

SECOND REGULAR SESSION

# HOUSE BILL NO. 2864

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TOALSON REISCH.

5799H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 115.013, 115.077, 115.157, 115.225, 115.230, 115.249, 115.493, and 115.635, RSMo, and to enact in lieu thereof eight new sections relating to elections, with penalty provisions.

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

Section A. Sections 115.013, 115.077, 115.157, 115.225, 115.230, 115.249, 115.493, and 115.635, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 115.013, 115.077, 115.157, 115.225, 115.230, 115.249, 115.493, and 115.635, to read as follows:

115.013. As used in this chapter, unless the context clearly implies otherwise, the following terms mean:

(1) "Air-gap" or "air-gapped", a security measure in which equipment is physically and technically isolated from any network and is not directly **or indirectly** connected to the internet nor is it connected to any other system that is **directly or indirectly** connected to the internet. Data can only be passed to an air-gapped device physically via a USB or other removable media;

(2) "Automatic tabulating equipment", the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results and which are air-gapped and not physically able to be connected to a network;

(3) "Ballot", the paper ballot, or ballot designed for use with an electronic voting system on which each voter may cast all votes to which he or she is entitled at an 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 (4) "Ballot label", the card, paper, booklet, page, or other material containing the  
15 names of all offices and candidates and statements of all questions to be voted on;

16 (5) **"Cast vote record", an electronic file or record that lists on each line  
17 information about one tabulated ballot, including all of the votes made on that ballot, in  
18 the order in which the ballots were processed. "Cast vote records" shall not include  
19 ballot images;**

20 (6) "Counting location", a location selected by the election authority for the automatic  
21 processing or counting, or both, of ballots;

22 ~~[(6)]~~ (7) "County", any county in this state or any city not within a county;

23 ~~[(7)]~~ (8) "Disqualified", a determination made by a court of competent jurisdiction,  
24 the Missouri ethics commission, an election authority or any other body authorized by law to  
25 make such a determination that a candidate is ineligible to hold office or not entitled to be  
26 voted on for office;

27 ~~[(8)]~~ (9) "District", an area within the state or within a political subdivision of the  
28 state from which a person is elected to represent the area on a policy-making body with  
29 representatives of other areas in the state or political subdivision;

30 ~~[(9)]~~ (10) "Electronic voting machine", any part of an air-gapped electronic voting  
31 system on which a voter is able to cast a ballot under this chapter;

32 ~~[(10)]~~ (11) "Electronic voting system", a system of casting votes by use of marking  
33 devices, and counting votes by use of automatic air-gapped tabulating or air-gapped data  
34 processing equipment, including computerized voting systems that mark or tabulate ballots;

35 ~~[(11)]~~ (12) "Established political party" for the state, a political party which, at either  
36 of the last two general elections, polled for its candidate for any statewide office more than  
37 two percent of the entire vote cast for the office. "Established political party" for any district  
38 or political subdivision shall mean a political party which polled more than two percent of the  
39 entire vote cast at either of the last two elections in which the district or political subdivision  
40 voted as a unit for the election of officers or representatives to serve its area;

41 ~~[(12)]~~ (13) "Federal office", the office of presidential elector, United States senator, or  
42 representative in Congress;

43 ~~[(13)]~~ (14) "Independent", a candidate who is not a candidate of any political party  
44 and who is running for an office for which political party candidates may run;

45 ~~[(14)]~~ (15) "Major political party", the political party whose candidates received the  
46 highest or second highest number of votes at the last general election;

47 ~~[(15)]~~ (16) "Marking device", any device approved by the secretary of state under  
48 section 115.225 which will enable the votes to be counted by automatic tabulating equipment;

49 ~~[(16)]~~ (17) "Municipal" or "municipality", a city, village, or incorporated town of this  
50 state;

51           ~~[(17)]~~ **(18)** "New party", any political group which has filed a valid petition and is  
52 entitled to place its list of candidates on the ballot at the next general or special election;

53           ~~[(18)]~~ **(19)** "Nonpartisan", a candidate who is not a candidate of any political party  
54 and who is running for an office for which party candidates may not run;

55           ~~[(19)]~~ **(20)** "Political party", any established political party and any new party;

56           ~~[(20)]~~ **(21)** "Political subdivision", a county, city, town, village, or township of a  
57 township organization county;

58           ~~[(21)]~~ **(22)** "Polling place", the voting place designated for all voters residing in one  
59 or more precincts for any election;

60           ~~[(22)]~~ **(23)** "Precincts", the geographical areas into which the election authority  
61 divides its jurisdiction for the purpose of conducting elections;

62           ~~[(23)]~~ **(24)** "Public office", any office established by constitution, statute or charter  
63 and any employment under the United States, the state of Missouri, or any political  
64 subdivision or special district thereof, but does not include any office in the Missouri state  
65 defense force or the National Guard or the office of notary public or city attorney in cities of  
66 the third classification or cities of the fourth classification;

67           ~~[(24)]~~ **(25)** "Question", any measure on the ballot which can be voted "YES" or  
68 "NO";

69           ~~[(25)]~~ **(26)** "Relative within the second degree by consanguinity or affinity", a spouse,  
70 parent, child, grandparent, brother, sister, grandchild, mother-in-law, father-in-law, daughter-  
71 in-law, or son-in-law;

72           ~~[(26)]~~ **(27)** "Special district", any school district, water district, fire protection district,  
73 hospital district, health center, nursing district, or other districts with taxing authority, or other  
74 district formed pursuant to the laws of Missouri to provide limited, specific services;

75           ~~[(27)]~~ **(28)** "Special election", elections called by any school district, water district,  
76 fire protection district, or other district formed pursuant to the laws of Missouri to provide  
77 limited, specific services; and

78           ~~[(28)]~~ **(29)** "Voting district", the one or more precincts within which all voters vote at  
79 a single polling place for any election.

115.077. 1. Special districts, cities, townships in township organization counties,  
2 villages and the state shall pay the election costs required by sections 115.063 to 115.077 to  
3 each election authority conducting its elections.

4           2. If the state is required to pay election costs pursuant to sections 115.063 to 115.065,  
5 the state shall, not later than the seventh Tuesday prior to any such election, pay each election  
6 authority conducting its elections an amount determined by the office of the secretary of state,  
7 in consultation with the election authority, to be a reasonable estimate of the cost of

8 conducting such election, using a method developed by the secretary of state, in consultation  
9 with **the** election authority, that is reviewed at least every two years.

10 3. Not later than the fifth Tuesday prior to any election to be conducted for a special  
11 district or political subdivision, the election authority shall submit the estimated cost of  
12 conducting the election for each political subdivision and special district submitting a  
13 candidate or question at the election. Not later than the third Tuesday prior to the election,  
14 each special district and political subdivision submitting a candidate or question at the  
15 election, except the county, shall deposit with the election authority an amount equal to the  
16 estimated cost of conducting the election for the political subdivision or special district.

17 4. All payments of election costs received by an election authority under the  
18 provisions of this section shall be placed by the election authority in a special account and  
19 used by the election authority only to pay the costs incurred in conducting the election. Not  
20 later than the tenth Tuesday following an election, if the amount paid to an election authority  
21 by the state or any political subdivision or special district exceeds the cost of conducting the  
22 election for the state, political subdivision or special district, the election authority shall  
23 refund to the state, political subdivision or special district the difference between the amount  
24 deposited with it and the cost of conducting the election. Not later than the tenth Tuesday  
25 following an election, if the amount deposited with an election authority by the state or any  
26 political subdivision or special district is less than the cost of conducting the election, the  
27 election authority shall submit a request to the state and each political subdivision and special  
28 district for the difference between the amount deposited and the cost of conducting the  
29 election.

30 5. (1) Within two weeks of receipt of actual cost and required documentation of  
31 actual expenses from the election authority, the state, political subdivision, or special district  
32 shall approve for payment the difference between the amount deposited and the cost of  
33 conducting the election.

34 (2) For the purposes of this section, the term "required documentation" shall mean a  
35 detailed list of expenses that the secretary of state intends to reimburse the election authority  
36 for and a detailed description of the documentation that the election authority shall produce  
37 following the election. For any election in which the state is required to pay all or a  
38 proportion of the cost, the secretary of state shall, not later than the eleventh Tuesday prior to  
39 the election or, in case of a special election, no later than five business days following the  
40 issuance of a writ of election by the governor, transmit to the election authority the detailed  
41 list and description described above.

42 6. Except as provided in sections 115.063 to 115.072, all payments of election costs  
43 received by an election authority under the provisions of this section shall be placed by the

44 election authority in a special account and used by the election authority only to pay the costs  
45 incurred in conducting elections.

46 7. When the state or any political subdivision or special district willfully fails to make  
47 payment of an election cost required by this subchapter by the time provided in this  
48 subchapter, it shall pay a penalty of fifty dollars for each day after the time provided in this  
49 subchapter proper payment is not made. Any such penalty shall be payable to the election  
50 authority authorized to receive payment of the election cost and shall be deposited in the  
51 general revenue fund of such election authority's city or county. For purposes of this  
52 subsection, the state shall not be considered to have willfully failed to make payment of an  
53 election cost if there is not sufficient cash or appropriation authority to make such a payment.

54 8. (1) There is hereby created the "State Election Subsidy Fund" in the state treasury.

55 (2) All unobligated funds in the state election subsidy fund on January 1, 2019, shall  
56 be transferred to the elections administration improvements fund authorized pursuant to  
57 section 115.078. To meet the state's funding obligation to maintain expenditures pursuant to  
58 Section 254(a)(7) of the Help America Vote Act of 2002, **52 U.S.C. Section 21004**, the  
59 commissioner of the office of administration shall annually transfer from general revenue to  
60 the election administration improvements fund, established pursuant to section 115.078, an  
61 amount not less than the amount expended in the fiscal year that ended June 30, 2000. Any  
62 other law to the contrary notwithstanding, the funds received pursuant to Sections 251 and  
63 252 of the Help America Vote Act of 2002, **52 U.S.C. Section 21004**, shall be expended  
64 according to the state plan developed pursuant to the provisions of Section 254 of said act.  
65 The secretary of state shall develop the state plan through the committee appointed by the  
66 secretary of state under the provisions of Section 255 of the Help America Vote Act of 2002,  
67 **52 U.S.C. Section 21004**.

68 9. An election authority may rent or lease out any electronic voting machine  
69 purchased by such election authority.

70 **10. Each election authority shall, within six months after the date of the election,**  
71 **compile a report of all election-related expenses. Such report shall be a public record**  
72 **under the provisions of chapter 610.**

115.157. 1. The election authority may place all information on any registration cards  
2 in computerized form in accordance with section 115.158. No election authority or secretary  
3 of state shall furnish to any member of the public electronic media or printout showing any  
4 registration information, except as provided in this section. Except as provided in subsection  
5 2 of this section, the election authority or secretary of state shall make available electronic  
6 media or printouts showing only unique voter identification numbers, voters' names, year of  
7 birth, addresses, townships or wards, and precincts. Electronic data shall be maintained in at  
8 least the following separate fields:

- 9 (1) Voter identification number;  
 10 (2) First name;  
 11 (3) Middle initial;  
 12 (4) Last name;  
 13 (5) Suffix;  
 14 (6) Street number;  
 15 (7) Street direction;  
 16 (8) Street name;  
 17 (9) Street suffix;  
 18 (10) Apartment number;  
 19 (11) City;  
 20 (12) State;  
 21 (13) Zip code;  
 22 (14) Township;  
 23 (15) Ward;  
 24 (16) Precinct;  
 25 (17) Senatorial district;  
 26 (18) Representative district;  
 27 (19) Congressional district;  
 28 **(20) Voting method, including whether the voter voted absentee, in-person, mail-**  
 29 **in, or overseas; and**  
 30 ~~[(20)]~~ **(21)** Political party affiliation.

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

36 3. Except as provided in subsection 6 of this section, the election authority shall  
 37 furnish, for a fee, electronic media or a printout showing only the names, year of birth,  
 38 addresses, **registration date, whether the voter registration is active or inactive, voting**  
 39 **method, voting history**, and political party affiliations of voters, or any part thereof, within  
 40 the jurisdiction of the election authority who voted in any specific election, including primary  
 41 elections, by township, ward or precinct, provided that nothing in this chapter shall require  
 42 such voter information to be released to the public over the internet and shall not be used for  
 43 commercial purposes.

44 4. Except as provided in subsection 6 of this section, upon a request by a candidate, a  
 45 duly authorized representative of a campaign committee, or a political party committee, the

46 secretary of state shall furnish, for a fee determined by the secretary of state and in  
47 compliance with section 610.026, media in an electronic format or, if so requested, in a  
48 printed format, showing the names, addresses, and voter identification numbers of voters  
49 within the jurisdiction of a specific election authority who applied for an absentee ballot  
50 under section 115.279 for any specific election involving a ballot measure or an office for  
51 which the declaration of candidacy is required to be filed with the secretary of state pursuant  
52 to section 115.353, including primary elections, by township, ward, or precinct. Nothing in  
53 this section shall require such voter information to be released to the public over the internet.  
54 For purposes of this section, the terms "candidate", "campaign committee", and "political  
55 party committee" shall have the same meaning given to such terms in section 130.011.

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

66         6. Any person working as an undercover officer of a local, state or federal law  
67 enforcement agency, persons in witness protection programs, and victims of domestic  
68 violence and abuse who have received orders of protection pursuant to chapter 455 shall be  
69 entitled to apply to the circuit court having jurisdiction in his or her county of residence to  
70 have the residential address on his or her voter registration records closed to the public if the  
71 release of such information could endanger the safety of the person. Any person working as  
72 an undercover agent or in a witness protection program shall also submit a statement from the  
73 chief executive officer of the agency under whose direction he or she is serving. The petition  
74 to close the residential address shall be incorporated into any petition for protective order  
75 provided by circuit clerks pursuant to chapter 455. If satisfied that the person filing the  
76 petition meets the qualifications of this subsection, the circuit court shall issue an order to the  
77 election authority to keep the residential address of the voter a closed record and the address  
78 may be used only for the purposes of administering elections pursuant to this chapter. The  
79 election authority may require the voter who has a closed residential address record to verify  
80 that his or her residential address has not changed or to file a change of address and to affirm  
81 that the reasons contained in the original petition are still accurate prior to receiving a ballot.  
82 A change of address within an election authority's jurisdiction shall not require that the voter

83 file a new petition. Any voter who no longer qualifies pursuant to this subsection to have his  
84 or her residential address as a closed record shall notify the circuit court. Upon such  
85 notification, the circuit court shall void the order closing the residential address and so notify  
86 the election authority.

87 **7. Each election authority shall archive voter registration information on at least**  
88 **a weekly basis. Such archived information shall be available to the public under the**  
89 **provisions of chapter 610.**

115.225. 1. Before use by election authorities in this state, the secretary of state shall  
2 approve the marking devices and the automatic tabulating equipment used in electronic  
3 voting systems and may promulgate rules and regulations to implement the intent of sections  
4 115.225 to 115.235.

5 2. No electronic voting system shall be approved unless it:

6 (1) Permits voting in absolute secrecy;

7 (2) Permits each voter to vote for as many candidates for each office as a voter is  
8 lawfully entitled to vote for;

9 (3) Permits each voter to vote for or against as many questions as a voter is lawfully  
10 entitled to vote on, and no more;

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

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

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

18 (7) Accurately counts all proper votes cast for each candidate and for and against each  
19 question;

20 (8) Is set to reject all votes, except write-in votes, for any office and on any question  
21 when the number of votes exceeds the number a voter is lawfully entitled to cast;

22 (9) Permits each voter, while voting, to clearly see the ballot label;

23 (10) Has been tested and is certified by an independent authority that meets the voting  
24 system standards developed by the Federal Election Commission or its successor agency. The  
25 provisions of this subdivision shall not be required for any system purchased prior to August  
26 28, 2002.

27 3. The secretary of state shall promulgate rules and regulations to allow the use of a  
28 computerized voting system. The procedures shall provide for the use of a computerized  
29 voting system with the ability to provide a paper audit trail. Notwithstanding any provisions



30 of this chapter to the contrary, such a system may allow for the storage of processed ballot  
31 materials in an electronic form.

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

40 5. If any election authority uses any touchscreen direct-recording electronic vote-  
41 counting machine, the election authority may continue to use such machine. Upon the  
42 removal of such voting machine from the election authority's inventory because of  
43 mechanical malfunction, wear and tear, or any other reason, the machine shall not be replaced  
44 and no additional direct-recording electronic vote-counting machine shall be added to the  
45 election authority's inventory. Such machines shall not be used beginning January 1, 2024.  
46 Equipment that is designed for accessibility shall provide a paper ballot audit trail.

47 6. (1) Each election authority [~~that controls its own information technology~~  
48 ~~department~~] **in a county with more than forty thousand registered voters** shall, once every  
49 two years, allow **and publish the results of** a cyber security review of their office by the  
50 secretary of state [~~or alternatively~~], **the state auditor, or the county auditor and** by an entity  
51 that specializes in cyber security reviews. Each political subdivision that controls the  
52 information technology department for an election authority shall, once every two years,  
53 allow a cyber security review of the information technology department by the secretary of  
54 state or alternatively by an entity that specializes in cyber security reviews. The secretary of  
55 state shall, once every two years, allow a cyber security review of its office by an entity that  
56 specializes in cyber security reviews. For purposes of this section, an entity specializes in  
57 cyber security review if it employs one or more individuals who:

58 (a) Have at least five years management experience in information security or five  
59 years' experience as an information security analyst;

60 (b) Have worked in at least two of the domains listed in paragraph (c) of this  
61 subdivision that are covered in the exam required by such paragraph; and

62 (c) Have attained an information security certification by passing an exam that covers  
63 at least three of the following topics:

64 a. Information technology risk management, identification, mitigation, and  
65 compliance;

66 b. Information security incident management;

- 67 c. Information security program development and management;  
68 d. Risk and control monitoring and reporting;  
69 e. Access control systems and methodology;  
70 f. Business continuity planning and disaster recovery planning;  
71 g. Physical security of election authority property;  
72 h. Networking security; or  
73 i. Security architecture application and systems development.

74 (2) If an election authority or political subdivision fails to have a cyber security  
75 review as required by this subsection, the secretary of state may publish a notice of  
76 noncompliance in a newspaper within the jurisdiction of the election authority or in electronic  
77 format. The secretary of state is also authorized to withhold funds from an election authority  
78 in violation of this section unless such funding is a federal mandate or part of a federal and  
79 state agreement.

80 7. The secretary of state shall have authority to require cyber security testing,  
81 including penetration testing, of vendor machines, programs, and systems. Failure to  
82 participate in such testing shall result in a revocation of vendor certification. Upon notice  
83 from another jurisdiction of cyber security failures or certification withholds or revocation,  
84 the secretary of state shall have authority to revoke or withhold certification for vendors. The  
85 requirements of this section shall be subject to appropriation for the purpose of cyber security  
86 testing.

87 8. The secretary of state may designate an organization of which each election  
88 authority shall be a member, provided there is no membership fee and the organization  
89 provides information to increase cyber security and election integrity efforts.

90 9. All audits required by subsection 6 of this section that are conducted by the  
91 secretary of state shall be solely paid for by state and federal funding.

92 **10. All software used by election authorities shall be subject to review by an**  
93 **entity that specializes in cyber security reviews to determine whether the software has**  
94 **the capability to alter ballot images, voter selections, or vote tallies.**

95 **11. No new voting equipment shall be purchased and put into use within six**  
96 **months of an election. All new voting equipment shall be individually certified prior to**  
97 **being put into use. Each election authority shall certify that any new voting equipment**  
98 **or systems used meet the requirements of this section and the requirements of all**  
99 **relevant rules and regulations promulgated by the secretary of state.**

115.230. Notwithstanding any other provision of law to the contrary, any election  
2 authority may use an electronic voter identification system [~~or an electronic signature pad~~] to  
3 verify a voter's address, registration status, and signature information at any polling place.  
4 Any such system or pad shall be able to read identifying information from an official

5 Missouri driver's license or nondriver's license issued by the department of revenue, and shall  
6 be capable of allowing an election authority to manually enter the voter's information from a  
7 valid form of personal identification containing the voter's signature. **No device used under**  
8 **this section shall be connected to the internet on election day. All signatures provided by**  
9 **voters shall be manual and not electronic.**

115.249. No voting machine shall be used unless it:

- 2 (1) Permits voting in absolute secrecy;
- 3 (2) Permits each voter to vote for as many candidates for each office as he is lawfully  
4 entitled to vote for, and no other;
- 5 (3) Permits each voter to vote for or against as many questions as he is lawfully  
6 entitled to vote on, and no more;
- 7 (4) Provides facilities for each voter to cast as many write-in votes for each office as  
8 he is lawfully entitled to cast;
- 9 (5) Permits each voter in a primary election to vote for the candidates of only one  
10 party announced by the voter in advance;
- 11 (6) Correctly registers or records and accurately counts all votes cast for each  
12 candidate and for and against each question;
- 13 (7) Is provided with a lock or locks which prevent any movement of the voting or  
14 registering mechanism and any tampering with the mechanism;
- 15 (8) Is provided with a protective counter or other device whereby any operation of the  
16 machine before or after an election will be detected;
- 17 (9) Is provided with a counter which shows at all times during the election how many  
18 people have voted on the machine;
- 19 (10) Is provided with a proper light which enables each voter, while voting, to clearly  
20 see the ballot labels;
- 21 **(11) Has the log files, auditing file, and cast vote record functions permanently**  
22 **turned on.**

115.493. The election authority shall keep all voted ballots, ballot cards, processed  
2 ballot materials in electronic form and write-in forms, **cast vote records**, and all applications,  
3 statements, certificates, affidavits and computer programs relating to each election for twenty-  
4 two months after the date of the election. During the time that voted ballots, ballot cards,  
5 processed ballot materials in electronic form and write-in forms are kept by the election  
6 authority, it shall not open or inspect them or allow anyone else to do so, except upon order of  
7 a legislative body trying an election contest, a court or a grand jury. After twenty-two  
8 months, the ballots, ballot cards, processed ballot materials in electronic form, write-in forms,  
9 applications, statements, certificates, affidavits and computer programs relating to each  
10 election [~~may be destroyed~~] **shall be made available to the public if requested under**

11 **chapter 610 and retained by the election authority for an additional twenty-four**  
12 **months. After the twenty-four month period has expired, the records may be destroyed.**  
13 If an election contest, grand jury investigation or civil or criminal case relating to the election  
14 is pending at the time, however, the materials shall not be destroyed until the contest,  
15 investigation or case is finally determined. **Cast vote records shall be available to the**  
16 **public under the provisions of chapter 610. The cast vote records shall be maintained in**  
17 **the order in which the ballots were processed, except that the order of the first ten**  
18 **records may be altered.**

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) On the part of any election official, failure to operate voting machines in the**  
40 **manner required by section 115.249.**

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