

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 948**  
**93RD GENERAL ASSEMBLY**

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Reported from the Committee on Elections April 8, 2005 with recommendation that House Committee Substitute for House Bill No. 948 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

2207L.03C

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**AN ACT**

To repeal sections 115.126, 115.223, 115.289, 115.430, and 115.637, RSMo, and to enact in lieu thereof eight new sections relating to voting rights, with a penalty provision.

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

Section A. Sections 115.126, 115.223, 115.289, 115.430, and 115.637, RSMo, are  
2 repealed and eight new sections enacted in lieu thereof, to be known as sections 115.203,  
3 115.205, 115.219, 115.223, 115.289, 115.430, 115.456, and 115.637, to read as follows:

**115.203. 1. No person shall pay or otherwise compensate any other person for  
2 registering voters based on the number of:**

3 **(1) Voters registered by the other person;**

4 **(2) Voter registration applications collected by the other person; or**

5 **(3) Voter registration applications submitted to election officials by the other  
6 person.**

7 **2. No person shall receive or accept payment or any other compensation from any  
8 other person for registering voters based on the number of:**

9 **(1) Voters registered by the person receiving or accepting payment or other  
10 compensation;**

11 **(2) Voter registration applications collected by the person receiving or accepting  
12 payment or other compensation; or**

13 **(3) Voter registration applications submitted to election officials by the person  
14 receiving or accepting payment or other compensation.**

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

15           **3. No person who agrees or offers to submit a voter registration application for**  
16 **another person shall knowingly destroy, deface, or conceal such voter registration**  
17 **application.**

18           **4. Any person who accepts or receives a voter registration application from another**  
19 **person and agrees or offers to submit such application to the election authority for the**  
20 **registrant shall deliver the application to the election authority within seven days of**  
21 **accepting or receiving the application.**

22           **5. A violation of this section is a class four election offense.**

**115.205. 1. Any person who is paid or otherwise compensated for soliciting more**  
2 **than ten voter registration applications, other than a governmental entity or a person who**  
3 **is paid or compensated by a governmental entity for such solicitation, shall be registered**  
4 **with the secretary of state as a voter registration solicitor. A voter registration solicitor**  
5 **shall register for every election cycle which begins on the day after the general election and**  
6 **ends on the day of the general election two years later. A voter registration solicitor shall**  
7 **be at least eighteen years of age and shall be a registered voter in the state of Missouri.**

8           **2. Each voting registration solicitor shall provide the following information in**  
9 **writing to the secretary of state's office:**

- 10           **(1) The name of the voting registration solicitor;**  
11           **(2) The residential address, including street number, city, state, and zip code;**  
12           **(3) The mailing address, if different from the residential address;**  
13           **(4) Whether the voting registration solicitor expects to be paid for soliciting voter**  
14 **registrations;**  
15           **(5) If the voter registration solicitor expects to be paid, the identity of the payor;**  
16           **(6) The signature of the voter registration solicitor.**

17           **3. The solicitor information required in subsection 2 of this section shall be**  
18 **submitted to the secretary of state's office with the following oath and affirmation:**

19           **"I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT**  
20 **ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT."**

21           **4. Any voter registration solicitor who knowingly fails to register with the secretary**  
22 **of state or knowingly submits false information to the secretary of state is guilty of a class**  
23 **three election offense. Voter registration applications shall be accepted by the election**  
24 **authority if such applications are otherwise valid, even if the voter registration solicitor**  
25 **who procured the applications fails to register with or submits false information to the**  
26 **secretary of state.**

**115.219. 1. Any person who believes a violation of any provision of Title III of the**  
2 **Help America Voter Act of 2002 (HAVA), 42 U.S.C. Sections 15481 to 15485, has occurred,**

3 is occurring, or is about to occur may file a complaint with the elections division of the  
4 secretary of state's office.

5 2. Any complaint filed under this section shall:

6 (1) Be in writing, signed, and sworn to before a notary public commissioned by the  
7 state of Missouri;

8 (2) Be filed within thirty days of the certification of the election in which the  
9 violation is alleged to have occurred; and

10 (3) State the following:

11 (a) The name and mailing address of the person or persons alleged to have  
12 committed the violation of Title III of HAVA described in the complaint;

13 (b) A description of the act or acts that the person filing the complaint believes is  
14 a violation of Title III of HAVA; and

15 (c) The nature of the injury suffered or about to be suffered by the person filing the  
16 complaint.

17 3. The elections division shall promptly provide a copy of the complaint by certified  
18 mail to:

19 (1) All persons identified in the complaint as possible violators of Title III of  
20 HAVA; and

21 (2) The election authority in whose jurisdiction the violation is alleged to have  
22 occurred or is about to occur.

23 4. The elections division may consolidate complaints filed under this section.

24 5. Upon the proper filing of a complaint under this section, the secretary of state  
25 shall appoint a presiding officer who shall conduct an investigation of the complaint.

26 6. At the request of the person filing the complaint or if the presiding officer  
27 believes that the circumstances so dictate, the presiding officer shall conduct a hearing on  
28 the complaint and prepare a record on the hearing, such hearing to be conducted within  
29 ten days of the request of the person filing the complaint.

30 7. Upon completion of the investigation, the presiding officer shall submit the  
31 results to the elections division, which shall then issue a written report. The elections  
32 division shall provide a copy of the report by certified mail to:

33 (1) The person who filed the complaint;

34 (2) The person or persons alleged to have committed the violation; and

35 (3) The election authority in whose jurisdiction the violation is alleged to have  
36 occurred.

37 8. The report described in subsection 7 of this section shall:

38 (1) Indicate the date when the complaint was received by the elections division;

39           **(2) Contain findings of fact regarding the alleged violation and state whether a**  
40 **violation of Title III of HAVA has occurred;**

41           **(3) State what steps, if any, the person or persons alleged to have committed a**  
42 **violation have taken to correct and/or prevent any reoccurrence;**

43           **(4) Suggest any additional measures that could be taken to correct the violation;**

44           **(5) Indicate the date a violation was corrected or is expected to be corrected;**

45           **(6) Provide any additional information or recommendations useful in resolving the**  
46 **complaint.**

47           **9. If the elections division determines that there is a violation of Title III of HAVA,**  
48 **the elections division shall determine and provide the appropriate remedy, as authorized**  
49 **by law to do so. If the elections division determines that it is not authorized by law to**  
50 **provide an appropriate remedy, the elections division shall, if possible, refer the matter to**  
51 **the appropriate agency or office that has jurisdiction.**

115.223. Whenever a voter's name has been removed from the registration records by  
2 an election authority, the voter may appeal the removal to the circuit court. Unless prohibited  
3 by court rule, the petition may be filed in an associate circuit court division. No formal pleading  
4 shall be required, and it shall be sufficient for the voter to present to the court an application  
5 verified by affidavit setting forth that [his] **the voter's** name has been removed from the  
6 registration records, the date of such removal, and any other information showing [his] **the**  
7 **voter's** qualification to vote. The application shall first be presented to the election authority,  
8 which shall either restore the voter's name to the registration records or furnish a statement  
9 showing the reason the voter's name was removed from the records. The court shall hear and  
10 dispose of such application forthwith. Evidence may be introduced for and against the  
11 application. If the court sustains the application, the court shall notify the election authority of  
12 its action, and the election authority shall restore the applicant's name to the registration records  
13 and note that it was restored by order of the court. No person whose name is restored to the  
14 registration records by order of the court shall be protected by such order if [he] **such person** is  
15 challenged or prosecuted for false registration or false voting. If a voter's name [is] **has been**  
16 **removed from the registration records and the voter discovers such removal more than**  
17 **fifteen days prior to the election, any appeal to the circuit court shall be filed on or before**  
18 **fourteen days prior to the election and shall be decided by the court before election day.**  
19 **If a voter's name has been removed from the registration records and the voter discovers**  
20 **such removal within fourteen days of the election, any appeal to the circuit court shall be**  
21 **expeditiously filed with and decided by the court. If a court determines that a voter's name**  
22 **should be** restored to the registration records [by the election authority or by order of the court]  
23 on election day, the voter shall be permitted to [vote] **cast a provisional ballot under section**

24 **115.430** in the office of the election authority **and the vote shall be counted if the voter was**  
25 **eligible to vote. A copy of the voter's pleading or application, the election authority**  
26 **statement, and the court order shall be attached to the provisional ballot envelope.**

115.289. 1. [Except as provided in subsection 3 of this section,] **This section shall be**  
2 **known and may be cited as the "Voter Privacy Protection Act".**

3       2. As applications for absentee ballots are received, the election authority shall list the  
4 name, voting address and mailing address, if different, of each applicant **and such list shall be**  
5 **confidential.** [Any person authorized under subsection 2 of this section may copy the list, and  
6 the election authority may make copies of the list available to such persons for a reasonable fee  
7 determined by the election authority.

8       2. Except as provided in subsection 4 of this section, all lists of applications for absentee  
9 ballots shall be kept confidential to the extent that such lists of applications shall not be posted  
10 or displayed in any area open to the general public, nor shall such lists of applications be shown  
11 to any person who is not entitled to see such lists of applications, either pursuant to the  
12 provisions of this chapter or any other provisions of law. Persons entitled to see such lists shall  
13 include a candidate or a duly authorized representative of a campaign committee as defined in  
14 section 130.011, RSMo, or any person with written authorization from a candidate, or any person  
15 that has applied for an absentee ballot.

16       3. In each city not within a county, in each county of the first classification having a  
17 population of more than nine hundred thousand inhabitants, in each county of the first  
18 classification containing the major portion of a city which has over three hundred thousand  
19 inhabitants, and in that portion of each city which has over three hundred thousand inhabitants  
20 and located in more than one county, situated in the county containing the major portion of the  
21 city, as applications for absentee ballots are received, the election authority shall list the name,  
22 voting address and mailing address, if different, of each applicant. Prior to 8:00 a.m. on the  
23 Friday before an election all absentee ballot applications, lists of absentee ballot applications, or  
24 any information contained on the absentee ballot applications shall be kept confidential. Use of  
25 the applications, lists or information contained thereon by the election authority prior to 8:00  
26 a.m. on the Friday before an election for purposes other than processing absentee ballots shall  
27 be deemed a class one election offense. After 8:00 a.m. on the Friday before an election any  
28 person authorized under subsection 4 of this section may copy the list, and the election authority  
29 may make copies of the list available to such persons for a reasonable fee determined by the  
30 election authority.

31       4. In each city not within a county, in each county of the first classification having a  
32 population of more than nine hundred thousand inhabitants, in each county of the first  
33 classification containing the major portion of a city which has over three hundred thousand

34 inhabitants, and in that portion of each city which has over three hundred thousand inhabitants  
35 and located in more than one county, situated in the county containing the major portion of the  
36 city, after 8:00 a.m. on the Friday before an election, all lists of applications for absentee ballots  
37 shall be kept confidential to the extent that such lists of applications shall not be posted or  
38 displayed in any area open to the general public, nor shall such lists of applications be shown to  
39 any person who is not entitled to see such lists of applications, either pursuant to the provisions  
40 of this chapter or any other provisions of law. Persons entitled to see such lists shall include a  
41 candidate or a duly authorized representative of a campaign committee as defined in section  
42 130.011, RSMo, or any person with written authorization from a candidate, or any person that  
43 has applied for an absentee ballot.]

115.430. 1. This section shall apply to primary and general elections where candidates  
2 for federal or statewide offices are nominated or elected and any election where statewide issue  
3 or issues are submitted to the voters. **The provisional ballot contained in this section shall**  
4 **contain the statewide candidates and issues, and federal candidates. The congressional**  
5 **district on the provisional ballot shall be for the address contained on the affidavit**  
6 **provided for in this section.**

7 2. (1) A voter claiming to be properly registered in the jurisdiction of the election  
8 authority and eligible to vote in an election, but whose eligibility cannot be immediately  
9 established upon examination of the precinct register or upon examination of the records on file  
10 with the election authority, shall be entitled to vote a provisional ballot after providing a form  
11 of personal identification required pursuant to section 115.427, or may vote at a central polling  
12 place as established in section 115.115 where they may vote their appropriate ballot upon  
13 verification of eligibility or vote a provisional ballot if eligibility cannot be determined. [The  
14 provisional ballot contained in this section shall contain the statewide candidates and issues, and  
15 federal candidates. The congressional district on the provisional ballot shall be for the address  
16 contained on the affidavit provided for in this section. If the voter declares that the voter is  
17 eligible to vote and the election authority determines that the voter is eligible to vote at another  
18 polling place, the voter shall be directed to the correct polling place or a central polling place as  
19 established by the election authority pursuant to subsection 5 of section 115.115. If the voter  
20 refuses to go to the correct polling place or a central polling place, the voter shall be permitted  
21 to vote a provisional ballot at the incorrect polling place, but such ballot shall not be counted.]

22 (2) **The following steps shall be taken to establish a voter's eligibility to vote at a**  
23 **polling place:**

24 (a) **The election judge shall examine the precinct register as provided in section**  
25 **115.425. If the voter is registered and eligible to vote at the polling place, the voter shall**  
26 **receive a regular ballot;**

27           (b) If the voter's eligibility cannot be immediately established by examining the  
28 precinct register, the election judge shall contact the election authority. If the election  
29 authority cannot immediately establish the voter is registered and eligible to vote at the  
30 polling place upon examination of its records on file, or if the election judge is unable to  
31 make contact with the election authority immediately, the voter shall be notified that the  
32 voter is entitled to a provisional ballot.

33           (3) The voter shall have the duty to appear and vote at the correct polling place.  
34 If an election judge determines that the voter is not eligible to vote at the current polling  
35 place and appears to be eligible to vote at another polling place, the voter shall be informed  
36 that the voter may cast a provisional ballot at the current polling place, or may travel to  
37 the correct polling place or a central polling place as established by the election authority  
38 under subsection 5 of section 115.115 where the voter may cast a regular ballot or  
39 provisional ballot if the voter's eligibility still cannot be determined. Provisional ballots  
40 cast at a polling place shall be counted only if the voter was eligible to vote at such polling  
41 place as provided in subsection 5 of this section.

42           (4) For a voter requesting an absentee ballot, such voter shall be entitled to cast a  
43 provisional ballot when the voter's eligibility cannot be immediately established upon  
44 examination of the records on file with the election authority.

45           (5) Prior to accepting any provisional ballot at the polling place, the election judges  
46 shall determine that the information provided on the provisional ballot envelope by the  
47 provisional voter is consistent with the identification provided by such person under  
48 section 115.427.

49           3. (1) No person shall be entitled to receive a provisional ballot until such person  
50 has completed a provisional ballot affidavit on the provisional ballot envelope.

51           (2) The secretary of state shall produce appropriate sizes of provisional ballot  
52 envelopes and distribute them to each election authority according to their tabulating  
53 system. All provisional ballot envelopes shall be printed on a distinguishable color of  
54 paper. The provisional ballot envelope shall be in the form required by subsection 4 of this  
55 section.

56           (3) Once voted, the provisional ballot shall be placed and sealed in a provisional ballot  
57 envelope.

58           4. The provisional ballot in its envelope shall be deposited in the ballot box. The  
59 provisional ballot envelope shall be completed by the voter for use in determining eligibility.  
60 The provisional ballot envelope specified in this section shall contain a voter's certificate which  
61 shall be in substantially the following form:

62    STATE OF .....

63 COUNTY OF .....

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

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

73 .....

74 (Signature of Voter)

75 .....

76 (Current Address)

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

78 .....

79 (Signature of Election Official)

80

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

83 [4.] **5. (1) Prior to [certification of the election] counting any provisional ballot, the**  
84 **election authority shall determine if the voter is registered and [entitled] eligible to vote and if**  
85 **the vote was properly cast. The eligibility of provisional voters shall be determined**  
86 **according to the requirements for a voter to cast a ballot in the election as set forth in**  
87 **sections 115.133 and 115.135. A provisional voter is not eligible if the voter cast a**  
88 **provisional ballot at the wrong polling place or if the voter previously voted by regular**  
89 **ballot, absentee ballot, or otherwise.**

90 **(2) When the ballot boxes are delivered to the election authority from the polling**  
91 **places, the receiving teams shall separate the provisional ballots from the rest of the ballots**  
92 **and place the sealed provisional ballot envelopes in a separate container. Teams of election**  
93 **authority employees or teams of election judges with each team consisting of one member**  
94 **of each major political party shall photocopy each provisional ballot envelope, such**  
95 **photocopy to be used by the election authority to determine provisional voter eligibility.**  
96 **The sealed provisional ballot envelopes shall be placed by the team in a sealed container**  
97 **and shall remain therein until tabulation.**



(3) To determine whether a provisional ballot is valid and entitled to be counted, the election authority shall examine its records and verify that the provisional voter is properly registered and eligible to vote in the election. If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the election authority shall make an inquiry of the registration agency to determine whether the provisional voter is properly registered and eligible to vote in the election.

(4) If the election authority determines that the provisional voter is registered and eligible to vote in the election, the election authority shall provide documentation verifying the voter's eligibility. Such documentation shall be noted on the copy of the provisional ballot envelope and shall contain substantially the following information:

(a) The name of the provisional voter;

(b) The name of the reviewer;

(c) The date and time; and

(d) A description of evidence found that supports the voter's eligibility.

(5) The local election authority shall record on a provisional ballot acceptance/rejection list the provisional ballot identification number and a notation marking it as accepted.

(6) If the election authority determines that the provisional voter is not registered and/or eligible to vote in the election, the election authority shall provide documentation verifying the voter's ineligibility. Such documentation shall be noted on the copy of the provisional ballot envelope and shall contain substantially the following information:

(a) The name of the provisional voter;

(b) The name of the reviewer;

(c) The date and time; and

(d) A description of why the voter is ineligible.

(7) The local election authority shall record on a provisional ballot acceptance/rejection list the provisional ballot identification number and notation marking it as rejected.

(8) If rejected, a photocopy of the envelope shall be made and used by the election authority as a mail-in voter registration. The actual provisional ballot envelope shall be kept as ballot material and the copy of the envelope shall be used by the election authority for registration record keeping.

6. All provisional ballots cast by voters whose eligibility has been verified shall be counted in accordance with the rules governing ballot tabulation. Provisional ballots shall not be counted until all provisional ballots are determined either eligible or ineligible. The

provisional ballot shall be counted only if the election authority determines that the voter is registered and [entitled] **eligible** 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 future elections, the affidavit shall be considered a [mail] **mail-in** application to register to vote pursuant to this chapter.

**7. (1) After the election authority completes its review of the provisional voter's eligibility under subsection 5 of this section, the election authority shall deliver the provisional ballots and copies of the provisional ballot envelopes which include eligibility information to bipartisan counting teams, which may be the board of verification, for review and tabulation. The election authority shall maintain a record of such delivery. The record shall include the number of ballots delivered to each team and shall include a signed receipt from two judges, one from each major political party. The election authority shall provide each team with a ballot box and material necessary for tabulation.**

**(2) If the person named on the provisional ballot affidavit is found to have been properly qualified and registered to cast a ballot in the election, the envelope shall be opened and the ballot shall be placed in a ballot box to be counted.**

**(3) If the person named on the provisional ballot affidavit is found not to have been properly qualified and registered to cast a ballot in the election or if the election authority is unable to determine such person's right to vote, the envelope containing the provisional ballot shall not be opened and the person's vote shall not be counted. The members of the team shall follow the procedures set forth in subsection 5 of this section for rejected provisional ballots.**

**(4) The votes shall be tallied and the returns made as provided in sections 115.447 to 115.525 for paper ballots. After the vote on all ballots assigned to a team have been counted, the ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "Voted provisional ballots and ballot envelopes from the election held ....., 20..". All rejected provisional ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "Rejected provisional ballots and ballot envelopes from the election held ....., 20..". On the outside of each voted ballot and rejected ballot container, each member of the team shall write their name and all such containers shall be returned to the election authority. Upon receipt of the returns and ballots, the election authority shall tabulate the provisional votes.**

**8. Challengers and watchers, as provided by sections 115.105 and 115.107, may be present during all times that the bipartisan counting teams are reviewing and/or counting**

the provisional ballots, the provisional ballot envelopes, and/or copies of the provisional ballot envelopes which include eligibility information provided by the election authority. The election authority shall notify the county chair of each major political party of the time and location when bipartisan counting teams will be reviewing and/or counting the provisional ballots, the provisional ballot envelopes, and/or the copies of the provisional ballot envelopes which include the eligibility information provided by the election authority.

9. The certificate of ballot cards shall:

(1) Reflect the number of provisional envelopes delivered; and

(2) Reflect the number of sealed provisional envelopes with voted ballots deposited in the ballot box.

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

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

[7.] 12. The secretary of state shall design and provide to the election authorities the envelopes and forms necessary to carry out the provisions of this section.

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

[9.] 14. In accordance with the Help America Vote Act of 2002, any individual who votes in an election as a result of a court order or any other order extending the time established for closing the polls in section 115.407 may vote only by using a provisional ballot, and such provisional ballot shall be separated and held apart from other provisional ballots cast by those not affected by the order. Such ballots shall not be counted until such time as the ballots are determined to be valid. **No state court shall have jurisdiction to extend the polling hours established by law, including section 115.407; except that, during a declared state of emergency of a statewide nature, the governor, the president pro tem of the Missouri senate, and the speaker of the Missouri house of representatives shall jointly have the**

206 authority to extend the polling hours established by law and the secretary of state shall  
207 develop a plan for such an extension of the polling hours during a declared state of  
208 emergency.

115.456. 1. (1) The election authority shall be responsible for ensuring that the  
2 standards provided for in this subsection are followed when counting ballots cast using  
3 punch card voting systems.

4 (2) Prior to tabulating ballots, all ballot cards shall be inspected by the election  
5 authority for hanging chad and/or damaged ballots.

6 (3) Inspection of ballot cards shall be conducted using the following guidelines:

7 (a) The election authority shall appoint a bipartisan team to inspect all ballots  
8 where a question exists about the condition of a ballot or existence of a hanging chad;

9 (b) All ballot card inspections conducted under this section shall be conducted by  
10 examining the ballot card from the back of the card;

11 (c) If a ballot is determined to be damaged, the bipartisan team shall spoil the  
12 original ballot and duplicate the voter's intent on the new ballot, provided that there is an  
13 undisputed method of matching the duplicate card with its original after it has been placed  
14 with the remainder of the ballot cards from the precinct; and

15 (d) If a chad is determined to be hanging by two or less corners, it shall be removed  
16 prior to being tabulated.

17 (4) In jurisdictions using punch card systems, a valid vote for a write-in candidate  
18 shall include the following:

19 (a) A distinguishing mark in the square immediately preceding the name of the  
20 candidate;

21 (b) The name of the candidate. If the name of the candidate as written by the voter  
22 is substantially as declared by the candidate it shall be counted, or in those circumstances  
23 where the names of candidates are similar, the names of candidates as shown on voter  
24 registration records shall be counted; and

25 (c) The name of the office for which the candidate is to be elected.

26 (5) Whenever a hand recount of votes is ordered of punch card ballots, the  
27 provisions of this subsection shall be used to determine voter intent.

28 2. (1) The election authority shall be responsible for ensuring that the standards  
29 provided for in this subsection are followed when counting ballots cast using optical scan  
30 voting systems.

31 (2) Prior to tabulating ballots, all machines shall be programmed to reject blank  
32 ballots where no votes are recorded or where an overvote is registered in any race.

33           (3) In jurisdictions using precinct-based tabulators, the voter who cast the ballot  
34 shall review the ballot if rejected, if the voter wishes to make any changes to the ballot or  
35 if the voter would like to spoil the ballot and receive another ballot.

36           (4) In jurisdictions using centrally based tabulators, if a ballot is so rejected it shall  
37 be reviewed by a bipartisan team using the following criteria:

38           (a) If a ballot is determined to be damaged, the bipartisan team shall spoil the  
39 original ballot and duplicate the voter's intent on the new ballot, provided that there is an  
40 undisputed method of matching the duplicate card with its original after it has been placed  
41 with the remainder of the ballot cards from such precinct; and

42           (b) Voter intent shall be determined using the following criteria:

43           a. There is a distinguishing mark in the printed oval adjacent to the name of the  
44 candidate or issue preference;

45           b. There is a distinguishing mark adjacent to the name of the candidate or issue  
46 preference; or

47           c. The name of the candidate or issue preference is circled.

48           (5) In jurisdictions using optical scan systems, a valid vote for a write-in candidate  
49 shall include the following:

50           (a) A distinguishing mark in the designated location preceding the name of the  
51 candidate;

52           (b) The name of the candidate. If the name of the candidate as written by the voter  
53 is substantially as declared by the candidate it shall be counted, or in those circumstances  
54 where the names of candidates are similar, the names of candidates as shown on voter  
55 registration records shall be counted; and

56           (c) The name of the office for which the candidate is to be elected.

57           (6) Whenever a hand recount of votes of optical scan ballots is ordered, the  
58 provisions of this subsection shall be used to determine voter intent.

59           3. (1) The election authority shall be responsible for ensuring that the standards  
60 provided for in this subsection are followed when counting ballots cast using paper ballots.

61           (2) Voter intent shall be determined using the following criteria:

62           (a) There is a distinguishing mark in the square adjacent to the name of the  
63 candidate or issue preference;

64           (b) There is a distinguishing mark adjacent to the name of the candidate or issue  
65 preference; or

66           (c) The name of the candidate or issue preference is circled.

67           (3) In jurisdictions using paper ballots, a valid vote for a write-in candidate shall  
68 include the following:

69           (a) A distinguishing mark in the square immediately preceding the name of the  
70 candidate;

71           (b) The name of the candidate. If the name of the candidate as written by the voter  
72 is substantially as declared by the candidate it shall be counted, or in those circumstances  
73 where the names of candidates are similar, the names of candidates as shown on voter  
74 registration records shall be counted; and

75           (c) The name of the office for which the candidate is to be elected.

76           (4) Whenever a hand recount of votes of paper ballots is ordered, the provisions of  
77 this subsection shall be used to determine voter intent.

78           4. When write-in stickers are used, the sticker shall contain the name of a  
79 candidate, office sought, and a distinguishing mark in the square immediately preceding  
80 the name of the candidate and shall be approximately one inch by three inches in size with  
81 black print on a white background. The sticker shall be placed by the voter on the write-in  
82 line designating the office sought or the sticker shall be placed by the voter on the write-in  
83 line on the secrecy envelope.

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

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

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

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

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

20           (5) On the part of any canvasser appointed to canvass any registration list, willfully  
21 failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to

22 perform his duties in making such canvass or willfully neglecting any duties lawfully assigned  
23 to him;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

77 **(20) Knowingly disclosing confidential information in violation of section 115.298.**

2 [115.126. 1. Notwithstanding any provision of this chapter to the  
3 contrary, election authorities shall establish a plan to implement an advance  
4 voting period when eligible registered voters may vote before any general  
5 election in presidential election years at the office of the election authority and  
6 up to four other polling places designated by and under the control of the election  
7 authority. Such plan shall provide that the permissible advance voting period  
8 shall begin fourteen days prior to such election and end at 5:00 p.m. on the  
9 Wednesday before the day of such election.

10 2. Election authorities shall, pursuant to subsection 1 of this section,  
11 establish in their plans the hours and locations for advance voting. The election  
12 authority shall have all advance voting locations open on all business days during  
13 the advance voting period, and may have all advance voting locations open on  
14 Saturdays, Sundays and holidays during the advance voting period.

15 3. Except as provided in this section, advance voting procedures shall be  
16 conducted pursuant to sections 115.407 to 115.445. The secretary of state shall  
17 design the necessary application for use in an advance voting program pursuant  
18 to this section. All election authorities in this state shall submit to the secretary  
of state a plan to implement the advance voting period by December 31, 2002.



19       The secretary of state shall assist election authorities in developing a plan for the  
20       implementation of an advance voting program.

21               4. The plans established pursuant to this section shall also require that  
22       before the precinct registers are delivered to the polling places for an election, the  
23       election authority shall record in the precinct registers the names of all voters  
24       who have submitted an advance voting ballot. The election judge shall not allow  
25       any person who has voted an advance voting ballot in the election to vote at the  
26       polls on election day. If it is determined that any voter submitted an advance  
27       voting ballot and voted at the polls on election day, such person, having voted  
28       more than once, is guilty of a class one election offense pursuant to subdivision  
29       (2) of section 115.631.

30               5. The secretary of state may promulgate rules to effectuate the  
31       provisions of this section.

32               6. Any rule or portion of a rule, as that term is defined in section 536.010,  
33       RSMo, that is created under the authority delegated in this section shall become  
34       effective only if it complies with and is subject to all of the provisions of chapter  
35       536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter  
36       536, RSMo, are nonseverable and if any of the powers vested with the general  
37       assembly pursuant to chapter 536, RSMo, to review, to delay the effective date  
38       or to disapprove and annul a rule are subsequently held unconstitutional, then the  
39       grant of rulemaking authority and any rule proposed or adopted after August 28,  
40       2002, shall be invalid and void.]