

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2140
102ND GENERAL ASSEMBLY

3318H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.125, 115.127, 115.277, 115.284, 115.295, 115.430, 115.635, and 115.637, RSMo, and to enact in lieu thereof nine new sections relating to elections, with penalty provisions.

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

Section A. Sections 115.125, 115.127, 115.277, 115.284, 115.295, 115.430, 115.635, 2 and 115.637, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known 3 as sections 115.125, 115.127, 115.277, 115.284, 115.295, 115.430, 115.635, 115.637, and 4 115.1200, to read as follows:

115.125. 1. Not later than 5:00 p.m. on the tenth Tuesday prior to any election, 2 except a special election to decide an election contest, tie vote or an election to elect seven 3 members to serve on a school board of a district pursuant to section 162.241, or a delay in 4 notification pursuant to subsection 3 of this section, or pursuant to the provisions of section 5 115.399, the officer or agency calling the election shall notify the election authorities 6 responsible for conducting the election. The notice shall be in writing, shall specify the name 7 of the officer or agency calling the election and shall include a certified copy of the legal 8 notice to be published pursuant to subsection 2 of section 115.127. The notice and any other 9 information required by this section may, with the prior notification to the election authority 10 receiving the notice, be accepted by **email or** facsimile transmission prior to 5:00 p.m. on the 11 tenth Tuesday prior to the election, provided that the original copy of the notice and a certified 12 copy of the legal notice to be published shall be received in the office of the election authority 13 within three business days from the date of the facsimile transmission.

14 2. In lieu of a certified copy of the legal notice to be published pursuant to subsection 15 2 of section 115.127, each notice of a special election to fill a vacancy shall include the name

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.

16 of the office to be filled, the date of the election and the date by which candidates must be
17 selected or filed for the office. Not later than the sixth Tuesday prior to any special election to
18 fill a vacancy called by a political subdivision or special district, the officer or agency calling
19 the election shall certify a sample ballot to the election authorities responsible for conducting
20 the election.

21 3. Except as provided for in sections 115.247 and 115.359, if there is no additional
22 cost for the printing or reprinting of ballots or if the political subdivision or special district
23 calling for the election agrees to pay any printing or reprinting costs, a political subdivision or
24 special district may, at any time after certification of the notice of election required in
25 subsection 1 of this section, but no later than 5:00 p.m. on the eighth Tuesday before the
26 election, be permitted to make late notification to the election authority pursuant to court
27 order, which, except for good cause shown by the election authority in opposition thereto,
28 shall be freely given upon application by the political subdivision or special district to the
29 circuit court of the area of such subdivision or district. No court shall have the authority to
30 order an individual or issue be placed on the ballot less than eight weeks before the date of the
31 election.

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

115.277. 1. A registered voter of this state may cast an absentee ballot in person at a
2 location designated by the election authority for all candidates and issues for which such voter
3 is eligible to vote at the polling place if such voter expects to be prevented from going to the
4 polls to vote on election day due to one of the reasons listed in subsection 3 of this section. A
5 registered voter casting a ballot under the provisions of this subsection shall provide a form of
6 personal photo identification that is consistent with subsection 1 of section 115.427.
7 Beginning on the second Tuesday prior to an election, a reason listed under subsection 3 of
8 this section shall not be required, provided that, the provisions of section 1.140 to the contrary
9 notwithstanding, this sentence and section 115.427 shall be nonseverable, and if any
10 provision of section 115.427 is for any reason held to be invalid, such decision shall
11 invalidate this sentence.

12 2. Except as provided in subsections 4, 5, and 6 of this section, a registered voter of
13 this state may cast an absentee ballot not in person at a location designated by the election
14 authority for all candidates and issues for which such voter would be eligible to vote at the
15 polling place if such voter expects to be prevented from going to the polls to vote on election
16 day due to one of the reasons listed in subsection 3 of this section. An absentee ballot that is
17 not requested and completed in person at the office of the election authority with a form of
18 personal photo identification that is consistent with subsection 1 of section 115.427 shall have
19 the statement on the ballot envelope notarized as required under section 115.283, except that
20 absentee ballots requested under subdivisions (2) and (5) of subsection 3 of this section shall
21 not require notarization. This subsection shall apply only in the case of absentee ballots that
22 are not cast in person.

23 3. A voter may request an absentee ballot for any of the following reasons:

24 (1) Absence on election day from the jurisdiction of the election authority in which
25 such voter is registered to vote;

26 (2) Incapacity or confinement due to illness or physical disability on election day,
27 including a person who is primarily responsible for the physical care of a person who is
28 incapacitated or confined due to illness or disability and resides at the same address;

29 (3) Religious belief or practice;

30 (4) Employment as:

31 (a) An election authority, as a member of an election authority, or by an election
32 authority at a location other than such voter's polling place;

33 (b) A first responder;

- 34 (c) A health care worker; or
35 (d) A member of law enforcement;
36 (5) Incarceration, provided all qualifications for voting are retained;
37 (6) Certified participation in the address confidentiality program established under
38 sections 589.660 to 589.681 because of safety concerns.

39 4. Any covered voter who is eligible to register and vote in this state may vote in any
40 election for federal office, statewide office, state legislative office, or statewide ballot
41 initiatives by submitting a federal postcard application to apply to vote by absentee ballot or
42 by submitting a federal postcard application at the ~~[polling place]~~ **office of the election**
43 **authority on election day** even though the person is not registered. A federal postcard
44 application submitted by a covered voter pursuant to this subsection shall also serve as a voter
45 registration application under section 115.908 and the election authority shall, if satisfied that
46 the applicant is entitled to register, place the voter's name on the voter registration file. Each
47 covered voter may vote by absentee ballot or, upon submitting an affidavit that the person is
48 qualified to vote in the election, may vote at the person's polling place.

49 5. Any interstate former resident may vote by absentee ballot **or at the office of the**
50 **election authority on election day** for presidential and vice presidential electors.

51 6. Any new resident may vote by absentee ballot **or at the office of the election**
52 **authority on election day** for presidential and vice presidential electors after registering to
53 vote in such resident's new jurisdiction of residence.

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 resident and
14 registered voter of _____ County, Missouri, and am permanently
15 disabled. I hereby request that my name be placed on the election
16 authority's list of voters qualified to participate as absentee voters

17 pursuant to section 115.284, and that I be delivered an absentee ballot
18 application for each election in which I am eligible to vote.

19 _____
20 Signature of Voter

21 _____
22 _____

23 Voter's Address

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

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

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

37 **7. All lists of applications under this section shall be kept confidential. Such lists**
38 **of applications shall not be posted or displayed in an area open to the general public nor**
39 **shall such lists of applications be shown to any unauthorized person.**

115.295. 1. As each absentee ballot is received by the election authority, the election
2 authority shall indicate its receipt on the list.

3 2. If the statements on any ballot envelope have not been completed, the absentee
4 ballot in the envelope shall be rejected.

5 **3. The election authority shall compare the signature on the ballot envelope with**
6 **the signature of the voter on the voter's registration record. If the signature is**
7 **inconsistent with the voter's signature on the voter's registration record, the envelope**
8 **shall be rejected.**

9 4. All ballot envelopes received by the election authority shall be kept together in a
10 safe place and shall not be opened except as provided in this subchapter.

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 my date
65 of birth is _____; that the last four digits of my Social Security
66 Number are _____; that I am registered to vote in _____ County or
67 City (if a City not within a County), Missouri; that I am a qualified
68 voter of said County (or City not within a County); that I am eligible to
69 vote at this polling place; and that I have not voted in this election.

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

75 _____

76 (Signature of Voter)

77

(Current Address)

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Subscribed and affirmed before me this _____ day of _____, 20____

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(Signature of Election Official)

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

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

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

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

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

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

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

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

112 the election authority shall make an inquiry of the registration agency to determine whether
113 the provisional voter is properly registered and eligible to vote in the election.

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

118 (a) The name of the provisional voter;

119 (b) The name of the reviewer;

120 (c) The date and time; and

121 (d) A description of evidence found that supports the voter's eligibility.

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

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

129 (a) The name of the provisional voter;

130 (b) The name of the reviewer;

131 (c) The date and time;

132 (d) A description of why the voter is ineligible.

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

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

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

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

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

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

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

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

185 counting the provisional ballots, the provisional ballot envelopes, or the copies of the
186 provisional ballot envelopes that include the eligibility information provided by the election
187 authority.

188 9. The certificate of ballot cards shall:

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

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

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

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

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

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

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

115.635. 1. 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 under 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.**

52 **2. For the purposes of this section, the term “election official” includes the**
53 **election authority for the county, election judges, and other volunteers or employees of**
54 **an election authority. If a violation of subdivisions (12), (13), or (14) results in death or**
55 **bodily injury to an election official or a member of the official’s family, the offense shall**
56 **be a class B felony.**

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.

115.1200. 1. This section shall be known as the "Missouri Elections Sovereignty
2 **Act".**

3 **2. The general assembly finds that regulations placed by Congress on the times,**
4 **places, and manner of holding elections for representatives and the times and manner of**
5 **holding elections for senators are limited only to those respective offices and do not**
6 **extend to state and local elections.**

7 **3. The general assembly of the state of Missouri reserves authority to regulate**
8 **both voter qualifications and the time, place, and manner for state and local elections to**
9 **the maximum extent authorized by the Constitution of the United States.**

10 **4. The state of Missouri shall comply with and implement federal laws governing**
11 **the time, place, and manner of United States representative elections and federal laws**
12 **governing the time and manner of United States senate elections to the extent necessary**
13 **to preserve the federal system of government and comply with the Constitution of the**
14 **United States, but shall reserve the right to protect, preserve, and defend the integrity of**
15 **state and local elections through lawful regulation of voter qualifications for such state**
16 **and local elections.**

17 **5. Any differences in the regulations for time, place, and manner of holding**
18 **elections for federal representatives, the time and manner for the senate elections, and**
19 **state and local elections shall result in separate election procedures to ensure the**
20 **sovereignty of the state of Missouri to conduct elections in the manner in which the**
21 **general assembly shall deem necessary.**

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