

FIRST REGULAR SESSION

HOUSE BILL NO. 1044

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DEEKEN.

Read 1st time March 1, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2120L.011

AN ACT

To repeal sections 115.123, 115.159, 115.163, 115.349, 115.430, 115.755, 115.758, 115.761, 115.765, 115.767, 115.770, 115.773, 115.776, 115.785, RSMo, and section 115.427 as enacted by house substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 675, ninety-first general assembly, second regular session, and section 115.427 as enacted by conference committee substitute no. 2 for house committee substitute for senate substitute no. 2 for senate committee substitute for senate bill nos. 1014 & 730, ninety-third general assembly, second regular session, and to enact in lieu thereof seven new sections relating to elections, with an emergency clause.

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

Section A. Sections 115.123, 115.159, 115.163, 115.349, 115.430, 115.755, 115.758, 2 115.761, 115.765, 115.767, 115.770, 115.773, 115.776, 115.785, RSMo, and section 115.427
3 as enacted by house substitute for house committee substitute for senate substitute for senate
4 committee substitute for senate bill no. 675, ninety-first general assembly, second regular
5 session, and section 115.427 as enacted by conference committee substitute no. 2 for house
6 committee substitute for senate substitute no. 2 for senate committee substitute for senate bill
7 nos. 1014 & 730, ninety-third general assembly, second regular session, are repealed and seven
8 new sections enacted in lieu thereof, to be known as sections 115.123, 115.159, 115.163,
9 115.349, 115.427, 115.428, and 115.430, to read as follows:

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.

115.123. 1. All public elections shall be held on Tuesday. Except as provided in subsections 2, 3, and 4 of this section, and section 247.180, RSMo, all public elections shall be held on the general election day, the primary election day, the general municipal election day, the first Tuesday after the first Monday in February or November, or on another day expressly provided by city or county charter, the first Tuesday after the first Monday in June and in nonprimary years on the first Tuesday after the first Monday in August.

2. [Notwithstanding the provisions of subsection 1 of this section, an election for a presidential primary held pursuant to sections 115.755 to 115.785 shall be held on the first Tuesday after the first Monday in March of each presidential election year.

3.] The following elections shall be exempt from the provisions of subsection 1 of this section:

(1) Bond elections necessitated by fire, vandalism or natural disaster;

(2) Elections for which ownership of real property is required by law for voting; and

(3) Special elections to fill vacancies and to decide tie votes or election contests.

[4.] 3. No city or county shall adopt a charter or charter amendment which calls for elections to be held on dates other than those established in subsection 1 of this section.

[5.] 4. Nothing in this section prohibits a charter city or county from having its primary election in March if the charter provided for a March primary before August 28, 1999.

[6.] 5. Nothing in this section shall prohibit elections held pursuant to section 65.600, RSMo, but no other issues shall be on the March ballot except pursuant to this chapter.

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

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

(1) Voted, in person, after presentation of a proper form of identification set out in section 115.427 **or 115.428**, for the first time following registration; or

(2) Provided a copy of identification set out in section 115.427 **or 115.428** to the election authority.

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

17 3. Subsection 2 of this section shall not apply in the case of a person:

18 (1) Who registers to vote by mail pursuant to Section 6 of the National Voter
19 Registration Act of 1993 and submits a copy of a current and valid photo identification as part
20 of such registration;

21 (2) Who registers to vote by mail pursuant to Section 6 of the National Voter
22 Registration Act of 1993 and:

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

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

28 (3) Who is:

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

31 (b) Provided the right to vote otherwise than in person pursuant to Section 3(b)(2)(B)(ii)
32 of the Voting Accessibility for the Elderly and Handicapped Act; or

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

115.163. 1. Each election authority shall use the Missouri voter registration system
2 established by section 115.158 to prepare a list of legally registered voters for each precinct. The
3 list shall be arranged alphabetically or by street address as the election authority determines and
4 shall be known as the "precinct register". The precinct registers shall be kept by the election
5 authority in a secure place, except when given to election judges for use at an election. Except
6 as provided in subsection 2 of section 115.157, all registration records shall be open to inspection
7 by the public at all reasonable times.

8 2. A new precinct register shall be prepared by the election authority prior to each
9 election.

10 3. The election authority shall send to each voter a voter notification card no later than
11 ninety days prior to the date of a primary or general election for federal office, unless the voter
12 has received such a card during the preceding six months. The voter notification card shall
13 contain the voter's name, address, and precinct. The card also shall inform the voter of the
14 personal identification requirement in section 115.427 **or 115.428** and may also contain other
15 voting information at the discretion of the election authority. The voter notification card shall
16 be sent to a voter after a new registration or a change of address. If any voter shall lose his voter
17 notification card, he may request a new one from the election authority. The voter notification
18 card authorized pursuant to this section may be used as a canvass of voters in lieu of the
19 provisions set out in sections 115.179 to 115.193. Except as provided in subsection 2 of section

20 115.157, anyone, upon request and payment of a reasonable fee, may obtain a printout, list and/or
 21 computer tape of those newly registered voters or voters deleted from the voting rolls, since the
 22 last canvass or updating of the rolls. The election authority may authorize the use of the postal
 23 service contractors under the federal National Change of Address program to identify those
 24 voters whose address is not correct on the voter registration records. The election authority shall
 25 not be required to mail a voter registration card to those voters whose addresses are incorrect.
 26 Confirmation notices to such voters required by section 115.193 shall be sent to the corrected
 27 address provided by the National Change of Address program.

115.349. 1. Except as otherwise provided in sections 115.361 to 115.383 [or sections
 2 115.755 to 115.785], no candidate's name shall be printed on any official primary ballot unless
 3 the candidate has filed a written declaration of candidacy in the office of the appropriate election
 4 official by 5:00 p.m. on the last Tuesday in March immediately preceding the primary election.

5 2. No declaration of candidacy for nomination in a primary election shall be accepted
 6 for filing prior to 8:00 a.m. on the last Tuesday in February immediately preceding the primary
 7 election.

8 3. Each declaration of candidacy for nomination in a primary election shall state the
 9 candidate's full name, residence address, office for which such candidate proposes to be a
 10 candidate, the party ticket on which he or she wishes to be a candidate and that if nominated and
 11 elected he or she will qualify. The declaration shall be in substantially the following form:

12
 13 I, , a resident and registered voter of the county of
 14 and the state of Missouri, residing at , do announce myself a candidate
 15 for the office of on the party ticket, to be voted for at the primary election to
 16 be held on the day of, ... , and I further declare that if nominated and elected to
 17 such office I will qualify.

18	Subscribed and sworn to
19 Signature of candidate	before me this day
20 of,	
21
22 Residence address	Signature of election
23 official or other officer	
24 authorized to administer	
25 oaths	
26	
27 Mailing address (if different)	
28	

29 Telephone Number (Optional)

30

31 If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate
32 before an official authorized to accept his or her declaration of candidacy. If the declaration is
33 to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it shall
34 be subscribed and sworn to by the candidate before a notary public or other officer authorized
35 by law to administer oaths.

115.427. 1. Before receiving a ballot, voters shall identify themselves by presenting a
2 form of personal identification from the following list:

3 (1) Identification issued by the state of Missouri, an agency of the state, or a local
4 election authority of the state **showing the name and a photograph or a digital image of the**
5 **voter;**

6 (2) Identification issued by the United States government or agency thereof;

7 (3) Identification issued by an institution of higher education, including a university,
8 college, vocational and technical school, located within the state of Missouri, **showing the name**
9 **and a photograph or digital image of the voter;**

10 (4) A copy of a current utility bill, bank statement, government check, paycheck, or other
11 government document that contains the name and address of the voter;

12 (5) Driver's license or state identification card issued by another state **showing the name**
13 **and a photograph or digital image of the voter;** [or]

14 (6) [Other identification approved by the secretary of state under rules promulgated
15 pursuant to subsection 3 of this section] other identification approved by federal law;

16 (7) **A document that satisfies all of the following requirements:**

17 (a) **The document contains the name of the individual to whom the document was**
18 **issued, and the name substantially conforms to the most recent signature in the individual's**
19 **voter registration record;**

20 (b) **The document shows a photographic or digital image of the individual;**

21 (c) **The document includes an expiration date, and the document is not expired, or**
22 **if expired, expired not before the date of the most recent general election; and**

23 (d) **The document was issued by the United States, this state, or another state;**

24 (8) **Any identification containing a photographic or digital image of the individual**
25 **which is issued by the Missouri National Guard, the United States armed forces, or the**
26 **United States Department of Veteran Affairs to a member or former member of the**
27 **Missouri National Guard or the United States armed forces and that does not have an**
28 **expiration date.**

29

30 Personal knowledge of the voter by two supervising election judges, one from each major
31 political party, shall be acceptable voter identification upon the completion of a secretary of
32 state-approved affidavit that is signed by both supervisory election judges and the voter that
33 attests to the personal knowledge of the voter by the two supervisory election judges. The
34 secretary of state may provide by rule for a sample affidavit to be used for such purpose.

35 **2. The election authority shall post a clear and conspicuous notice at each polling**
36 **place informing each voter who appears at the polling place without a form of personal**
37 **identification that satisfies the requirements of subsection 1 of this section that the voter**
38 **may return to the polling place with a proper form of personal identification and vote a**
39 **regular ballot after election judges have verified the voter's identity and eligibility under**
40 **subsection 1 of this section. In addition to such posting, the election judges may also**
41 **inform such voters by written or oral communication of such information posted in the**
42 **notice. Voters who return to the polling place during the uniform polling hours established**
43 **by section 115.407 with a current and valid form of personal identification shall be given**
44 **priority in any voting lines.**

45 **3. An individual who appears at a polling place without identification in the form**
46 **described in subsection 1 of this section and who is otherwise qualified to vote at that**
47 **polling place may cast a ballot upon executing an affidavit averring that the voter is the**
48 **person listed in the precinct register and that the voter does not possess a form of**
49 **identification specified in this section and is unable to obtain a current and valid form of**
50 **personal identification because of:**

51 **(1) A physical or mental disability or handicap of the voter, if the voter is otherwise**
52 **competent to vote under Missouri law; or**

53 **(2) A sincerely held religious belief against the forms of personal identification**
54 **described in subsection 1 of this section; or**

55 **(3) The voter being born on or before January 1, 1941; or**

56 **(4) The cost to obtain the documents required to establish the voter's identity,**
57 **citizenship, or naturalization, for purposes of obtaining a current and valid form of**
58 **personal identification; or**

59 **(5) The length of time required to obtain a current and valid form of personal**
60 **identification.**

61 **4. The affidavit to be used for voting under subsection 3 of this section shall be**
62 **substantially in the following form:**

63

64 "State of

65 County of

66 I do solemnly swear (or affirm) that my name is ;
 67 that I reside at ; and that I am the person
 68 listed in the precinct register under this name and at this address. I further swear (or
 69 affirm) that I am unable to obtain a current and valid form of personal identification
 70 because of:

- 71 A physical or mental disability or handicap; or
- 72 A sincerely held religious belief; or
- 73 My being born on or before January 1, 1941; or
- 74 The cost to obtain the documents required to establish my identity, citizenship, or
- 75 naturalization, for purposes of obtaining a current and valid form of personal
- 76 identification; or
- 77 The length of time required to obtain a current and valid form of personal
- 78 identification.

79
 80 I understand that knowingly providing false information is a violation of law and subjects
 81 me to possible criminal prosecution.

82

83 Signature of voter

84 Subscribed and affirmed before me this day of,
 85 20

86

87 Signature of election official".

88 5. A voter shall be allowed to cast a provisional ballot under section 115.430 even
 89 if the election judges cannot establish the voter's identity under subsection 1 of this section
 90 and the voter refuses to execute an affidavit under subsection 3 of this section. The election
 91 judges shall make a notation on the provisional ballot envelope to indicate that the voter's
 92 identity was unable to be verified and the voter refused to execute an affidavit. The
 93 provisional ballot cast by such voter shall not be counted unless the ballot qualifies to be
 94 counted under section 115.430.

95 6. The secretary of state shall provide advance notice of the personal identification
 96 requirements of subsection 1 of this section in a manner calculated to inform the public
 97 generally of the requirement for photographic personal identification as provided in this
 98 section. Such advance notice shall include, at a minimum, the use of advertisements and
 99 public service announcements in print, broadcast television, radio, and cable television
 100 media, as well as the posting of information on the opening pages of the official state
 101 Internet web sites of the secretary of state and governor.

102 7. The precinct register shall serve as the voter identification certificate. The following
103 form shall be printed at the top of each page of the precinct register:

104 VOTER'S IDENTIFICATION CERTIFICATE

105 Warning: It is against the law for anyone to vote, or attempt to vote, without having a lawful
106 right to vote.

107

108 PRECINCT

109 WARD OR TOWNSHIP

110 GENERAL (SPECIAL, PRIMARY) ELECTION

111 Held, 20

112 Date

113

114 I hereby certify that I am qualified to vote at this election by signing my name (**or making my**
115 **mark**) and verifying my address by signing my initials next to my address.

116 [3.] **8.** The secretary of state shall promulgate rules to effectuate the provisions of this
117 section.

118 [4.] **9.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
119 that is created under the authority delegated in this section shall become effective only if it
120 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
121 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the
122 powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
123 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
124 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be
125 invalid and void.

126 [5.] **10.** If any voter is unable to sign [his] **the voter's** name at the appropriate place on
127 the certificate or computer printout, an election judge shall print the name and address of the
128 voter in the appropriate place on the precinct register, the voter shall make [his] **a** mark in lieu
129 of signature, and the voter's mark shall be witnessed by the signature of an election judge.

130 **11. The secretary of state shall assist any voter in obtaining any documents needed**
131 **as proof of citizenship or naturalization for the purpose of obtaining a current and valid**
132 **form of personal identification for voting purposes. Any request for assistance made under**
133 **this subsection shall be addressed in an expedited manner. The secretary of state shall**
134 **design an affidavit to be used for this purpose. The state of Missouri shall pay any legally**
135 **required fees for any such applicant from the "Voter Identification Fund", which is hereby**
136 **created in the state treasury. The fund shall consist of moneys appropriated by the general**
137 **assembly. The state treasurer shall be custodian of the fund. In accordance with sections**

138 **30.170 and 30.180, RSMo, the state treasurer may approve disbursements. Upon**
139 **appropriation, money in the fund shall be used solely for the administration of this section.**
140 **Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys**
141 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
142 **general revenue fund. The state treasurer shall invest moneys in the fund in the same**
143 **manner as other funds are invested. Any interest and moneys earned on such investments**
144 **shall be credited to the fund.**

145 **12. This section shall apply to all elections through the August 2008 primary**
146 **election, and shall expire after such primary election.**

147 **13. The provisions of subsections 1 to 10 and subsection 12 of this section shall**
148 **become effective August 28, 2007, and this subsection shall expire September 1, 2007.**

115.428. 1. Before receiving a ballot, voters shall identify themselves by presenting
2 **a form of personal identification from the following list:**

3 **(1) Identification issued by the state of Missouri, an agency of the state, or a local**
4 **election authority of the state, showing the name and a photograph or digital image of the**
5 **voter;**

6 **(2) Identification issued by the United States government or agency thereof,**
7 **showing the name and a photograph or digital image of the voter;**

8 **(3) Identification issued by an institution of higher education, including a**
9 **university, college, vocational and technical school, located within the state of Missouri,**
10 **showing the name and a photograph or digital image of the voter;**

11 **(4) Driver's license or state identification card issued by another state, showing the**
12 **name and a photograph or digital image of the voter;**

13 **(5) Other identification approved by federal law;**

14 **(6) A document that satisfies all of the following requirements:**

15 **(a) The document contains the name of the individual to whom the document was**
16 **issued, and the name substantially conforms to the most recent signature in the individual's**
17 **voter registration record;**

18 **(b) The document shows a photographic or digital image of the individual;**

19 **(c) The document includes an expiration date, and the document is not expired, or**
20 **if expired, expired not before the date of the most recent general election; and**

21 **(d) The document was issued by the United States, this state, or another state;**

22 **(7) Any identification containing a photographic or digital image of the individual**
23 **which is issued by the Missouri National Guard, the United States armed forces, or the**
24 **United States Department of Veteran Affairs to a member or former member of the**

25 Missouri National Guard or the United States armed forces and that does not have an
26 expiration date.

27

28 If any of the forms of personal identification listed in this section do not contain the
29 address of the voter, the address may be established by presenting a copy of a current
30 utility bill, bank statement, government check, paycheck, or other government document
31 that contains the name and address of the voter. Personal knowledge of the voter by two
32 supervising election judges, one from each major political party, shall be acceptable voter
33 identification upon the completion of a secretary of state-approved affidavit that is signed
34 by both supervisory election judges and the voter that attests to the personal knowledge
35 of the voter by the two supervisory election judges. The secretary of state may provide by
36 rule for a sample affidavit to be used for such purpose.

37 2. The election authority shall post a clear and conspicuous notice at each polling
38 place informing each voter who appears at the polling place without a form of personal
39 identification that satisfies the requirements of subsection 1 of this section that the voter
40 may return to the polling place with a proper form of personal identification and vote a
41 regular ballot after election judges have verified the voter's identity and eligibility under
42 subsection 1 of this section. In addition to such posting, the election judges may also
43 inform such voters by written or oral communication of such information posted in the
44 notice. Voters who return to the polling place during the uniform polling hours established
45 by section 115.407 with a current and valid form of personal identification shall be given
46 priority in any voting lines.

47 3. An individual who appears at a polling place without identification in the form
48 described in subsection 1 of this section and who is otherwise qualified to vote at that
49 polling place may cast a ballot upon executing an affidavit averring that the voter is the
50 person listed in the precinct register and that the voter does not possess a form of
51 identification specified in this section and is unable to obtain a current and valid form of
52 personal identification because of:

53 (1) A physical or mental disability or handicap of the voter, if the voter is otherwise
54 competent to vote under Missouri law; or

55 (2) A sincerely held religious belief against the forms of personal identification
56 described in subsection 1 of this section; or

57 (3) The voter being born on or before January 1, 1941; or

58 (4) The cost to obtain the documents required to establish the voter's identity,
59 citizenship, or naturalization, for purposes of obtaining a current and valid form of
60 personal identification; or

61 (5) The length of time required to obtain a current and valid form of personal
62 identification.

63 4. The affidavit to be used for voting under subsection 3 of this section shall be
64 substantially in the following form:

65
66 "State of
67 County of

68 I do solemnly swear (or affirm) that my name is ;
69 that I reside at ; and that I am the person
70 listed in the precinct register under this name and at this address. I further swear (or
71 affirm) that I am unable to obtain a current and valid form of personal identification
72 because of:

- 73 A physical or mental disability or handicap; or
- 74 A sincerely held religious belief; or
- 75 My being born on or before January 1, 1941; or
- 76 The cost to obtain the documents required to establish my identity, citizenship, or
- 77 naturalization, for purposes of obtaining a current and valid form of personal
- 78 identification; or

79 The length of time required to obtain a current and valid form of personal
80 identification.

81
82 I understand that knowingly providing false information is a violation of law and subjects
83 me to possible criminal prosecution.

84
85 Signature of voter
86 Subscribed and affirmed before me this day of, 20
87

88 Signature of election official".

89 5. A voter shall be allowed to cast a provisional ballot under section 115.430 even
90 if the election judges cannot establish the voter's identity under subsection 1 of this section
91 and the voter refuses to execute an affidavit under subsection 3 of this section. The election
92 judges shall make a notation on the provisional ballot envelope to indicate that the voter's
93 identity was unable to be verified and the voter refused to execute an affidavit. The
94 provisional ballot cast by such voter shall not be counted unless the ballot qualifies to be
95 counted under section 115.430.

96 **6. The secretary of state shall provide advance notice of the personal identification**
97 **requirements of subsection 1 of this section in a manner calculated to inform the public**
98 **generally of the requirement for photographic personal identification as provided in this**
99 **section. Such advance notice shall include, at a minimum, the use of advertisements and**
100 **public service announcements in print, broadcast television, radio, and cable television**
101 **media, as well as the posting of information on the opening pages of the official state**
102 **Internet web sites of the secretary of state and governor.**

103 **7. The provisions of section 136.055, RSMo, and section 302.181, RSMo,**
104 **notwithstanding, any applicant who requests a nondriver's license with a photograph or**
105 **digital image for the purpose of voting shall not be required to pay a fee if the applicant**
106 **executes an affidavit averring that the applicant does not have any other form of**
107 **photographic personal identification that meets the requirements of subsection 1 of this**
108 **section. The state of Missouri shall pay the legally required fees for any such applicant.**
109 **The director shall design an affidavit to be used for this purpose. However, any disabled**
110 **or elderly person otherwise competent to vote shall be issued a nondriver's license photo**
111 **identification through a mobile processing system operated by the Missouri department**
112 **of revenue upon request if the individual is physically unable to otherwise obtain a**
113 **nondriver's license photo identification. The department of revenue shall make**
114 **nondriver's license photo identifications available through its mobile processing system**
115 **only at facilities licensed under chapter 198, RSMo, and other public places accessible to**
116 **and frequented by disabled and elderly persons. The department shall provide advance**
117 **notice of the times and places when the mobile processing system will be available. At least**
118 **nine mobile units housed under the office of administration shall remain available for**
119 **dispatch upon the request of the department of revenue to fulfill the requirements of this**
120 **section. The total cost associated with nondriver's license photo identification under this**
121 **subsection shall be borne by the state of Missouri from funds appropriated to the**
122 **department of revenue for that specific purpose.**

123 **8. The director of the department of revenue shall, by January first of each year,**
124 **prepare and deliver to each member of the general assembly a report documenting the**
125 **number of individuals who have requested and received a nondriver's license photo**
126 **identification for the purposes of voting under this section. The report shall also include**
127 **the number of persons requesting a nondriver's license for purposes of voting under this**
128 **section, but not receiving such license, and the reason for the denial of the nondriver's**
129 **license.**

130 **9. The precinct register shall serve as the voter identification certificate. The**
131 **following form shall be printed at the top of each page of the precinct register:**

VOTER'S IDENTIFICATION CERTIFICATE

132
133
134
135
136
137
138
139
140
141

Warning: It is against the law for anyone to vote, or attempt to vote, without having a lawful right to vote.

PRECINCT

WARD OR TOWNSHIP

GENERAL (SPECIAL, PRIMARY) ELECTION

Held, 20

Date

I hereby certify that I am qualified to vote at this election by signing my name (or making my mark) and verifying my address by signing my initials next to my address.

10. If any voter is unable to sign the voter's name at the appropriate place on the certificate or computer printout, an election judge shall print the name and address of the voter in the appropriate place on the precinct register, the voter shall make a mark in lieu of signature, and the voter's mark shall be witnessed by the signature of an election judge.

11. The secretary of state shall assist any voter in obtaining any documents needed as proof of citizenship or naturalization for the purpose of obtaining a current and valid form of personal identification for voting purposes. Any request for assistance made under this subsection shall be addressed in an expedited manner. The secretary of state shall design an affidavit to be used for this purpose. The state of Missouri shall pay any legally required fees for any such applicant from the "Voter Identification Fund", which is hereby created in the state treasury. The fund shall consist of moneys appropriated by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, RSMo, the state treasurer may approve disbursements. Upon appropriation, money in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

12. The secretary of state shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable

168 **and if any of the powers vested with the general assembly under chapter 536, RSMo, to**
169 **review, to delay the effective date, or to disapprove and annul a rule are subsequently held**
170 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
171 **after August 28, 2007, shall be invalid and void.**

172 **13. This section shall apply to all elections occurring after the August 2008 primary**
173 **election.**

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.

4 2. (1) A voter claiming to be properly registered in the jurisdiction of the election
5 authority and eligible to vote in an election, but whose eligibility at that precinct cannot be
6 immediately established upon examination of the precinct register, shall be entitled to vote a
7 provisional ballot after providing a form of personal identification required pursuant to section
8 115.427 or upon executing an affidavit under section 115.427, or may vote at a central polling
9 place as established in section 115.115 where the voter may vote his or her appropriate ballot for
10 his or her precinct of residence upon verification of eligibility or vote a provisional ballot if
11 eligibility cannot be determined. The provisional ballot provided to a voter under this section
12 shall be the ballot provided to a resident of the voter's precinct determined by reference to the
13 affidavit provided for in this section. If the voter declares that the voter is eligible to vote and
14 the election authority determines that the voter is eligible to vote at another polling place, the
15 voter shall be directed to the correct polling place or a central polling place as established by the
16 election authority pursuant to subsection 5 of section 115.115. If the voter refuses to go to the
17 correct polling place or a central polling place, the voter shall be permitted to vote a provisional
18 ballot at the incorrect polling place, but such ballot shall not be counted if the voter was not
19 eligible to vote at that polling place.

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

22 (a) The election judge shall examine the precinct register as provided in section 115.425.
23 If the voter is registered and [eligible to vote] **presents proper identification** at the **correct**
24 polling place, the voter shall receive a regular ballot;

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

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

40 (4) For a voter requesting an absentee ballot in person, such voter shall be entitled to cast
 41 a provisional ballot when the voter's eligibility cannot be immediately established upon
 42 examination of the precinct registers or the Missouri voter registration system.

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

46 3. (1) No person shall be entitled to receive a provisional ballot until such person has
 47 completed a provisional ballot affidavit on the provisional ballot envelope.

48 (2) The secretary of state shall produce appropriate sizes of provisional ballot envelopes
 49 and distribute them to each election authority according to their tabulating system. All
 50 provisional ballot envelopes shall be printed on a distinguishable color of paper that is different
 51 from the color of the regular ballot. The provisional ballot envelope shall be in the form required
 52 by subsection 4 of this section. All provisional ballots shall be marked with a conspicuous stamp
 53 or other distinguishing mark that makes them readily distinguishable from the regular ballots.

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

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

60 STATE OF

61 COUNTY OF

62 I do solemnly swear (or affirm) that my name is

63 that my date of birth is ; that the last four digits of my

64 Social Security Number are ; that I am registered

65 to vote in County or City (if a City not within

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

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

72

73 (Signature of Voter)

74

75 (Current Address)

76 Subscribed and affirmed before me this day of ,
77 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 5. (1) Prior to counting any provisional ballot, the election authority shall determine if
84 the voter is registered and eligible to vote and if the vote was properly cast. The eligibility of
85 provisional votes shall be determined according to the requirements for a voter to cast a ballot
86 in the election as set forth in sections 115.133 and 115.135. A provisional voter ballot shall not
87 be eligible to be counted until the election authority has determined that:

88 (a) The voter cast such provisional ballot at a polling place established for the voter or
89 the central polling place established by the election authority under subsection 5 of section
90 115.115[;

91 (b)] **and** the individual who cast the provisional ballot is an individual [registered]
92 **eligible** to vote in the respective election at the polling place where the ballot was cast;

93 [(c)] **(b)** The voter did not otherwise vote in the same election by regular ballot, absentee
94 ballot, or otherwise; and

95 [(d)] **(c)** The information on the provisional ballot envelope is found to be correct,
96 complete, and accurate.

97 (2) When the ballot boxes are delivered to the election authority from the polling places,
98 the receiving teams shall separate the provisional ballots from the rest of the ballots and place
99 the sealed provisional ballot envelopes in a separate container. Teams of election authority
100 employees or teams of election judges with each team consisting of one member of each major
101 political party shall photocopy each provisional ballot envelope, such photocopy to be used by

102 the election authority to determine provisional voter eligibility. The sealed provisional ballot
103 envelopes shall be placed by the team in a sealed container and shall remain therein until
104 tabulation.

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

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

- 115 (a) The name of the provisional voter;
- 116 (b) The name of the reviewer;
- 117 (c) The date and time; and
- 118 (d) A description of evidence found that supports the voter's eligibility.

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

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

- 125 (a) The name of the provisional voter;
- 126 (b) The name of the reviewer;
- 127 (c) The date and time;
- 128 (d) A description of why the voter is ineligible.

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

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

135 6. All provisional ballots cast by voters whose eligibility has been verified as provided
136 in this section shall be counted in accordance with the rules governing ballot tabulation.
137 Provisional ballots shall not be counted until all provisional ballots are determined either eligible

138 or ineligible and all provisional ballots [must] **shall** be processed before the election is certified.
139 The provisional ballot shall be counted only if the election authority determines that the voter
140 is registered and eligible to vote **and voted in the correct polling place**. Provisional ballots
141 voted in the wrong polling place shall not be counted. If the voter is not registered but is
142 qualified to register for future elections, the affidavit shall be considered a mail-in application
143 to register to vote pursuant to this chapter.

144 7. (1) After the election authority completes its review of the provisional voter's
145 eligibility under subsection 5 of this section, the election authority shall deliver the provisional
146 ballots and copies of the provisional ballot envelopes that include eligibility information to
147 bipartisan counting teams, which may be the board of verification, for review and tabulation.
148 The election authority shall maintain a record of such delivery. The record shall include the
149 number of ballots delivered to each team and shall include a signed receipt from two judges, one
150 from each major political party. The election authority shall provide each team with a ballot box
151 and material necessary for tabulation.

152 (2) If the person named on the provisional ballot affidavit is found to have been properly
153 qualified and registered to cast a ballot in the election and the provisional ballot otherwise
154 qualifies to be counted under the provisions of this section, the envelope shall be opened, and
155 the ballot shall be placed in a ballot box to be counted.

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

161 (4) The votes shall be tallied and the returns made as provided in sections 115.447 to
162 115.525 for paper ballots. After the vote on all ballots assigned to a team have been counted,
163 the ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information
164 provided by the election authority shall be enclosed in sealed containers marked "Voted
165 provisional ballots and ballot envelopes from the election held, 20...". All rejected
166 provisional ballots, ballot envelopes, and copies of ballot envelopes with the eligibility
167 information provided by the election authority shall be enclosed in sealed containers marked
168 "Rejected provisional ballots and ballot envelopes from the election held, 20...".
169 On the outside of each voted ballot and rejected ballot container, each member of the team shall
170 write their name and all such containers shall be returned to the election authority. Upon receipt
171 of the returns and ballots, the election authority shall tabulate the provisional votes.

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

174 provisional ballots, the provisional ballot envelopes, or copies of the provisional ballot envelopes
175 that include eligibility information provided by the election authority. Challengers and watchers
176 shall be permitted to observe the determination of the eligibility of all provisional ballots. The
177 election authority shall notify the county chair of each major political party of the time and
178 location when bipartisan counting teams will be reviewing or counting the provisional ballots,
179 the provisional ballot envelopes, or the copies of the provisional ballot envelopes that include
180 the eligibility information provided by the election authority.

181 9. The certificate of ballot cards shall:

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

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

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

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

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

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

201 14. In accordance with the Help America Vote Act of 2002, any individual who votes
202 in an election as a result of a court order or any other order extending the time established for
203 closing the polls in section 115.407 may vote only by using a provisional ballot, and such
204 provisional ballot shall be separated and held apart from other provisional ballots cast by those
205 not affected by the order. Such ballots shall not be counted until such time as the ballots are
206 determined to be valid. No state court shall have jurisdiction to extend the polling hours
207 established by law, including section 115.407.

208 **15. Any voter who is unable to establish that they are residents of this state and are**
209 **residents of the political subdivision in which they offer to vote under section 115.427 or**

210 **115.428 and who refuses to execute an affidavit under section 115.427 or 115.428 may vote**
211 **a provisional ballot under the procedures of this section.**

2 [115.427. 1. Before receiving a ballot, voters shall establish their identity
3 and eligibility to vote at the polling place by presenting a form of personal
4 identification. "Personal identification" shall mean only one of the following:

5 (1) Nonexpired Missouri driver's license showing the name and a
6 photograph or digital image of the individual; or

7 (2) Nonexpired or nonexpiring Missouri nondriver's license showing the
8 name and a photographic or digital image of the individual; or

9 (3) A document that satisfies all of the following requirements:

10 (a) The document contains the name of the individual to whom the
11 document was issued, and the name substantially conforms to the most recent
12 signature in the individual's voter registration record;

13 (b) The document shows a photographic or digital image of the
14 individual;

15 (c) The document includes an expiration date, and the document is not
16 expired, or if expired, expired not before the date of the most recent general
17 election; and

18 (d) The document was issued by the United States or the state of
19 Missouri; or

20 (4) Any identification containing a photographic or digital image of the
21 individual which is issued by the Missouri National Guard, the United States
22 armed forces, or the United States Department of Veteran Affairs to a member
23 or former member of the Missouri National Guard or the United States armed
24 forces and that does not have an expiration date.

25 2. The election authority shall post a clear and conspicuous notice at each
26 polling place informing each voter who appears at the polling place without a
27 form of personal identification that satisfies the requirements of subsection 1 of
28 this section that the voter may return to the polling place with a proper form of
29 personal identification and vote a regular ballot after election judges have verified
30 the voter's identity and eligibility under subsection 1 of this section. In addition
31 to such posting, the election judges may also inform such voters by written or
32 oral communication of such information posted in the notice. Voters who return
33 to the polling place during the uniform polling hours established by section
34 115.407 with a current and valid form of personal identification shall be given
35 priority in any voting lines.

36 3. An individual who appears at a polling place without identification in
37 the form described in subsection 1 of this section and who is otherwise qualified
38 to vote at that polling place may execute an affidavit averring that the voter is the
39 person listed in the precinct register and that the voter does not possess a form of
40 identification specified in this section and is unable to obtain a current and valid
form of personal identification because of:

- 41 (1) A physical or mental disability or handicap of the voter, if the voter
- 42 is otherwise competent to vote under Missouri law; or
- 43 (2) A sincerely held religious belief against the forms of personal
- 44 identification described in subsection 1 of this section; or
- 45 (3) The voter being born on or before January 1, 1941.

46
 47 Upon executing such affidavit, the individual may cast a provisional ballot. Such
 48 provisional ballot shall be counted, provided the election authority verifies the
 49 identity of the individual by comparing that individual's signature to the signature
 50 on file with the election authority and determines that the individual was eligible
 51 to cast a ballot at the polling place where the ballot was cast.

52 4. The affidavit to be used for voting under subsection 3 of this section
 53 shall be substantially in the following form:

54 "State of
 55 County of
 56 I do solemnly swear (or affirm) that my name is; that I
 57 reside at; and that I am the person listed in the precinct
 58 register under this name and at this address. I further swear (or affirm) that I am
 59 unable to obtain a current and valid form of personal identification because of:
 60 A physical or mental disability or handicap; or
 61 A sincerely held religious belief; or
 62 My being born on or before January 1, 1941.
 63 I understand that knowingly providing false information is a violation of law and
 64 subjects me to possible criminal prosecution.

65
 66 Signature of voter
 67 Subscribed and affirmed before me this day of, 20....
 68
 69 Signature of election official"

70 5. A voter shall be allowed to cast a provisional ballot under section
 71 115.430 even if the election judges cannot establish the voter's identity under
 72 subsection 1 of this section. The election judges shall make a notation on the
 73 provisional ballot envelope to indicate that the voter's identity was not verified.
 74 The provisional ballot cast by such voter shall not be counted unless:

- 75 (1) The voter returns to the polling place during the uniform polling
- 76 hours established by section 115.407 and provides a form of personal
- 77 identification that allows the election judges to verify the voter's identity as
- 78 provided in subsection 1 of this section; and
- 79 (2) The provisional ballot otherwise qualifies to be counted under section
- 80 115.430.

81 6. The secretary of state shall provide advance notice of the personal
 82 identification requirements of subsection 1 of this section in a manner calculated
 83 to inform the public generally of the requirement for photographic personal

84 identification as provided in this section. Such advance notice shall include, at
85 a minimum, the use of advertisements and public service announcements in print,
86 broadcast television, radio, and cable television media, as well as the posting of
87 information on the opening pages of the official state Internet web sites of the
88 secretary of state and governor.

89 7. The provisions of section 136.055, RSMo, and section 302.181,
90 RSMo, notwithstanding, any applicant who requests a nondriver's license with
91 a photograph or digital image for the purpose of voting shall not be required to
92 pay a fee if the applicant executes an affidavit averring that the applicant does not
93 have any other form of photographic personal identification that meets the
94 requirements of subsection 1 of this section. The state of Missouri shall pay the
95 legally required fees for any such applicant. The director shall design an affidavit
96 to be used for this purpose. However, any disabled or elderly person otherwise
97 competent to vote shall be issued a nondriver's license photo identification
98 through a mobile processing system operated by the Missouri department of
99 revenue upon request if the individual is physically unable to otherwise obtain a
100 nondriver's license photo identification. The department of revenue shall make
101 nondriver's license photo identifications available through its mobile processing
102 system only at facilities licensed under chapter 198, RSMo, and other public
103 places accessible to and frequented by disabled and elderly persons. The
104 department shall provide advance notice of the times and places when the mobile
105 processing system will be available. At least nine mobile units housed under the
106 office of administration shall remain available for dispatch upon the request of
107 the department of revenue to fulfill the requirements of this section. The total
108 cost associated with nondriver's license photo identification under this subsection
109 shall be borne by the state of Missouri from funds appropriated to the department
110 of revenue for that specific purpose. The department of revenue and a local
111 election authority may enter into a contract that allows the local election authority
112 to assist the department in issuing nondriver's license photo identifications.

113 8. The director of the department of revenue shall, by January first of
114 each year, prepare and deliver to each member of the general assembly a report
115 documenting the number of individuals who have requested and received a
116 nondriver's license photo identification for the purposes of voting under this
117 section. The report shall also include the number of persons requesting a
118 nondriver's license for purposes of voting under this section, but not receiving
119 such license, and the reason for the denial of the nondriver's license.

120 9. The precinct register shall serve as the voter identification certificate.
121 The following form shall be printed at the top of each page of the precinct
122 register:

123 VOTER'S IDENTIFICATION CERTIFICATE

124 Warning: It is against the law for anyone to vote, or attempt to vote, without
125 having a lawful right to vote.

126 PRECINCT

127 WARD OR TOWNSHIP

128 GENERAL (SPECIAL, PRIMARY) ELECTION

129 Held, 20....

130 Date

131 I hereby certify that I am qualified to vote at this election by signing my name and

132 verifying my address by signing my initials next to my address.

133 10. The secretary of state shall promulgate rules to effectuate the

134 provisions of this section.

135 11. Any rule or portion of a rule, as that term is defined in section

136 536.010, RSMo, that is created under the authority delegated in this section shall

137 become effective only if it complies with and is subject to all of the provisions

138 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section

139 and chapter 536, RSMo, are nonseverable and if any of the powers vested with

140 the general assembly pursuant to chapter 536, RSMo, to review, to delay the

141 effective date or to disapprove and annul a rule are subsequently held

142 unconstitutional, then the grant of rulemaking authority and any rule proposed or

143 adopted after August 28, 2002, shall be invalid and void.

144 12. If any voter is unable to sign his name at the appropriate place on the

145 certificate or computer printout, an election judge shall print the name and

146 address of the voter in the appropriate place on the precinct register, the voter

147 shall make his mark in lieu of signature, and the voter's mark shall be witnessed

148 by the signature of an election judge.

149 13. For any election held on or before November 1, 2008, an individual

150 who appears at a polling place without identification in the form described in

151 subsection 1 of this section, and who is otherwise qualified to vote at that polling

152 place, may cast a provisional ballot after:

153 (1) Executing an affidavit which is also signed by two supervising

154 election judges, one from each major political party, who attest that they have

155 personal knowledge of the identity of the voter, provided that the two supervising

156 election judges who sign an affidavit under this subdivision shall not be involved

157 or participate in the verification of the voter's eligibility by the election authority

158 after the provisional ballot is cast; or

159 (2) (a) Executing an affidavit affirming his or her identity; and

160 (b) Presenting a form of identification from the following list:

161 a. Identification issued by the state of Missouri, an agency of the state,

162 or a local election authority of the state;

163 b. Identification issued by the United States government or agency

164 thereof;

165 c. Identification issued by an institution of higher education, including

166 a university, college, vocational and technical school, located within the state of

167 Missouri;

- 168 d. A copy of a current utility bill, bank statement, government check,
- 169 paycheck, or other government document that contains the name and address of
- 170 the voter; or
- 171 e. Driver's license or state identification card issued by another state.

172
 173 Such provisional ballot shall be entitled to be counted, provided the election
 174 authority verifies the identity of the individual by comparing that individual's
 175 signature to the current signature on file with the election authority and
 176 determines that the individual was otherwise eligible to cast a ballot at the polling
 177 place where the ballot was cast.

178 14. The affidavit to be used for voting under subsection 13 of this section
 179 shall be substantially in the following form:

180 "State of
 181 County of
 182 I do solemnly swear (or affirm) that my name is; that I
 183 reside at; and that I am the person listed in the precinct
 184 register under this name and at this address.
 185 I understand that knowingly providing false information is a violation of law and
 186 subjects me to possible criminal prosecution.
 187
 188 Signature of voter
 189 Subscribed and affirmed before me this day of, 20....
 190
 191 Signature of Election Official".

192 15. The provisions of subsections 1 to 5 and 8 to 14 of this section shall
 193 become effective August 28, 2006, and this subsection shall expire September 1,
 194 2006.]

195
 2 [115.755. A statewide presidential preference primary shall be held on
 3 the first Tuesday after the first Monday in February of each presidential election
 4 year.]

2 [115.758. On or before the tenth Tuesday prior to the date of the
 3 presidential preference primary, the secretary of state shall announce the official
 4 list of presidential candidates for each established political party as provided in
 5 section 115.761.]

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

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

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

19 I (We) the undersigned, do hereby request that the name of
20 be placed upon the February,,
21 presidential primary ballot as candidate for nomination as the nominee for
22 President of the United States on the party ticket.

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

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

36 4. The filing times set out in this section shall only apply to presidential
37 preference primaries, and are in lieu of those established in section 115.349.]
38

2 [115.765. On or before the tenth Tuesday prior to a presidential
3 preference primary, the secretary of state shall transmit to each election authority
4 a certified list containing the names of all candidates whose names shall appear
5 on the presidential preference primary ballot of each party. The names of the
6 candidates shall appear in the order in which their request to be included on the
7 presidential primary ballot was received in the office of the secretary of state,
8 except that, in the case of candidates who file a request to be included on the
9 presidential primary ballot with the secretary of state prior to 5:00 p.m. on the
10 first day for filing, the secretary of state shall determine by random drawing the
11 order in which such candidates' names shall appear on the ballot. The drawing
shall be conducted so that each candidate, or candidate's representative, may draw

12 a number at random at the time of filing. The secretary of state shall record the
13 number drawn with the candidate's request to be included on the presidential
14 primary ballot. The names of candidates filing on the first day for filing on each
15 party ballot shall be listed in ascending order of the numbers so drawn.]
16

2 [115.767. Each election authority shall cause the name of candidates
3 certified by the secretary of state to appear on the presidential preference primary
4 ballot of each party, followed by a listing for an uncommitted vote.]

2 [115.770. The conduct of the presidential preference primary election and
3 the count and canvass of the votes cast therein shall conform as nearly as is
4 practicable to that prescribed for the conduct of the primary election for state
5 officers. All primary election laws not inconsistent with the provisions of
6 sections 115.750 to 115.785 shall be applicable to the conduct of this election,
7 and the form of the ballot insofar as is practicable shall be substantially as that
8 prescribed by section 115.395. In a presidential preference primary, each voter
9 shall be entitled to receive the ballot of one and only one established political
10 party, designated by the voter before receiving such voter's ballot. Each voter
11 who participates in a presidential preference primary shall be entitled to vote on
12 all questions and for any candidates submitted by political subdivisions and
13 special districts at the general municipal election. Each voter who does not wish
14 to participate in a presidential preference primary may vote on all questions and
15 for any candidates submitted by a political subdivision or special district at the
16 general municipal election.]

2 [115.773. After the count and canvass of the votes cast, the secretary of
3 state shall notify the state chair of each of the established political parties for
4 whom a candidate was listed, of the number of votes recorded in that established
5 political party's primary that each candidate and uncommitted listing received.]

2 [115.776. The state party organization which is the state organization
3 recognized by the national organization of that established political party shall,
4 after the primary and before the national convention, conduct a series of caucuses
5 culminating in congressional and state conventions. Delegates to the national
6 conventions shall be chosen at the congressional district and state conventions
7 pursuant to rules established by the political parties.]

2 [115.785. All costs of a presidential preference primary shall be paid by
3 the state, except that, pursuant to section 115.065, costs shall be shared
4 proportionately by the state and any political subdivisions and special districts
5 holding an election on the same day as any such primary. For any county with
6 more than five hundred polling places, the state shall assist in assuring adequate
poll workers and equipment.]

Section B. Because immediate action is necessary to provide personal identification for
2 voters and thereby prevent voter fraud, the repeal and reenactment of section 115.427 of section
3 A of this act is deemed necessary for the immediate preservation of the public health, welfare,
4 peace, and safety, and is hereby declared to be an emergency act within the meaning of the
5 constitution, and the repeal and reenactment of section 115.427 of section A of this act shall be
6 in full force and effect upon its passage and approval.

✓