document that shows the name and address of the voter;**

30 **(2) Who registers to vote by mail pursuant to section 6 of the National Voter**
31 **Registration Act of 1993 and:**

32 **(a) Submits with such registration either a driver's license number, or at least the**
33 **last four digits of the individual's Social Security number; and**

34 **(b) With respect to whom the secretary of state matches the information submitted**
35 **pursuant to paragraph (a) of this subdivision with an existing state identification record**
36 **bearing the same number, name, and date of birth as provided in such registration;**

37 **(3) Who is:**

38 **(a) Entitled to vote by absentee ballot pursuant to the Uniformed and Overseas**
39 **Citizens Absentee Voting Act;**

40 **(b) Provided the right to vote otherwise than in person pursuant to section**
41 **3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act; or**

42 **(c) Entitled to vote otherwise than in person pursuant to any other federal law.**

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, **including notice by facsimile**
4 **transmission**, an election authority may change the address on a voter registration record for a
5 voter who moves within the election authority's jurisdiction after comparing and verifying the
6 signature. Before changing the address on a voter record, the election authority shall be satisfied
7 that the record is that of the person 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.

13 3. If the applicant for registration was last registered in another jurisdiction within this
14 state or another state, the election authority shall send notice of the registration to the election
15 authority where the applicant was previously registered. The election authority sending the
16 notice shall provide identifying information to assist the election authority receiving the notice
17 to determine whether the person named was previously registered in such jurisdiction and
18 whether, based on the identifying information provided, the application can be removed from the

19 voting record in the former jurisdiction.

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

115.275. As used in sections 115.275 to 115.304, unless the context clearly indicates
2 otherwise, the following terms shall mean:

3 (1) "Absentee ballot", any of the ballots a person is authorized to cast away from a
4 polling place pursuant to the provisions of sections 115.275 to 115.304;

5 (2) "Interstate former resident", a former resident and registered voter in this state who
6 moves from Missouri to another state after the deadline to register to vote in any presidential
7 election in the new state and who otherwise possesses the qualifications to register and vote in
8 such state;

9 (3) "Intrastate new resident", a registered voter of this state who moves from one election
10 authority's jurisdiction in the state to another election authority's jurisdiction in the state after the
11 last day authorized in this chapter to register to vote in an election and otherwise possesses the
12 qualifications to vote;

13 (4) "New resident", a person who moves to this state after the last date authorized in this
14 chapter to register to vote in any presidential election;

15 (5) "**Overseas voter**" includes:

16 (a) **An absent uniformed services voter who, by reason of active duty or service is**
17 **absent from the United States on the date of the election involved;**

18 (b) **A person who resides outside the United States and is qualified to vote in the**
19 **last place in which the person was domiciled before leaving the United States; or**

20 (c) **A person who resides outside the United States and (but for such residence)**
21 **would be qualified to vote in the last place in which the person was domiciled before**
22 **leaving the United States;**

23 (6) "Persons in federal service" includes:

24 (a) Members of the armed forces of the United States, while in active service, and their
25 spouses and dependents;

26 (b) Active members of the merchant marine of the United States and their spouses and
27 dependents;

28 (c) Civilian employees of the United States government working outside the boundaries
29 of the United States, and their spouses and dependents;

30 (d) Active members of religious or welfare organizations assisting servicemen, and their
31 spouses and dependents;

32 (e) Persons who have been honorably discharged from the armed forces or who have
33 terminated their service or employment in any group mentioned in this section within sixty days
34 of an election, and their spouses and dependents.

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

7 (2) Incapacity or confinement due to illness or physical disability, including a person
8 who is primarily responsible for the physical care of a person who is incapacitated or confined
9 due to illness or disability;

10 (3) Religious belief or practice;

11 (4) Employment as an election authority, as a member of an election authority, or by an
12 election authority at a location other than such voter's polling place;

13 (5) Incarceration, provided all qualifications for voting are retained.

14 2. Any person in [active duty military] **federal** service, as defined in section 115.275,
15 who is eligible to register and vote in this state **but is not registered** may vote only in the
16 election of presidential and vice presidential electors, United States senator and representative
17 in Congress even [if] **though** the person is not registered. Each person in federal service may
18 vote by absentee ballot or, upon submitting an affidavit that the person is qualified to vote in the
19 election, may vote at the person's polling place.

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

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

26 jurisdiction of residence.

27 5. Any new resident, as defined in section 115.275, may vote by absentee ballot for
28 presidential and vice presidential electors after registering to vote in such resident's new
29 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 shall accept applications by facsimile
4 transmission 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. **(1)** 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. **In**
 36 **addition, the election authority shall provide to each absent uniformed services voter and**
 37 **each overseas voter who submits an absentee ballot request, an absentee ballot through the**
 38 **next two regularly scheduled general elections for federal office.**

39 **(2) The election authority shall provide each absent uniformed services voter and**
 40 **each overseas voter who submits a voter registration application or an absentee ballot**
 41 **request, if the election authority rejects the application or request, with the reasons for the**
 42 **rejection.**

43 **(3) Notwithstanding any other law to the contrary, if a standard oath regarding**
 44 **material misstatements of fact is adopted for uniformed and overseas voters pursuant to**
 45 **the Help America Vote Act of 2002, the election authority shall accept such oath for voter**
 46 **registration, absentee ballot, or other election-related materials.**

47 **(4) Not later than sixty days after the date of each regularly scheduled general**
 48 **election for federal office, each election authority which administered the election shall**
 49 **submit to the secretary of state in a format prescribed by the secretary a report on the**
 50 **combined number of absentee ballots transmitted to, and returned by, absent uniformed**
 51 **services voters and overseas voters for the election. The secretary shall submit to the**
 52 **Election Assistance Commission a combined report of such information not later than**
 53 **ninety days after the date of each regularly scheduled general election for federal office and**
 54 **in a standardized format developed by the commission pursuant to the Help America Vote**
 55 **Act of 2002. The secretary shall make the report available to the general public.**

56 **(5) As used in this section, the terms "absent uniformed services voter" and**
 57 **"overseas voter" shall have the meaning prescribed in 42 U.S.C. 1973ff-6.**

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

64 "STATE OF

65 COUNTY OF, ss.

66 I,, do solemnly swear that:

67 (1) Before becoming a resident of this state, I resided at

68 (residence address) in (town, township, village or city)

69 of County in the state of

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

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

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

76 Signed

77 (Applicant)

78

79 (Residence Address)

80 Subscribed and sworn to before me this day of,

81 Signed

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

83 7. The election authority in whose office an application is filed pursuant to subsection
84 6 of this section shall immediately send a duplicate of such application to the appropriate official
85 of the state in which the new resident applicant last resided and shall file the original of such
86 application in its office.

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

93 "STATE OF

94 COUNTY OF, ss.

95 I,, do solemnly swear that:

96 (1) Before becoming a resident of this election jurisdiction, I resided at
97 (residence address) in (town, township, village or city)
98 of county in the state of

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

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

103 (4) I hereby make application for an absentee ballot for candidates and issues on which
104 I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other

105 than by this ballot at such election.

106 Signed

107 (Applicant)

108

109 (Residence Address)

110 Subscribed and sworn to before me this day of,

111 Signed

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

113 9. An application for an absentee ballot by an interstate former resident, as defined in
114 section 115.275, shall be received in the office of the election authority where the applicant was
115 formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the
116 application is made in person by the applicant in the office of the election authority, in which
117 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
17 County (City of St. Louis, Kansas City), declare under the penalties of perjury
18 that I expect to be prevented from going to the polls on election day due to (check one):

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

21 incapacity or confinement due to illness or physical
22 disability, including caring for a person who is
23 incapacitated or confined due to illness or

24 disability;
 25 religious belief or practice;
 26 employment as an election authority or by an election
 27 authority at a location other than my polling place;
 28 incarceration, although I have retained all the
 29 necessary qualifications for voting.

30

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

37
38 Signature of Voter	Signature of Person
39	Assisting Voter
40	(if applicable)
41 Signed	Subscribed and sworn to
42 Signed	before me this day
43 Address of Voter	of,
44
45
46 Mailing addresses	Signature of notary or
47 (if different)	other officer authorized
48	to administer oaths

49 3. The statement for persons voting absentee ballots pursuant to the provisions of subsection
 50 2, 3, 4 or 5 of section 115.277 without being registered shall be in substantially the following
 51 form:

52 State of Missouri
 53 County (City) of

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

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

- 60 am a member of the U.S. armed forces in active service;
- 61 am an active member of the U.S. merchant marine;
- 62 am a civilian employee of the U.S. government working
- 63 outside the United States;
- 64 am an active member of a religious or welfare
- 65 organization assisting servicemen;
- 66 have been honorably discharged or terminated my service
- 67 in one of the groups mentioned above within sixty days
- 68 of this election;
- 69 am a spouse or dependent of one of the above;
- 70 am a registered voter in County and moved
- 71 from that county to County, Missouri,
- 72 after the last day to register to vote in this election.

73

74 OR (check if applicable)

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

81	Subscribed to and sworn
82 Signature of Voter	before me this day
83	of,
84	
85
86 Address of Voter	Signature of notary or
87 other officer authorized	
88 to administer oaths	
89	
90	
91 Mailing Address (if different)
92
93
94 Signature of Person	Address of Last Missouri
95 Assisting Voter	Residence (if applicable)

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

99 State of Missouri

100 County (City) of

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

- 103 absence on election day from the jurisdiction of the
- 104 election authority in which I am directed to vote;
- 105 incapacity or confinement due to illness or physical
- 106 disability, including caring for a person who is
- 107 incapacitated or confined due to illness or disability;
- 108 religious belief or practice;
- 109 employment as an election authority or by an election
- 110 authority at a location other than my polling place;
- 111 incarceration, although I have retained all the
- 112 necessary qualifications of voting.

113

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

120 Subscribed and sworn to
121 Signature of Voter before me this
122 day of,

123

124

125 Address Signature of notary or
126 other officer authorized
127 to administer oaths

128

129 Signature of Person

130 Assisting Voter

131 (if applicable)

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

134

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

141 Reason why voter needed assistance:

142 ASSISTING PERSON SIGN HERE

143 1. (signature of assisting person)

144 2. (assisting person's name printed)

145 3. (assisting person's residence)

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

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

153 7. Notwithstanding any other provision of this section or section 115.291 to the contrary, the
154 subscription, signature and seal of a notary or other officer authorized to administer oaths shall
155 not be required on any ballot, ballot envelope, or statement required by this section if the reason
156 for the voter voting absentee is due to the reasons established pursuant to subdivision (2) of
157 subsection 1 of section 115.277.

158 **8. No notary shall charge or collect a fee for notarizing the signature on any absentee**
159 **ballot or absentee voter registration.**

160 **9. A notary public who charges more than the maximum fee specified or who charges**
161 **or collects a fee for notarizing the signature on any absentee ballot or absentee voter**
162 **registration is guilty of official misconduct.**

115.284. 1. There is hereby established an absentee voting process to assist persons with
2 permanent disabilities in the exercise of their voting rights.

3 2. The local election authority shall send an application to participate in the absentee voting
4 process set out in this section to any registered voter residing within the election authority's
5 jurisdiction upon request.

6 3. Upon receipt of a properly completed application, the election authority shall enter the
7 voter's name on a list of voters qualified to participate as absentee voters pursuant to this section.

8 4. The application to participate in the absentee voting process shall be in substantially the
9 following form:

10 State of

11 County (City) of

12 I,..... (print applicant's name), declare that I am a resident and registered
13 voter of County, Missouri, and am permanently disabled. I hereby request
14 that my name be placed on the election authority's list of voters qualified to participate as
15 absentee voters pursuant to section 115.284, and that I be delivered an absentee ballot application
16 for each election in which I am eligible to vote.

17

18 Signature of Voter

19

20

21 Voter's Address

22 5. Not earlier than [six] **ten** weeks before an election but prior to the fourth Tuesday prior
23 to an election, the election authority shall deliver to each voter qualified to participate as absentee
24 voters pursuant to this section an absentee ballot application if the voter is eligible to vote in that
25 election. If the voter returns the absentee request application to the election authority not later
26 than 5:00 p.m. on the Wednesday before an election and has retained the necessary qualifications
27 to vote, the election authority shall provide the voter with an absentee ballot pursuant to this
28 chapter.

29 6. The election authority shall remove from the list of voters qualified to participate as
30 absentee voters pursuant to this section any voter who:

31 (1) Asks to be removed from the list;

32 (2) Dies;

33 (3) Becomes disqualified from voting pursuant to [the provisions of] chapter 115; or

34 (4) No longer resides at the address of his or her voter registration.

115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied the
2 applicant is entitled to vote by absentee ballot, the election authority shall, within three working
3 days after receiving the application, or if absentee ballots are not available at the time the
4 application is received, within five working days after they become available, deliver to the voter
5 an absentee ballot, ballot envelope and such instructions as are necessary for the applicant to
6 vote. Delivery shall be made to the voter personally in the office of the election authority or by
7 bipartisan teams appointed by the election authority, or by first class, registered, or certified mail

8 at the discretion of the election authority. Where the election authority is a county clerk, the
9 members of bipartisan teams representing the political party other than that of county clerk shall
10 be selected from a list of persons submitted to the county clerk by the county chairman of that
11 party. If no list is provided by the time that absentee ballots are to be made available, the county
12 clerk may select a person or persons from lists provided in accordance with section 115.087. If
13 the election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it
14 shall not deliver an absentee ballot to the applicant. Within three working days of receiving such
15 an application, the election authority shall notify the applicant and state the reason he or she is
16 not entitled to vote by absentee ballot. The applicant may appeal the decision of the election
17 authority to the circuit court in the manner provided in section 115.223.

18 2. If, **after 5:00 p.m. on the Wednesday before an election**, any voter from the jurisdiction
19 has become hospitalized [in the county in which the jurisdiction is located or in any county or
20 in the jurisdiction of an adjoining election authority within the same county after 5:00 p.m. on
21 the Wednesday before an election, if any voter from the jurisdiction has become], **becomes**
22 confined due to illness or injury [after 5:00 p.m. on the Wednesday before an election or if any
23 voter from the jurisdiction], **or** is confined in an adult boarding facility, intermediate care facility,
24 residential care facility, or skilled nursing facility, as defined in section 198.006, RSMo, **in the**
25 **county in which the jurisdiction is located or in the jurisdiction or an adjacent election**
26 **authority within the same county**, the election authority shall appoint a team to deliver, witness
27 the signing of and return the voter's application and deliver, witness the voting of and return the
28 voter's absentee ballot]; except that, the election authority may allow a relative within the first
29 degree of consanguinity or affinity to perform the same duties as a team for such confined voter].
30 In counties [of the first class] with a charter form of government and in cities not within a county,
31 and in each city which has over three hundred thousand inhabitants, and is situated in more than
32 one county, if the election authority receives ten or more applications for absentee ballots from
33 the same address it may appoint a team to deliver and witness the voting and return of absentee
34 ballots by voters residing at that address, except when such addresses are for an apartment
35 building or other structure wherein individual living units are located, each of which has its own
36 separate cooking facilities. Each team appointed [under the provisions of] **pursuant to this**
37 subsection shall consist of two registered voters, one from each major political party. Both
38 members of any team appointed pursuant to this subsection shall be present during the delivery,
39 signing or voting and return of any application or absentee ballot signed or voted pursuant to this
40 subsection.

41 3. On the mailing and ballot envelopes for each applicant in federal service, the election
42 authority shall stamp prominently in [red] **black** the words "FEDERAL BALLOT, STATE OF
43 MISSOURI" and "U.S. Postage Paid, [42 U.S.C., 1973 DD] **39 U.S.C. 3406**".

44 4. No information which encourages a vote for or against a candidate or issue shall be
45 provided to any voter with an absentee ballot.

115.292. 1. Notwithstanding any other provision of this chapter, a qualified absentee voter,
2 as described in subsection 3 of this section, may apply **for a special write-in absentee ballot**
3 within eighty days of a **special, primary, or** general election for [a special write-in absentee
4 ballot] **federal office**. Such a ballot shall be for voting for all offices being contested at such
5 election.

6 2. A qualified absentee voter applying for a special write-in absentee ballot pursuant to this
7 section shall apply to the local election authority of the area which contains his last residence in
8 this state for such ballot. The application for a special write-in absentee ballot may be made on
9 the federal postcard application form, by letter, or on a form provided by the local election
10 authority.

11 3. In order to qualify for a special write-in absentee ballot, the voter shall state that he is
12 unable to vote by any other means due to requirements of military service or due to living in
13 isolated or extremely remote areas of the world. This statement may be made by federal postcard
14 application, by letter, or on a form prepared by the local election authority.

15 4. Upon receipt of the application, the election authority shall issue a special write-in
16 absentee ballot. Such ballot shall permit the voter to cast a ballot by writing in a party preference
17 for each office, the names of specific candidates, or the names of persons whom the voter
18 prefers.

19 5. The election authority shall issue a regular absentee ballot as soon as such ballots are
20 available. If both the regular absentee ballot and the special write-in absentee ballot are returned,
21 the regular absentee ballot shall be counted and the special write-in absentee ballot shall be
22 voided.

115.417. 1. 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 voter instruction cards which include
3 the following information:

4 (1) If paper ballots or an electronic voting system is used, the instructions shall inform the
5 voter on how to obtain a ballot for voting, how to vote and prepare the ballot for deposit in the
6 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 the
8 machine in such a manner that the voter may vote as the voter wishes.

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

13 **ballot that will be used for that election, the date of the election, the hours during which**
 14 **the polling place will be open, instructions for mail-in registrants and first-time voters,**
 15 **general information on voting rights, general information on the right to cast a provisional**
 16 **ballot and instructions for provisional ballots, how to contact appropriate authorities if**
 17 **voting rights have been violated, and general information on federal and Missouri law**
 18 **regarding prohibitions on acts of fraud and misrepresentation. The secretary of state may**
 19 **promulgate rules to execute this section. No rule or portion of a rule promulgated**
 20 **pursuant to the authority of this section shall become effective unless it has been**
 21 **promulgated pursuant to chapter 536, RSMo.**

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

26 4. The secretary of state may develop multilingual voting instructions to be made available
 27 to election authorities.

115.430. 1. [The provisions of] This section shall apply to primary and general elections
 2 where candidates for federal or statewide offices are nominated or elected and any election where
 3 statewide issue or issues are submitted to the voters.

4 2. A voter claiming to be properly registered in the jurisdiction of the election authority and
 5 eligible to vote in an election, but whose eligibility cannot be immediately established upon
 6 examination of the precinct register or upon examination of the records on file with the election
 7 authority, shall be entitled to vote a provisional ballot after providing a form of personal
 8 identification required pursuant to section 115.427. The provisional ballot contained in this
 9 section shall contain the statewide candidates and issues, and federal candidates. The
 10 congressional district on the provisional ballot shall be for the address contained on the affidavit
 11 provided for in this section. **If the voter declares that the voter is eligible to vote and the**
 12 **election authority determines that the voter is eligible to vote at another polling place, the**
 13 **voter shall be directed to the correct polling place. If the voter refuses to go to the correct**
 14 **polling place, the voter shall be permitted to vote a provisional ballot at the incorrect**
 15 **polling place, but such ballot shall not be counted.**

16 3. Once voted, the provisional ballot shall be placed and sealed in a provisional ballot
 17 envelope. The provisional ballot in its envelope shall be deposited in the ballot box. The
 18 provisional ballot envelope shall be completed by the voter for use in determining eligibility.
 19 The provisional ballot envelope specified in this section shall contain a voter's certificate which
 20 shall be in substantially the following form:

21 STATE OF

22 COUNTY OF

23 I do solemnly swear (or affirm) that my name is; that my date of birth is;
24 that the last four digits of my Social Security Number are; that I am registered to vote
25 in County or City (if a City not within a County), Missouri; that I am a qualified voter
26 of said County (or City not within a County); that I am eligible to vote at this polling place; and
27 that I have not voted in this election.

28 I understand that if the above-provided information is not correct and the election authority
29 determines that I am not registered and eligible to vote, my vote will not be counted. I further
30 understand that knowingly providing false information is a violation of law and subjects me to
31 possible criminal prosecution.

32

33 (Signature of Voter)

34

35 (Current Address)

36 Subscribed and affirmed before me this day of, 20.....

37

38 (Signature of Election Official)

39

40 The voter may provide additional information to further assist the election authority in
41 determining eligibility, including the place and date the voter registered to vote, if known.

42 4. Prior to certification of the election, the election authority shall determine if the voter is
43 registered and entitled to vote and if the vote was properly cast. The provisional ballot shall be
44 counted only if the election authority determines that the voter is registered and entitled to vote.

45 **Provisional ballots voted in the wrong polling place shall not be counted.** If the voter is not
46 registered but is qualified to register for future elections, the affidavit shall be considered a mail
47 application to register to vote [under the provisions of] pursuant to this chapter.

48 5. In counties where the voting system does not utilize a paper ballot, the election authority
49 shall provide the appropriate provisional ballots to each polling place.

50 6. The secretary of state may promulgate rules for purposes of ensuring the uniform
51 application of this section. **No rule or portion of a rule promulgated pursuant to the**
52 **authority of this section shall become effective unless it has been promulgated pursuant to**
53 **chapter 536, RSMo.**

54 7. [Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is
55 created under the authority delegated in this section shall become effective only if it complies
56 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
57 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers

58 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
59 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
60 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be
61 invalid and void.

62 8.] The secretary of state shall design and provide to the election authorities the envelopes
63 and forms necessary to carry out the provisions of this section.

64 **8. Pursuant to the Help America Vote Act of 2002, the secretary of state shall ensure**
65 **a free access system is established, such as a toll-free number or an Internet web site, that**
66 **any individual who casts a provisional ballot may access to discover whether the vote of**
67 **that individual was counted, and, if the vote was not counted, the reason that the vote was**
68 **not counted. At the time an individual casts a provisional ballot, the election authority**
69 **shall give the voter written information that states that any individual who casts a**
70 **provisional ballot will be able to ascertain under such free access system whether the vote**
71 **was counted, and if the vote was not counted, the reason that the vote was not counted.**

72 **9. In accordance with the Help America Vote Act of 2002, any individual who votes in**
73 **an election as a result of a court order or any other order extending the time established**
74 **for closing the polls in section 115.407, may vote only by using a provisional ballot, and**
75 **such provisional ballot shall be separated and held apart from other provisional ballots**
76 **cast by those not affected by the order.**

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

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

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

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

18

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

23 3. Any candidate or such candidate's authorized representative may have such candidate's
24 name stricken from the presidential primary ballot by filing with the secretary of state on or
25 before 5:00 p.m. on the eleventh Tuesday prior to the presidential primary election a written
26 statement, sworn to before an officer authorized by law to administer oaths, requesting that such
27 candidate's name not be printed on the official primary ballot. Thereafter, the secretary of state
28 shall not include the name of that candidate in the official list announced pursuant to section
29 115.758 or in the certified list of candidates transmitted pursuant to section 115.765.

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

115.801. 1. Subject to appropriation from federal funds, the secretary of state shall
2 administer a grant, **loan, or other aid** program [annually] for the purpose of involving youth in
3 youth voting programs. The secretary of state may promulgate rules to effectuate the provisions
4 of this subsection.

5 2. The secretary of state shall administer a grant, **loan, or other aid** program for the purpose
6 of allowing election authorities to receive grants from the federal government for the purpose of
7 improving the election process in federal elections. The secretary of state may promulgate rules
8 to effectuate the provisions of this subsection.

9 3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is
10 created under the authority delegated in this section shall become effective only if it complies
11 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
12 536.028, RSMo. This subsection and chapter 536, RSMo, are nonseverable and if any of the
13 powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
14 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
15 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be
16 invalid and void.

**116.025. The secretary of state within twenty days of receiving a statewide ballot
2 measure shall prepare and transmit to the attorney general fair ballot language statements
3 that fairly and accurately explain what a vote for and what a vote against the measure
4 represent. Each statement shall not exceed twenty-five words and shall be posted in each
5 polling place next to the sample ballot. Such fair ballot language statements shall be true
6 and impartial statements of the effect of a vote for and against the measure in language**

7 **neither intentionally argumentative nor likely to create prejudice for or against the**
8 **proposed measure. In addition, such fair ballot language shall include a statement as to**
9 **whether the measure will increase, decrease, or have no impact on taxes, including the**
10 **specific category of tax. Such fair ballot language statements may be challenged in**
11 **accordance with section 116.190. The attorney general shall within ten days approve or**
12 **disapprove the legal content and form of the proposed statements.**

116.175. 1. Except as provided in section 116.155, upon receipt from the secretary of state's
2 office of any petition sample sheet, joint resolution or bill, the auditor shall assess the fiscal
3 impact of the proposed measure. The state auditor may consult with the state departments, local
4 government entities, the general assembly and others with knowledge pertinent to the cost of the
5 proposal. Proponents or opponents of any proposed measure may submit to the state auditor a
6 proposed statement of fiscal impact estimating the cost of the proposal in a manner consistent
7 with the standards of the governmental accounting standards board and section 23.140, RSMo,
8 provided that all such proposals are received by the state auditor within ten days of his or her
9 receipt of the proposed measure from the secretary of state.

10 2. Within twenty days of receipt of a petition sample sheet, joint resolution or bill from the
11 secretary of state, the state auditor shall prepare a fiscal note and a fiscal note summary for the
12 proposed measure and forward both to the attorney general.

13 3. The fiscal note and fiscal note summary shall state the measure's estimated cost or
14 savings, if any, to state or local governmental entities. The fiscal note summary shall contain no
15 more than fifty words, excluding articles, which shall summarize the fiscal note in language
16 neither argumentative nor likely to create prejudice either for or against the proposed measure.

17 4. The attorney general shall, within ten days of receipt of the fiscal note and the fiscal note
18 summary, approve the legal content and form of the fiscal note summary prepared by the state
19 auditor and shall forward notice of such approval to the state auditor.

20 **5. If the attorney general or the circuit court of Cole County determines that the fiscal**
21 **note or the fiscal note summary do not satisfy the requirements of this section, the fiscal**
22 **note and the fiscal note summary shall be returned to the auditor for revision. A fiscal note**
23 **or fiscal note summary that does not satisfy the requirements of this section also shall not**
24 **satisfy the requirements of section 116.180.**

116.190. 1. Any citizen who wishes to challenge the official ballot title or the fiscal note
2 prepared for a proposed constitutional amendment submitted by the general assembly, by
3 initiative petition, or by constitutional convention, or for a statutory initiative or referendum
4 measure, may bring an action in the circuit court of Cole County. The action must be brought
5 within ten days after the official ballot title is certified by the secretary of state in accordance
6 with the provisions of this chapter.

7 2. The secretary of state shall be named as a party defendant in any action challenging the
8 official ballot title prepared by the secretary of state. When the action challenges the fiscal note
9 or the fiscal note summary prepared by the auditor, the state auditor shall also be named as a
10 party defendant. The president pro tem of the senate, the speaker of the house and the sponsor
11 of the measure and the secretary of state shall be the named party defendants in any action
12 challenging the official summary statement, fiscal note or fiscal note summary prepared pursuant
13 to section 116.155.

14 3. The petition shall state the reason or reasons why the **summary statement portion of the**
15 **official ballot title is insufficient or unfair and shall request a different summary statement**
16 **portion of the official ballot title. Alternatively, the petition shall state the reasons why the**
17 **fiscal note or the fiscal note summary portion of the official ballot title is insufficient or**
18 **unfair and shall request a different fiscal note or fiscal note summary portion of the official**
19 **ballot title.**

20 4. The action shall be placed at the top of the civil docket. **Insofar as the action challenges**
21 **the summary statement portion of the official ballot title,** the court shall consider the petition,
22 hear arguments, and in its decision certify the **summary statement portion of the official ballot**
23 **title to the secretary of state. Insofar as the action challenges the fiscal note or the fiscal note**
24 **summary portion of the official ballot title, the court shall consider the petition, hear**
25 **arguments, and in its decision, either certify the fiscal note or the fiscal note summary**
26 **portion of the official ballot title to the secretary of state or remand the fiscal note or the**
27 **fiscal note summary to the auditor for preparation of a new fiscal note or fiscal note**
28 **summary pursuant to the procedures set forth in section 116.175.** Any party to the suit may
29 appeal to the supreme court within ten days after a circuit court decision. In making the legal
30 notice to election authorities under section 116.240, **and for the purposes of section 116.180,**
31 the secretary of state shall certify the language which the court certifies to him.