

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By

AMEND House Amendment No. _____ to House Committee Substitute for Senate Substitute for Senate Bill No. 222, Page 4, Line 6, by deleting all of said line and inserting in lieu thereof the following:

"candidate's residence.

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

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

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

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

- (1) Voter identification number;
- (2) First name;
- (3) Middle initial;
- (4) Last name;
- (5) Suffix;
- (6) Street number;
- (7) Street direction;
- (8) Street name;
- (9) Street suffix;

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

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

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

22 4. Except as provided in subsection 6 of this section, upon a request by a candidate, a duly
23 authorized representative of a campaign committee, or a political party committee, the secretary of state shall
24 furnish, for a fee determined by the secretary of state and in compliance with section 610.026, media in an
25 electronic format or, if so requested, in a printed format, showing the names, addresses, ~~and~~ voter
26 identification numbers, and political party affiliations of voters within the jurisdiction of a specific election
27 authority who applied for an absentee ballot under section 115.279 for any specific election involving a ballot
28 measure or an office for which the declaration of candidacy is required to be filed with the secretary of state
29 pursuant to section 115.353, including primary elections, by township, ward, or precinct. Nothing in this
30 section shall require such voter information to be released to the public over the internet. For purposes of this
31 section, the terms "candidate", "campaign committee", and "political party committee" shall have the same
32 meaning given to such terms in section 130.011.

33 5. The amount of fees charged for information provided in this section shall be established pursuant
34 to chapter 610. All revenues collected by the secretary of state pursuant to this section shall be deposited in
35 the state treasury and credited to the secretary of state's technology trust fund account established pursuant to
36 section 28.160. In even-numbered years, each election authority shall, upon request, supply the voter
37 registration list for its jurisdiction to all candidates and party committees for a charge established pursuant to
38 chapter 610. Except as provided in subsection 6 of this section, all election authorities shall make the
39 information described in this section available pursuant to chapter 610. Any election authority who fails to

1 comply with the requirements of this section shall be subject to the provisions of chapter 610.

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

20 115.168. 1. (1) If a registered voter chooses to change his or her political party affiliation, the voter
 21 may notify the election authority of such change. If the change happens within twenty-three weeks of a
 22 presidential preference primary election, the voter's change of affiliation shall not be applied by the election
 23 authority until after the presidential preference primary election. The voter shall be entitled to vote in the
 24 current presidential preference primary election based on his or her party affiliation on the twenty-third
 25 Tuesday before the presidential preference primary election. Any change of political party affiliation shall be
 26 made by signed, written notice in substantially the same manner as a change of address application is filed
 27 under section 115.165.

28 ~~[2-]~~ (2) For purposes of this section, the phrase "change his or her political party affiliation" shall
 29 mean changing affiliation from one established political party to another established political party, changing
 30 from affiliation with an established political party to unaffiliated, or changing from unaffiliated to affiliation
 31 with an established political party.

32 2. Any person who was not previously registered to vote in this state and who submits a voter
 33 registration application before 5:00 p.m. on the fourth Wednesday prior to a presidential preference primary
 34 election may choose a political party affiliation or unaffiliation and may vote in the primary election."; and
 35

36 Further amend said amendment and page, Line 28, by deleting said line and inserting in lieu thereof the
 37 following:

38
 39 "procured the applications fails to register with or submits false information to the secretary of state.

115.249. No voting machine shall be used unless it:

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

1 election, each application to vote in a primary election shall also state which ballot the applicant wishes to
2 receive. If any application fails to designate a ballot, the election authority shall, within three working days
3 after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot
4 until the applicant designates which political party ballot he or she wishes to receive. If the applicant does
5 not respond to the request for political party designation, the election authority is authorized to provide the
6 voter with that part of the ballot for which no political party designation is required.

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

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

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

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

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

32 (4) Not later than sixty days after the date of each regularly scheduled general election for federal
33 office, each election authority which administered the election shall submit to the secretary of state in a
34 format prescribed by the secretary a report on the combined number of absentee ballots transmitted to, and
35 returned by, absent uniformed services voters and overseas voters for the election. The secretary shall submit
36 to the Election Assistance Commission a combined report of such information not later than ninety days after
37 the date of each regularly scheduled general election for federal office and in a standardized format developed
38 by the commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report
39 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.

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

Further amend said amendment, Page 5, Line 15, by inserting after all of said line the following:

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

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

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

4. No information which encourages a vote for or against a candidate or issue shall be provided to

1 any voter with an absentee ballot."; and

2
3 Further amend said amendment, Page 6, Line 5, by inserting after all of said line the following:

4
5 "115.397. 1. In each presidential preference primary election, each voter shall be entitled to receive
6 the ballot of [one and only one] the established political party[, designated by the voter before receiving his
7 ballot] with which such voter is affiliated, as evidenced by his or her voter registration twenty-three weeks
8 prior to the current political party primary election. Any voter who has chosen to be unaffiliated shall be
9 permitted to cast only an unaffiliated ballot.

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

12 3. Each voter who participates in a party primary shall be entitled to vote on all questions and for any
13 nonpartisan candidates submitted by political subdivisions and special districts at the primary election. Each
14 voter who does not wish to participate in a party primary may vote on all questions and for any nonpartisan
15 candidates submitted by a political subdivision or special district at the primary election."; and

16
17 Further amend said amendment, Page 10, Line 1, by inserting after all of said line the following:

18
19 "115.429. 1. The election judges shall not permit any person to vote unless satisfied that such person
20 is the person whose name appears on the precinct register.

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

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

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

32 5. The election judges or the election authority may require any person whose right to vote is
33 challenged to execute an affidavit affirming his or her qualifications. The election authority shall furnish to
34 the election judges a sufficient number of blank affidavits of qualification, and the election judges shall enter
35 any appropriate information or comments under the title "Remarks" which shall appear at the bottom of the
36 affidavit. All executed affidavits of qualification shall be returned to the election authority with the other
37 election supplies. Any person who makes a false affidavit of qualification shall be guilty of a class one
38 election offense.

39 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."; and

Further amend said amendment, Page 15, Line 14, by inserting after all of said line the following:

"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 amendment, Page 19, Lines 33-35, by deleting all of said lines and inserting in lieu thereof the following:

"115.395. In a presidential preference primary election, each voter shall be entitled to receive only the ballot of the political party with which such voter is affiliated, as evidenced by his or her voter registration twenty-three weeks prior to the presidential preference primary election. Each voter who participates in a

1 presidential preference primary election shall be entitled to vote on"; and

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3 Further amend said amendment, Page 20, Line 23, by inserting after all of said line the following:

4
5 "Further amend said bill, Page 9, Section 534.157, Line 3, by inserting after all of said section and line the
6 following:

7
8 "Section B. The repeal and reenactment of sections 115.137, 115.155, 115.157, 115.163, 115.168,
9 115.225, 115.249, 115.279, 115.287, 115.327, 115.349, 115.351, 115.363, 115.397, 115.409, 115.429, and
10 115.628 of this act shall become effective on January 1, 2024."; and"; and

11
12 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

13
14 THIS AMENDS 1229H03.20H