

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 222, Page 8, Section  
2 89.380, Line 25, by inserting after all of said section and line the following:  
3

4 "115.105. 1. The chair of the county committee of each political party named on the ballot  
5 shall have the right to designate a challenger for each polling place, who may be present until all  
6 ballots are cast on the day of election, and a challenger for each location at which absentee ballots  
7 are counted, who may be present while the ballots are being prepared for counting and counted. No  
8 later than four business days before the election, the chair of each county committee of each  
9 political party named on the ballot shall provide signed official designation forms with the names of  
10 the designated challengers and substitutes to the local election authority for confirmation of  
11 eligibility to serve as a challenger. The local election authority, after verifying the eligibility of each  
12 designated and substitute challenger, shall sign off on the official designation forms, unless the  
13 challenger is found not to have the qualifications established by subsection 4 of this section. If the  
14 election authority determines that a challenger does not meet the qualifications of subsection 4 of  
15 this section, the designating party chair may designate a replacement challenger and provide the  
16 local election authority with the name of the replacement challenger before 5:00 p.m. of the Monday  
17 preceding the election. The designating chair may substitute challengers at his or her discretion  
18 during such hours.

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

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

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

27 5. All persons selected as challengers shall have the same qualifications required by section  
28 115.085 for election judges, except that such challenger shall be a registered voter in the jurisdiction  
29 of the election authority for which the challenger is designated as a challenger.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1       ~~[5-]~~ 6. Any challenge by a challenger to a voter's identification for validity shall be made  
 2 only to the election judges or other election authority. If the poll challenger is not satisfied with the  
 3 decision of the election judges, then he or she may report his or her belief that the election laws of  
 4 this state have been or will be violated to the election authority as allowed under this section.

5       115.123. 1. All public elections shall be held on Tuesday. Except as provided in subsection  
 6 2 of this section, and section 247.180, all public elections shall be held on the general election day,  
 7 the primary election day, the general municipal election day, the first Tuesday after the first Monday  
 8 in November, or on another day expressly provided by city or county charter, and in nonprimary  
 9 years on the first Tuesday after the first Monday in August. Bond elections may be held on the first  
 10 Tuesday after the first Monday in February but no other issue shall be included on the ballot for  
 11 such election.

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

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

- 17       (1) Bond elections necessitated by fire, vandalism or natural disaster;
- 18       (2) Elections for which ownership of real property is required by law for voting;
- 19       (3) Special elections to fill vacancies and to decide tie votes or election contests; and
- 20       (4) Tax elections necessitated by a financial hardship due to a five percent or greater decline  
 21 in per-pupil state revenue to a school district from the previous year.

22       ~~[3-]~~ 4. Nothing in this section prohibits a charter city or county from having its primary  
 23 election in March if the charter provided for a March primary before August 28, 1999.

24       ~~[4-]~~ 5. Nothing in this section shall prohibit elections held pursuant to section 65.600, but no  
 25 other issues shall be on the March ballot except pursuant to this chapter.

26       115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice of a  
 27 special election to fill a vacancy submitted pursuant to subsection 2 of section 115.125, the election  
 28 authority shall cause legal notice of the special election to be published in a newspaper of general  
 29 circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the  
 30 election, the date and time of the election, the name of the office to be filled and the date by which  
 31 candidates must be selected or filed for the office. Within one week prior to each special election to  
 32 fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to  
 33 be published in two newspapers of different political faith and general circulation in the jurisdiction.  
 34 The legal notice shall include the date and time of the election, the name of the officer or agency  
 35 calling the election and a sample ballot. If there is only one newspaper of general circulation in the  
 36 jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If  
 37 there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite  
 38 political faith, the notice shall be published in any two of the newspapers within one week prior to  
 39 the election.

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

3. The election authority shall print the official ballot as the same appears on the sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or official printed ballot shall be stricken or removed from the ballot except on death of a candidate or by court order, but in no event shall a candidate or issue be stricken or removed from the ballot less than eight weeks before the date of the election.

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

5. If the opening date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the opening filing date shall be 8:00 a.m., the ~~[seventeenth]~~ sixteenth Tuesday prior to the election. If the closing date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the closing filing date shall be 5:00 p.m., the ~~[fourteenth]~~ thirteenth Tuesday prior to the election or, if the thirteenth Tuesday prior to the election is a state or federal holiday, the closing filing date shall be 5:00 p.m. on the next day that is not a state or federal holiday. The political subdivision or special district calling an election shall, before the ~~[seventeenth]~~ sixteenth Tuesday, prior to any election at which offices are to be filled, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one newspaper of general circulation in the political subdivision or special district.

6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting costs,

1 a candidate who has filed for an office or who has been duly nominated for an office may, at any  
 2 time after the certification of the notice of election required in subsection 1 of section 115.125 but  
 3 no later than 5:00 p.m. on the eighth Tuesday before the election, withdraw as a candidate pursuant  
 4 to a court order, which, except for good cause shown by the election authority in opposition thereto,  
 5 shall be freely given upon application by the candidate to the circuit court of the area of such  
 6 candidate's residence.

7 115.205. 1. No person shall be paid or otherwise compensated for soliciting voter  
 8 registration applications, other than a governmental entity or a person who is paid or compensated  
 9 by a governmental entity for such solicitation. A voter registration solicitor, other than a  
 10 governmental entity or a person who is paid or compensated by a governmental entity for such  
 11 solicitation, who solicits more than ten voter registration applications shall register for every  
 12 election cycle that begins on the day after the general election and ends on the day of the general  
 13 election two years later. A voter registration solicitor shall be at least eighteen years of age and shall  
 14 be a registered voter in the state of Missouri.

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

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

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

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

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

29 115.284. 1. There is hereby established an absentee voting process to assist persons with  
 30 permanent disabilities in the exercise of their voting rights.

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

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

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

State of \_\_\_\_\_

County (City) of \_\_\_\_\_

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

\_\_\_\_\_  
Signature of Voter

\_\_\_\_\_  
Voter's Address

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

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

- 9           (1) Asks to be removed from the list;
- 10          (2) Dies;
- 11          (3) Becomes disqualified from voting pursuant to this chapter; or
- 12          (4) No longer resides at the address of his or her voter registration.

13          7. No lists of applications under this section shall be posted or displayed in any area open to  
14 the general public, nor shall such lists of applications be considered a public record under the  
15 provisions of chapter 610.

16          115.351. No person who files as a party candidate for nomination or election to an office  
17 shall, without withdrawing, file as another party's candidate or an independent candidate for  
18 nomination or election to the office for the same term. No person who files as an independent  
19 candidate for election to an office shall, without withdrawing, file as a party candidate for  
20 nomination or election to the office for the same term. No person shall file for one office and,  
21 without withdrawing, file for another office to be filled at the same election. A person who files a  
22 request to be included on the presidential primary ballot is not prohibited by this section from filing  
23 or appearing on any ballot as a party candidate for nomination to another office. Receipt by the  
24 secretary of state of proper certification of nomination pursuant to subsection 1 of section 115.399

1 constitutes withdrawal by operation of law pursuant to subsection 1 of section 115.359 of any  
 2 presidential or vice presidential nominee from any other office for which such nominee is a  
 3 candidate at the same election. Any person violating any provision of this section shall be  
 4 disqualified from running for nomination or election to any office at the primary and general  
 5 election next succeeding the violation.

6 115.427. 1. Persons seeking to vote in a public election shall establish their identity and  
 7 eligibility to vote at the polling place or, if voting absentee in person under section 115.277, at the  
 8 office of the election authority or other authorized location designated by the election authority by  
 9 presenting a form of personal photo identification to election officials. No form of personal photo  
 10 identification other than the forms listed in this section shall be accepted to establish a voter's  
 11 qualifications to vote. Forms of personal photo identification that satisfy the requirements of this  
 12 section are any one of the following:

- 13 (1) Nonexpired Missouri driver's license as described under section 302.181;
- 14 (2) Nonexpired or nonexpiring Missouri nondriver's license as described in section 302.181;
- 15 (3) A document that satisfies all of the following requirements:
- 16 (a) The document contains the name of the individual to whom the document was issued,  
 17 and the name substantially conforms to the most recent signature in the individual's voter  
 18 registration record;
- 19 (b) The document shows a photograph of the individual;
- 20 (c) The document includes an expiration date, and the document is not expired, or, if  
 21 expired, the document expired after the date of the most recent general election; and
- 22 (d) The document was issued by the United States or the state of Missouri, including  
 23 documents issued in a secure, digital format; or
- 24 (4) Any identification containing a photograph of the individual which is issued by the  
 25 Missouri National Guard, the United States Armed Forces, including the Space Force, or the United  
 26 States Department of Veteran Affairs to a member or former member of the Missouri National  
 27 Guard or the United States Armed Forces, including the Space Force, and that is not expired or does  
 28 not have an expiration date.

29 2. (1) An individual who appears at a polling place without a form of personal identification  
 30 described in subsection 1 of this section and who is otherwise qualified to vote at that polling place  
 31 shall be allowed to cast a provisional ballot. The election judges shall make a notation on the  
 32 provisional ballot envelope to indicate that the voter's identity was not verified.

33 (2) No person shall be entitled to receive a provisional ballot until such person has  
 34 completed a provisional ballot affidavit on the provisional ballot envelope. All provisional ballots  
 35 shall be marked with a conspicuous stamp or mark that makes them distinguishable from other  
 36 ballots.

37 (3) The provisional ballot envelope shall be completed by the voter for use in determining  
 38 the voter's eligibility to cast a ballot.

39 3. The provisional ballot envelope shall provide a place for the voter's name, address, date

- 1 of birth, and last four digits of his or her Social Security number, followed by a certificate in  
 2 substantially the following form:

I do solemnly swear that I am the person identified above and the information provided is correct. I understand that my vote will not be counted unless:

(1) (a) I return to this polling place today between 6:00 a.m. and 7:00 p.m. and provide one of the following forms of identification:

a. Nonexpired Missouri driver's license;

b. Nonexpired or nonexpiring Missouri nondriver's license;

c. A document that satisfies all of the following requirements:

(i) The document contains my name, in substantially the same form as the most recent signature on my voter registration record;

(ii) The document contains my photograph;

(iii) The document contains an expiration date and is not expired, or if expired, the document expired after the date of the most recent general election; and

(iv) The document was issued by the United States or the state of Missouri; or

d. Identification containing my photograph issued to me by the Missouri National Guard, the United States Armed Forces, including Space Force, or the United States Department of Veteran Affairs as a member or former member of the Missouri National Guard or the United States Armed Forces that is not expired or does not have an expiration date; or

(b) The election authority verifies my identity by comparing my signature on this envelope to the signature on file with the election authority and determines that I was eligible to cast a ballot at this polling place; and

(2) This provisional ballot otherwise qualifies to be counted under the laws of the State of Missouri.

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Signature of Voter

Date

Signature of Election Officials

Once voted, the provisional ballot shall be sealed in the provisional ballot envelope and placed in a separate secured container by the election judge.

4. The provisional ballot cast by such voter shall not be counted unless:

(1) (a) The voter returns to the polling place during the uniform polling hours established by section 115.407 and provides a form of personal identification that allows the election judges to verify the voter's identity as provided in subsection 1 of this section; or

(b) The election authority verifies the identity of the individual by comparing that individual's signature to the signature on file with the election authority and determines that the individual was eligible to cast a ballot at the polling place where the ballot was cast; and

(2) The provisional ballot otherwise qualifies to be counted under section 115.430.

5. The secretary of state shall provide notice of the personal photo identification requirements described in subsection 1 of this section on the official state internet website of the secretary of state.

6. (1) Notwithstanding the provisions of section 136.055 and section 302.181 to the contrary, the state and all fee offices shall provide one nondriver's license at no cost to any otherwise qualified voter who does not already possess such identification and who desires the identification for voting.

(2) This state and its agencies shall provide one copy of each of the following, free of charge, if needed by an individual seeking to obtain a form of personal photo identification described in subsection 1 of this section in order to vote:

(a) A birth certificate;

(b) A marriage license or certificate;

(c) A divorce decree;

(d) A certificate of decree of adoption;

(e) A court order changing the person's name;

(f) A Social Security card reflecting an updated name; and

(g) Naturalization papers or other documents from the United States Department of State proving citizenship.

Any individual seeking one of the above documents in order to obtain a form of personal photo identification described in subsection 1 of this section for voting may request the secretary of state to facilitate the acquisition of such documents. The secretary of state shall pay any fee or fees charged by another state or its agencies, or any court of competent jurisdiction in this state or any



1 other state, or the federal government or its agencies, in order to obtain any of the above documents  
2 from such state or the federal government.

3 (3) Any applicant who requests a nondriver's license for voting shall not be required to pay a  
4 fee. The state of Missouri shall pay the legally required fees for any such applicant. The  
5 department of revenue and a local election authority may enter into a contract that allows the local  
6 election authority to assist the department in issuing nondriver's license photo identifications.

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

13 8. The precinct register shall serve as the voter identification certificate. The following  
14 form shall be printed at the top of each page of the precinct register:

#### VOTER'S IDENTIFICATION CERTIFICATE

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

15 9. The secretary of state shall promulgate rules to effectuate the provisions of this section.

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

23 11. If any voter is unable to sign his name at the appropriate place on the certificate or  
24 computer printout, an election judge shall print the name and address of the voter in the appropriate  
25 place on the precinct register, the voter shall make his mark in lieu of signature, and the voter's mark

1 shall be witnessed by the signature of an election judge.

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

5 2. (1) A voter claiming to be properly registered in the jurisdiction of the election authority  
6 and eligible to vote in an election, but whose eligibility at that precinct cannot be immediately  
7 established upon examination of the precinct register, shall be entitled to vote a provisional ballot  
8 after providing a form of personal identification required pursuant to section 115.427 or upon  
9 executing an affidavit under section 115.427, or may vote at a central polling place as established in  
10 section 115.115 where the voter may vote his or her appropriate ballot for his or her precinct of  
11 residence upon verification of eligibility or vote a provisional ballot if eligibility cannot be  
12 determined. The provisional ballot provided to a voter under this section shall be the ballot  
13 provided to a resident of the voter's precinct determined by reference to the affidavit provided for in  
14 this section. If the voter declares that the voter is eligible to vote and the election authority  
15 determines that the voter is eligible to vote at another polling place, the voter shall be directed to the  
16 correct polling place or a central polling place as established by the election authority pursuant to  
17 subsection 5 of section 115.115. If the voter refuses to go to the correct polling place or a central  
18 polling place, the voter shall be permitted to vote a provisional ballot at the incorrect polling place,  
19 but such ballot shall not be counted if the voter was not 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. If  
23 the voter is registered and eligible to vote at the polling place, the voter shall receive a regular  
24 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 entitled to  
30 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 voter  
33 presents himself or herself, and if the voter appears to be eligible to vote at another polling place,  
34 the voter shall be informed that he or she may cast a provisional ballot at the current polling place or  
35 may travel to the correct polling place or a central polling place, as established by the election  
36 authority under subsection 5 of section 115.115, where the voter may cast a regular ballot or  
37 provisional ballot if the voter's eligibility still cannot be determined. Provisional ballots cast at a  
38 polling place shall be counted only if the voter was eligible to vote at such polling place as provided  
39 in subsection 5 of this section.

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

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

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

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

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

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

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

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

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

\_\_\_\_\_  
(Signature of Voter)

(Current Address)

Subscribed and affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_

\_\_\_\_\_  
(Signature of Election Official)

1  
2 The voter may provide additional information to further assist the election authority in determining  
3 eligibility, including the place and date the voter registered to vote, if known.

4       5. (1) Prior to counting any provisional ballot, the election authority shall determine if the  
5 voter is registered and eligible to vote and if the vote was properly cast. The eligibility of  
6 provisional votes shall be determined according to the requirements for a voter to cast a ballot in the  
7 election as set forth in sections 115.133 and 115.135. A provisional [~~voter~~] ballot shall not be  
8 eligible to be counted until the election authority has determined that:

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

11       (b) The individual who cast the provisional ballot is an individual registered to vote in the  
12 respective election at the polling place where the ballot was cast;

13       (c) The voter did not otherwise vote in the same election by regular ballot, absentee ballot,  
14 or otherwise; and

15       (d) The information on the provisional ballot envelope is found to be correct, complete, and  
16 accurate.

17       (2) When the ballot boxes are delivered to the election authority from the polling places, the  
18 receiving teams shall separate the provisional ballots from the rest of the ballots and place the sealed  
19 provisional ballot envelopes in a separate container. Teams of election authority employees or  
20 teams of election judges with each team consisting of one member of each major political party  
21 shall photocopy each provisional ballot envelope, such photocopy to be used by the election  
22 authority to determine provisional voter eligibility. The sealed provisional ballot envelopes shall be  
23 placed by the team in a sealed container and shall remain therein until tabulation.

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

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

1 shall contain substantially the following information:

- 2 (a) The name of the provisional voter;
- 3 (b) The name of the reviewer;
- 4 (c) The date and time; and
- 5 (d) A description of evidence found that supports the voter's eligibility.

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

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

- 12 (a) The name of the provisional voter;
- 13 (b) The name of the reviewer;
- 14 (c) The date and time;
- 15 (d) A description of why the voter is ineligible.

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

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

22 6. All provisional ballots cast by voters whose eligibility has been verified as provided in  
23 this section shall be counted in accordance with the rules governing ballot tabulation. Provisional  
24 ballots shall not be counted until all provisional ballots are determined either eligible or ineligible  
25 and all provisional ballots must be processed before the election is certified. The provisional ballot  
26 shall be counted only if the election authority determines that the voter is registered and eligible to  
27 vote. Provisional ballots voted in the wrong polling place shall not be counted. If the voter is not  
28 registered but is qualified to register for future elections, the affidavit shall be considered a mail-in  
29 application to register to vote pursuant to this chapter.

30 7. (1) After the election authority completes its review of the provisional voter's eligibility  
31 under subsection 5 of this section, the election authority shall deliver the provisional ballots and  
32 copies of the provisional ballot envelopes that include eligibility information to bipartisan counting  
33 teams, which may be the board of verification, for review and tabulation. The election authority  
34 shall maintain a record of such delivery. The record shall include the number of ballots delivered to  
35 each team and shall include a signed receipt from two judges, one from each major political party.  
36 The election authority shall provide each team with a ballot box and material necessary for  
37 tabulation.

38 (2) If the person named on the provisional ballot affidavit is found to have been properly  
39 qualified and registered to cast a ballot in the election and the provisional ballot otherwise qualifies

1 to be counted under the provisions of this section, the envelope shall be opened, and the ballot shall  
2 be placed in a ballot box to be counted.

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

8 (4) The votes shall be tallied and the returns made as provided in sections 115.447 to  
9 115.525 for paper ballots. After the vote on all ballots assigned to a team have been counted, the  
10 ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by  
11 the election authority shall be enclosed in sealed containers marked "Voted provisional ballots and  
12 ballot envelopes from the election held \_\_\_\_\_, 20\_\_\_\_". All rejected provisional ballots, ballot  
13 envelopes, and copies of ballot envelopes with the eligibility information provided by the election  
14 authority shall be enclosed in sealed containers marked "Rejected provisional ballots and ballot  
15 envelopes from the election held \_\_\_\_\_, 20\_\_\_\_". On the outside of each voted ballot and  
16 rejected ballot container, each member of the team shall write their name and all such containers  
17 shall be returned to the election authority. Upon receipt of the returns and ballots, the election  
18 authority shall tabulate the provisional votes.

19 8. Challengers and watchers, as provided by sections 115.105 and 115.107, may be present  
20 during all times that the bipartisan counting teams are reviewing or counting the provisional ballots,  
21 the provisional ballot envelopes, or copies of the provisional ballot envelopes that include eligibility  
22 information provided by the election authority. Challengers and watchers shall be permitted to  
23 observe the determination of the eligibility of all provisional ballots. The election authority shall  
24 notify the county chair of each major political party of the time and location when bipartisan  
25 counting teams will be reviewing or counting the provisional ballots, the provisional ballot  
26 envelopes, or the copies of the provisional ballot envelopes that include the eligibility information  
27 provided by the election authority.

28 9. The certificate of ballot cards shall:

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

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

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

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

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

39 13. Pursuant to the Help America Vote Act of 2002, the secretary of state shall ensure a free

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

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

15 115.635. The following offenses, and any others specifically so described by law, shall be  
16 class three election offenses and are deemed misdemeanors connected with the exercise of the right  
17 of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more  
18 than one year or by fine of not more than two thousand five hundred dollars, or by both such  
19 imprisonment and fine:

20 (1) Giving, lending, agreeing to give or lend, offering, promising, or endeavoring to procure,  
21 any money or valuable consideration, office, or place of employment, to or for any voter, to or for  
22 any person on behalf of any voter, or to or for any person, in order to induce any voter to vote or  
23 refrain from voting or corruptly doing any such act on account of such voter having already voted or  
24 refrained from voting at any election;

25 (2) Making use of, or threatening to make use of, any force, violence, or restraint, or  
26 inflicting or threatening to inflict any injury, damage, harm or loss upon or against any person, in  
27 order to induce or compel such person to vote or refrain from voting at any election;

28 (3) Impeding or preventing, or attempting to impede or prevent, by abduction, duress or any  
29 fraudulent device or contrivance, the free exercise of the franchise of any voter or, by abduction,  
30 duress, or any fraudulent device, compelling, inducing, or prevailing upon any voter to vote or  
31 refrain from voting at any election;

32 (4) Giving, or making an agreement to give, any money, property, right in action, or other  
33 gratuity or reward, in consideration of any grant or deputation of office;

34 (5) Bringing into this state any nonresident person with intent that such person shall vote at  
35 an election without possessing the requisite qualifications;

36 (6) Asking for, receiving, or taking any money or other reward by way of gift, loan, or other  
37 device or agreeing or contracting for any money, gift, office, employment, or other reward, for  
38 giving, or refraining from giving, his or her vote in any election;

39 (7) Removing, destroying or altering any supplies or information placed in or near a voting

1 booth for the purpose of enabling a voter to prepare his or her ballot;

2 (8) Entering a voting booth or compartment except as specifically authorized by law;

3 (9) On the part of any election official, challenger, watcher or person assisting a person to  
4 vote, revealing or disclosing any information as to how any voter may have voted, indicated that the  
5 person had voted except as authorized by this chapter, indicated an intent to vote or offered to vote,  
6 except to a grand jury or pursuant to a lawful subpoena in a court proceeding relating to an election  
7 offense;

8 (10) On the part of any registration or election official, refusing to permit any person to  
9 register to vote or to vote when such official knows the person is legally entitled to register or  
10 legally entitled to vote;

11 (11) Attempting to commit or participating in an attempt to commit any class one or class  
12 two election offense[-];

13 (12) Threatening to harm or engaging in conduct reasonably calculated to harass or alarm,  
14 including stalking pursuant to section 565.227, an election judge, challenger, watcher, or employee  
15 or volunteer of an election authority, or a member of such person's family;

16 (13) Attempting to induce, influence, deceive, or pressure an election official or member of  
17 an election official's family to violate any provision of this chapter;

18 (14) Disseminating, through any means, including by posting on the internet, the home  
19 address, home telephone number, mobile telephone number, personal email address, social security  
20 number, federal tax identification number, checking account number, savings account number, credit  
21 card number, marital status, or identity of a child under eighteen years of age, of an election judge,  
22 challenger, watcher, or employee or volunteer of an election authority, or a member of such person's  
23 family, for the purposes listed in subdivisions (12) and (13) of this section.

24 115.637. The following offenses, and any others specifically so described by law, shall be  
25 class four election offenses and are deemed misdemeanors not connected with the exercise of the  
26 right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not  
27 more than one year or by a fine of not more than two thousand five hundred dollars or by both such  
28 imprisonment and fine:

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

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

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

39 (4) On the part of any candidate for election to any office of honor, trust, or profit, offering



1 or promising to discharge the duties of such office for a less sum than the salary, fees, or  
2 emoluments as fixed by law or promising to pay back or donate to any public or private interest any  
3 portion of such salary, fees, or emolument as an inducement to voters;

4 (5) On the part of any canvasser appointed to canvass any registration list, willfully failing  
5 to appear, refusing to continue, or abandoning such canvass or willfully neglecting to perform his  
6 duties in making such canvass or willfully neglecting any duties lawfully assigned to him or her;

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

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

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

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

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

26 (11) On the part of any election judge, being willfully absent from the polls on election day  
27 without good cause or willfully detaining any election material or equipment and not causing it to be  
28 produced at the voting place at the opening of the polls or within fifteen minutes thereafter;

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

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

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

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

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

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

6 (18) Exit polling, surveying, sampling, circulating initiative or referendum petitions,  
7 electioneering, distributing election literature, posting signs or placing vehicles bearing signs with  
8 respect to any candidate or question to be voted on at an election ~~[on election day]~~ inside the  
9 building in which a polling place is located on election day or during the absentee voting period or  
10 within twenty-five feet of the building's outer door closest to the polling place on election day or  
11 during the absentee voting period, or, on the part of any person, refusing to remove or permit  
12 removal from property owned or controlled by such person, any such election sign or literature  
13 located within such distance on such day after request for removal by any person;

14 (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on  
15 private property, except that this subdivision shall not be construed to interfere with the right of any  
16 private property owner to take any action with regard to campaign yard signs on the owner's  
17 property and this subdivision shall not be construed to interfere with the right of any candidate, or  
18 the candidate's designee, to remove the candidate's campaign yard sign from the owner's private  
19 property after the election day.

20 115.755. A statewide presidential preference primary shall be held on the second Tuesday  
21 after the first Monday in March of each presidential election year.

22 115.758. On or before the tenth Tuesday prior to the date of the presidential preference  
23 primary, the secretary of state shall announce the official list of presidential candidates for each  
24 established political party as provided in section 115.761.

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

30 (1) Receipt of payment to the state committee of the established political party on whose  
31 ballot the candidate wishes to appear of a filing fee of five thousand dollars; or

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

I (We) the undersigned, do hereby request that the name of \_\_\_\_\_ be  
placed upon the March \_\_\_\_\_, \_\_\_\_\_, presidential primary ballot as  
candidate for nomination as the nominee for President of the United

States on the \_\_\_\_\_ party ticket.

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

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

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

115.765. On or before the tenth Tuesday prior to a presidential preference primary, the secretary of state shall transmit to each election authority a certified list containing the names of all candidates whose names shall appear on the presidential preference primary ballot of each party. The names of the candidates shall appear in the order in which their request to be included on the presidential primary ballot was received in the office of the secretary of state, except that, in the case of candidates who file a request to be included on the presidential primary ballot with the secretary of state prior to 5:00 p.m. on the first day for filing, the secretary of state shall determine by random drawing the 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 a number at random at the time of filing. The secretary of state shall record the number drawn with the candidate's request to be included on the presidential primary ballot. The names of candidates filing on the first day for filing on each party ballot shall be listed in ascending order of the numbers so drawn.

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

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

primary may vote on all questions and for any candidates submitted by a political subdivision or special district at the general municipal election.

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

115.776. The state party organization which is the state organization recognized by the national organization of that established political party shall, after the primary and before the national convention, conduct a series of caucuses culminating in congressional and state conventions ~~[for the purpose of nominating a candidate for the president of the United States]~~. Delegates to the national conventions shall be chosen at the congressional district and state conventions pursuant to rules established by the political parties.

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

115.904. The voting procedures in sections 115.900 to 115.936 shall apply to:

(1) A general, special, presidential preference, or primary election for federal office;

(2) A general, special, or primary election for statewide or state legislative office or state ballot measure; or

(3) Any election in which absentee voting is conducted pursuant to sections 115.275 to 115.304."; and

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