

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE SUBSTITUTE  
FOR  
HOUSE BILL NO. 511  
AN ACT

To repeal sections 115.027, 115.073, 115.074, 115.076, 115.085, 115.098, 115.103, 115.105, 115.107, 115.115, 115.125, 115.127, 115.133, 115.135, 115.155, 115.157, 115.158, 115.159, 115.165, 115.275, 115.277, 115.279, 115.283, 115.284, 115.287, 115.292, 115.417, 115.430, 115.436, 115.761, 115.801, 116.175, and 116.190, RSMo, and to enact in lieu thereof thirty-six new sections relating to elections, with a penalty provision in a certain section and an emergency clause for a certain section.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 115.027, 115.073, 115.074, 115.076,  
2   115.085, 115.098, 115.103, 115.105, 115.107, 115.115, 115.125,  
3   115.127, 115.133, 115.135, 115.155, 115.157, 115.158, 115.159,  
4   115.165, 115.275, 115.277, 115.279, 115.283, 115.284, 115.287,  
5   115.292, 115.417, 115.430, 115.436, 115.761, 115.801, 116.175,  
6   and 116.190, RSMo, are repealed and thirty-six new sections  
7   enacted in lieu thereof, to be known as sections 28.035, 115.027,  
8   115.073, 115.074, 115.076, 115.078, 115.085, 115.098, 115.103,  
9   115.105, 115.107, 115.115, 115.125, 115.127, 115.133, 115.135,  
10   115.155, 115.157, 115.158, 115.159, 115.165, 115.275, 115.277,

1 115.279, 115.283, 115.284, 115.287, 115.292, 115.417, 115.430,  
2 115.436, 115.761, 115.801, 116.025, 116.175, and 116.190, to read  
3 as follows:

4 28.035. 1. The secretary of state shall be the chief state  
5 election official responsible for the administration and  
6 coordination of state responsibilities pursuant to the Help  
7 America Vote Act of 2002. The secretary is authorized to appoint  
8 members to commissions, develop and submit plans, set voting  
9 systems standards and compliance deadlines, and any other  
10 activities reasonably necessary to comply with the Help America  
11 Vote Act of 2002.

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

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

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

24 (2) Allow complaints to be consolidated;

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

28 (4) Provide an appropriate remedy for any substantiated

1 violation of Title III of the Help America Vote Act of 2002;

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

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

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

14 4. The secretary of state is authorized to promulgate rules  
15 to execute this section. No rule or portion of a rule  
16 promulgated pursuant to the authority of this section shall  
17 become effective unless it has been promulgated pursuant to  
18 chapter 536, RSMo.

19 115.027. 1. Each board of election commissioners shall be  
20 composed of four members, appointed by the governor with the  
21 advice and consent of the senate. The members appointed from the  
22 political party who are not of the party of the governor shall be  
23 selected from a list of four members submitted by the state  
24 committee of the party. Two commissioners on each board shall be  
25 members of one major political party, and two commissioners on  
26 each board shall be members of the other major political party.  
27 In no case shall more than two commissioners on a board be  
28 members of the same political party. When appointing

1 commissioners, the governor shall designate one commissioner on  
2 each board to be chairman of the board and one commissioner on  
3 each board to be secretary of the board. The chairman and  
4 secretary of a board shall not be members of the same political  
5 party.

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

17 115.073. 1. In any county containing a portion but not the  
18 major portion of a city which has over three hundred thousand  
19 inhabitants, all general expenses related to the conduct of  
20 elections and the registration of voters shall be paid  
21 proportionally from the general revenue of the city and the  
22 general revenue of the county. The city shall pay such  
23 proportion as its population within the county is to the total  
24 population of the county as determined by the last preceding  
25 federal decennial census. The annual general operating  
26 expenditures from the general revenue funds of the city and any  
27 county of the first classification with more than seventy-three  
28 thousand seven hundred but less than seventy-three thousand eight

1 hundred inhabitants or any city located within such county shall  
2 be subject to the budgeting approval of the governing body of the  
3 county.

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

13         115.074. 1. Subject to appropriation from federal funds,  
14 the secretary of state shall administer a grant, loan, or other  
15 aid program [annually] for the purposes of providing funds to  
16 election authorities to upgrade or improve the voting process or  
17 equipment. Such funding [shall] may be in the form of matching  
18 grants. The secretary of state when awarding grants shall give  
19 priority to jurisdictions which have the highest number of  
20 residents according to the most recent federal census, with an  
21 income below the federal poverty level as established by the  
22 federal department of health and human services or its successor  
23 agency. The secretary of state may promulgate rules to  
24 effectuate the provisions of this section.

25         2. Any rule or portion of a rule, as that term is defined  
26 in section 536.010, RSMo, that is created under the authority  
27 delegated in this section shall become effective only if it  
28 complies with and is subject to all of the provisions of chapter

1 536, RSMo, and, if applicable, section 536.028, RSMo. This  
2 section and chapter 536, RSMo, are nonseverable and if any of the  
3 powers vested with the general assembly pursuant to chapter 536,  
4 RSMo, to review, to delay the effective date or to disapprove and  
5 annul a rule are subsequently held unconstitutional, then the  
6 grant of rulemaking authority and any rule proposed or adopted  
7 after August 28, 2002, shall be invalid and void.

8 115.076. 1. Subject to appropriation of federal funds, the  
9 secretary of state shall administer a grant, loan, or other aid  
10 program [annually] for the purpose of providing funds to election  
11 authorities:

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

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

22 (3) To provide individuals with disabilities and  
23 individuals who are blind and visually impaired with information  
24 about the accessibility of polling places, including outreach  
25 programs to inform individuals about the availability of  
26 accessible polling places and to train election officials, poll  
27 workers, and election volunteers on how to best promote the  
28 access and participation of individuals in elections, and to

1 provide assistance in all accommodations needed by voters with  
2 disabilities.

3  
4 Such funding [shall] may be in the form of matching grants. The  
5 secretary of state when awarding grants shall give priority to  
6 jurisdictions which have the highest number of residents,  
7 according to the most recent federal census, with an income below  
8 the federal poverty level as established by the federal  
9 Department of Health and Human Services or its successor agency.  
10 The secretary of state may promulgate rules to effectuate the  
11 provisions of this section.

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

23 115.078. 1. There is hereby created in the state treasury  
24 the "Election Administration Improvements Fund", which shall  
25 consist of any gifts, contributions, grants, or bequests received  
26 from federal, private, or other sources for the purpose of  
27 improving the administration of elections within Missouri. The  
28 state treasurer shall be custodian of the fund and shall make

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

20 2. There is hereby created in the state treasury the  
21 "Election Improvements Revolving Loan Fund", which shall consist  
22 of all moneys appropriated to it by the general assembly, all  
23 repayment of moneys from eligible lenders and any moneys  
24 deposited or transferred to the fund for the purpose of improving  
25 the administration of elections through loans. The state  
26 treasurer shall be custodian of the fund and shall make  
27 disbursements from the fund in accordance with sections 30.170  
28 and 30.180, RSMo. Money in the fund shall be used solely for



1 improving the administration of elections through loans.  
2 Notwithstanding section 33.080, RSMo, to the contrary, any moneys  
3 remaining in the fund shall not revert to the credit of the  
4 general revenue fund. All yield, interest, income, increment, or  
5 gain received from time deposit of moneys in the state treasury  
6 to the credit of the fund shall be credited to the fund.  
7 Notwithstanding any provision of law to the contrary, no amount  
8 of moneys in the fund shall be transferred from the fund or  
9 charged for purposes of the administration of central services  
10 for the state of Missouri. The secretary of state is authorized  
11 to administer the fund in accordance with this section and the  
12 Help America Vote Act of 2002, and to promulgate rules to execute  
13 this section. No rule or portion of a rule promulgated pursuant  
14 to the authority of this section shall become effective unless it  
15 has been promulgated pursuant to chapter 536, RSMo.

16 115.085. No person shall be appointed to serve as an  
17 election judge who is not a registered voter in [the jurisdiction  
18 of the election authority for which he or she is appointed] this  
19 state; provided that, before any election authority may appoint  
20 judges who are registered voters of another election authority's  
21 jurisdiction, the election authority shall obtain the written  
22 consent of the election authority for the jurisdiction where the  
23 prospective judges are registered to vote. Each election judge  
24 shall be a person of good repute and character who can speak,  
25 read, and write the English language. No person shall serve as  
26 an election judge at any polling place in which his or her name  
27 or the name of a relative within the second degree, by  
28 consanguinity or affinity, appears on the ballot. However, no

1 relative of any unopposed candidate shall be disqualified from  
2 serving as an election judge in any election jurisdiction of the  
3 state. No election judge shall, during his or her term of  
4 office, hold any other elective public office, other than as a  
5 member of a political party committee or township office, except  
6 any person who is [an employee of the state of Missouri or who is  
7 appointed to or employed by or] elected to a board or commission  
8 of a political subdivision or special district may serve as an  
9 election judge except at a polling place where such political  
10 subdivision or special district has an issue or candidate on the  
11 ballot. In any county having a population of less than two  
12 hundred fifty thousand inhabitants, any candidate for the county  
13 committee of a political party who is not a candidate for any  
14 other office and who is unopposed for election as a member of the  
15 committee shall not be disqualified from serving as an election  
16 judge.

17 115.098. 1. Subject to appropriation from federal funds,  
18 the secretary of state shall administer a grant, loan, or other  
19 aid program for the purpose of increasing the compensation of  
20 election judges. Such funding shall be made available to  
21 election authorities contingent upon the election authority  
22 increasing the compensation of election judges to an amount not  
23 less than seven dollars per hour. Such funding [shall] may be in  
24 the form of matching grants. The secretary of state when  
25 awarding grants shall give priority to jurisdictions which have  
26 the highest number of residents according to the most recent  
27 federal census, with an income below the federal poverty level as  
28 established by the federal Department of Health and Human

1 Services or its successor agency. The secretary of state may  
2 promulgate rules to effectuate the provisions of this section.

3 2. Any rule or portion of a rule, as that term is defined  
4 in section 536.010, RSMo, that is created under the authority  
5 delegated in this section shall become effective only if it  
6 complies with and is subject to all of the provisions of chapter  
7 536, RSMo, and, if applicable, section 536.028, RSMo. This  
8 section and chapter 536, RSMo, are nonseverable and if any of the  
9 powers vested with the general assembly pursuant to chapter 536,  
10 RSMo, to review, to delay the effective date or to disapprove and  
11 annul a rule are subsequently held unconstitutional, then the  
12 grant of rulemaking authority and any rule proposed or adopted  
13 after August 28, 2002, shall be invalid and void.

14 115.103. [Any election authority may establish training  
15 courses for election judges and may compensate them for  
16 attendance at the rate set for election service subject to the  
17 approval of the governing body of a county not having a board of  
18 election commissioners, or the political subdivision or special  
19 district] All election authorities shall establish training  
20 courses for election judges. Such courses shall include  
21 substantially the curriculum developed by the secretary of  
22 state's office in accordance with the Help America Vote Act of  
23 2002. Election authorities may compensate judges for attendance  
24 at the rate set for election service subject to the approval of  
25 the governing body of a county not having a board of election  
26 commissioners, or the political subdivision or special district.

27 115.105. 1. The chair of the county committee of each  
28 political party named on the ballot shall have the right to

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

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

27 3. Prior to the close of the polls, challengers may list  
28 and give out the names of those who have voted. The listing and

1 giving out of names of those who have voted by a challenger shall  
2 not be considered giving information tending to show the state of  
3 the count.

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

8 5. All persons selected as challengers shall have the same  
9 qualifications required by section 115.085 for election judges,  
10 except that such challenger shall be a registered voter in the  
11 jurisdiction of the election authority for which the challenger  
12 is designated as a challenger.

13 115.107. 1. At every election, the chairman of the county  
14 committee of each political party named on the ballot shall have  
15 the right to designate a watcher for each place votes are  
16 counted.

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

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

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

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

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

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

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

26           5. Each local election authority ~~[may]~~ shall designate one  
27 common site and may designate up to four additional common sites  
28 as ~~[an]~~ election day central polling ~~[place]~~ places designed for

1   accessibility to [the handicapped and] voters who have physical  
2   disabilities, the elderly, and any other registered voter  
3   authorized by law to vote at a central polling place. Such sites  
4   shall conform to nationally accepted accessibility standards. In  
5   addition to being able to supply such voters with their  
6   appropriate ballots, and being open during regular voting hours,  
7   such a polling place shall otherwise be staffed and operated in  
8   accordance with law, especially as provided in subsection 3 of  
9   section 115.436 and subsection 3 of section 115.445, and like any  
10  other polling place, insofar as possible.

11       6. Subject to receipt of sufficient section 261 funds  
12   authorized by the Help America Vote Act of 2002, the secretary of  
13   state shall develop a comprehensive plan for increased polling  
14   place accessibility. The secretary of state shall apply for  
15   funds pursuant to section 261 of the Help America Vote Act of  
16   2002 and may allocate section 101 of the Help America Vote Act of  
17   2002 funding after reaching full compliance of Title III of the  
18   Help America Vote Act of 2002. Any funds received pursuant to  
19   section 291 of the Help America Vote Act of 2002 may be used for  
20   provisions of this section. The plan shall include:

21       (1) Completion of a comprehensive audit of current polling  
22   place accessibility using nationally accepted standards for  
23   architectural accessibility such as the Federal Election  
24   Commission Polling Place Accessibility Survey or other survey  
25   developed using the Americans with Disabilities Act Accessibility  
26   Guidelines. Audits shall be completed no later than twelve  
27   months after receipt of section 261 of the Help America Vote Act  
28   of 2002 funds. The audit shall include recommendations and cost

estimates for each polling place to achieve accessibility and shall be procured in accordance with chapter 34, RSMo;

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

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

Nothing in this section shall be construed to limit the ability of local election authorities to apply for and receive grants for polling place accessibility pursuant to section 261 of the Help America Vote Act of 2002 prior to the completion of the survey authorized pursuant to this section. Improvements to polling places made with grants received pursuant to section 261 of the Help America Vote Act of 2002 shall be used to meet standards as outlined in subsection 1 of this section unless the requirements of the grant exceed these requirements.

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



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

27 2. Except as provided for in sections 115.247 and 115.359,  
28 if there is no additional cost for the printing or reprinting of

1 ballots or if the political subdivision or special district  
2 calling for the election agrees to pay any printing or reprinting  
3 costs, a political subdivision or special district may, at any  
4 time after certification required in subsection 1 of this  
5 section, but no later than 5:00 p.m. on the sixth Tuesday before  
6 the election, be permitted to make late notification to the  
7 election authority pursuant to court order, which, except for  
8 good cause shown by the election authority in opposition thereto,  
9 shall be freely given upon application by the political  
10 subdivision or special district to the circuit court of the area  
11 of such subdivision or district. No court shall have the  
12 authority to order an individual or issue be placed on the ballot  
13 less than six weeks before the date of the election, except as  
14 provided in sections 115.361 and 115.379.

15 115.127. 1. Except as provided in subsection 4 of this  
16 section, upon receipt of notice of a special election to fill a  
17 vacancy submitted pursuant to section 115.125, the election  
18 authority shall cause legal notice of the special election to be  
19 published in a newspaper of general circulation in its  
20 jurisdiction. The notice shall include the name of the officer  
21 or agency calling the election, the date and time of the  
22 election, the name of the office to be filled and the date by  
23 which candidates must be selected or filed for the office.  
24 Within one week prior to each special election to fill a vacancy  
25 held in its jurisdiction, the election authority shall cause  
26 legal notice of the election to be published in two newspapers of  
27 different political faith and general circulation in the  
28 jurisdiction. The legal notice shall include the date and time

1 of the election, the name of the officer or agency calling the  
2 election and a sample ballot. If there is only one newspaper of  
3 general circulation in the jurisdiction, the notice shall be  
4 published in the newspaper within one week prior to the election.  
5 If there are two or more newspapers of general circulation in the  
6 jurisdiction, but no two of opposite political faith, the notice  
7 shall be published in any two of the newspapers within one week  
8 prior to the election.

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

1 of the election it deems desirable.

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

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

18 5. If the opening date for filing a declaration of  
19 candidacy for any office in a political subdivision or special  
20 district is not required by law or charter, the opening filing  
21 date shall be 8:00 a.m., the ~~[fifteenth]~~ sixteenth Tuesday prior  
22 to the election, except that for any home rule city with more  
23 than four hundred thousand inhabitants and located in more than  
24 one county and any political subdivision or special district  
25 located in such city, the opening filing date shall be 8:00 a.m.,  
26 the fifteenth Tuesday prior to the election. If the closing date  
27 for filing a declaration of candidacy for any office in a  
28 political subdivision or special district is not required by law

1 or charter, the closing filing date shall be 5:00 p.m., the  
2 eleventh Tuesday prior to the election. The political  
3 subdivision or special district calling an election shall, before  
4 the ~~[fifteenth]~~ sixteenth Tuesday, or the fifteenth Tuesday for  
5 any home rule city with more than four hundred thousand  
6 inhabitants and located in more than one county or any political  
7 subdivision or special district located in such city, prior to  
8 any election at which offices are to be filled, notify the  
9 general public of the opening filing date, the office or offices  
10 to be filled, the proper place for filing and the closing filing  
11 date of the election. Such notification may be accomplished by  
12 legal notice published in at least one newspaper of general  
13 circulation in the political subdivision or special district.

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

25 115.133. 1. Except as provided in subsection 2 of this  
26 section, any citizen of the United States who is a resident of  
27 the state of Missouri and seventeen years and six months of age  
28 or older shall be entitled to register and to vote in any

1 election which is held on or after his eighteenth birthday.

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

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

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

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

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

17 115.135. 1. Any person who is qualified to vote, or who  
18 shall become qualified to vote on or before the day of election,  
19 shall be entitled to register in the jurisdiction within which he  
20 or she resides. In order to vote in any election for which  
21 registration is required, a person must be registered to vote in  
22 the jurisdiction of his or her residence no later than 5:00 p.m.,  
23 or the normal closing time of any public building where the  
24 registration is being held if such time is later than 5:00 p.m.,  
25 on the fourth Wednesday prior to the election, unless the voter  
26 is an interstate former resident, an intrastate new resident or  
27 [an interstate] a new resident, as defined in section 115.275.  
28 In no case shall registration for an election extend beyond 10:00

1 p.m. on the fourth Wednesday prior to the election. Any person  
2 registering after such date shall be eligible to vote in  
3 subsequent elections.

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

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

14 115.155. 1. The election authority shall provide for the  
15 registration of each voter. Each application shall be in  
16 substantially the following form:

17 APPLICATION FOR REGISTRATION

18  
19 Are you a citizen of the United States? ☐ YES ☐ NO

20  
21 Will you be 18 years of age on or before election day?  
22 ☐ YES ☐ NO

23  
24 IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THESE  
25 QUESTIONS, DO NOT COMPLETE THIS FORM.

26 IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING  
27 FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID  
28 PHOTO IDENTIFICATION OR A COPY OF A CURRENT UTILITY BILL, BANK

1    STATEMENT, GOVERNMENT CHECK, PAYCHECK, OR GOVERNMENT DOCUMENT  
2    THAT SHOWS YOUR NAME AND ADDRESS. IF YOU DO NOT SUBMIT SUCH  
3    INFORMATION, YOU WILL BE REQUIRED TO PRESENT ADDITIONAL  
4    IDENTIFICATION UPON VOTING FOR THE FIRST TIME.

5		.....
6		Township (or Ward)
7	.....	.....
8	Name	Precinct
9	.....	.....
10	Home Address	Required Personal
11		Identification Information
12	.....	
13	City                      ZIP	
14	.....	.....
15	Date of Birth	Place of Birth (Optional)
16	.....	.....
17	Telephone Number	Mother's Maiden Name
18	(Optional)	(Optional)
19	.....	.....
20	Occupation (Optional)	Last Place Previously
21		Registered
22	.....	.....
23	Last four digits of	Under What Name
24	Social Security Number	
25	(Required for registration unless	
26	no Social Security number exists	
27	for Applicant)	
28	Remarks:	



1 ..... 2

2 When 3

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

11 .....  
12 Signature of Voter Date

13 .....  
14 Signature of Election Official

15 2. After supplying all information necessary for the  
16 registration records, each applicant who appears in person before  
17 the election authority shall swear or affirm the statements on  
18 the registration application by signing his or her full name,  
19 witnessed by the signature of the election authority or such  
20 authority's deputy registration official. Each applicant who  
21 applies to register by mail pursuant to section 115.159, or  
22 pursuant to [the provisions of] section 115.160 or 115.162, shall  
23 attest to the statements on the application by his or her  
24 signature.

25 3. Upon receipt by mail of a completed and signed voter  
26 registration application, a voter registration application  
27 forwarded by the division of motor vehicle and drivers licensing  
28 of the department of revenue pursuant to section 115.160, or a

1 voter registration agency pursuant to section 115.162, the  
2 election authority shall, if satisfied that the applicant is  
3 entitled to register, transfer all data necessary for the  
4 registration records from the application to its registration  
5 system. Within seven business days after receiving the  
6 application, the election authority shall send the applicant a  
7 verification notice. If such notice is returned as undeliverable  
8 by the postal service within the time established by the election  
9 authority, the election authority shall not place the applicant's  
10 name on the voter registration file.

11 4. If, upon receipt by mail of a voter registration  
12 application or a voter registration application forwarded  
13 pursuant to section 115.160 or 115.162, the election authority  
14 determines that the applicant is not entitled to register, such  
15 authority shall, within seven business days after receiving the  
16 application, so notify the applicant by mail and state the reason  
17 such authority has determined the applicant is not qualified.  
18 The applicant may have such determination reviewed pursuant to  
19 the provisions of section 115.223. If an applicant for voter  
20 registration fails to answer the question on the application  
21 concerning United States citizenship, the election authority  
22 shall notify the applicant of the failure and provide the  
23 applicant with an opportunity to complete the form in a timely  
24 manner to allow for the completion of the registration form  
25 before the next election.

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

1 with the National Voter Registration Act of 1993, including the  
2 reporting requirements, and so that registrations, name changes  
3 and transfers of registrations within the state may take place as  
4 allowed by law.

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

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

19 (1) Voter identification number;

20 (2) First name;

21 (3) Middle initial;

22 (4) Last name;

23 (5) Suffix;

24 (6) Street number;

25 (7) Street direction;

26 (8) Street name;

27 (9) Street suffix;

28 (10) Apartment number;

- (11) City;
- (12) State;
- (13) Zip code;
- (14) Township;
- (15) Ward;
- (16) Precinct;
- (17) Senatorial district;
- (18) Representative district;
- (19) Congressional district.

All election authorities shall enter voter history in their computerized registration systems and shall, not more than six months after the election, forward such data to the [centralized] Missouri voter registration system established in section 115.158. In addition, election authorities shall forward registration and other data in a manner prescribed by the secretary of state to comply with the Help America Vote Act of 2002. Except as provided in subsection 2 of this section, the election authority shall also furnish, for a fee, electronic media or a printout showing the names, dates of birth and addresses of voters, or any part thereof, within the jurisdiction of the election authority who voted in any specific election, including primary elections, by township, ward or precinct, provided that nothing in this chapter shall require such voter information to be released to the public over the Internet. The amount of fees charged for information provided in this section shall be established pursuant to chapter 610, RSMo. All revenues collected by the secretary of state pursuant to this section shall be deposited in the state treasury and credited to the

1 secretary of state's technology trust fund account established  
2 pursuant to section 28.160, RSMo. In even-numbered years, each  
3 election authority shall, upon request, supply the voter  
4 registration list for its jurisdiction to all candidates and  
5 party committees for a charge established pursuant to chapter  
6 610, RSMo. Except as provided in subsection 2 of this section,  
7 all election authorities shall make the information described in  
8 this section available pursuant to chapter 610, RSMo. Any  
9 election authority who fails to comply with the requirements of  
10 this section shall be subject to the provisions of chapter 610,  
11 RSMo.

12 2. Any person working as an undercover officer of a local,  
13 state or federal law enforcement agency, persons in witness  
14 protection programs, and victims of domestic violence and abuse  
15 who have received orders of protection pursuant to chapter 455,  
16 RSMo, shall be entitled to apply to the circuit court having  
17 jurisdiction in his or her county of residence to have the  
18 residential address on his or her voter registration records  
19 closed to the public if the release of such information could  
20 endanger the safety of the person. Any person working as an  
21 undercover agent or in a witness protection program shall also  
22 submit a statement from the chief executive officer[, as defined  
23 in subsection 2 of section 590.100, RSMo,] of the agency under  
24 whose direction he or she is serving. The petition to close the  
25 residential address shall be incorporated into any petition for  
26 protective order provided by circuit clerks pursuant to chapter  
27 455, RSMo. If satisfied that the person filing the petition  
28 meets the qualifications of this subsection, the circuit court

1 shall issue an order to the election authority to keep the  
2 residential address of the voter a closed record and the address  
3 may be used only for the purposes of administering elections  
4 pursuant to this chapter. The election authority may require the  
5 voter who has a closed residential address record to verify that  
6 his or her residential address has not changed or to file a  
7 change of address and to affirm that the reasons contained in the  
8 original petition are still accurate prior to receiving a ballot.  
9 A change of address within an election authority's jurisdiction  
10 shall not require that the voter file a new petition. Any voter  
11 who no longer qualifies pursuant to this subsection to have his  
12 or her residential address as a closed record shall notify the  
13 circuit court. Upon such notification, the circuit court shall  
14 void the order closing the residential address and so notify the  
15 election authority.

16 115.158. 1. [On or before July 1, 1996, the secretary of  
17 state may begin to procure and develop an electronic data  
18 processing system and programs capable of maintaining a  
19 centralized database of all registered voters in the state. This  
20 system shall be known as the "Centralized Voter Registration  
21 System". In addition to maintaining a centralized voter  
22 registration database, the election authorities and secretary of  
23 state may use the system for the collection and dissemination of  
24 election results and other pertinent information. Any  
25 information contained in any state or local voter registration  
26 system, limited to the master voter registration list or any  
27 other list generated from the information, subject to chapter  
28 610, RSMo, shall not be used for commercial purposes; provided,

1 however, that the information can be used for elections, for  
2 candidates, or for ballot measures, furnished at a reasonable  
3 fee. Violation of this section shall be a class B misdemeanor.】

4 The secretary of state shall implement a centralized, interactive  
5 computerized statewide voter registration list. This  
6 computerized list shall be known as the "Missouri Voter  
7 Registration System". The system shall be implemented by January  
8 1, 2004, unless a waiver is obtained pursuant to the Help America  
9 Vote Act of 2002. If a waiver is obtained, the system shall be  
10 implemented by January 1, 2006. The system shall be maintained  
11 and administered by the secretary of state and contain the name  
12 and registration information of every legally registered voter in  
13 Missouri. In addition, the system shall:

14 \_\_\_\_\_ (1) Assign a unique identifier to each legally registered  
15 voter in Missouri;

16 \_\_\_\_\_ (2) Serve as the single system for storing and managing the  
17 official list of registered voters throughout Missouri;

18 \_\_\_\_\_ (3) Be coordinated with other agency databases in Missouri;

19 \_\_\_\_\_ (4) Allow any election official in Missouri, including  
20 local election authorities, immediate electronic access to the  
21 information contained in the system;

22 \_\_\_\_\_ (5) Allow all voter registration information obtained by  
23 any local election official in Missouri to be electronically  
24 entered into the system on an expedited basis at the time the  
25 information is provided to the local official. The secretary of  
26 state, as the chief state election official, shall provide such  
27 support as may be required so that local election officials are  
28 able to enter the registration information; and

1     (6) Serve as the official voter registration list for the  
2     conduct of all elections in Missouri.

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

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

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

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

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

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

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

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

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

27          (9) Provide a procedure for phasing in or converting  
28 existing manual and computerized voter registration systems to



1 the centralized voter registration system; and

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

7 (1) Removing names in accordance with the provisions and  
8 procedures of the National Voter Registration Act of 1993 and  
9 coordinating system maintenance activities with state agency  
10 records on death and felony status;

11 (2) Requiring the name of each registered voter to appear  
12 in the system;

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

15 (4) Eliminating duplicate names from the system.

16 3. The secretary of state shall [be responsible for the  
17 implementation and maintenance of the centralized voter  
18 registration system] provide adequate technological security  
19 measures to prevent the unauthorized access to the system  
20 established pursuant to this section.

21 4. The secretary of state shall [by rule and regulation  
22 establish an advisory committee to assist in the establishment  
23 and maintenance of a centralized voter registration system]  
24 develop procedures to ensure that voter registration records  
25 within the system are accurate and updated regularly. At a  
26 minimum, the procedures shall include:

27 (1) A system of file maintenance that makes a reasonable  
28 effort to remove registrants who are ineligible to vote.

1 Consistent with the National Voter Registration Act of 1993,  
2 registrants who have not responded to a notice and who have not  
3 voted in two consecutive general elections for federal office  
4 shall be removed from the official list of eligible voters,  
5 except that no registrant may be removed solely by reason of a  
6 failure to vote; and

7 \_\_\_\_\_ (2) Safeguards to ensure that eligible voters are not  
8 removed in error.

9 5. [Any rule or portion of a rule, as that term is defined  
10 in section 536.010, RSMo, that is created under the authority  
11 delegated in this section shall become effective only if it  
12 complies with and is subject to all of the provisions of chapter  
13 536, RSMo, and, if applicable, section 536.028, RSMo. All  
14 rulemaking authority delegated prior to August 28, 1999, is of no  
15 force and effect and repealed. Nothing in this section shall be  
16 interpreted to repeal or affect the validity of any rule filed or  
17 adopted prior to August 28, 1999, if it fully complied with all  
18 applicable provisions of law. This section and chapter 536,  
19 RSMo, are nonseverable and if any of the powers vested with the  
20 general assembly pursuant to chapter 536, RSMo, to review, to  
21 delay the effective date or to disapprove and annul a rule are  
22 subsequently held unconstitutional, then the grant of rulemaking  
23 authority and any rule proposed or adopted after August 28, 1999,  
24 shall be invalid and void.] Voter registration information shall  
25 be verified in accordance with the Help America Vote Act of 2002.

26 \_\_\_\_\_ (1) Except as provided in subdivision (2) of this  
27 subsection, an application for voter registration may not be  
28 accepted or processed unless the application includes:

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

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

7       (2) If an applicant for voter registration has not been  
8 issued a current and valid driver's license or a Social Security  
9 number, the applicant shall be assigned a number which will serve  
10 to identify the applicant for voter registration purposes. The  
11 number assigned under this subdivision shall be used as the  
12 unique identifying number within the system.

13       (3) The secretary of state and the director of the  
14 department of revenue shall enter into an agreement to match  
15 information in the database of the voter registration system with  
16 information in the database of the motor vehicle system to enable  
17 the secretary to verify the accuracy of information provided on  
18 applications for voter registration.

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

22       6. In addition to using the system for voter registration,  
23 the election authorities and secretary of state may use the  
24 system for the collection and dissemination of election results  
25 and other pertinent information. Any information contained in  
26 any state or local voter registration system, limited to the  
27 master voter registration list or any other list generated from  
28 the information, subject to chapter 610, RSMo, shall not be used

1 for commercial purposes; provided, however, that the information  
2 may be used for elections, for candidates, or for ballot  
3 measures, furnished at a reasonable fee. Violation of this  
4 section shall be a class B misdemeanor. For purposes of this  
5 section, "commercial purposes" means the use of a public record  
6 for the purpose of sale or resale or for the purpose of producing  
7 a document containing all or part of the copy, printout, or  
8 photograph for sale or the obtaining of names and addresses from  
9 public records for the purpose of solicitation or the sale of  
10 names and addresses to another for the purpose of solicitation or  
11 for any purpose in which the purchaser can reasonably anticipate  
12 the receipt of monetary gain from the direct or indirect use of  
13 the public record.

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

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

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

28 115.159. 1. Any person who is qualified to register in

1 Missouri shall, upon application, be entitled to register by  
2 mail. Upon request, application forms shall be furnished by the  
3 election authority or the secretary of state.

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

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

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

23 (2) Provided a copy of identification set out in section  
24 115.427 to the election authority.

25 This subsection shall not apply to those persons identified in  
26 section 115.283 who are exempted from obtaining a notary seal or  
27 signature on their absentee ballots. An individual who has  
28 registered to vote by mail but who does not meet the requirements

1 of this subsection may cast a provisional ballot by mail. Such  
2 ballot shall not be counted pursuant to this chapter, and the  
3 individual shall be notified of the reason for not counting the  
4 ballot.

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

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

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

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

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

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

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

24 (3) Who is:

25 (a) Entitled to vote by absentee ballot pursuant to the  
26 Uniformed and Overseas Citizens Absentee Voting Act;

27 (b) Provided the right to vote otherwise than in person  
28 pursuant to section 3(b)(2)(B)(ii) of the Voting Accessibility

1 for the Elderly and Handicapped Act; or

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

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

15 2. A registered voter who has changed his or her residence  
16 within an election authority's jurisdiction and has not been  
17 removed from the list of registered voters pursuant to this  
18 chapter shall be permitted to file a change of address with the  
19 election authority or before an election judge at a polling place  
20 and vote at a central polling place or at the polling place that  
21 serves his or her new address upon written or oral affirmation by  
22 the voter of the new address.

23 3. If the applicant for registration was last registered in  
24 another jurisdiction within this state or another state, the  
25 election authority shall send notice of the registration to the  
26 election authority where the applicant was previously registered.  
27 The election authority sending the notice shall provide  
28 identifying information to assist the election authority

1 receiving the notice to determine whether the person named was  
2 previously registered in such jurisdiction and whether, based on  
3 the identifying information provided, the application can be  
4 removed from the voting record in the former jurisdiction.

5 4. Upon receipt of a notice from another election authority  
6 that a voter has registered in another jurisdiction in this state  
7 or another state, the election authority shall determine whether  
8 sufficient information is provided in the notice to identify the  
9 person named in such notice as previously registered in the  
10 election authority's jurisdiction and presently removable from  
11 the voting records in the election authority's jurisdiction.  
12 Every election authority is authorized to examine the information  
13 provided in a notice of duplicate registration provided by the  
14 [centralized] Missouri voter registration [database] system  
15 authorized pursuant to section 115.158 to determine if a voter in  
16 one election authority's voter registration records has  
17 subsequently registered in another jurisdiction. If, after  
18 reviewing the information provided, the election authority is  
19 satisfied that the person identified in the notice is listed as a  
20 registered voter in the election authority's jurisdiction but has  
21 subsequently registered in another jurisdiction, the election  
22 authority may remove the person's registration from the list of  
23 registered voters.

24 115.275. As used in sections 115.275 to 115.304, unless  
25 the context clearly indicates otherwise, the following terms  
26 shall mean:

27 (1) "Absentee ballot", any of the ballots a person is  
28 authorized to cast away from a polling place pursuant to the



provisions of sections 115.275 to 115.304;

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

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

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

(5) "Overseas voter" includes:

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

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

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

(6) "Persons in federal service" includes:

(a) Members of the armed forces of the United States, while

1 in active service, and their spouses and dependents;

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

4 (c) Civilian employees of the United States government  
5 working outside the boundaries of the United States, and their  
6 spouses and dependents;

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

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

13 115.277. 1. Except as provided in subsections 3, 4 and 5  
14 of this section, any registered voter of this state may vote by  
15 absentee ballot for all candidates and issues for which such  
16 voter would be eligible to vote at the polling place if such  
17 voter expects to be prevented from going to the polls to vote on  
18 election day due to:

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

21 (2) Incapacity or confinement due to illness or physical  
22 disability, including a person who is primarily responsible for  
23 the physical care of a person who is incapacitated or confined  
24 due to illness or disability;

25 (3) Religious belief or practice;

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

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

3           2. Any person in [active duty military] federal service, as  
4 defined in section 115.275, who is eligible to register and vote  
5 in this state but is not registered may vote only in the election  
6 of presidential and vice presidential electors, United States  
7 senator and representative in Congress even [if] though the  
8 person is not registered. Each person in federal service may  
9 vote by absentee ballot or, upon submitting an affidavit that the  
10 person is qualified to vote in the election, may vote at the  
11 person's polling place.

12           3. Any interstate former resident, as defined in section  
13 115.275, may vote by absentee ballot for presidential and vice  
14 presidential electors.

15           4. Any intrastate new resident, as defined in section  
16 115.275, may vote by absentee ballot at the election for  
17 presidential and vice presidential electors, United States  
18 senator, representative in Congress, statewide elected officials  
19 and statewide questions, propositions and amendments from such  
20 resident's new jurisdiction of residence after registering to  
21 vote in such resident's new jurisdiction of residence.

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

26           115.279. 1. Application for an absentee ballot may be made  
27 by the applicant in person, or by mail, or for the applicant, in  
28 person, by his or her guardian or a relative within the second

1 degree by consanguinity or affinity. The election authority  
2 shall accept applications by facsimile transmission within the  
3 limits of its telecommunications capacity.

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

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

1 authority. No application for an absentee ballot submitted by  
2 the applicant in person after 5:00 p.m. on the day before the  
3 election shall be accepted by any election authority, except as  
4 provided in subsections 6, 8 and 9 of this section.

5 4. Each application for an absentee ballot shall be signed  
6 by the applicant or, if the application is made by a guardian or  
7 relative pursuant to [the provisions of] this section, the  
8 application shall be signed by the guardian or relative, who  
9 shall note on the application his or her relationship to the  
10 applicant. If an applicant, guardian or relative is blind,  
11 unable to read or write the English language or physically  
12 incapable of signing the application, he or she shall sign by  
13 mark, witnessed by the signature of an election official or  
14 person of his or her own choosing. Any person who knowingly  
15 makes, delivers or mails a fraudulent absentee ballot application  
16 shall be guilty of a class one election offense.

17 5. (1) Notwithstanding any law to the contrary, any  
18 resident of the state of Missouri who resides outside the  
19 boundaries of the United States or who is on active duty with the  
20 armed forces of the United States or members of their immediate  
21 family living with them may request an absentee ballot for both  
22 the primary and subsequent general election with one application.  
23 In addition, the election authority shall provide to each absent  
24 uniformed services voter and each overseas voter who submits an  
25 absentee ballot request, an absentee ballot through the next two  
26 regularly scheduled general elections for federal office.

27 (2) The election authority shall provide each absent  
28 uniformed services voter and each overseas voter who submits a

1 voter registration application or an absentee ballot request, if  
2 the election authority rejects the application or request, with  
3 the reasons for the rejection.

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

10 (4) Not later than sixty days after the date of each  
11 regularly scheduled general election for federal office, each  
12 election authority which administered the election shall submit  
13 to the secretary of state in a format prescribed by the secretary  
14 a report on the combined number of absentee ballots transmitted  
15 to, and returned by, absent uniformed services voters and  
16 overseas voters for the election. The secretary shall submit to  
17 the Election Assistance Commission a combined report of such  
18 information not later than ninety days after the date of each  
19 regularly scheduled general election for federal office and in a  
20 standardized format developed by the commission pursuant to the  
21 Help America Vote Act of 2002. The secretary shall make the  
22 report available to the general public.

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

26 6. An application for an absentee ballot by a new resident,  
27 as defined in section 115.275, shall be submitted in person by  
28 the applicant in the office of the election authority in the

1 election jurisdiction in which such applicant resides. The  
2 application shall be received by the election authority no later  
3 than 7:00 p.m. on the day of the election. Such application shall  
4 be in the form of an affidavit, executed in duplicate in the  
5 presence of the election authority or any authorized officer of  
6 the election authority, and in substantially the following form:

7 "STATE OF.....

8 COUNTY OF....., ss.

9 I,....., do solemnly swear  
10 that:

11 (1) Before becoming a resident of this state, I resided at  
12 .....  
13 (residence address) in ..... (town,  
14 township, village or city) of .....  
15 County in the state of .....;

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

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

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

26 Signed .....

27 (Applicant)

28 .....

1           (Residence Address)  
 2           Subscribed and sworn to before me this ..... day of  
 3           ....., .....  
 4           Signed .....  
 5           (Title and name of officer authorized to administer oaths)"  
 6           7. The election authority in whose office an application is  
 7           filed pursuant to subsection 6 of this section shall immediately  
 8           send a duplicate of such application to the appropriate official  
 9           of the state in which the new resident applicant last resided and  
 10          shall file the original of such application in its office.  
 11          8. An application for an absentee ballot by an intrastate  
 12          new resident, as defined in section 115.275, shall be made in  
 13          person by the applicant in the office of the election authority  
 14          in the election jurisdiction in which such applicant resides.  
 15          The application shall be received by the election authority no  
 16          later than 7:00 p.m. on the day of the election. Such  
 17          application shall be in the form of an affidavit, executed in  
 18          duplicate in the presence of the election authority or an  
 19          authorized officer of the election authority, and in  
 20          substantially the following form:  
 21          "STATE OF .....  
 22          COUNTY OF ....., ss.  
 23          I, ....., do solemnly  
 24          swear that:  
 25          (1) Before becoming a resident of this election  
 26          jurisdiction, I resided at .....  
 27          ..... (residence address) in  
 28          ..... (town, township, village or city) of



1 ..... county in the state of  
2 .....;

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

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

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

12 Signed .....

13 (Applicant)

14 .....

15 (Residence Address)

16 Subscribed and sworn to before me this ..... day  
17 of ....., .....

18 Signed .....

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

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

28 115.283. 1. Each ballot envelope shall bear a statement on

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

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

21   State of Missouri

22   County (City) of .....

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

28   ..... absence on election day from the jurisdiction of the

1 election authority in which I am registered;  
2 ..... incapacity or confinement due to illness or physical  
3 disability, including caring for a person who is  
4 incapacitated or confined due to illness or  
5 disability;  
6 ..... religious belief or practice;  
7 ..... employment as an election authority or by an election  
8 authority at a location other than my polling place;  
9 ..... incarceration, although I have retained all the  
10 necessary qualifications for voting.  
11

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

20	.....	.....
21	Signature of Voter	Signature of Person
22		Assisting Voter
23		(if applicable)
24	Signed .....	Subscribed and sworn to
25	Signed .....	before me this ..... day
26	Address of Voter	of ....., .....
27	.....	.....
28	.....	.....

## Mailing addresses

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(if different)
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Signature of notary or

other officer authorized

to administer oaths

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

State of Missouri

County (City) of .....

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

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

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

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

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

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

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

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

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

OR (check if applicable)

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

..... Subscribed to and sworn  
Signature of Voter before me this ..... day  
of ...../ .....

.....

.....

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

.....

.....

Mailing Address (if different) .....

.....

1 .....  
2 Signature of Person Address of Last Missouri  
3 Assisting Voter Residence (if applicable)

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

8 State of Missouri  
9 County (City) of .....

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

13 ..... absence on election day from the jurisdiction of the  
14 election authority in which I am directed to vote;  
15 ..... incapacity or confinement due to illness or physical  
16 disability, including caring for a person who is  
17 incapacitated or confined due to illness or disability;  
18 ..... religious belief or practice;  
19 ..... employment as an election authority or by an election  
20 authority at a location other than my polling place;  
21 ..... incarceration, although I have retained all the  
22 necessary qualifications of voting.

23 I hereby state under penalties of perjury that I own property in  
24 the ..... district and am qualified to vote at  
25 this election; I have not voted and will not vote other than by  
26 this ballot at this election. I further state that I marked the  
27 enclosed ballot in secret or that I am blind, unable to read and  
28 write English, or physically incapable of marking the ballot, and

the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

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

.....  
.....

Address Signature of notary or  
other officer authorized  
to administer oaths

.....

Signature of Person

Assisting Voter

(if applicable)

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

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

Reason why voter needed assistance: .....

1 ASSISTING PERSON SIGN HERE

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

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

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

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

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

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

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

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

28 115.284. 1. There is hereby established an absentee voting



process to assist persons with permanent disabilities in the exercise of their voting rights.

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

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

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

State of .....

County (City) of .....

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

.....

Signature of Voter

.....

.....

Voter's Address

5. Not earlier than [six] ten weeks before an election but

1 prior to the fourth Tuesday prior to an election, the election  
2 authority shall deliver to each voter qualified to participate as  
3 absentee voters pursuant to this section an absentee ballot  
4 application if the voter is eligible to vote in that election.  
5 If the voter returns the absentee request application to the  
6 election authority not later than 5:00 p.m. on the Wednesday  
7 before an election and has retained the necessary qualifications  
8 to vote, the election authority shall provide the voter with an  
9 absentee ballot pursuant to this chapter.

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

- 13 (1) Asks to be removed from the list;
- 14 (2) Dies;
- 15 (3) Becomes disqualified from voting pursuant to [the  
16 provisions of] chapter 115; or
- 17 (4) No longer resides at the address of his or her voter  
18 registration.

19 115.287. 1. Upon receipt of a signed application for an  
20 absentee ballot and if satisfied the applicant is entitled to  
21 vote by absentee ballot, the election authority shall, within  
22 three working days after receiving the application, or if  
23 absentee ballots are not available at the time the application is  
24 received, within five working days after they become available,  
25 deliver to the voter an absentee ballot, ballot envelope and such  
26 instructions as are necessary for the applicant to vote.  
27 Delivery shall be made to the voter personally in the office of  
28 the election authority or by bipartisan teams appointed by the

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

18 2. If, after 5:00 p.m. on the Wednesday before an election,  
19 any voter from the jurisdiction has become hospitalized [in the  
20 county in which the jurisdiction is located or in any county or  
21 in the jurisdiction of an adjoining election authority within the  
22 same county after 5:00 p.m. on the Wednesday before an election,  
23 if any voter from the jurisdiction has become], becomes confined  
24 due to illness or injury [after 5:00 p.m. on the Wednesday before  
25 an election or if any voter from the jurisdiction], or is  
26 confined in an adult boarding facility, intermediate care  
27 facility, residential care facility, or skilled nursing facility,  
28 as defined in section 198.006, RSMo, in the county in which the

1 jurisdiction is located or in the jurisdiction or an adjacent  
2 election authority within the same county, the election authority  
3 shall appoint a team to deliver, witness the signing of and  
4 return the voter's application and deliver, witness the voting of  
5 and return the voter's absentee ballot[; except that, the  
6 election authority may allow a relative within the first degree  
7 of consanguinity or affinity to perform the same duties as a team  
8 for such confined voter]. In counties [of the first class] with  
9 a charter form of government and in cities not within a county,  
10 and in each city which has over three hundred thousand  
11 inhabitants, and is situated in more than one county, if the  
12 election authority receives ten or more applications for absentee  
13 ballots from the same address it may appoint a team to deliver  
14 and witness the voting and return of absentee ballots by voters  
15 residing at that address, except when such addresses are for an  
16 apartment building or other structure wherein individual living  
17 units are located, each of which has its own separate cooking  
18 facilities. Each team appointed [under the provisions of]  
19 pursuant to this subsection shall consist of two registered  
20 voters, one from each major political party. Both members of any  
21 team appointed pursuant to this subsection shall be present  
22 during the delivery, signing or voting and return of any  
23 application or absentee ballot signed or voted pursuant to this  
24 subsection.

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

1     3406".

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

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

12            2. A qualified absentee voter applying for a special  
13 write-in absentee ballot pursuant to this section shall apply to  
14 the local election authority of the area which contains his last  
15 residence in this state for such ballot. The application for a  
16 special write-in absentee ballot may be made on the federal  
17 postcard application form, by letter, or on a form provided by  
18 the local election authority.

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

25            4. Upon receipt of the application, the election authority  
26 shall issue a special write-in absentee ballot. Such ballot  
27 shall permit the voter to cast a ballot by writing in a party  
28 preference for each office, the names of specific candidates, or

1 the names of persons whom the voter prefers.

2 5. The election authority shall issue a regular absentee  
3 ballot as soon as such ballots are available. If both the  
4 regular absentee ballot and the special write-in absentee ballot  
5 are returned, the regular absentee ballot shall be counted and  
6 the special write-in absentee ballot shall be voided.

7 115.417. 1. Before the time fixed by law for the opening  
8 of the polls, the election authority shall deliver to each  
9 polling place a sufficient number of voter instruction cards  
10 which include the following information:

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

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

19 2. The election authority at each polling place shall post  
20 in a conspicuous place voting instructions on a poster no smaller  
21 than twenty-four inches by thirty inches. Such instructions  
22 shall also inform the voter that the voting equipment can be  
23 demonstrated upon request of the voter. The election authority  
24 shall also publicly post on election day a sample version of the  
25 ballot that will be used for that election, the date of the  
26 election, the hours during which the polling place will be open,  
27 instructions for mail-in registrants and first-time voters,  
28 general information on voting rights in accordance with the state

1 plan filed by the secretary of state pursuant to the Help America  
2 Vote Act of 2002, general information on the right to cast a  
3 provisional ballot and instructions for provisional ballots, how  
4 to contact appropriate authorities if voting rights have been  
5 violated, and general information on federal and Missouri law  
6 regarding prohibitions on acts of fraud and misrepresentation.  
7 The secretary of state may promulgate rules to execute this  
8 section. No rule or portion of a rule promulgated pursuant to  
9 the authority of this section shall become effective unless it  
10 has been promulgated pursuant to chapter 536, RSMo.

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

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

19         115.430. 1. [The provisions of] This section shall apply  
20 to primary and general elections where candidates for federal or  
21 statewide offices are nominated or elected and any election where  
22 statewide issue or issues are submitted to the voters.

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

1 personal identification required pursuant to section 115.427.  
2 The provisional ballot contained in this section shall contain  
3 the statewide candidates and issues, and federal candidates. The  
4 congressional district on the provisional ballot shall be for the  
5 address contained on the affidavit provided for in this section.  
6 If the voter declares that the voter is eligible to vote and the  
7 election authority determines that the voter is eligible to vote  
8 at another polling place, the voter shall be directed to the  
9 correct polling place or a central polling place as established  
10 by the election authority pursuant to subsection 5 of section  
11 115.115. If the voter refuses to go to the correct polling place  
12 or a central polling place, the voter shall be permitted to vote  
13 a provisional ballot at the incorrect polling place, but such  
14 ballot shall not be counted.

15 3. Once voted, the provisional ballot shall be placed and  
16 sealed in a provisional ballot envelope. The provisional ballot  
17 in its envelope shall be deposited in the ballot box. The  
18 provisional ballot envelope shall be completed by the voter for  
19 use in determining eligibility. The provisional ballot envelope  
20 specified in this section shall contain a voter's certificate  
21 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  
25 .....; that my date of birth is .....; that  
26 the last four digits of my Social Security Number are  
27 .....; that I am registered to vote in  
28 ..... County or City (if a City not within a County),



Missouri; that I am a qualified voter of said County (or City not within a County); that I am eligible to vote at this polling place; and that I have not voted in this election.

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

.....

(Signature of Voter)

.....

(Current Address)

Subscribed and affirmed before me this ..... day of

....., 20.....

.....

(Signature of Election Official)

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

4. Prior to certification of the election, the election authority shall determine if the voter is registered and entitled to vote and if the vote was properly cast. The provisional ballot shall be counted only if the election authority determines that the voter is registered and entitled to vote. Provisional ballots voted in the wrong polling place shall not be counted.

If the voter is not registered but is qualified to register for

1 future elections, the affidavit shall be considered a mail  
2 application to register to vote [under the provisions of]  
3 pursuant to this chapter.

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

7 6. The secretary of state may promulgate rules for purposes  
8 of ensuring the uniform application of this section. No rule or  
9 portion of a rule promulgated pursuant to the authority of this  
10 section shall become effective unless it has been promulgated  
11 pursuant to chapter 536, RSMo.

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

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

26 8. Pursuant to the Help America Vote Act of 2002, the  
27 secretary of state shall ensure a free access system is  
28 established, such as a toll-free number or an Internet web site,

1 that any individual who casts a provisional ballot may access to  
2 discover whether the vote of that individual was counted, and, if  
3 the vote was not counted, the reason that the vote was not  
4 counted. At the time an individual casts a provisional ballot,  
5 the election authority shall give the voter written information  
6 that states that any individual who casts a provisional ballot  
7 will be able to ascertain under such free access system whether  
8 the vote was counted, and if the vote was not counted, the reason  
9 that the vote was not counted.

10 9. In accordance with the Help America Vote Act of 2002,  
11 any individual who votes in an election as a result of a court  
12 order or any other order extending the time established for  
13 closing the polls in section 115.407, may vote only by using a  
14 provisional ballot, and such provisional ballot shall be  
15 separated and held apart from other provisional ballots cast by  
16 those not affected by the order. Such ballots shall not be  
17 counted until such time as the ballots are determined to be  
18 valid.

19 115.436. 1. In jurisdictions using paper ballots and  
20 electronic voting systems, when any physically disabled voter  
21 within two hundred feet of a polling place is unable to enter the  
22 polling place, two election judges, one of each major political  
23 party, shall, when time permits, take a ballot, equipment and  
24 materials necessary for voting to the voter. The voter shall  
25 mark the ballot, and the election judges shall place the ballot  
26 in an envelope, seal it and place it in the ballot box.

27 2. In jurisdictions using voting machines, when any  
28 physically disabled voter within two hundred feet of a polling

1 place is unable to enter the polling place, two election judges,  
2 one of each major political party, shall, when time permits, take  
3 an absentee ballot to the voter. The voter shall mark the  
4 ballot, and the election judges shall place the ballot in an  
5 envelope, seal it and place it in the ballot box.

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

20 115.761. 1. The official list of presidential candidates  
21 for each established political party shall include the names of  
22 all constitutionally qualified candidates for whom, on or after  
23 8:00 a.m. on the fifteenth Tuesday prior to the presidential  
24 primary, and on or before 5:00 p.m., on the eleventh Tuesday  
25 prior to the presidential primary, a written request to be  
26 included on the presidential primary ballot is filed with the  
27 secretary of state along with:

28 (1) Receipt of payment to the state committee of the

1 established political party on whose ballot the candidate wishes  
2 to appear of a filing fee of one thousand dollars; or

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

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

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

24 3. Any candidate or such candidate's authorized  
25 representative may have such candidate's name stricken from the  
26 presidential primary ballot by filing with the secretary of state  
27 on or before 5:00 p.m. on the eleventh Tuesday prior to the  
28 presidential primary election a written statement, sworn to

1 before an officer authorized by law to administer oaths,  
2 requesting that such candidate's name not be printed on the  
3 official primary ballot. Thereafter, the secretary of state  
4 shall not include the name of that candidate in the official list  
5 announced pursuant to section 115.758 or in the certified list of  
6 candidates transmitted pursuant to section 115.765.

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

10 115.801. 1. Subject to appropriation from federal funds,  
11 the secretary of state shall administer a grant, loan, or other  
12 aid program [annually] for the purpose of involving youth in  
13 youth voting programs. The secretary of state may promulgate  
14 rules to effectuate the provisions of this subsection.

15 2. The secretary of state shall administer a grant, loan,  
16 or other aid program for the purpose of allowing election  
17 authorities to receive grants from the federal government for the  
18 purpose of improving the election process in federal elections.  
19 The secretary of state may promulgate rules to effectuate the  
20 provisions of this subsection.

21 3. Any rule or portion of a rule, as that term is defined  
22 in section 536.010, RSMo, that is created under the authority  
23 delegated in this section shall become effective only if it  
24 complies with and is subject to all of the provisions of chapter  
25 536, RSMo, and, if applicable, section 536.028, RSMo. This  
26 subsection and chapter 536, RSMo, are nonseverable and if any of  
27 the powers vested with the general assembly pursuant to chapter  
28 536, RSMo, to review, to delay the effective date or to

1 disapprove and annul a rule are subsequently held  
2 unconstitutional, then the grant of rulemaking authority and any  
3 rule proposed or adopted after August 28, 2002, shall be invalid  
4 and void.

5 116.025. The secretary of state within twenty days of  
6 receiving a statewide ballot measure shall prepare and transmit  
7 to the attorney general fair ballot language statements that  
8 fairly and accurately explain what a vote for and what a vote  
9 against the measure represent. Each statement shall be posted in  
10 each polling place next to the sample ballot. Such fair ballot  
11 language statements shall be true and impartial statements of the  
12 effect of a vote for and against the measure in language neither  
13 intentionally argumentative nor likely to create prejudice for or  
14 against the proposed measure. In addition, such fair ballot  
15 language shall include a statement as to whether the measure will  
16 increase, decrease, or have no impact on taxes, including the  
17 specific category of tax. Such fair ballot language statements  
18 may be challenged in accordance with section 116.190. The  
19 attorney general shall within ten days approve the legal content  
20 and form of the proposed statements.

21 116.175. 1. Except as provided in section 116.155, upon  
22 receipt from the secretary of state's office of any petition  
23 sample sheet, joint resolution or bill, the auditor shall assess  
24 the fiscal impact of the proposed measure. The state auditor may  
25 consult with the state departments, local government entities,  
26 the general assembly and others with knowledge pertinent to the  
27 cost of the proposal. Proponents or opponents of any proposed  
28 measure may submit to the state auditor a proposed statement of

1 fiscal impact estimating the cost of the proposal in a manner  
2 consistent with the standards of the governmental accounting  
3 standards board and section 23.140, RSMo, provided that all such  
4 proposals are received by the state auditor within ten days of  
5 his or her receipt of the proposed measure from the secretary of  
6 state.

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

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

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

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



1 the requirements of section 116.180.

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

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

21 3. The petition shall state the reason or reasons why the  
22 summary statement portion of the official ballot title is  
23 insufficient or unfair and shall request a different summary  
24 statement portion of the official ballot title. Alternatively,  
25 the petition shall state the reasons why the fiscal note or the  
26 fiscal note summary portion of the official ballot title is  
27 insufficient or unfair and shall request a different fiscal note  
28 or fiscal note summary portion of the official ballot title.

1           4. The action shall be placed at the top of the civil  
2 docket. Insofar as the action challenges the summary statement  
3 portion of the official ballot title, the court shall consider  
4 the petition, hear arguments, and in its decision certify the  
5 summary statement portion of the official ballot title to the  
6 secretary of state. Insofar as the action challenges the fiscal  
7 note or the fiscal note summary portion of the official ballot  
8 title, the court shall consider the petition, hear arguments, and  
9 in its decision, either certify the fiscal note or the fiscal  
10 note summary portion of the official ballot title to the  
11 secretary of state or remand the fiscal note or the fiscal note  
12 summary to the auditor for preparation of a new fiscal note or  
13 fiscal note summary pursuant to the procedures set forth in  
14 section 116.175. Any party to the suit may appeal to the supreme  
15 court within ten days after a circuit court decision. In making  
16 the legal notice to election authorities under section 116.240,  
17 and for the purposes of section 116.180, the secretary of state  
18 shall certify the language which the court certifies to him.

19           Section B. Because of the necessity to receive federal  
20 funds pursuant to the Help America Vote Act of 2002, the  
21 enactment of section 115.078 of this act is deemed necessary for  
22 the immediate preservation of the public health, welfare, peace  
23 and safety, and is hereby declared to be an emergency act within  
24 the meaning of the constitution, and the enactment of section  
25 115.078 of this act shall be in full force and effect upon its  
26 passage and approval.