

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR

# HOUSE BILL NO. 511

## 92ND GENERAL ASSEMBLY

1632L.08T

2003

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### AN ACT

To repeal sections 115.027, 115.073, 115.074, 115.076, 115.077, 115.085, 115.098, 115.103, 115.105, 115.107, 115.115, 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, 115.436, 115.637, 115.761, 115.801, 116.175, 116.190, 162.601, 247.170, and 321.120, RSMo, and to enact in lieu thereof forty-one new sections relating to elections, with a penalty provision and an emergency clause.

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*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, 115.077, 115.085, 115.098, 115.103, 115.105, 115.107, 115.115, 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115.417, 115.430, 115.436, 115.637, 115.761, 115.801, 116.175, 116.190, 162.601, 247.170, and 321.120, RSMo, are repealed and forty-one new sections enacted in lieu thereof, to be known as sections 28.035, 115.027, 115.073, 115.074, 115.076, 115.077, 115.078, 115.085, 115.098, 115.103, 115.105, 115.107, 115.115, 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, 115.436, 115.637, 115.761, 115.801, 116.025, 116.175, 116.190, 162.601, 247.170, and 321.120, to read as follows:

**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.**

**28.035. 1. The secretary of state shall be the chief state election official responsible for the administration and coordination of state responsibilities pursuant to the Help America Vote Act of 2002. The secretary is authorized to appoint members to commissions, develop and submit plans, set voting systems standards and compliance deadlines, and any other activities reasonably necessary to comply with the Help America Vote Act of 2002.**

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

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

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

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

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

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

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

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

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

**4. The secretary of state is authorized 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.**

**115.027. 1. Each board of election commissioners shall be composed of four members, appointed by the governor with the advice and consent of the senate. Two commissioners on each board shall be members of one major political party, and two commissioners on each board shall be members of the other major political party. In no case shall more than two**

5 commissioners on a board be members of the same political party. When appointing  
6 commissioners, the governor shall designate one commissioner on each board to be chairman  
7 of the board and one commissioner on each board to be secretary of the board. The chairman  
8 and secretary of a board shall not be members of the same political party.

9       **2. In jurisdictions with boards of election commissioners as the election authority,**  
10 **the governor may appoint to the board one representative from each established political**  
11 **party. The representative shall not be a member of the board for purposes of subsection**  
12 **1 of this section. The state chair of each established political party shall submit a list of no**  
13 **more than four names from which the governor shall select the representative for that**  
14 **party. The representative shall not have voting status, and shall not be compensated, but**  
15 **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 the city and any county of the first classification with more than**  
8 **seventy-three thousand seven hundred but less than seventy-three thousand eight hundred**  
9 **inhabitants or any city located within such county shall be subject to the budgeting**  
10 **approval of the governing body of the county.**

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

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.

115.077. 1. Special districts, cities, townships in township organization counties,  
2 villages and the state shall pay the election costs required by this subchapter to each election  
3 authority conducting its elections.

4 2. Not later than the fifth Tuesday prior to any election to be conducted for the state, a  
5 special district or political subdivision, the election authority shall estimate the cost of  
6 conducting the election for the state and each political subdivision and special district submitting  
7 a candidate or question at the election. Not later than the third Tuesday prior to the election, the  
8 state, each special district and political subdivision submitting a candidate or question at the  
9 election, except the county, shall deposit with the election authority an amount equal to the  
10 estimated cost of conducting the election for the state, the political subdivision or special district.  
11 All payments of election costs received by an election authority under the provisions of this  
12 subsection shall be placed by the election authority in a special account and used by the election  
13 authority only to pay the costs incurred in conducting the election. If the amount paid to an  
14 election authority by the state or any political subdivision or special district exceeds the cost of  
15 conducting the election for the state, political subdivision or special district, the election  
16 authority shall promptly refund to the state, political subdivision or special district the difference  
17 between the amount deposited with it and the cost of conducting the election. If the amount  
18 deposited with an election authority by the state or any political subdivision or special district  
19 is less than the cost of conducting the election for the state, political subdivision or special  
20 district, the state, political subdivision or special district shall, not later than the fifth Tuesday  
21 after the election, pay to the election authority the difference between the amount deposited and  
22 the cost of conducting the election.

23 3. Except as provided in section 115.061, all payments of election costs received by an  
24 election authority under the provisions of this section shall be placed by the election authority  
25 in a special account and used by the election authority only to pay the costs incurred in  
26 conducting elections.

27 4. When the state or any political subdivision or special district willfully fails to make  
28 payment of an election cost required by this subchapter by the time provided in this subchapter,  
29 it shall pay a penalty of fifty dollars for each day after the time provided in this subchapter proper  
30 payment is not made. Any such penalty shall be payable to the election authority authorized to  
31 receive payment of the election cost and shall be deposited in the general revenue fund of such  
32 election authority's city or county.

33 5. There is hereby created the "State Election Subsidy Fund" in the state treasury which  
34 shall be funded by appropriations from the general assembly for the purpose of the state making

35 advance payments of election costs as required by this section. **To meet the state's funding**  
36 **obligation to maintain expenditures pursuant to section 254(a)(7) of the Help America Vote**  
37 **Act of 2002, the commissioner of the office of administration shall annually transfer from**  
38 **general revenue to the state election subsidy fund an amount not less than the amount**  
39 **expended in the fiscal year that ended June 30, 2000. At the end of each fiscal year, any**  
40 **amounts in the state election subsidy fund not expended or obligated to meet the state's**  
41 **obligations pursuant to section 115.065 and this section shall be transferred to the election**  
42 **administration improvements fund authorized pursuant to section 115.078 and used to**  
43 **meet the maintenance of effort funding requirements of section 254(a)(7) of the Help**  
44 **America Vote Act of 2002. Any other law to the contrary notwithstanding, the funds**  
45 **received pursuant to sections 251 and 252 of the Help America Vote Act of 2002 shall be**  
46 **expended according to the state plan developed pursuant to the provisions of section 254**  
47 **of said act. The secretary of state shall develop the state plan through the committee**  
48 **appointed by the secretary of state under the provisions of section 255 of the Help America**  
49 **Vote Act of 2002.**

115.078. 1. There is hereby created in the state treasury the "Election  
2 Administration Improvements Fund", which shall consist of any gifts, contributions,  
3 grants, or bequests received from federal, private, or other sources for the purpose of  
4 improving the administration of elections within Missouri. The state treasurer shall be  
5 custodian of the fund and shall make disbursements from the fund in accordance with  
6 sections 30.170 and 30.180, RSMo. Money in the fund shall be used exclusively for election  
7 administration improvements as directed by the secretary of state. No moneys obtained  
8 through the provisions of this section shall be made a part of the general operating budget  
9 of an election authority, or used to supplant other federal, state, or local funds expended  
10 for elections. The secretary of state may transfer moneys from the fund to the election  
11 improvements revolving loan fund as the secretary deems necessary to facilitate compliance  
12 with the Help America Vote Act of 2002. Notwithstanding section 33.080, RSMo, to the  
13 contrary, any moneys remaining in the fund at the end of any biennium shall not revert to  
14 the credit of the general revenue fund. All yield, interest, income, increment, or gain  
15 received from time deposit of moneys in the state treasury to the credit of the fund shall be  
16 credited to the fund. Notwithstanding any provision of law to the contrary, no amount of  
17 moneys in the fund shall be transferred from the fund or charged for purposes of the  
18 administration of central services for the state of Missouri.

19 2. There is hereby created in the state treasury the "Election Improvements  
20 Revolving Loan Fund", which shall consist of all moneys appropriated to it by the general  
21 assembly, all repayment of moneys from eligible lenders and any moneys deposited or

22 transferred to the fund for the purpose of improving the administration of elections  
23 through loans. The state treasurer shall be custodian of the fund and shall make  
24 disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo.  
25 Money in the fund shall be used solely for improving the administration of elections  
26 through loans. Notwithstanding section 33.080, RSMo, to the contrary, any moneys  
27 remaining in the fund shall not revert to the credit of the general revenue fund. All yield,  
28 interest, income, increment, or gain received from time deposit of moneys in the state  
29 treasury to the credit of the fund shall be credited to the fund. Notwithstanding any  
30 provision of law to the contrary, no amount of moneys in the fund shall be transferred  
31 from the fund or charged for purposes of the administration of central services for the state  
32 of Missouri. The secretary of state is authorized to administer the fund in accordance with  
33 this section and the Help America Vote Act of 2002, and to promulgate rules to execute this  
34 section. No rule or portion of a rule promulgated pursuant to the authority of this section  
35 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  
2 registered voter in [the jurisdiction of the election authority for which he or she is appointed] **this**  
3 **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  
2 party named on the ballot shall have the right to designate a watcher for each place votes are  
3 counted.

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

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

8 4. All persons selected as watchers shall have the same qualifications required by section  
9 115.085 for election judges, **except that such watcher shall be a registered voter in the**  
10 **jurisdiction of the election authority for which the watcher is designated as a watcher.**

115.115. 1. Except as provided in subsection 2 of this section or in section 115.436, for  
2 each election within its jurisdiction, the election authority shall designate a polling place for each  
3 precinct within which any voter is entitled to vote at the election.

4 2. For any election, the election authority shall have the right to consolidate two or more  
5 adjoining precincts for voting at a single polling place and to designate one set of judges to  
6 conduct the election for such precincts. Voters shall be notified of the place for voting in the  
7 manner provided in section 115.127 or 115.129.

8 3. No person shall be required to go to more than one polling place to vote on the same  
9 day.

10           4. Prior to the opening of the polling places on any election day, if candidates or issues  
11 for more than one political subdivision or district are to be voted for at one precinct, the election  
12 authority for that precinct shall provide color-coded ballots, or ballots with other distinguishing  
13 codes, to show what candidates and issues the voter is eligible to vote, based on the voter's place  
14 of residence, so that on election day no voter will have an opportunity to vote for candidates or  
15 issues for which the voter is not entitled to vote. If such ballots are not available, the election  
16 authority shall be notified and voting at that precinct shall not begin until appropriate ballots are  
17 available.

18           5. Each local election authority [may] **shall** designate one common site **and may**  
19 **designate up to four additional common sites** as [an] election day **central** polling [place]  
20 **places** designed for accessibility to [the handicapped and] **voters who have physical**  
21 **disabilities, the elderly, and any other registered voter authorized by law to vote at a central**  
22 **polling place. Such sites shall conform to nationally accepted accessibility standards.** In  
23 addition to being able to supply such voters with their appropriate ballots, and being open during  
24 regular voting hours, such a polling place shall otherwise be staffed and operated in accordance  
25 with law, especially as provided in subsection 3 of section 115.436 and subsection 3 of section  
26 115.445, and like any other polling place, insofar as possible.

27           **6. Subject to receipt of sufficient section 261 funds authorized by the Help America**  
28 **Vote Act of 2002, the secretary of state shall develop a comprehensive plan for increased**  
29 **polling place accessibility. The secretary of state shall apply for funds pursuant to section**  
30 **261 of the Help America Vote Act of 2002 and may allocate section 101 of the Help America**  
31 **Vote Act of 2002 funding after reaching full compliance of Title III of the Help America**  
32 **Vote Act of 2002. Any funds received pursuant to section 291 of the Help America Vote**  
33 **Act of 2002 may be used for provisions of this section. The plan shall include:**

34           **(1) Completion of a comprehensive audit of current polling place accessibility using**  
35 **nationally accepted standards for architectural accessibility such as the Federal Election**  
36 **Commission Polling Place Accessibility Survey or other survey developed using the**  
37 **Americans with Disabilities Act Accessibility Guidelines. Audits shall be completed no**  
38 **later than twelve months after receipt of section 261 of the Help America Vote Act of 2002**  
39 **funds. The audit shall include recommendations and cost estimates for each polling place**  
40 **to achieve accessibility and shall be procured in accordance with chapter 34, RSMo;**

41           **(2) Development of the plan, including timelines for barrier removal and funding**  
42 **needed to achieve one hundred percent polling place accessibility within twenty-four**  
43 **months after the completion of the audit. The implementation plan may be used by local**  
44 **election authorities in applying for any available federal and state funds available to**  
45 **improve polling place accessibility and shall be submitted to the general assembly by the**

46 **secretary of state for use in determining future requirements and funding needs for polling**  
47 **place accessibility;**

48 **(3) Establishment of an oversight committee made up of individuals with**  
49 **disabilities, disability organizations, advocates, and election officials to assist the activities**  
50 **pursuant to this section.**

51

52 **Nothing in this section shall be construed to limit the ability of local election authorities to**  
53 **apply for and receive grants for polling place accessibility pursuant to section 261 of the**  
54 **Help America Vote Act of 2002 prior to the completion of the survey authorized pursuant**  
55 **to this section. Improvements to polling places made with grants received pursuant to**  
56 **section 261 of the Help America Vote Act of 2002 shall be used to meet standards as**  
57 **outlined in this section unless the requirements of the grant exceed these requirements.**

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

20 2. Except as provided for in sections 115.247 and 115.359, if there is no additional cost  
21 for the printing or reprinting of ballots or if the political subdivision or special district calling for  
22 the election agrees to pay any printing or reprinting costs, a political subdivision or special  
23 district may, at any time after certification required in subsection 1 of this section, but no later  
24 than 5:00 p.m. on the sixth Tuesday before the election, be permitted to make late notification

25 to the election authority pursuant to court order, which, except for good cause shown by the  
26 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, **except that for any home rule**  
43 **city with more than four hundred thousand inhabitants and located in more than one**  
44 **county and any political subdivision or special district located in such city, the opening**  
45 **filing date shall be 8:00 a.m., the fifteenth Tuesday prior to the election.** If the closing date  
46 for filing a declaration of candidacy for any office in a political subdivision or special district is  
47 not required by law or charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday  
48 prior to the election. The political subdivision or special district calling an election shall, before  
49 the [fifteenth] **sixteenth** Tuesday, **or the fifteenth Tuesday for any home rule city with more**  
50 **than four hundred thousand inhabitants and located in more than one county or any**  
51 **political subdivision or special district located in such city,** prior to any election at which  
52 offices are to be filled, notify the general public of the opening filing date, the office or offices  
53 to be filled, the proper place for filing and the closing filing date of the election. Such  
54 notification may be accomplished by legal notice published in at least one newspaper of general  
55 circulation in the political subdivision or special district.

56 6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost  
57 for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting  
58 costs, a candidate who has filed for an office or who has been duly nominated for an office may,  
59 at any time after the certification required in section 115.125 but no later than 5:00 p.m. on the  
60 sixth Tuesday before the election, withdraw as a candidate pursuant to a court order, which,  
61 except for good cause shown by the election authority in opposition thereto, shall be freely given  
62 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.

18	.....
19	Township (or Ward)
20	.....
21	Name Precinct
22	.....
23	Home Address Required Personal
24	Identification Information
25	.....
26	City ZIP
27	.....
28	Date of Birth Place of Birth (Optional)
29	.....
30	Telephone Number Mother's Maiden Name
31	(Optional) (Optional)
32	.....
33	Occupation (Optional) Last Place Previously Registered
34	.....
35	Last four digits of Under What Name
36	Social Security Number
37	(Required for registration unless
38	no Social Security number exists
39	for Applicant)
40	Remarks:
41	.....
42	When
43	

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

49 ..... ..

50 Signature of Voter

Date

51 .....

52 Signature of Election Official

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

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

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

78 5. It shall be the responsibility of the secretary of state to prescribe specifications for  
 79 voter registration documents so that they are uniform throughout the state of Missouri and



80 comply with the National Voter Registration Act of 1993, including the reporting requirements,  
81 and so that registrations, name changes and transfers of registrations within the state may take  
82 place as allowed by law.

83 6. All voter registration applications shall be preserved in the office of the election  
84 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 All election authorities shall enter voter history in their computerized registration systems and  
29 shall, not more than six months after the election, forward such data to the [centralized]  
30 **Missouri** voter registration system established in section 115.158. **In addition, election**  
31 **authorities shall forward registration and other data in a manner prescribed by the**

32 **secretary of state to comply with the Help America Vote Act of 2002.** Except as provided  
33 in subsection 2 of this section, the election authority shall also furnish, for a fee, electronic media  
34 or a printout showing the names, dates of birth and addresses of voters, or any part thereof,  
35 within the jurisdiction of the election authority who voted in any specific election, including  
36 primary elections, by township, ward or precinct, provided that nothing in this chapter shall  
37 require such voter information to be released to the public over the Internet. The amount of fees  
38 charged for information provided in this section shall be established pursuant to chapter 610,  
39 RSMo. All revenues collected by the secretary of state pursuant to this section shall be deposited  
40 in the state treasury and credited to the secretary of state's technology trust fund account  
41 established pursuant to section 28.160, RSMo. In even-numbered years, each election authority  
42 shall, upon request, supply the voter registration list for its jurisdiction to all candidates and party  
43 committees for a charge established pursuant to chapter 610, RSMo. Except as provided in  
44 subsection 2 of this section, all election authorities shall make the information described in this  
45 section available pursuant to chapter 610, RSMo. Any election authority who fails to comply  
46 with the requirements of this section shall be subject to the provisions of chapter 610, RSMo.

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

from the information, subject to chapter 610, RSMo, shall not be used for commercial purposes; provided, however, that the information may be used for elections, for candidates, or for ballot measures, furnished at a reasonable fee. Violation of this section shall be a class B misdemeanor. For purposes of this section, "commercial purposes" means the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout, or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or the sale of names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record.

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

8. The secretary of state may 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.

9. Election authorities and any agency required under the National Voter Registration Act of 1993 to accept voter registration applications shall forward registration and other data in a manner prescribed by the secretary of state to assist with administering and maintaining the Missouri voter registration system in accordance with the Help America Vote Act of 2002.

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

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

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

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

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

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

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

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

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

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

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

36 **(3) Who is:**

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

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

41 **(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 ....., .....

82 Signed .....

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

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

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

94 "STATE OF .....

95 COUNTY OF ....., ss.

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

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

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

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

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

107 Signed .....

108 (Applicant)

109 .....

110 (Residence Address)

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

112 Signed .....

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

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

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

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

14 State of Missouri  
 15 County (City) of .....  
 16 I, ..... (print name), a registered voter of ..... County (City  
 17 of St. Louis, Kansas City), declare under the penalties of perjury that I expect to be prevented  
 18 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

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  
 97 election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially  
 98 the 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 I hereby state under penalties of perjury that I own property in the ..... district and am  
 114 qualified to vote at this election; I have not voted and will not vote other than by this ballot at  
 115 this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable  
 116 to read and write English, or physically incapable of marking the ballot, and the person of my  
 117 choosing indicated below marked the ballot at my direction; all of the information on this  
 118 statement is, to the best of my knowledge and belief, true.

119 ..... Subscribed and sworn to

120 Signature of Voter before me this .....



121 day of ....., .....  
 122 .....  
 123 .....  
 124 Address Signature of notary or  
 125 other officer authorized  
 126 to administer oaths  
 127 .....  
 128 Signature of Person  
 129 Assisting Voter  
 130 (if applicable)  
 131 5. The statement for persons providing assistance to absentee voters shall be in  
 132 substantially the following form:  
 133  
 134 The voter needed assistance in marking the ballot and signing above, because of blindness, other  
 135 physical disability, or inability to read or to read English. I marked the ballot enclosed in this  
 136 envelope at the voter's direction, when I was alone with the voter, and I had no other  
 137 communication with the voter as to how he or she was to vote. The voter swore or affirmed the  
 138 voter affidavit above and I then signed the voter's name and completed the other voter  
 139 information above. Signed under the penalties of perjury.  
 140 Reason why voter needed assistance: .....  
 141 ASSISTING PERSON SIGN HERE  
 142 1. .... (signature of assisting person)  
 143 2. .... (assisting person's name printed)  
 144 3. .... (assisting person's residence)  
 145 4. .... (assisting person's home city or town).  
 146 6. Notwithstanding any other provision of this section, any resident of the state of  
 147 Missouri who resides outside the boundaries of the United States or who is on active duty with  
 148 the armed forces of the United States or members of their immediate family living with them or  
 149 persons who have declared themselves to be permanently disabled pursuant to section 115.284,  
 150 otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his or her  
 151 absentee ballot.  
 152 7. Notwithstanding any other provision of this section or section 115.291 to the contrary,  
 153 the subscription, signature and seal of a notary or other officer authorized to administer oaths  
 154 shall not be required on any ballot, ballot envelope, or statement required by this section if the  
 155 reason for the voter voting absentee is due to the reasons established pursuant to subdivision (2)  
 156 of subsection 1 of section 115.277.

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

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

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

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

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

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

State of .....

County (City) of .....

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

.....

Signature of Voter

.....

.....

Voter's Address

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

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

(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  
2 the applicant is entitled to vote by absentee ballot, the election authority shall, within three  
3 working days after receiving the application, or if absentee ballots are not available at the time  
4 the application is received, within five working days after they become available, deliver to the  
5 voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant  
6 to vote. Delivery shall be made to the voter personally in the office of the election authority or  
7 by bipartisan teams appointed by the election authority, or by first class, registered, or certified  
8 mail at the discretion of the election authority. Where the election authority is a county clerk,  
9 the members of bipartisan teams representing the political party other than that of county clerk  
10 shall be selected from a list of persons submitted to the county clerk by the county chairman of  
11 that party. If no list is provided by the time that absentee ballots are to be made available, the  
12 county clerk may select a person or persons from lists provided in accordance with section  
13 115.087. If the election authority is not satisfied that any applicant is entitled to vote by absentee  
14 ballot, it shall not deliver an absentee ballot to the applicant. Within three working days of  
15 receiving such an application, the election authority shall notify the applicant and state the reason  
16 he or she is not entitled to vote by absentee ballot. The applicant may appeal the decision of the  
17 election 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  
19 jurisdiction has become hospitalized [in the county in which the jurisdiction is located or in any  
20 county or in the jurisdiction of an adjoining election authority within the same county after 5:00  
21 p.m. on the Wednesday before an election, if any voter from the jurisdiction has become],  
22 **becomes** confined due to illness or injury [after 5:00 p.m. on the Wednesday before an election  
23 or if any voter from the jurisdiction], **or** is confined in an adult boarding facility, intermediate  
24 care facility, residential care facility, or skilled nursing facility, as defined in section 198.006,  
25 RSMo, **in the county in which the jurisdiction is located or in the jurisdiction or an adjacent**  
26 **election authority within the same county**, the election authority shall appoint a team to  
27 deliver, witness the signing of and return the voter's application and deliver, witness the voting  
28 of and return the voter's absentee ballot[; except that, the election authority may allow a relative  
29 within the first degree of consanguinity or affinity to perform the same duties as a team for such  
30 confined voter]. In counties [of the first class] with a charter form of government and in cities  
31 not within a county, and in each city which has over three hundred thousand inhabitants, and is  
32 situated in more than one county, if the election authority receives ten or more applications for  
33 absentee ballots from the same address it may appoint a team to deliver and witness the voting

34 and return of absentee ballots by voters residing at that address, except when such addresses are  
35 for an apartment building or other structure wherein individual living units are located, each of  
36 which has its own separate cooking facilities. Each team appointed [under the provisions of]  
37 **pursuant to** this subsection shall consist of two registered voters, one from each major political  
38 party. Both members of any team appointed pursuant to this subsection shall be present during  
39 the delivery, signing or voting and return of any application or absentee ballot signed or voted  
40 pursuant to this 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  
2 voter, as described in subsection 3 of this section, may apply **for a special write-in absentee**  
3 **ballot** within eighty days of a **special, primary, or** general election for [a special write-in  
4 absentee ballot] **federal office**. Such a ballot shall be for voting for all offices being contested  
5 at such election.

6 2. A qualified absentee voter applying for a special write-in absentee ballot pursuant to  
7 this section shall apply to the local election authority of the area which contains his last residence  
8 in this state for such ballot. The application for a special write-in absentee ballot may be made  
9 on 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  
12 is 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 shall deliver to each polling place a sufficient number of voter instruction cards which include the following information:

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

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

2. The election authority at each polling place shall post in a conspicuous place voting instructions on a poster no smaller than twenty-four inches by thirty inches. Such instructions shall also inform the voter that the voting equipment can be demonstrated upon request of the voter. **The election authority shall also publicly post during the period of time in which a person may cast an absentee ballot and on election day a sample version of the ballot that will be used for that election, the date of the election, the hours during which the polling place will be open, instructions for mail-in registrants and first-time voters, general information on voting rights in accordance with the state plan filed by the secretary of state pursuant to the Help America Vote Act of 2002, general information on the right to cast a provisional ballot and instructions for provisional ballots, how to contact appropriate authorities if voting rights have been violated, and general information on federal and Missouri law regarding prohibitions on acts of fraud and misrepresentation. The secretary of state may 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.**

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

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

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

2. A voter claiming to be properly registered in the jurisdiction of the election authority and eligible to vote in an election, but whose eligibility cannot be immediately established upon examination of the precinct register or upon examination of the records on file with the election authority, shall be entitled to vote a provisional ballot after providing a form of personal

8 identification required pursuant to section 115.427, **or may vote at a central polling place as**  
 9 **established in section 115.115 where they may vote their appropriate ballot upon**  
 10 **verification of eligibility or vote a provisional ballot if eligibility cannot be determined.** The  
 11 provisional ballot contained in this section shall contain the statewide candidates and issues, and  
 12 federal candidates. The congressional district on the provisional ballot shall be for the address  
 13 contained on the affidavit provided for in this section. **If the voter declares that the voter is**  
 14 **eligible to vote and the election authority determines that the voter is eligible to vote at**  
 15 **another polling place, the voter shall be directed to the correct polling place or a central**  
 16 **polling place as established by the election authority pursuant to subsection 5 of section**  
 17 **115.115. If the voter refuses to go to the correct polling place or a central polling place, the**  
 18 **voter shall be permitted to vote a provisional ballot at the incorrect polling place, but such**  
 19 **ballot shall not be counted.**

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

25 STATE OF .....

26 COUNTY OF .....

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

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

36 .....

37 (Signature of Voter)

38 .....

39 (Current Address)

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

41 .....

42 (Signature of Election Official)

43

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

46 4. Prior to certification of the election, the election authority shall determine if the voter  
47 is registered and entitled to vote and if the vote was properly cast. The provisional ballot shall  
48 be counted only if the election authority determines that the voter is registered and entitled to  
49 vote. **Provisional ballots voted in the wrong polling place shall not be counted.** If the voter  
50 is not registered but is qualified to register for future elections, the affidavit shall be considered  
51 a mail application to register to vote [under the provisions of] pursuant to this chapter.

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

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

58 7. [Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
59 is created under the authority delegated in this section shall become effective only if it complies  
60 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
61 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers  
62 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
63 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
64 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be  
65 invalid and void.

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

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

76 **9. In accordance with the Help America Vote Act of 2002, any individual who votes**  
77 **in an election as a result of a court order or any other order extending the time established**  
78 **for closing the polls in section 115.407, may vote only by using a provisional ballot, and**  
79 **such provisional ballot shall be separated and held apart from other provisional ballots**

80 **cast by those not affected by the order. Such ballots shall not be counted until such time**  
81 **as the ballots are determined to be valid.**

115.436. 1. In jurisdictions using paper ballots and electronic voting systems, when any  
2 physically disabled voter within two hundred feet of a polling place is unable to enter the polling  
3 place, two election judges, one of each major political party, shall, when time permits, take a  
4 ballot, equipment and materials necessary for voting to the voter. The voter shall mark the  
5 ballot, and the election judges shall place the ballot in an envelope, seal it and place it in the  
6 ballot box.

7 2. In jurisdictions using voting machines, when any physically disabled voter within two  
8 hundred feet of a polling place is unable to enter the polling place, two election judges, one of  
9 each major political party, shall, when time permits, take an absentee ballot to the voter. The  
10 voter shall mark the ballot, and the election judges shall place the ballot in an envelope, seal it  
11 and place it in the ballot box.

12 3. **Upon request to the election authority**, the election authority in any jurisdiction  
13 [may] **shall** designate a polling place [more] accessible to any physically disabled voter **other**  
14 than the polling place to which that voter would normally be assigned to vote, provided that the  
15 candidates and issues voted on are consistent for both the designated location and the voting  
16 location for the voter's precinct. **Upon request**, the election authority may also assign members  
17 of the physically disabled voter's household **and such voter's caregiver** to the same voting  
18 location as the physically disabled voter. In no event shall a voter be assigned under this section  
19 to a designated location apart from the established voting location for the voter's precinct if the  
20 voter objects to the assignment to another location.

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

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

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



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

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

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

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

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

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

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

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

44           (11) On the part of any election judge, willfully absenting himself from the polls on  
45 election day without good cause or willfully detaining any election material or equipment and  
46 not causing it to be produced at the voting place at the opening of the polls or within fifteen  
47 minutes thereafter;

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

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

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

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

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

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

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

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

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

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

29 4. The filing times set out in this section shall only apply to presidential preference  
30 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  
6 purpose of allowing election authorities to receive grants from the federal government for the  
7 purpose of improving the election process in federal elections. The secretary of state may  
8 promulgate rules 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  
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 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 be posted in each polling place next to the sample ballot.  
5 Such fair ballot language statements shall be true and impartial statements of the effect of  
6 a vote for and against the measure in language neither intentionally argumentative nor  
7 likely to create prejudice for or against the proposed measure. In addition, such fair ballot  
8 language shall include a statement as to whether the measure will increase, decrease, or  
9 have no impact on taxes, including the specific category of tax. Such fair ballot language  
10 statements may be challenged in accordance with section 116.190. The attorney general  
11 shall within ten days approve 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  
2 state's office of any petition sample sheet, joint resolution or bill, the auditor shall assess the  
3 fiscal impact of the proposed measure. The state auditor may consult with the state departments,  
4 local government entities, the general assembly and others with knowledge pertinent to the cost  
5 of the proposal. Proponents or opponents of any proposed measure may submit to the state  
6 auditor a proposed statement of fiscal impact estimating the cost of the proposal in a manner  
7 consistent with the standards of the governmental accounting standards board and section  
8 23.140, RSMo, provided that all such proposals are received by the state auditor within ten days  
9 of his or her 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  
11 the secretary of state, the state auditor shall prepare a fiscal note and a fiscal note summary for  
12 the 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  
18 note summary, approve the legal content and form of the fiscal note summary prepared by the  
19 state 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**  
21 **fiscal note or the fiscal note summary do not satisfy the requirements of this section, the**  
22 **fiscal note and the fiscal note summary shall be returned to the auditor for revision. A**

23 **fiscal note or fiscal note summary that does not satisfy the requirements of this section also**  
24 **shall not 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  
8 the official ballot title prepared by the secretary of state. When the action challenges the fiscal  
9 note or the fiscal note summary prepared by the auditor, the state auditor shall also be named as  
10 a 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**  
15 **of the official ballot title is insufficient or unfair and shall request a different summary**  
16 **statement portion of the official ballot title. Alternatively, the petition shall state the reasons**  
17 **why the fiscal note or the fiscal note summary portion of the official ballot title is**  
18 **insufficient or unfair and shall request a different fiscal note or fiscal note summary**  
19 **portion of the official ballot title.**

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

162.601. 1. Elected members of the board in office on August 28, 1998, shall hold office  
2 for the length of term for which they were elected, and any members appointed pursuant to

3 section 162.611 to fill vacancies left by elected members in office on August 28, 1998, shall  
4 serve for the remainder of the term to which the replaced member was elected.

5 2. No board members shall be elected at the first municipal election in an odd-numbered  
6 year next following August 28, 1998.

7 3. Three board members shall be elected at the second municipal election in an  
8 odd-numbered year next following August 28, 1998, to serve four-year terms.

9 4. Four board members shall be elected at the third municipal election in an  
10 odd-numbered year next following August 28, 1998, and two of such members shall be elected  
11 to four-year terms and two of such members shall be elected to three-year terms.

12 5. Beginning with the fourth municipal election in an odd-numbered year next following  
13 August 28, 1998, and at each succeeding municipal election in a year during which board  
14 member terms expire, there shall be elected members of the board of education, who shall  
15 assume the duties of their office at the first regular meeting of the board of education after their  
16 election, and who shall hold office for four years, and until their successors are elected and  
17 qualified.

18 6. Members of the board of directors shall be elected to represent seven subdistricts. The  
19 subdistricts shall be established by the state board of education to be compact, contiguous and  
20 as nearly equal in population as practicable. The subdistricts shall be revised by the state board  
21 of education after each decennial census and at any other time the state board determines that the  
22 district's demographics have changed sufficiently to warrant redistricting.

23 7. A member shall reside in and be elected in the subdistrict which the member is elected  
24 to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27. Subdistrict 2 shall be  
25 comprised of wards 3, 4, 5 and 21. Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26.  
26 Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28. Subdistrict 5 shall be comprised of  
27 wards 9, 10, 11 and 12. Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25. Subdistrict  
28 7 shall be comprised of wards 8, 15, 23 and 24.

29 [8. No one may run for school board who is employed by the school district or who is  
30 related to an employee of the school district within the second degree of affinity or  
31 consanguinity.]

247.170. 1. Whenever any city owning a waterworks or water supply system extends  
2 its corporate limits to include any part of the area in a public water supply district, and the city  
3 and the board of directors of the district are unable to agree upon a service, lease or sale  
4 agreement, or are unable to proceed under section 247.160, then upon the expiration of ninety  
5 days after the effective date of the extension of the city limits, that part of the area of the district  
6 included within the corporate limits of the city may be detached and excluded from the district  
7 in the following manner:

8           (1) A petition to detach and exclude that part of the public water supply district lying  
9 within the corporate limits of the city as such limits have been extended, signed by not less than  
10 [twenty-five voters within the water supply district] **five percent of the registered voters who**  
11 **are patrons of the water supply district, or twenty registered voters that are patrons of**  
12 **each subdistrict, whichever is less**, shall be filed in the circuit court of the county in which the  
13 district was originally organized.

14           (2) The court, being satisfied as to the sufficiency of the petition, shall call a special  
15 election of the voters of the district at which election the proposal to detach and exclude the part  
16 of the district lying within the corporate limits of the city shall be submitted to the voters in the  
17 entire district for a vote thereon. The election shall be conducted within the district by the  
18 election authority.

19           (3) The ballot shall briefly state the question to be voted on.

20           (4) In order to approve the detachment and exclusion of any part of the area in a public  
21 water supply district, the proposal shall require the approval of not less than a majority of the  
22 voters voting thereon.

23           (5) The election authorities shall thereafter promptly certify the result to the circuit court.  
24 The court, acting as a court of equity, shall thereupon without delay enter a decree detaching and  
25 excluding the area in question located within the corporate limits of the city from the public  
26 water supply district; except that before the decree detaching and excluding the area becomes  
27 final or effective, the city shall show to the court that it has assumed and agreed to pay in lump  
28 sum or in installments not less than that proportion of the sum of all existing liquidated general  
29 obligations and of all unpaid revenue bonds and interest thereon to date, of the water supply  
30 district as the assessed valuation of the real and tangible personal property within the area sought  
31 to be detached and excluded bears to the assessed valuation of all of the real and tangible  
32 personal property within the entire area of the district, according to the official county assessment  
33 of property as of December thirty-first of the calendar year next preceding the date of the  
34 election, and in addition thereto that the city has assumed and agreed to assume or pay in a lump  
35 sum all contractual obligations of the water district that are greater than twenty-five thousand  
36 dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of  
37 water, and to pay the court costs.

38           (6) The decree shall thereupon vest in the city the absolute title, free and clear of all liens  
39 or encumbrances of every kind and character, to all tangible real and personal property of the  
40 public water supply district located within the part of the district situated within the corporate  
41 limits of the city with full power in the city to use and dispose of the tangible real and personal  
42 property as it deems best in the public interest.

43 (7) If the proposal fails to receive the approval of the voters the question may be again  
44 presented by another petition and again voted on, but not sooner than six months.

45 (8) Any and all sums paid out by the city under this section, other than the costs of the  
46 election, shall be administered by the circuit court for the benefit of the holders of the then  
47 existing and outstanding bonds of the district, and the remainder of such sums, if any, shall be  
48 delivered to the district to be expended in the operation, maintenance and improvement of its  
49 water distribution system.

50 2. Upon the effective date of any final order detaching and excluding any part of the area  
51 of any public water supply district, or leasing, selling or conveying any of the water mains, plant  
52 or equipment therein, the circuit court may, in the public interest, change the boundaries of the  
53 public water supply district and again divide or redivide the district into subdistricts for the  
54 election of directors in conformity with the provisions of section 247.040, without further  
55 petition being filed with the court so to do.

321.120. 1. The decree of incorporation shall not become final and conclusive until it  
2 has been submitted to an election of the voters residing within the boundaries described in such  
3 decree, and until it has been assented to by a majority vote of the voters of the district voting on  
4 the question. The decree shall also provide for the holding of the election to vote on the  
5 proposition of incorporating the district, and to select three or five persons to act as the first  
6 board of directors, and shall fix the date for holding the election.

7 2. The question shall be submitted in substantially the following form:

8 Shall there be incorporated a fire protection district?

9 ☐ YES

☐ NO

10 3. The proposition of electing the first board of directors or the election of subsequent  
11 directors may be submitted on a separate ballot or on the same ballot which contains any other  
12 proposition of the fire protection district. The ballot to be used for the election of a director or  
13 directors shall be substantially in the following form:

14 OFFICIAL BALLOT

15 Instruction to voters:

16 Place a cross (X) mark in the square opposite the name of the candidate or candidates you  
17 favor. (Here state the number of directors to be elected and their term of office.)

18 ELECTION

19 (Here insert name of district.) Fire Protection District. (Here insert date of election.)

20 FOR BOARD OF DIRECTORS ..... ☐ ..... ☐ ..... ☐

21 4. If a majority of the voters voting on the proposition or propositions voted in favor of  
22 the proposition to incorporate the district, then the court shall enter its further order declaring the  
23 decree of incorporation to be final and conclusive. In the event, however, that the court finds that



24 a majority of the voters voting thereon voted against the proposition to incorporate the district,  
25 then the court shall enter its further order declaring the decree of incorporation to be void and  
26 of no effect. If the court enters an order declaring the decree of incorporation to be final and  
27 conclusive, it shall at the same time designate the first board of directors of the district who have  
28 been elected by the voters voting thereon. If a board of three members is elected, the person  
29 receiving the third highest number of votes shall hold office for a term of two years, the person  
30 receiving the second highest number of votes shall hold office for a term of four years, and the  
31 person receiving the highest number of votes shall hold office for a term of six years from the  
32 date of the election of the first board of directors and until their successors are duly elected and  
33 qualified. If a board of five members is elected, the person who received the highest number of  
34 votes shall hold office for a term of six years, the persons who received the second and third  
35 highest numbers of votes shall hold office for terms of four years and the persons who received  
36 the fourth and fifth highest numbers of votes shall hold office for terms of two years and until  
37 their successors are duly elected and qualified. Thereafter, members of the board shall be elected  
38 to serve terms of six years and until their successors are duly elected and qualified. The court  
39 shall at the same time enter an order of record declaring the result of the election on the  
40 proposition, if any, to incur bonded indebtedness.

41 5. Notwithstanding the provisions of subsections 1 to 4 of this section to the contrary,  
42 upon a motion by the board of directors in districts where there are three-member boards, and  
43 upon approval by the voters in the district, the number of directors may be increased to five,  
44 except that in any county of the first classification with a population of more than nine hundred  
45 thousand inhabitants such increase in the number of directors shall apply only in the event of a  
46 consolidation of existing districts. The ballot to be used for the approval of the voters to increase  
47 the number of members on the board of directors of the fire protection district shall be  
48 substantially in the following form:

49 Shall the number of members of the board of directors of the ..... (Insert  
50 name of district) Fire Protection District be increased to five members?

51 ☐ YES ☐ NO

52

53 If a majority of the voters voting on the proposition vote in favor of the proposition then at the  
54 next election of board members after the voters vote to increase the number of directors, the  
55 voters shall select two persons to act in addition to the existing three directors as the board of  
56 directors. The court which entered the order declaring the decree of incorporation to be final  
57 shall designate the additional board of directors who have been elected by the voters voting  
58 thereon as follows: the one receiving the second highest number of votes to hold office for a  
59 term of [three] **four** years, and the one receiving the highest number of votes to hold office for

60 a term of six years from the date of the election of such additional board of directors and until  
61 their successors are duly elected and qualified. Thereafter, members of the board shall be elected  
62 to serve terms of six years and until their successors are duly elected and qualified.

63 6. Members of the board of directors in office on the date of an election pursuant to  
64 subsection 5 of this section to elect additional members to the board of directors shall serve the  
65 term to which they were elected or appointed and until their successors are elected and qualified.

Section B. Because of the necessity to receive federal funds pursuant to the Help  
2 America Vote Act of 2002, the enactment of section 115.078 of this act is deemed necessary for  
3 the immediate preservation of the public health, welfare, peace and safety, and is hereby declared  
4 to be an emergency act within the meaning of the constitution, and the enactment of section  
5 115.078 of this act shall be in full force and effect upon its passage and approval.

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Speaker of the House

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President Pro Tem of the Senate

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Governor