

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 511
92ND GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, April 17, 2003, with recommendation that the Senate Committee Substitute do pass.

1632S.05C

TERRY L. SPIELER, Secretary.

AN ACT

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

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

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115.279, 115.283, 115.284, 115.287, 115.292, 115.417, 115.430, 115.761, 115.801, 116.175, and 116.190, RSMo, are repealed and thirty-four new sections enacted in lieu thereof, to be known as sections 28.035, 115.027, 115.073, 115.074, 115.076, 115.078, 115.085, 115.098, 115.103,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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

115.074. 1. Subject to appropriation from federal funds, the secretary of state
2 shall administer a grant, **loan, or other aid** program [annually] for the purposes of
3 providing funds to election authorities to upgrade or improve the voting process or
4 equipment. Such funding [shall] **may** be in the form of matching grants. The secretary
5 of state when awarding grants shall give priority to jurisdictions which have the highest

6 number of residents according to the most recent federal census, with an income below
7 the federal poverty level as established by the federal department of health and human
8 services or its successor agency. The secretary of state may promulgate rules to
9 effectuate the provisions of this section.

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

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

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

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

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

23 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
24 that is created under the authority delegated in this section shall become effective only

25 if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
26 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
27 nonseverable and if any of the powers vested with the general assembly pursuant to
28 chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a
29 rule are subsequently held unconstitutional, then the grant of rulemaking authority and
30 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

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

**21 2. There is hereby created in the state treasury the "Election
22 Improvements Revolving Loan Fund", which shall consist of all moneys
23 appropriated to it by the general assembly, all repayment of moneys from
24 eligible lenders and any moneys deposited or transferred to the fund for the
25 purpose of improving the administration of elections through loans. The state
26 treasurer shall be custodian of the fund and shall approve disbursements
27 from the fund in accordance with sections 30.170 and 30.180, RSMo. Money
28 in the fund shall be used solely for improving the administration of elections
29 through loans. Notwithstanding section 33.080, RSMo, to the contrary, any
30 moneys remaining in the fund shall not revert to the credit of the general
31 revenue fund. All yield, interest, income, increment, or gain received from**

32 **time deposit of moneys in the state treasury to the credit of the fund shall be**
33 **credited to the fund. Notwithstanding any provision of law to the contrary,**
34 **no amount of moneys in the fund shall be transferred from the fund or**
35 **charged for purposes of the administration of central services for the state**
36 **of Missouri. The secretary of state is authorized to administer the fund in**
37 **accordance with this section and the Help America Vote Act of 2002, and to**
38 **promulgate rules to execute this section. No rule or portion of a rule**
39 **promulgated pursuant to the authority of this section shall become effective**
40 **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
2 a registered voter in [the jurisdiction of the election authority for which he or she is
3 appointed] **this state; provided that, before any election authority may appoint**
4 **judges who are registered voters of another election authority's jurisdiction,**
5 **the election authority shall obtain the written consent of the election**
6 **authority for the jurisdiction where the prospective judges are registered to**
7 **vote.** Each election judge shall be a person of good repute and character who can speak,
8 read, and write the English language. No person shall serve as an election judge at any
9 polling place in which his or her name or the name of a relative within the second
10 degree, by consanguinity or affinity, appears on the ballot. However, no relative of any
11 unopposed candidate shall be disqualified from serving as an election judge in any
12 election jurisdiction of the state. No election judge shall, during his or her term of office,
13 hold any other **elective** public office, other than as a member of a political party
14 committee or township office, except any person who is [an employee of the state of
15 Missouri or who is appointed to or employed by or] elected to a board or commission of
16 a political subdivision or special district may serve as an election judge except at a
17 polling place where such political subdivision or special district has an issue or candidate
18 on the ballot. In any county having a population of less than two hundred fifty thousand
19 inhabitants, any candidate for the county committee of a political party who is not a
20 candidate for any other office and who is unopposed for election as a member of the
21 committee shall not be disqualified from serving as an election judge.

115.098. 1. Subject to appropriation from federal funds, the secretary of state
2 shall administer a grant, **loan, or other aid** program for the purpose of increasing the
3 compensation of election judges. Such funding shall be made available to election
4 authorities contingent upon the election authority increasing the compensation of
5 election judges to an amount not less than seven dollars per hour. Such funding [shall]
6 **may** be in the form of matching grants. The secretary of state when awarding grants

7 shall give priority to jurisdictions which have the highest number of residents according
8 to the most recent federal census, with an income below the federal poverty level as
9 established by the federal Department of Health and Human Services or its successor
10 agency. The secretary of state may promulgate rules to effectuate the provisions of this
11 section.

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

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

115.105. 1. The chair of the county committee of each political party named on
2 the ballot shall have the right to designate a challenger for each polling place, who may
3 be present during the hours of voting, and a challenger for each location at which
4 absentee ballots are counted, who may be present while the ballots are being prepared
5 for counting and counted. **No later than four business days before the election,
6 the chair of each county committee of each political party named on the
7 ballot shall provide signed official designation forms with the names of the
8 designated challengers and substitutes to the local election authority for
9 confirmation of eligibility to serve as a challenger. The local election
10 authority, after verifying the eligibility of each designated and substitute
11 challenger, shall sign off on the official designation forms, unless the
12 challenger is found not to have the qualifications established by subsection**

13 **5 of this section. If the election authority determines that a challenger does**
14 **not meet the qualifications of subsection 5 of this section, the designating**
15 **party chair may designate a replacement challenger and provide the local**
16 **election authority with the name of the replacement challenger before 5:00**
17 **p.m., of the Monday preceding the election.** The designating chair may substitute
18 challengers at his or her discretion during such hours.

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

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

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

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

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

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

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

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

115.125. 1. Not later than 5:00 p.m. on the tenth Tuesday prior to any election,
2 except a special election to decide an election contest, tie vote or an election to elect

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

22 2. Except as provided for in sections 115.247 and 115.359, if there is no
23 additional cost for the printing or reprinting of ballots or if the political subdivision or
24 special district calling for the election agrees to pay any printing or reprinting costs, a
25 political subdivision or special district may, at any time after certification required in
26 subsection 1 of this section, but no later than 5:00 p.m. on the sixth Tuesday before the
27 election, be permitted to make late notification to the election authority pursuant to
28 court order, which, except for good cause shown by the election authority in opposition
29 thereto, shall be freely given upon application by the political subdivision or special
30 district to the circuit court of the area of such subdivision or district. **No court shall**
31 **have the authority to order an individual or issue be placed on the ballot less**
32 **than six weeks before the date of the election, except as provided in sections**
33 **115.361 and 115.379.**

115.127. 1. Except as provided in subsection 4 of this section, upon receipt of
2 notice of a special election to fill a vacancy submitted pursuant to section 115.125, the
3 election authority shall cause legal notice of the special election to be published in a
4 newspaper of general circulation in its jurisdiction. The notice shall include the name
5 of the officer or agency calling the election, the date and time of the election, the name

6 of the office to be filled and the date by which candidates must be selected or filed for
7 the office. Within one week prior to each special election to fill a vacancy held in its
8 jurisdiction, the election authority shall cause legal notice of the election to be published
9 in two newspapers of different political faith and general circulation in the
10 jurisdiction. The legal notice shall include the date and time of the election, the name
11 of the officer or agency calling the election and a sample ballot. If there is only one
12 newspaper of general circulation in the jurisdiction, the notice shall be published in the
13 newspaper within one week prior to the election. If there are two or more newspapers
14 of general circulation in the jurisdiction, but no two of opposite political faith, the notice
15 shall be published in any two of the newspapers within one week prior to the election.

16 2. Except as provided in subsections 1 and 4 of this section and in sections
17 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each
18 election held in its jurisdiction to be published. The notice shall be published in two
19 newspapers of different political faith and qualified pursuant to chapter 493, RSMo,
20 which are published within the bounds of the area holding the election. If there is only
21 one so qualified newspaper, then notice shall be published in only one newspaper. If
22 there is no newspaper published within the bounds of the election area, then the notice
23 shall be published in two qualified newspapers of different political faith serving the
24 area. Notice shall be published twice, the first publication occurring in the second week
25 prior to the election, and the second publication occurring within one week prior to the
26 election. Each such legal notice shall include the date and time of the election, the name
27 of the officer or agency calling the election and a sample ballot; and, unless notice has
28 been given as provided by section 115.129, the second publication of notice of the election
29 shall include the location of polling places. The election authority may provide any
30 additional notice of the election it deems desirable.

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

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

42 sample ballot.

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

61 6. Except as provided for in sections 115.247 and 115.359, if there is no
62 additional cost for the printing or reprinting of ballots or if the candidate agrees to pay
63 any printing or reprinting costs, a candidate who has filed for an office or who has been
64 duly nominated for an office may, at any time after the certification required in section
65 115.125 but no later than 5:00 p.m. on the sixth Tuesday before the election, withdraw
66 as a candidate pursuant to a court order, which, except for good cause shown by the
67 election authority in opposition thereto, shall be freely given upon application by the
68 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
2 United States who is a resident of the state of Missouri and seventeen years and six
3 months of age or older shall be entitled to register and to vote in any election which is
4 held on or after his eighteenth birthday.

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

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

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

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

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

115.135. 1. Any person who is qualified to vote, or who shall become qualified
2 to vote on or before the day of election, shall be entitled to register in the jurisdiction
3 within which he or she resides. In order to vote in any election for which registration
4 is required, a person must be registered to vote in the jurisdiction of his or her residence
5 no later than 5:00 p.m., or the normal closing time of any public building where the
6 registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday
7 prior to the election, unless the voter is an **interstate former resident, an** intrastate
8 new resident or [an interstate] **a** new resident, as defined in section 115.275. In no case
9 shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior
10 to the election. Any person registering after such date shall be eligible to vote in
11 subsequent elections.

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

15 3. Except as provided in federal law or federal elections and in section 115.277,
16 no person shall be entitled to vote if the person has not registered to vote in the
17 jurisdiction of his or her residence prior to the deadline to register to vote[, unless the
18 voter is an intrastate new resident or an interstate new resident, as defined in section
19 115.275].

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

3 APPLICATION FOR REGISTRATION

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

5 **Will you be 18 years of age on or before election day?**

6 YES NO

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

9 **IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE**
10 **REGISTERING FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A**

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

17
 18 Township (or Ward)
 19
 20 Name Precinct
 21
 22 Home Address Required Personal
 23 Identification Information
 24
 25 City ZIP
 26
 27 Date of Birth Place of Birth (Optional)
 28
 29 Telephone Number Mother's Maiden Name
 30 (Optional) (Optional)
 31
 32 Occupation (Optional) Last Place Previously
 33 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 I am a citizen of the United States and a resident of the state of Missouri. I have not
 44 been adjudged incapacitated by any court of law. If I have been convicted of a felony or
 45 of a misdemeanor connected with the right of suffrage, I have had the voting disabilities
 46 resulting from such conviction removed pursuant to law. I do solemnly swear that all

47 statements made on this card are true to the best of my knowledge and belief.

48
.....

49 Signature of Voter Date

50

51 Signature of Election Official

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

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

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

80 5. It shall be the responsibility of the secretary of state to prescribe specifications
81 for voter registration documents so that they are uniform throughout the state of
82 Missouri and comply with the National Voter Registration Act of 1993, including the

83 reporting requirements, and so that registrations, name changes and transfers of
84 registrations within the state may take place as allowed by law.

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

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

- 10 (1) Voter identification number;
- 11 (2) First name;
- 12 (3) Middle initial;
- 13 (4) Last name;
- 14 (5) Suffix;
- 15 (6) Street number;
- 16 (7) Street direction;
- 17 (8) Street name;
- 18 (9) Street suffix;
- 19 (10) Apartment number;
- 20 (11) City;
- 21 (12) State;
- 22 (13) Zip code;
- 23 (14) Township;
- 24 (15) Ward;
- 25 (16) Precinct;
- 26 (17) Senatorial district;
- 27 (18) Representative district;
- 28 (19) Congressional district.

29 All election authorities shall enter voter history in their computerized registration
30 systems and shall, not more than six months after the election, forward such data to the
31 [centralized] **Missouri** voter registration system established in section 115.158. **In**
32 **addition, election authorities shall forward registration and other data in a**

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

50 2. Any person working as an undercover officer of a local, state or federal law
51 enforcement agency, persons in witness protection programs, and victims of domestic
52 violence and abuse who have received orders of protection pursuant to chapter 455,
53 RSMo, shall be entitled to apply to the circuit court having jurisdiction in his or her
54 county of residence to have the residential address on his or her voter registration
55 records closed to the public if the release of such information could endanger the safety
56 of the person. Any person working as an undercover agent or in a witness protection
57 program shall also submit a statement from the chief executive officer[, as defined in
58 subsection 2 of section 590.100, RSMo,] of the agency under whose direction he or she
59 is serving. The petition to close the residential address shall be incorporated into any
60 petition for protective order provided by circuit clerks pursuant to chapter 455, RSMo. If
61 satisfied that the person filing the petition meets the qualifications of this subsection,
62 the circuit court shall issue an order to the election authority to keep the residential
63 address of the voter a closed record and the address may be used only for the purposes
64 of administering elections pursuant to this chapter. The election authority may require
65 the voter who has a closed residential address record to verify that his or her residential
66 address has not changed or to file a change of address and to affirm that the reasons
67 contained in the original petition are still accurate prior to receiving a ballot. A change
68 of address within an election authority's jurisdiction shall not require that the voter file

69 a new petition. Any voter who no longer qualifies pursuant to this subsection to have
70 his or her residential address as a closed record shall notify the circuit court. Upon such
71 notification, the circuit court shall void the order closing the residential address and so
72 notify the election authority.

115.158. 1. [On or before July 1, 1996, the secretary of state may begin to
2 procure and develop an electronic data processing system and programs capable of
3 maintaining a centralized database of all registered voters in the state. This system
4 shall be known as the "Centralized Voter Registration System". In addition to
5 maintaining a centralized voter registration database, the election authorities and
6 secretary of state may use the system for the collection and dissemination of election
7 results and other pertinent information. Any information contained in any state or local
8 voter registration system, limited to the master voter registration list or any other list
9 generated from the information, subject to chapter 610, RSMo, shall not be used for
10 commercial purposes; provided, however, that the information can be used for elections,
11 for candidates, or for ballot measures, furnished at a reasonable fee. Violation of this
12 section shall be a class B misdemeanor.] **The secretary of state shall implement a
13 centralized, interactive computerized statewide voter registration list. This
14 computerized list shall be known as the "Missouri Voter Registration
15 System". The system shall be implemented by January 1, 2004, unless a
16 waiver is obtained pursuant to the Help America Vote Act of 2002. If a waiver
17 is obtained, the system shall be implemented by January 1, 2006. The system
18 shall be maintained and administered by the secretary of state and contain
19 the name and registration information of every legally registered voter in
20 Missouri. In addition, the system shall:**

21 **(1) Assign a unique identifier to each legally registered voter in**
22 **Missouri;**

23 **(2) Serve as the single system for storing and managing the official list**
24 **of registered voters throughout Missouri;**

25 **(3) Be coordinated with other agency databases in Missouri;**

26 **(4) Allow any election official in Missouri, including local election**
27 **authorities, immediate electronic access to the information contained in the**
28 **system;**

29 **(5) Allow all voter registration information obtained by any local**
30 **election official in Missouri to be electronically entered into the system on an**
31 **expedited basis at the time the information is provided to the local**
32 **official. The secretary of state, as the chief state election official, shall**

33 **provide such support as may be required so that local election officials are**
34 **able to enter the registration information; and**

35 **(6) Serve as the official voter registration list for the conduct of all**
36 **elections in Missouri.**

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

40 (1) Provide for voters to submit their registration to those offices and agencies
41 authorized in this chapter and the National Voter Registration Act of 1993;

42 (2) Provide for the establishment and maintenance of a centralized database for
43 all voter registration information;

44 (3) Provide procedures for entering data into the centralized database;

45 (4) Provide for the interaction with other state agencies and departments to
46 facilitate voter registration;

47 (5) Allow election authorities and the secretary of state to add, modify, and delete
48 information from the system to provide for accurate and up-to-date information;

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

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

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

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

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

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

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

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

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

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

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

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

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

85 5. [Any rule or portion of a rule, as that term is defined in section 536.010,
86 RSMo, that is created under the authority delegated in this section shall become effective
87 only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,
88 if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August
89 28, 1999, is of no force and effect and repealed. Nothing in this section shall be
90 interpreted to repeal or affect the validity of any rule filed or adopted prior to August
91 28, 1999, if it fully complied with all applicable provisions of law. This section and
92 chapter 536, RSMo, are nonseverable and if any of the powers vested with the general
93 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to
94 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
95 rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be
96 invalid and void.] **Voter registration information shall be verified in accordance**
97 **with the Help America Vote Act of 2002.**

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

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

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

105 **number.**

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

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

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

119 **6. In addition to using the system for voter registration, the election**
120 **authorities and secretary of state may use the system for the collection and**
121 **dissemination of election results and other pertinent information. Any**
122 **information contained in any state or local voter registration system, limited**
123 **to the master voter registration list or any other list generated from the**
124 **information, subject to chapter 610, RSMo, shall not be used for commercial**
125 **purposes; provided, however, that the information may be used for elections,**
126 **for candidates, or for ballot measures, furnished at a reasonable**
127 **fee. Violation of this section shall be a class B misdemeanor. For purposes**
128 **of this section, "commercial purposes" means the use of a public record for the**
129 **purpose of sale or resale or for the purpose of producing a document**
130 **containing all or part of the copy, printout, or photograph for sale or the**
131 **obtaining of names and addresses from public records for the purpose of**
132 **solicitation or the sale of names and addresses to another for the purpose of**
133 **solicitation or for any purpose in which the purchaser can reasonably**
134 **anticipate the receipt of monetary gain from the direct or indirect use of the**
135 **public record.**

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

139 **8. The secretary of state may promulgate rules to execute this section**
140 **rule or portion of a rule promulgated pursuant to the authority of this section**
141 **shall become effective unless it has been promulgated pursuant to chapter**

142 **536, RSMo.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 **(3) Who is:**

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

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

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

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

9 2. A registered voter who has changed his or her residence within an election
10 authority's jurisdiction and has not been removed from the list of registered voters
11 pursuant to this chapter shall be permitted to file a change of address with the election
12 authority or before an election judge at a polling place and vote at a central polling place
13 or at the polling place that serves his or her new address upon written or oral
14 affirmation by the voter of the new address.

15 3. If the applicant for registration was last registered in another jurisdiction
16 within this state or another state, the election authority shall send notice of the
17 registration to the election authority where the applicant was previously registered. The

18 election authority sending the notice shall provide identifying information to assist the
19 election authority receiving the notice to determine whether the person named was
20 previously registered in such jurisdiction and whether, based on the identifying
21 information provided, the application can be removed from the voting record in the
22 former jurisdiction.

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

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

3 (1) "Absentee ballot", any of the ballots a person is authorized to cast away from
4 a 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
6 state who moves from Missouri to another state after the deadline to register to vote in
7 any presidential election in the new state and who otherwise possesses the qualifications
8 to register and vote in such state;

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

13 (4) "New resident", a person who moves to this state after the last date
14 authorized in this 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**
17 **or service is absent from the United States on the date of the election**

18 **involved;**

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

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

25 **(6)** "Persons in federal service" includes:

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

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

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

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

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

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

5 (1) Absence on election day from the jurisdiction of the election authority in
6 which such voter is registered to vote;

7 (2) Incapacity or confinement due to illness or physical disability, including a
8 person who is primarily responsible for the physical care of a person who is incapacitated
9 or confined 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,
12 or by an 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
15 115.275, who is eligible to register and vote in this state **but is not registered** may
16 vote only in the election of presidential and vice presidential electors, United States
17 senator and representative in Congress even [if] **though** the person is not

18 registered. Each person in federal service may vote by absentee ballot or, upon
19 submitting an affidavit that the person is qualified to vote in the election, may vote at
20 the person's polling place.

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

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

28 5. Any new resident, as defined in section 115.275, may vote by absentee ballot
29 for presidential and vice presidential electors after registering to vote in such resident's
30 new jurisdiction of residence.

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

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

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

24 absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before
25 the election shall be accepted by any election authority, except as provided in subsections
26 6, 8 and 9 of this section.

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

36 5. **(1)** Notwithstanding any law to the contrary, any resident of the state of
37 Missouri who resides outside the boundaries of the United States or who is on active
38 duty with the armed forces of the United States or members of their immediate family
39 living with them may request an absentee ballot for both the primary and subsequent
40 general election with one application. **In addition, the election authority shall**
41 **provide to each absent uniformed services voter and each overseas voter who**
42 **submits an absentee ballot request, an absentee ballot through the next two**
43 **regularly scheduled general elections for federal office.**

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

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

53 **(4)** **Not later than sixty days after the date of each regularly scheduled**
54 **general election for federal office, each election authority which administered**
55 **the election shall submit to the secretary of state in a format prescribed by**
56 **the secretary a report on the combined number of absentee ballots**
57 **transmitted to, and returned by, absent uniformed services voters and**
58 **overseas voters for the election. The secretary shall submit to the Election**
59 **Assistance Commission a combined report of such information not later than**

60 **ninety days after the date of each regularly scheduled general election for**
61 **federal office and in a standardized format developed by the commission**
62 **pursuant to the Help America Vote Act of 2002. The secretary shall make the**
63 **report available to the general public.**

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

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

73 "STATE OF.....

74 COUNTY OF....., ss.

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

76 (1) Before becoming a resident of this state, I resided at
77 (residence address) in (town, township, village or
78 city) of County in the state of

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

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

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

86 Signed

87 (Applicant)

88

89 (Residence Address)

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

91 Signed

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

93 7. The election authority in whose office an application is filed pursuant to
94 subsection 6 of this section shall immediately send a duplicate of such application to the
95 appropriate official of the state in which the new resident applicant last resided and

96 shall file the original of such application in its office.

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

104 "STATE OF
105 COUNTY OF, ss.

106 I,, do solemnly swear that:

107 (1) Before becoming a resident of this election jurisdiction, I resided at
108 (residence address) in (town,
109 township, village or city) of county in the state of
110

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

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

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

118 Signed

119 (Applicant)

120

121 (Residence Address)

122 Subscribed and sworn to before me this day of,

123 Signed

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

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

131 115.283. 1. Each ballot envelope shall bear a statement on which the voter shall

132 state the voter's name, the voter's voting address, the voter's mailing address and the
 133 voter's reason for voting an absentee ballot. On the form, the voter shall also state,
 134 under penalties of perjury that the voter is qualified to vote in the election, that the
 135 voter has not previously voted and will not vote again in the election, that the voter has
 136 personally marked the voter's ballot in secret or supervised the marking of the voter's
 137 ballot if the voter is unable to mark it, that the ballot has been placed in the ballot
 138 envelope and sealed by the voter or under the voter's supervision if the voter is unable
 139 to seal it, and that all information contained in the statement is true. In addition, any
 140 person providing assistance to the absentee voter shall include a statement on the
 141 envelope identifying the person providing assistance under penalties of perjury. Persons
 142 authorized to vote only for federal and statewide officers shall also state their former
 143 Missouri residence.

2. The statement for persons voting absentee ballots who are registered voters

2 shall be in substantially the following form:

3 State of Missouri

4 County (City) of

5 I, (print name), a registered voter of

6 County (City of St. Louis, Kansas City), declare under the penalties of perjury that I
 7 expect to be prevented from going to the polls on election day due to (check one):

8 absence on election day from the jurisdiction of the election authority in

9 I am registered;

10 incapacity or confinement due to illness or physical disability, including

11 caring for a person who is incapacitated or confined due to illness or disability;

12 religious belief or practice;

13 employment as an election authority or by an election authority at a

14 location other than my polling place;

15 incarceration, although I have retained all the necessary qualifications for
 16 voting.

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

23

.....

24 Signature of Voter

Signature of Person

25 Assisting Voter
 26 (if applicable)
 27 Signed Subscribed and sworn to
 28 Signed before me this day
 29 Address of Voter of,
 30
 31
 32 Mailing addresses Signature of notary or
 33 (if different) other officer authorized
 34 to administer oaths

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

38 State of Missouri
 39 County (City) of

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

46 (1) I am a resident of the state of Missouri and (check one):
 47 am a member of the U.S. armed forces in active service;
 48 am an active member of the U.S. merchant marine;
 49 am a civilian employee of the U.S. government working outside the United
 50 States;
 51 am an active member of a religious or welfare organization assisting
 52 servicemen;
 53 have been honorably discharged or terminated my service in one of the
 54 groups mentioned above within sixty days of this election;
 55 am a spouse or dependent of one of the above;
 56 am a registered voter in County and moved from that county to
 57 County, Missouri, after the last day to register to vote in this election.

58 OR (check if applicable)

59 (2) I am an interstate former resident of Missouri and authorized
 60 to vote for presidential and vice presidential electors. I further state under penalties of

61 perjury that I have not voted and will not vote other than by this ballot at this election;
62 I marked the enclosed ballot in secret or am blind, unable to read or write English, or
63 physically incapable of marking the ballot, and the person of my choosing indicated
64 below marked the ballot at my direction; all of the information on this statement is, to
65 the best of my knowledge and belief, true.

66 Subscribed to and sworn
67 Signature of Voter before me this day
68 of,

69
70

71 Address of Voter Signature of notary or
72 other officer authorized
73 to administer oaths

74
75
76 Mailing Address (if different)
77
78

79 Signature of Person Address of Last Missouri
80 Assisting Voter Residence (if applicable)

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

84 State of Missouri
85 County (City) of

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

88 absence on election day from the jurisdiction of the election authority in **wh**
89 I am directed to vote;

90 incapacity or confinement due to illness or physical disability, including
91 caring for a person who is incapacitated or confined due to illness or disability;

92 religious belief or practice;

93 employment as an election authority or by an election authority at a
94 location other than my polling place;

95 incarceration, although I have retained all the necessary qualifications of
96 voting.

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

104	Subscribed and sworn to
105 Signature of Voter	before me this
106	day of,
107	
108
109 Address	Signature of notary or
110	other officer authorized
111	to administer oaths

112

113 Signature of Person

114 Assisting Voter

115 (if applicable)

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

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

124 Reason why voter needed assistance:

125 ASSISTING PERSON SIGN HERE

- 126 1. (signature of assisting person)
- 127 2. (assisting person's name printed)
- 128 3. (assisting person's residence)
- 129 4. (assisting person's home city or town).

130 6. Notwithstanding any other provision of this section, any resident of the state
 131 of Missouri who resides outside the boundaries of the United States or who is on active
 132 duty with the armed forces of the United States or members of their immediate family

133 living with them or persons who have declared themselves to be permanently disabled
134 pursuant to section 115.284, otherwise entitled to vote, shall not be required to obtain
135 a notary seal or signature on his or her absentee ballot.

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

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

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

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

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

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

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

11 State of

12 County (City) of

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

18

19 Signature of Voter

20

21

22 Voter's Address

23 5. Not earlier than [six] ten weeks before an election but prior to the fourth

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

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

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

33 (2) Dies;

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

35 or

36 (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
2 satisfied the applicant is entitled to vote by absentee ballot, the election authority shall,
3 within three working days after receiving the application, or if absentee ballots are not
4 available at the time the application is received, within five working days after they
5 become available, deliver to the voter an absentee ballot, ballot envelope and such
6 instructions as are necessary for the applicant to vote. Delivery shall be made to the
7 voter personally in the office of the election authority or by bipartisan teams appointed
8 by the election authority, or by first class, registered, or certified mail at the discretion
9 of the election authority. Where the election authority is a county clerk, the members
10 of bipartisan teams representing the political party other than that of county clerk shall
11 be selected from a list of persons submitted to the county clerk by the county chairman
12 of that party. If no list is provided by the time that absentee ballots are to be made
13 available, the county clerk may select a person or persons from lists provided in
14 accordance with section 115.087. If the election authority is not satisfied that any
15 applicant is entitled to vote by absentee ballot, it shall not deliver an absentee ballot to
16 the applicant. Within three working days of receiving such an application, the election
17 authority shall notify the applicant and state the reason he or she is not entitled to vote
18 by absentee ballot. The applicant may appeal the decision of the election authority to
19 the circuit court in the manner provided in section 115.223.

20 2. If, **after 5:00 p.m. on the Wednesday before an election**, any voter from
21 the jurisdiction has become hospitalized [in the county in which the jurisdiction is
22 located or in any county or in the jurisdiction of an adjoining election authority within
23 the same county after 5:00 p.m. on the Wednesday before an election, if any voter from

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

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

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

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

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

10 or on a form provided by the local election authority.

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

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

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

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

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

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

10 2. The election authority at each polling place shall post in a conspicuous place
11 voting instructions on a poster no smaller than twenty-four inches by thirty
12 inches. Such instructions shall also inform the voter that the voting equipment can be
13 demonstrated upon request of the voter. **The election authority shall also publicly**
14 **post on election day a sample version of the ballot that will be used for that**
15 **election, the date of the election, the hours during which the polling place**
16 **will be open, instructions for mail-in registrants and first-time voters, general**
17 **information on voting rights, general information on the right to cast a**
18 **provisional ballot and instructions for provisional ballots, how to contact**
19 **appropriate authorities if voting rights have been violated, and general**
20 **information on federal and Missouri law regarding prohibitions on acts of**
21 **fraud and misrepresentation. The secretary of state may promulgate rules to**
22 **execute this section. No rule or portion of a rule promulgated pursuant to the**

23 **authority of this section shall become effective unless it has been**
24 **promulgated pursuant to chapter 536, RSMo.**

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

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

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

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

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

22 STATE OF

23 COUNTY OF

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

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

33

34 (Signature of Voter)

35

36 (Current Address)

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

38

39 (Signature of Election Official)

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

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

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

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

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

64 8.] The secretary of state shall design and provide to the election authorities the

65 envelopes and forms necessary to carry out the provisions of this section.

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

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

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

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

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

18 I (We) the undersigned, do hereby request that the name of
 19 be placed upon the [March] **February**,,

20 presidential primary ballot as candidate for nomination as the nominee for President of
21 the United States on the party ticket.

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

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

34 4. The filing times set out in this section shall only apply to presidential
35 preference 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
2 shall administer a grant, **loan, or other aid** program [annually] for the purpose of
3 involving youth in youth voting programs. The secretary of state may promulgate rules
4 to effectuate the provisions of this subsection.

5 2. The secretary of state shall administer a grant, **loan, or other aid** program
6 for the purpose of allowing election authorities to receive grants from the federal
7 government for the purpose of improving the election process in federal elections. The
8 secretary of state may 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,
10 that is created under the authority delegated in this section shall become effective only
11 if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
12 applicable, section 536.028, RSMo. This subsection and chapter 536, RSMo, are
13 nonseverable and if any of the powers vested with the general assembly pursuant to
14 chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a
15 rule are subsequently held unconstitutional, then the grant of rulemaking authority and
16 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

116.025. The secretary of state within twenty days of receiving a
2 **statewide ballot measure shall prepare and transmit to the attorney general**
3 **fair ballot language statements that fairly and accurately explain what a vote**
4 **for and what a vote against the measure represent. Each statement shall be**

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

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

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

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

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

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

27 requirements of section 116.180.

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

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

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

20 4. The action shall be placed at the top of the civil docket. **Insofar as the**
21 **action challenges the summary statement portion of the official ballot title,**
22 the court shall consider the petition, hear arguments, and in its decision certify the
23 **summary statement portion of the** official ballot title to the secretary of
24 state. **Insofar as the action challenges the fiscal note or the fiscal note**
25 **summary portion of the official ballot title, the court shall consider the**
26 **petition, hear arguments, and in its decision, either certify the fiscal note or**
27 **the fiscal note summary portion of the official ballot title to the secretary of**
28 **state or remand the fiscal note or the fiscal note summary to the auditor for**
29 **preparation of a new fiscal note or fiscal note summary pursuant to the**
30 **procedures set forth in section 116.175.** Any party to the suit may appeal to the
31 supreme court within ten days after a circuit court decision. In making the legal notice
32 to election authorities under section 116.240, **and for the purposes of section**
33 **116.180,** the secretary of state shall certify the language which the court certifies to him.