

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 267 & 347
102ND GENERAL ASSEMBLY

0696H.03P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.105, 115.123, 115.127, 115.205, 115.284, 115.351, 115.427, 115.430, 115.635, 115.637, 115.776, and 115.904, RSMo, and to enact in lieu thereof twenty new sections relating to elections.

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

Section A. Sections 115.105, 115.123, 115.127, 115.205, 115.284, 115.351, 115.427, 2 115.430, 115.635, 115.637, 115.776, and 115.904, RSMo, are repealed and twenty new 3 sections enacted in lieu thereof, to be known as sections 115.105, 115.123, 115.127, 115.205, 4 115.284, 115.351, 115.427, 115.430, 115.635, 115.637, 115.755, 115.758, 115.761, 115.765, 5 115.767, 115.770, 115.773, 115.776, 115.785, and 115.904, to read as follows:

115.105. 1. The chair of the county committee of each political party named on the 2 ballot shall have the right to designate a challenger for each polling place, who may be 3 present until all ballots are cast on the day of election, and a challenger for each location at 4 which absentee ballots are counted, who may be present while the ballots are being prepared 5 for counting and counted. No later than four business days before the election, the chair of 6 each county committee of each political party named on the ballot shall provide signed 7 official designation forms with the names of the designated challengers and substitutes to the 8 local election authority for confirmation of eligibility to serve as a challenger. The local 9 election authority, after verifying the eligibility of each designated and substitute challenger, 10 shall sign off on the official designation forms, unless the challenger is found not to have the 11 qualifications established by subsection 4 of this section. If the election authority determines 12 that a challenger does not meet the qualifications of subsection 4 of this section, the 13 designating party chair may designate a replacement challenger and provide the local election

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

14 authority with the name of the replacement challenger before 5:00 p.m. of the Monday
15 preceding the election. The designating chair may substitute challengers at his or her
16 discretion during such hours.

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

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

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

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

30 ~~5-~~ 6. Any challenge by a challenger to a voter's identification for validity shall be
31 made only to the election judges or other election authority. If the poll challenger is not
32 satisfied with the decision of the election judges, then he or she may report his or her belief
33 that the election laws of this state have been or will be violated to the election authority as
34 allowed under this section.

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

8 2. **Notwithstanding the provisions of subsection 1 of this section, an election for a**
9 **presidential primary held under sections 115.755 to 115.785 shall be held on the first**
10 **Tuesday after the first Monday in April of each presidential election year.**

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

- 13 (1) Bond elections necessitated by fire, vandalism or natural disaster;
14 (2) Elections for which ownership of real property is required by law for voting;
15 (3) Special elections to fill vacancies and to decide tie votes or election contests; and

16 (4) Tax elections necessitated by a financial hardship due to a five percent or greater
17 decline in per-pupil state revenue to a school district from the previous year.

18 ~~[3-]~~ 4. Nothing in this section prohibits a charter city or county from having its
19 primary election in March if the charter provided for a March primary before August 28,
20 1999.

21 ~~[4-]~~ 5. Nothing in this section shall prohibit elections held pursuant to section 65.600,
22 but no other issues shall be on the March ballot except pursuant to this chapter.

115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice
2 of a special election to fill a vacancy submitted pursuant to subsection 2 of section 115.125,
3 the election authority shall cause legal notice of the special election to be published in a
4 newspaper of general circulation in its jurisdiction. The notice shall include the name of the
5 officer or agency calling the election, the date and time of the election, the name of the office
6 to be filled and the date by which candidates must be selected or filed for the office. Within
7 one week prior to each special election to fill a vacancy held in its jurisdiction, the election
8 authority shall cause legal notice of the election to be published in two newspapers of
9 different political faith and general circulation in the jurisdiction. The legal notice shall
10 include the date and time of the election, the name of the officer or agency calling the election
11 and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction,
12 the notice shall be published in the newspaper within one week prior to the election. If there
13 are two or more newspapers of general circulation in the jurisdiction, but no two of opposite
14 political faith, the notice shall be published in any two of the newspapers within one week
15 prior to the election.

16 2. Except as provided in subsections 1 and 4 of this section and in sections 115.521,
17 115.549 and 115.593, the election authority shall cause legal notice of each election held in its
18 jurisdiction to be published. The notice shall be published in two newspapers of different
19 political faith and qualified pursuant to chapter 493 which are published within the bounds of
20 the area holding the election. If there is only one so-qualified newspaper, then notice shall be
21 published in only one newspaper. If there is no newspaper published within the bounds of the
22 election area, then the notice shall be published in two qualified newspapers of different
23 political faith serving the area. Notice shall be published twice, the first publication occurring
24 in the second week prior to the election, and the second publication occurring within one
25 week prior to the election. Each such legal notice shall include the date and time of the
26 election, the name of the officer or agency calling the election and a sample ballot; and, unless
27 notice has been given as provided by section 115.129, the second publication of notice of the
28 election shall include the location of polling places. The election authority may provide any
29 additional notice of the election it deems desirable.

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

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

42 5. If the opening date for filing a declaration of candidacy for any office in a political
43 subdivision or special district is not required by law or charter, the opening filing date shall be
44 8:00 a.m., the ~~[seventeenth]~~ **sixteenth** Tuesday prior to the election. If the closing date for
45 filing a declaration of candidacy for any office in a political subdivision or special district is
46 not required by law or charter, the closing filing date shall be 5:00 p.m., the ~~[fourteenth]~~
47 **thirteenth** Tuesday prior to the election **or, if the thirteenth Tuesday prior to the election is**
48 **a state or federal holiday, the closing filing date shall be 5:00 p.m. on the next day that is**
49 **not a state or federal holiday.** The political subdivision or special district calling an election
50 shall, before the ~~[seventeenth]~~ **sixteenth** Tuesday, prior to any election at which offices are to
51 be filled, notify the general public of the opening filing date, the office or offices to be filled,
52 the proper place for filing and the closing filing date of the election. Such notification may be
53 accomplished by legal notice published in at least one newspaper of general circulation in the
54 political subdivision or special district.

55 6. Except as provided for in sections 115.247 and 115.359, if there is no additional
56 cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or
57 reprinting costs, a candidate who has filed for an office or who has been duly nominated for
58 an office may, at any time after the certification of the notice of election required in
59 subsection 1 of section 115.125 but no later than 5:00 p.m. on the eighth Tuesday before the
60 election, withdraw as a candidate pursuant to a court order, which, except for good cause
61 shown by the election authority in opposition thereto, shall be freely given upon application
62 by the candidate to the circuit court of the area of such candidate's residence.

115.205. 1. No person shall be paid or otherwise compensated for soliciting voter
2 registration applications, other than a governmental entity or a person who is paid or
3 compensated by a governmental entity for such solicitation. A voter registration solicitor,
4 **other than a governmental entity or a person who is paid or compensated by a**

5 **governmental entity for such solicitation**, who solicits more than ten voter registration
6 applications shall register for every election cycle that begins on the day after the general
7 election and ends on the day of the general election two years later. A voter registration
8 solicitor shall be at least eighteen years of age and shall be a registered voter in the state of
9 Missouri.

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

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

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

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

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

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

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

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

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

11 State of _____

12 County (City) of _____

13 I, _____ (print applicant's name), declare that I am a
14 resident and registered voter of _____ County, Missouri,
15 and am permanently disabled. I hereby request that my name be
16 placed on the election authority's list of voters qualified to
17 participate as absentee voters pursuant to section 115.284, and

18 that I be delivered an absentee ballot application for each
19 election in which I am eligible to vote.

20 _____
21 Signature of Voter

22 _____
23 _____

24 Voter's Address

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

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

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

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

115.351. No person who files as a party candidate for nomination or election to an
2 office shall, without withdrawing, file as another party's candidate or an independent
3 candidate for nomination or election to the office for the same term. No person who files as
4 an independent candidate for election to an office shall, without withdrawing, file as a party
5 candidate for nomination or election to the office for the same term. No person shall file for
6 one office and, without withdrawing, file for another office to be filled at the same election.
7 **A person who files a request to be included on the presidential primary ballot is not**
8 **prohibited by this section from filing or appearing on any ballot as a party candidate for**
9 **nomination to another office.** Receipt by the secretary of state of proper certification of
10 nomination pursuant to subsection 1 of section 115.399 constitutes withdrawal by operation
11 of law pursuant to subsection 1 of section 115.359 of any presidential or vice presidential
12 nominee from any other office for which such nominee is a candidate at the same election.
13 Any person violating any provision of this section shall be disqualified from running for

14 nomination or election to any office at the primary and general election next succeeding the
15 violation.

115.427. 1. Persons seeking to vote in a public election shall establish their identity
2 and eligibility to vote at the polling place or, if voting absentee in person under section
3 115.277, at the office of the election authority or other authorized location designated by the
4 election authority by presenting a form of personal photo identification to election officials.
5 No form of personal photo identification other than the forms listed in this section shall be
6 accepted to establish a voter's qualifications to vote. Forms of personal photo identification
7 that satisfy the requirements of this section are any one of the following:

8 (1) Nonexpired Missouri driver's license **as described under section 302.181;**
9 (2) Nonexpired or nonexpiring Missouri nondriver's license **as described in section**
10 **302.181;**

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

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

15 (b) The document shows a photograph of the individual;

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

18 (d) The document was issued by the United States or the state of Missouri, **including**
19 **documents issued in a secure, digital format;** or

20 (4) Any identification containing a photograph of the individual which is issued by
21 the Missouri National Guard, the United States Armed Forces, including the Space Force, or
22 the United States Department of Veteran Affairs to a member or former member of the
23 Missouri National Guard or the United States Armed Forces, including the Space Force, and
24 that is not expired or does not have an expiration date.

25 2. (1) An individual who appears at a polling place without a form of personal
26 identification described in subsection 1 of this section and who is otherwise qualified to vote
27 at that polling place shall be allowed to cast a provisional ballot. The election judges shall
28 make a notation on the provisional ballot envelope to indicate that the voter's identity was not
29 verified.

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

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

36 3. The provisional ballot envelope shall provide a place for the voter's name, address,
37 date of birth, and last four digits of his or her Social Security number, followed by a
38 certificate in substantially the following form:

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

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

45 a. Nonexpired Missouri driver's license;

46 b. Nonexpired or nonexpiring Missouri nondriver's
47 license;

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

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

53 (ii) The document contains my photograph;

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

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

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

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

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

73

74

Signature of Voter

Date

75

76

Signature of Election Officials

77

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

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

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

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

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

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

91 6. (1) Notwithstanding the provisions of section 136.055 and section 302.181 to the
92 contrary, the state and all fee offices shall provide one nondriver's license at no cost to any
93 otherwise qualified voter who does not already possess such identification and who desires
94 the identification for voting.

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

98 (a) A birth certificate;

99 (b) A marriage license or certificate;

100 (c) A divorce decree;

101 (d) A certificate of decree of adoption;

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

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

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

106

107 Any individual seeking one of the above documents in order to obtain a form of personal
108 photo identification described in subsection 1 of this section for voting may request the

109 secretary of state to facilitate the acquisition of such documents. The secretary of state shall
 110 pay any fee or fees charged by another state or its agencies, or any court of competent
 111 jurisdiction in this state or any other state, or the federal government or its agencies, in order
 112 to obtain any of the above documents from such state or the federal government.

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

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

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

126 VOTER'S IDENTIFICATION CERTIFICATE

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

129 PRECINCT

130 WARD OR TOWNSHIP _____

131 GENERAL (SPECIAL, PRIMARY) ELECTION

132 Held _____, 20 _____

133 Date

134 I hereby certify that I am qualified to vote at this election
 135 by signing my name and verifying my address by
 136 signing my initials next to my address.

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

139 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is
 140 created under the authority delegated in this section shall become effective only if it complies
 141 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
 142 This section and chapter 536 are nonseverable and if any of the powers vested with the
 143 general assembly pursuant to chapter 536 to review, to delay the effective date or to
 144 disapprove and annul a rule are subsequently held unconstitutional, then the grant of

145 rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid
146 and void.

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

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

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

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

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

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

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

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

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

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

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

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

62 STATE OF _____

63 COUNTY OF _____

64 I do solemnly swear (or affirm) that my name is _____; that
 65 my date of birth is _____; that the last four digits of my Social
 66 Security Number are _____; that I am registered to vote in ____
 67 _____ County or City (if a City not within a County), Missouri;

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

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

77 _____
78 (Signature of Voter)

79 _____
80 (Current Address)

81 Subscribed and affirmed before me this _____ day of _____,
82 20_____

83 _____
84 (Signature of Election Official)

85

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

88 5. (1) Prior to counting any provisional ballot, the election authority shall determine
89 if the voter is registered and eligible to vote and if the vote was properly cast. The eligibility
90 of provisional votes shall be determined according to the requirements for a voter to cast a
91 ballot in the election as set forth in sections 115.133 and 115.135. A provisional [~~voter~~] ballot
92 shall not be eligible to be counted until the election authority has determined that:

93 (a) The voter cast such provisional ballot at a polling place established for the voter or
94 the central polling place established by the election authority under subsection 5 of section
95 115.115;

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

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

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

102 (2) When the ballot boxes are delivered to the election authority from the polling
103 places, the receiving teams shall separate the provisional ballots from the rest of the ballots

104 and place the sealed provisional ballot envelopes in a separate container. Teams of election
105 authority employees or teams of election judges with each team consisting of one member of
106 each major political party shall photocopy each provisional ballot envelope, such photocopy
107 to be used by the election authority to determine provisional voter eligibility. The sealed
108 provisional ballot envelopes shall be placed by the team in a sealed container and shall remain
109 therein until tabulation.

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

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

- 120 (a) The name of the provisional voter;
- 121 (b) The name of the reviewer;
- 122 (c) The date and time; and
- 123 (d) A description of evidence found that supports the voter's eligibility.

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

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

- 131 (a) The name of the provisional voter;
- 132 (b) The name of the reviewer;
- 133 (c) The date and time;
- 134 (d) A description of why the voter is ineligible.

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

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

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

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

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

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

168 (4) The votes shall be tallied and the returns made as provided in sections 115.447 to
169 115.525 for paper ballots. After the vote on all ballots assigned to a team have been counted,
170 the ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information
171 provided by the election authority shall be enclosed in sealed containers marked "Voted
172 provisional ballots and ballot envelopes from the election held _____, 20____". All
173 rejected provisional ballots, ballot envelopes, and copies of ballot envelopes with the
174 eligibility information provided by the election authority shall be enclosed in sealed
175 containers marked "Rejected provisional ballots and ballot envelopes from the election held _
176 _____, 20____". On the outside of each voted ballot and rejected ballot container, each
177 member of the team shall write their name and all such containers shall be returned to the

178 election authority. Upon receipt of the returns and ballots, the election authority shall tabulate
179 the provisional votes.

180 8. Challengers and watchers, as provided by sections 115.105 and 115.107, may be
181 present during all times that the bipartisan counting teams are reviewing or counting the
182 provisional ballots, the provisional ballot envelopes, or copies of the provisional ballot
183 envelopes that include eligibility information provided by the election authority. Challengers
184 and watchers shall be permitted to observe the determination of the eligibility of all
185 provisional ballots. The election authority shall notify the county chair of each major
186 political party of the time and location when bipartisan counting teams will be reviewing or
187 counting the provisional ballots, the provisional ballot envelopes, or the copies of the
188 provisional ballot envelopes that include the eligibility information provided by the election
189 authority.

190 9. The certificate of ballot cards shall:

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

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

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

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

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

201 13. Pursuant to the Help America Vote Act of 2002, the secretary of state shall ensure
202 a free access system is established, such as a toll-free number or an internet website, that any
203 individual who casts a provisional ballot may access to discover whether the vote of that
204 individual was counted, and, if the vote was not counted, the reason that the vote was not
205 counted. At the time an individual casts a provisional ballot, the election authority shall give
206 the voter written information that states that any individual who casts a provisional ballot will
207 be able to ascertain under such free access system whether the vote was counted, and if the
208 vote was not counted, the reason that the vote was not counted.

209 14. In accordance with the Help America Vote Act of 2002, any individual who votes
210 in an election as a result of a court order or any other order extending the time established for
211 closing the polls in section 115.407 may vote only by using a provisional ballot, and such
212 provisional ballot shall be separated and held apart from other provisional ballots cast by
213 those not affected by the order. Such ballots shall not be counted until such time as the ballots

214 are determined to be valid. No state court shall have jurisdiction to extend the polling hours
215 established by law, including section 115.407.

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

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

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

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

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

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

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

26 (7) Removing, destroying or altering any supplies or information placed in or near a
27 voting booth for the purpose of enabling a voter to prepare his or her ballot;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**115.755. A statewide presidential preference primary shall be held on the first
2 Tuesday after the first Monday in April of each presidential election year.**

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

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

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

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

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

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

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

33 **4. The filing times set out in this section shall only apply to presidential**
34 **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
2 **primary, the secretary of state shall transmit to each election authority a certified list**
3 **containing the names of all candidates whose names shall appear on the presidential**
4 **preference primary ballot of each party. The names of the candidates shall appear in**
5 **the order in which their request to be included on the presidential primary ballot was**
6 **received in the office of the secretary of state, except that, in the case of candidates who**
7 **file a request to be included on the presidential primary ballot with the secretary of state**
8 **prior to 5:00 p.m. on the first day for filing, the secretary of state shall determine by**
9 **random drawing the order in which such candidates' names shall appear on the ballot.**

10 **The drawing shall be conducted so that each candidate, or candidate's representative,**
11 **may draw a number at random at the time of filing. The secretary of state shall record**
12 **the number drawn with the candidate's request to be included on the presidential**
13 **primary ballot. The names of candidates filing on the first day for filing on each party**
14 **ballot shall be listed in ascending order of the numbers so drawn.**

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

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

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

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

2 **115.785. All costs, as specified under 115.065, incurred from a presidential**
3 **preference primary shall be paid by the state, except that, pursuant to section 115.065,**
4 **costs shall be shared proportionately by the state and any political subdivisions and**
5 **special districts holding an election on the same day as any such primary. For any**

5 **county with more than five hundred polling places, the state shall assist in assuring**
6 **adequate poll workers and equipment.**

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

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

3 (2) A general, special, or primary election for statewide or state legislative office or

4 state ballot measure; or

5 (3) Any election in which absentee voting is conducted pursuant to sections 115.275

6 to 115.304.

✓