

House _____ Amendment NO. _____

Offered By

1 AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate
2 Committee Substitute for Senate Bill No. 96, Page 6, Section 115.123, Line 1, by inserting after the
3 word "as" the word "otherwise"; and
4

5 Further amend said bill, page, and section, Line 2, by deleting the words "subsection 2 of" and
6 inserting in lieu thereof the words "~~subsection 2 of~~"; and
7

8 Further amend said bill, page, and section, Line 10, by deleting the word "April" and inserting in
9 lieu thereof the word "March"; and
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11 Further amend said bill and section, Page 7, Line 22, by inserting after said section and line the
12 following:
13

14 "115.137. 1. Except as provided in subsection 2 of this section, any citizen who is entitled
15 to register and vote shall be entitled to register for and vote pursuant to the provisions of this chapter
16 in all statewide public elections and all public elections held for districts and political subdivisions
17 within which he resides.

18 2. Any person who and only persons who fulfill the ownership requirements shall be entitled
19 to vote in elections for which ownership of real property is required by law for voting.

20 3. Notwithstanding any other provision of law to the contrary, no person shall be entitled to
21 vote in a presidential preference primary election of an established political party unless he or she is
22 affiliated with such party, as evidenced by his or her voter registration on the twenty-third Tuesday
23 preceding any presidential preference primary election.

24 115.157. 1. The election authority may place all information on any registration cards in
25 computerized form in accordance with section 115.158. No election authority or secretary of state
26 shall furnish to any member of the public electronic media or printout showing any registration
27 information, except as provided in this section. Except as provided in subsection 2 of this section,
28 the election authority or secretary of state shall make available electronic media or printouts
29 showing only unique voter identification numbers, voters' names, year of birth, addresses, townships
30 or wards, and precincts. Electronic data shall be maintained in at least the following separate fields:

31 (1) Voter identification number;

32 (2) First name;

Action Taken _____ Date _____

- (3) Middle initial;
- (4) Last name;
- (5) Suffix;
- (6) Street number;
- (7) Street direction;
- (8) Street name;
- (9) Street suffix;
- (10) Apartment number;
- (11) City;
- (12) State;
- (13) Zip code;
- (14) Township;
- (15) Ward;
- (16) Precinct;
- (17) Senatorial district;
- (18) Representative district;
- (19) Congressional district; and
- (20) Political party affiliation.

2. All election authorities shall enter voter history in their computerized registration systems and shall, not more than three months after the election, forward such data to the Missouri voter registration system established in section 115.158. In addition, election authorities shall forward registration and other data in a manner prescribed by the secretary of state to comply with the Help America Vote Act of 2002.

3. Except as provided in subsection 6 of this section, the election authority shall furnish, for a fee, electronic media or a printout showing only the names, year of birth, addresses, and political party affiliations of voters, or any part thereof, within the jurisdiction of the election authority who voted in any specific election, including primary elections, by township, ward or precinct, provided that nothing in this chapter shall require such voter information to be released to the public over the internet and shall not be used for commercial purposes.

4. Except as provided in subsection 6 of this section, upon a request by a candidate, a duly authorized representative of a campaign committee, or a political party committee, the secretary of state shall furnish, for a fee determined by the secretary of state and in compliance with section 610.026, media in an electronic format or, if so requested, in a printed format, showing the names, addresses, ~~and~~ voter identification numbers, and political party affiliations of voters within the jurisdiction of a specific election authority who applied for an absentee ballot under section 115.279 for any specific election involving a ballot measure or an office for which the declaration of candidacy is required to be filed with the secretary of state pursuant to section 115.353, including primary elections, by township, ward, or precinct. Nothing in this section shall require such voter information to be released to the public over the internet. For purposes of this section, the terms

1 "candidate", "campaign committee", and "political party committee" shall have the same meaning
2 given to such terms in section 130.011.

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

12 6. Any person working as an undercover officer of a local, state or federal law enforcement
13 agency, persons in witness protection programs, and victims of domestic violence and abuse who
14 have received orders of protection pursuant to chapter 455 shall be entitled to apply to the circuit
15 court having jurisdiction in his or her county of residence to have the residential address on his or
16 her voter registration records closed to the public if the release of such information could endanger
17 the safety of the person. Any person working as an undercover agent or in a witness protection
18 program shall also submit a statement from the chief executive officer of the agency under whose
19 direction he or she is serving. The petition to close the residential address shall be incorporated into
20 any petition for protective order provided by circuit clerks pursuant to chapter 455. If satisfied that
21 the person filing the petition meets the qualifications of this subsection, the circuit court shall issue
22 an order to the election authority to keep the residential address of the voter a closed record and the
23 address may be used only for the purposes of administering elections pursuant to this chapter. The
24 election authority may require the voter who has a closed residential address record to verify that his
25 or her residential address has not changed or to file a change of address and to affirm that the
26 reasons contained in the original petition are still accurate prior to receiving a ballot. A change of
27 address within an election authority's jurisdiction shall not require that the voter file a new petition.
28 Any voter who no longer qualifies pursuant to this subsection to have his or her residential address
29 as a closed record shall notify the circuit court. Upon such notification, the circuit court shall void
30 the order closing the residential address and so notify the election authority.

31 115.168. 1. (1) If a registered voter chooses to change his or her political party affiliation,
32 the voter may notify the election authority of such change. For all presidential preference primary
33 elections held after 2024, if the change of party affiliation happens within twenty-three weeks of a
34 presidential preference primary election, the voter's change of affiliation shall not be applied by the
35 election authority until after the presidential preference primary election. The voter shall be entitled
36 to vote in the current presidential preference primary election based on his or her party affiliation on
37 the twenty-third Tuesday before the presidential preference primary election. Any change of
38 political party affiliation shall be made by signed, written notice in substantially the same manner as
39 a change of address application is filed under section 115.165.

1 ~~[2-]~~ (2) For purposes of this section, the phrase "change his or her political party affiliation"
 2 shall mean changing affiliation from one established political party to another established political
 3 party, changing from affiliation with an established political party to unaffiliated, or changing from
 4 unaffiliated to affiliation with an established political party.

5 2. Any person who was not previously registered to vote in this state and who submits a
 6 voter registration application before 5:00 p.m. on the fourth Wednesday prior to a presidential
 7 preference primary election may choose a political party affiliation or unaffiliation and may vote in
 8 the primary election.

9 3. For the purpose of the 2024 presidential preference primary only, a voter may change his
 10 or her party affiliation before 5:00 p.m. on the fourth Wednesday prior to the election for the
 11 purpose of selecting that party's ballot in the presidential preference primary election.

12 115.205. 1. No person shall be paid or otherwise compensated for soliciting voter
 13 registration applications, other than a governmental entity or a person who is paid or compensated
 14 by a governmental entity for such solicitation. A voter registration solicitor, other than a
 15 governmental entity or a person who is paid or compensated by a governmental entity for such
 16 solicitation, who solicits more than ten voter registration applications shall register for every
 17 election cycle that begins on the day after the general election and ends on the day of the general
 18 election two years later. A voter registration solicitor shall be at least eighteen years of age and shall
 19 be a registered voter in the state of Missouri.

20 2. Each voter registration solicitor shall provide the following information in writing to the
 21 secretary of state's office:

- 22 (1) The name of the voter registration solicitor;
- 23 (2) The residential address, including street number, city, state, and zip code;
- 24 (3) The mailing address, if different from the residential address; and
- 25 (4) The signature of the voter registration solicitor.

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

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

30 4. Any voter registration solicitor who knowingly fails to register with the secretary of state
 31 is guilty of a class three election offense. Voter registration applications shall be accepted by the
 32 election authority if such applications are otherwise valid, even if the voter registration solicitor who
 33 procured the applications fails to register with or submits false information to the secretary of state.

34 115.249. No voting machine shall be used unless it:

- 35 (1) Permits voting in absolute secrecy;
- 36 (2) Permits each voter to vote for as many candidates for each office as he is lawfully
 37 entitled to vote for, and no other;
- 38 (3) Permits each voter to vote for or against as many questions as he is lawfully entitled to
 39 vote on, and no more;

(4) Provides facilities for each voter to cast as many write-in votes for each office as he is lawfully entitled to cast;

(5) Permits each voter in a primary election to vote for the candidates of only one party announced by the voter in advance;

(6) Permits each voter at a presidential election to vote by use of a single mark for the candidates of one party or group of petitioners for president, vice president and their presidential electors;

(7) Correctly registers or records and accurately counts all votes cast for each candidate and for and against each question;

~~[(7)]~~ (8) Is provided with a lock or locks which prevent any movement of the voting or registering mechanism and any tampering with the mechanism;

~~[(8)]~~ (9) Is provided with a protective counter or other device whereby any operation of the machine before or after an election will be detected;

~~[(9)]~~ (10) Is provided with a counter which shows at all times during the election how many people have voted on the machine;

~~[(10)]~~ (11) Is provided with a proper light which enables each voter, while voting, to clearly see the ballot labels.

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

2. Notwithstanding section 115.284, no individual, group, or party shall solicit a voter into obtaining an absentee ballot application. Absentee ballot applications shall not have the information prefilled prior to it being provided to a voter. Nothing in this section shall be interpreted to prohibit a state or local election authority from assisting an individual voter.

3. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is or would be registered, his or her reason for voting an absentee ballot, the address to which the ballot is to be mailed, if mailing is requested, and for absent uniformed services and overseas applicants, the applicant's email address if electronic transmission is requested. If the reason for the applicant voting absentee is due to the reasons established under subdivision (6) of subsection 3 of section 115.277, the applicant shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, address at which he or she is or would be registered, and address to which the ballot is to be mailed, if mailing is requested. ~~[Each]~~ Except during a presidential preference primary election, each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which political party ballot he or she wishes to receive.

1 If the applicant does not respond to the request for political party designation, the election authority
2 is authorized to provide the voter with that part of the ballot for which no political party designation
3 is required.

4 4. All applications for absentee ballots received prior to the sixth Tuesday before an election
5 shall be stored at the office of the election authority until such time as the applications are processed
6 in accordance with section 115.281. No application for an absentee ballot received in the office of
7 the election authority by mail, by facsimile transmission, by electronic mail, or by a guardian or
8 relative after 5:00 p.m. on the second Wednesday immediately prior to the election shall be accepted
9 by any election authority. No application for an absentee ballot submitted by the applicant in person
10 after 5:00 p.m. on the day before the election shall be accepted by any election authority, except as
11 provided in subsections 7, 8, and 9 of this section.

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

20 6. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who
21 resides outside the boundaries of the United States or who is on active duty with the Armed Forces
22 of the United States or members of their immediate family living with them may request an absentee
23 ballot for both the primary and subsequent general election with one application.

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

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

31 (4) Not later than sixty days after the date of each regularly scheduled general election for
32 federal office, each election authority which administered the election shall submit to the secretary
33 of state in a format prescribed by the secretary a report on the combined number of absentee ballots
34 transmitted to, and returned by, absent uniformed services voters and overseas voters for the
35 election. The secretary shall submit to the Election Assistance Commission a combined report of
36 such information not later than ninety days after the date of each regularly scheduled general
37 election for federal office and in a standardized format developed by the commission pursuant to the
38 Help America Vote Act of 2002. The secretary shall make the report available to the general public.

(5) As used in this section, the terms "absent uniformed services voter" and "overseas voter" shall have the meaning prescribed in 52 U.S.C. Section 20310.

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

"STATE OF _____

COUNTY OF _____, ss.

I, _____, do solemnly swear that:

- (1) Before becoming a resident of this state, I resided at _____ (residence address) in _____ (town, township, village or city) of _____ County in the state of _____;
- (2) I moved to this state after the last day to register to vote in such general presidential election and I am now residing in the county of _____, state of Missouri;
- (3) I believe I am entitled pursuant to the laws of this state to vote in the presidential election to be held November _____, _____ (year);
- (4) I hereby make application for a presidential and vice presidential ballot. I have not voted and shall not vote other than by this ballot at such election.

Signed _____

(Applicant)

(Residence Address)

Subscribed and sworn to before me this _____ day of _____, _____

Signed _____

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

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

1 9. An application for an absentee ballot by an interstate former resident shall be received in
2 the office of the election authority where the applicant was formerly registered by 5:00 p.m. on the
3 second Wednesday immediately prior to the election, unless the application is made in person by the
4 applicant in the office of the election authority, in which case such application shall be made no later
5 than 7:00 p.m. on the day of the election.

6 115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied the
7 applicant is entitled to vote by absentee ballot, the election authority shall, within three working
8 days after receiving the application, or if absentee ballots are not available at the time the
9 application is received, within five working days after they become available, deliver to the voter an
10 absentee ballot, ballot envelope and such instructions as are necessary for the applicant to vote. For
11 applications for an absentee ballot to vote in a presidential preference primary election, the election
12 authority shall deliver to the voter only the ballot that corresponds to the established political party
13 with which the voter is affiliated, according to his or her voter registration, or, if the voter is
14 unaffiliated, the unaffiliated ballot. Delivery shall be made to the voter personally in the office of
15 the election authority or by bipartisan teams appointed by the election authority, or by first class,
16 registered, or certified mail at the discretion of the election authority, or in the case of a covered
17 voter as defined in section 115.902, the method of transmission prescribed in section 115.914.
18 Where the election authority is a county clerk, the members of bipartisan teams representing the
19 political party other than that of county clerk shall be selected from a list of persons submitted to the
20 county clerk by the county chairman of that party. If no list is provided by the time that absentee
21 ballots are to be made available, the county clerk may select a person or persons from lists provided
22 in accordance with section 115.087. If the election authority is not satisfied that any applicant is
23 entitled to vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within
24 three working days of receiving such an application, the election authority shall notify the applicant
25 and state the reason he or she is not entitled to vote by absentee ballot. The applicant may file a
26 complaint with the elections division of the secretary of state's office under and pursuant to section
27 115.219.

28 2. If, after 5:00 p.m. on the second Wednesday before an election, any voter from the
29 jurisdiction has become hospitalized, becomes confined due to illness or injury, or is confined in an
30 intermediate care facility, residential care facility, or skilled nursing facility on election day, as such
31 terms are defined in section 198.006, in the county in which the jurisdiction is located or in the
32 jurisdiction of an adjacent election authority within the same county, the election authority shall
33 appoint a team to deliver, witness the signing of and return the voter's application and deliver,
34 witness the voting of and return the voter's absentee ballot. If the election authority receives ten or
35 more applications for absentee ballots from the same address it shall appoint a team to deliver and
36 witness the voting and return of absentee ballots by voters residing at that address, except when such
37 addresses are for an apartment building or other structure wherein individual living units are located,
38 each of which has its own separate cooking facilities. Each team appointed pursuant to this
39 subsection shall consist of two registered voters, one from each major political party. Both members

1 of any team appointed pursuant to this subsection shall be present during the delivery, signing or
 2 voting and return of any application or absentee ballot signed or voted pursuant to this subsection.

3 3. On the mailing and ballot envelopes for each covered voter, the election authority shall
 4 stamp prominently in black the words "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S.
 5 Postage Paid, 39 U.S.C. Section 3406".

6 4. No information which encourages a vote for or against a candidate or issue shall be
 7 provided to any voter with an absentee ballot."; and

8
 9 Further amend said bill and page, Section 115.351, Line 15, by inserting after said section and line
 10 the following:

11
 12 "115.397. 1. In each presidential preference primary election, each voter shall be entitled to
 13 receive the ballot of ~~[one and only one]~~ the established political party~~[-, designated by the voter~~
 14 ~~before receiving his ballot]~~ with which such voter is affiliated, as evidenced by his or her voter
 15 registration twenty-three weeks prior to the current political party primary election. Any voter who
 16 has chosen to be unaffiliated shall be permitted to cast only an unaffiliated ballot.

17 2. In each primary election, each voter shall be entitled to receive the ballot of one and only
 18 one political party, designated by the voter before receiving his ballot.

19 3. Each voter who participates in a party primary shall be entitled to vote on all questions
 20 and for any nonpartisan candidates submitted by political subdivisions and special districts at the
 21 primary election. Each voter who does not wish to participate in a party primary may vote on all
 22 questions and for any nonpartisan candidates submitted by a political subdivision or special district
 23 at the primary election.

24 115.429. 1. The election judges shall not permit any person to vote unless satisfied that
 25 such person is the person whose name appears on the precinct register.

26 2. The identity or qualifications of any person offering to vote may be challenged by any
 27 election authority personnel, any registered voter, or any duly authorized challenger at the polling
 28 place. No person whose right to vote is challenged shall receive a ballot until his or her identity and
 29 qualifications have been established.

30 3. Any question of doubt concerning the identity or qualifications of a voter shall be decided
 31 by a majority of the judges from the major political parties. If such election judges decide not to
 32 permit a person to vote because of doubt as to his or her identity or qualifications, the person may
 33 apply to the election authority as provided in section 115.193 or file a complaint with the elections
 34 division of the secretary of state's office under and pursuant to section 115.219.

35 4. If the election judges cannot reach a decision on the identity or qualifications of any
 36 person, the question shall be decided by the election authority.

37 5. The election judges or the election authority may require any person whose right to vote
 38 is challenged to execute an affidavit affirming his or her qualifications. The election authority shall
 39 furnish to the election judges a sufficient number of blank affidavits of qualification, and the

election judges shall enter any appropriate information or comments under the title "Remarks" which shall appear at the bottom of the affidavit. All executed affidavits of qualification shall be returned to the election authority with the other election supplies. Any person who makes a false affidavit of qualification shall be guilty of a class one election offense.

6. In the case of a presidential preference primary election, the election judges shall determine, using the voter's registration information, whether the voter's political party affiliation is the same as the political party holding the primary election.

115.628. 1. Except as provided in subsection 3 of this section, the governing body of any established political party shall adopt a closed presidential preference primary election system that shall be enforced by the office of the secretary of state and the requisite local election authority. The closed primary election system shall be binding only upon the presidential preference primary election.

2. The secretary of state shall maintain voter registration records in accordance with the Missouri voter registration system defined under section 115.158.

3. Any political party entitled to ballot access as established under section 115.315 shall be allowed to exempt itself from a closed presidential preference primary election and conduct a caucus at its own expense. The party shall be allowed to submit a general election candidate for the general election ballot.

4. The state shall pay the costs of implementing and providing notice of the closed presidential preference primary system under this section, with the exception of any caucus conducted under subsection 3 of this section. The state shall end any initial notification requirement under this section or chapter after the presidential preference primary election is held in 2024.

~~[2.]~~ 5. Local election authorities shall notify registered voters of the political party affiliation [opportunities] requirements of this section using all current election mailings that would otherwise be mailed to registered voters prior to [January 1, 2025] the presidential preference primary election held in 2024.

~~[3.]~~ 6. Beginning January 1, 2023, the voter registration application form shall be amended to include a choice of political party affiliation.

~~[4.]~~ 7. Notwithstanding any other provision of law to the contrary, beginning January 1, 2023, voters may declare political party affiliation during the voter check-in process at any election. Appropriate software shall be provided at voter check-in for political party affiliation so as to minimize later data entry for election authorities. If the election authority does not use electronic poll books, then a signed, written notice in substantially the same manner as a change of address application is filed under section 115.165 is adequate. The election authority shall process this initial political party registration through its normal means of administration.

~~[5.]~~ 8. Notwithstanding any other provision of law to the contrary, all current processes for registering voters in the various counties shall remain in place."; and

Further amend said bill and page, Section 115.755, Line 2, by deleting the word "April" and

1 inserting in lieu thereof the word "March"; and

2
3 Further amend said bill, Page 8, Section 115.761, Line 18, by deleting the word "April" and
4 inserting in lieu thereof the word "March"; and

5
6 Further amend said bill, Page 9, Section 115.770, Lines 7-8, by deleting said lines and inserting in
7 lieu thereof the following:

8
9 "preference primary, each voter shall be entitled to receive only the ballot of the political party with
10 which such voter is affiliated, as evidenced by his or her voter registration twenty-three weeks prior
11 to the presidential preference primary election."; and

12
13 Further amend said bill and page, Section 115.785, Line 1, by inserting after the word "under" the
14 word "section"; and

15
16 Further amend said bill by amending the title, enacting clause, and intersectional references
17 accordingly.