

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 152, Page 3, Section
2 115.107, Line 31, by inserting after all of said section and line the following:

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

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

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

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

21 ~~[3-]~~ 4. Nothing in this section prohibits a charter city or county from having its primary
22 election in March if the charter provided for a March primary before August 28, 1999.

23 ~~[4-]~~ 5. Nothing in this section shall prohibit elections held pursuant to section 65.600, but no
24 other issues shall be on the March ballot except pursuant to this chapter.

25 115.125. 1. Not later than 5:00 p.m. on the tenth Tuesday prior to any election, except a
26 special election to decide an election contest, tie vote or an election to elect seven members to serve
27 on a school board of a district pursuant to section 162.241, or a delay in notification pursuant to
28 subsection 3 of this section, or pursuant to the provisions of section 115.399, the officer or agency
29 calling the election shall notify the election authorities responsible for conducting the election. The
30 notice shall be in writing, shall specify the name of the officer or agency calling the election and

Action Taken _____ Date _____

1 shall include a certified copy of the legal notice to be published pursuant to subsection 2 of section
2 115.127. The notice and any other information required by this section may, with the prior
3 notification to the election authority receiving the notice, be accepted by email or facsimile
4 transmission prior to 5:00 p.m. on the tenth Tuesday prior to the election[, ~~provided that the original~~
5 ~~copy of the notice and a certified copy of the legal notice to be published shall be received in the~~
6 ~~office of the election authority within three business days from the date of the facsimile~~
7 ~~transmission~~].

8 2. In lieu of a certified copy of the legal notice to be published pursuant to subsection 2 of
9 section 115.127, each notice of a special election to fill a vacancy shall include the name of the
10 office to be filled, the date of the election and the date by which candidates must be selected or filed
11 for the office. Not later than the sixth Tuesday prior to any special election to fill a vacancy called
12 by a political subdivision or special district, the officer or agency calling the election shall certify a
13 sample ballot to the election authorities responsible for conducting the election.

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

24 115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice of a
25 special election to fill a vacancy submitted pursuant to subsection 2 of section 115.125, the election
26 authority shall cause legal notice of the special election to be published in a newspaper of general
27 circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the
28 election, the date and time of the election, the name of the office to be filled and the date by which
29 candidates must be selected or filed for the office. Within one week prior to each special election to
30 fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to
31 be published in two newspapers of different political faith and general circulation in the jurisdiction.
32 The legal notice shall include the date and time of the election, the name of the officer or agency
33 calling the election and a sample ballot. If there is only one newspaper of general circulation in the
34 jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If
35 there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite
36 political faith, the notice shall be published in any two of the newspapers within one week prior to
37 the election.

38 2. Except as provided in subsections 1 and 4 of this section and in sections 115.521, 115.549
39 and 115.593, the election authority shall cause legal notice of each election held in its jurisdiction to

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

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

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

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

36 6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for
 37 the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting costs,
 38 a candidate who has filed for an office or who has been duly nominated for an office may, at any
 39 time after the certification of the notice of election required in subsection 1 of section 115.125 but
 40 no later than 5:00 p.m. on the eighth Tuesday before the election, withdraw as a candidate pursuant
 41 to a court order, which, except for good cause shown by the election authority in opposition thereto,

1 shall be freely given upon application by the candidate to the circuit court of the area of such
2 candidate's residence.

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

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

26 (2) Incapacity or confinement due to illness or physical disability on election day, including
27 a person who is primarily responsible for the physical care of a person who is incapacitated or
28 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 authority at
32 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 sections
38 589.660 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 initiatives by

submitting a federal postcard application to apply to vote by absentee ballot or by submitting a federal postcard application at the ~~[polling place]~~ office of the election authority on election day even though the person is not registered. A federal postcard application submitted by a covered voter pursuant to this subsection shall also serve as a voter registration application under section 115.908 and the election authority shall, if satisfied that the applicant is entitled to register, place the voter's name on the voter registration file. Each covered voter may vote by absentee ballot or, upon submitting an affidavit that the person is qualified to vote in the election, may vote at the person's polling place.

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

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

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state the voter's name, the voter's voting address, the voter's mailing address and the voter's reason for voting an absentee ballot. If the reason for the voter voting absentee is due to the reasons established under subdivision (6) of subsection 3 of section 115.277, the voter shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, voting address, and mailing address. On the form, the voter shall also state under penalties of perjury that the voter is qualified to vote in the election, that the voter has not previously voted and will not vote again in the election, that the voter has personally marked the voter's ballot in secret or supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable to seal it, and that all information contained in the statement is true. In addition, any person providing assistance to the absentee voter shall include a statement on the envelope identifying the person providing assistance under penalties of perjury. Persons authorized to vote only for federal and statewide officers shall also state their former Missouri residence.

2. The statement for persons voting absentee ballots who are registered voters shall be in substantially the following form:

State of Missouri

County (City) of _____

I, _____ (print name), a registered voter of _____ County (City of St. Louis, Kansas City), declare under the penalties of perjury that I am voting in person at a location designated by the local election authority or I expect to be prevented from going to the polls on election day due to (check one):

_____ absence on election day from the jurisdiction of the election authority in which I am registered;

_____ incapacity or confinement due to illness or physical disability on election day, including caring for a person who is incapacitated or

confined due to illness or disability and resides at the same address;

_____ religious belief or practice;

_____ employment as an election authority, by an election authority at a location other than my polling place, as a first responder, as a health care worker, or as a member of law enforcement;

_____ incarceration, although I have retained all the necessary qualifications for voting;

_____ certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns.

I hereby state under penalties of perjury that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

Signature of Voter

Signature of Person

Assisting Voter

(if applicable)

Signed _____

Subscribed and sworn

Signed _____

to before me this

Address of Voter

_____ day of _____,

Mailing Addresses

Signature of notary or

(if different)

other officer

authorized to

administer oaths

- 1 3. The statement for persons voting absentee ballots pursuant to the provisions of subsection
2 4, 5, or 6 of section 115.277 without being registered shall be in substantially the following form:

State of Missouri

County (City) of _____

I, _____ (print name), declare under the penalties of perjury that I am a citizen of the United States and eighteen years of age or older. I am not adjudged incapacitated by any court of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I hereby state under penalties of perjury that I am qualified to vote at this election.

I am an interstate former resident of Missouri and authorized to vote for presidential and vice presidential electors.

I further state under penalties of perjury that I have not voted and will not vote other than by this ballot at this election; I marked the enclosed ballot in secret or am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

| | |
|--------------------------------|------------------------|
| _____ | Subscribed to and |
| Signature of Voter | sworn before me this |
| | _____ day of |
| | _____, _____ |
| _____ | |
| _____ | _____ |
| Address of Voter | Signature of notary or |
| | other officer |
| | authorized to |
| | administer oaths |
| _____ | _____ |
| Mailing Address (if different) | _____ |
| | _____ |
| _____ | _____ |
| Signature of Person | Address of Last |

Assisting Voter

Missouri Residence

(if applicable)

- 1 4. The statement for persons voting absentee ballots who are entitled to vote at the election
 2 pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially the following
 3 form:

State of Missouri

County (City) of _____

I, _____ (print name), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

_____ absence on election day from the jurisdiction of the election authority in which I am directed to vote;

_____ incapacity or confinement due to illness or physical disability on election day, including caring for a person who is incapacitated or confined due to illness or disability and resides at the same address;

_____ religious belief or practice;

_____ employment as an election authority, by an election authority at a location other than my polling place, as a first responder, as a health care worker, or as a member of law enforcement;

_____ incarceration, although I have retained all the necessary qualifications of voting;

_____ certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns.

I hereby state under penalties of perjury that I own property in the _____ district and am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read and write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

Signature of Voter

Subscribed and sworn

to before me this

_____ day of

_____, _____

Address

Signature of notary or
other officer
authorized to
administer oaths

Signature of Person

Assisting Voter

(if applicable)

- 1 5. The statement for persons providing assistance to absentee voters shall be in substantially
2 the following form:

The voter needed assistance in marking the ballot and signing above,
because of blindness, other physical disability, or inability to read or to
[read]write English. I marked the ballot enclosed in this envelope at
the voter's direction, when I was alone with the voter, and I had no
other communication with the voter as to how he or she was to vote.
The voter swore or affirmed the voter affidavit above and I then signed
the voter's name and completed the other voter information above.
Signed under the penalties of perjury.

Reason why voter needed assistance: _____

ASSISTING PERSON SIGN HERE

1. _____ (signature of assisting person)
2. _____ (assisting person's name printed)
3. _____ (assisting person's residence)
4. _____ (assisting person's home city or town).

- 3 6. Notwithstanding any other provision of this section, any covered voter as defined in
4 section 115.902 or persons who have declared themselves to be permanently disabled pursuant to
5 section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or signature
6 on his or her absentee ballot.

- 7 7. Notwithstanding any other provision of this section or section 115.291 to the contrary, the
8 subscription, signature and seal of a notary or other officer authorized to administer oaths shall not
9 be required on any ballot, ballot envelope, or statement required by this section if the reason for the

1 voter voting absentee is due to the reasons established pursuant to subdivision (2) of subsection 3 of
2 section 115.277.

3 8. No notary shall charge or collect a fee for notarizing the signature on any absentee ballot
4 or absentee voter registration.

5 9. A notary public who charges more than the maximum fee specified or who charges or
6 collects a fee for notarizing the signature on any absentee ballot or absentee voter registration is
7 guilty of official misconduct.

8 115.284. 1. There is hereby established an absentee voting process to assist persons with
9 permanent disabilities in the exercise of their voting rights.

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

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

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

State of _____

County (City) of _____

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

Signature of Voter

Voter's Address

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

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

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

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

115.306. 1. No person shall qualify as a candidate for elective public office in the state of Missouri who has been found guilty of or pled guilty to a felony under the federal laws of the United States of America or to a felony under the laws of this state or an offense committed in another state that would be considered a felony in this state.

2. (1) Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state.

(2) Each potential candidate for election to a public office, except candidates for a county or city committee of a political party, shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form:

AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the state, other than those taxes which may be in dispute.

I declare under penalties of perjury that I am not aware of any information that would prohibit me from fulfilling any bonding requirements for the office for which I am filing.

Candidate's Signature

Printed Name of Candidate

(3) Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any state income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state, the department of revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state, or the election official who accepted such candidate's declaration of candidacy,

1 and the potential candidate. The department shall notify the candidate of the outstanding tax owed
 2 and give the candidate thirty days to remit any such outstanding taxes owed which are not the
 3 subject of dispute between the department and the candidate. If the candidate fails to remit such
 4 amounts in full within thirty days, the candidate shall be disqualified from participating in the
 5 current election and barred from refiling for an entire election cycle even if the individual pays all of
 6 the outstanding taxes that were the subject of the complaint.

7 (4) Any person who files as a candidate for election to a public office that performs county
 8 functions in a city not within a county shall file an affidavit with the election authority and shall
 9 attach thereto official copies of receipts or no-tax-due statements received from the collector and
 10 official statements from the collector that indicate the person has paid all taxes due and is not
 11 delinquent in any tax. The election authority shall review such documentation and the affirmation
 12 of tax payments required under subdivision (2) of this subsection.

13 115.351. No person who files as a party candidate for nomination or election to an office
 14 shall, without withdrawing, file as another party's candidate or an independent candidate for
 15 nomination or election to the office for the same term. No person who files as an independent
 16 candidate for election to an office shall, without withdrawing, file as a party candidate for
 17 nomination or election to the office for the same term. No person shall file for one office and,
 18 without withdrawing, file for another office to be filled at the same election. A person who files a
 19 request to be included on the presidential primary ballot is not prohibited by this section from filing
 20 or appearing on any ballot as a party candidate for nomination to another office. Receipt by the
 21 secretary of state of proper certification of nomination pursuant to subsection 1 of section 115.399
 22 constitutes withdrawal by operation of law pursuant to subsection 1 of section 115.359 of any
 23 presidential or vice presidential nominee from any other office for which such nominee is a
 24 candidate at the same election. Any person violating any provision of this section shall be
 25 disqualified from running for nomination or election to any office at the primary and general
 26 election next succeeding the violation.

27 115.430. 1. This section shall apply to ~~[primary and general elections where candidates for~~
 28 ~~federal or statewide offices are nominated or elected and any election where statewide issue or~~
 29 ~~issues are submitted to the voters]~~ any public election.

30 2. (1) A voter claiming to be properly registered in the jurisdiction of the election authority
 31 and eligible to vote in an election, but whose eligibility at that precinct cannot be immediately
 32 established upon examination of the precinct register, shall be entitled to vote a provisional ballot
 33 after providing a form of personal identification required pursuant to section 115.427 or upon
 34 executing an affidavit under section 115.427, or may vote at a central polling place as established in
 35 section 115.115 where the voter may vote his or her appropriate ballot for his or her precinct of
 36 residence upon verification of eligibility or vote a provisional ballot if eligibility cannot be
 37 determined. The provisional ballot provided to a voter under this section shall be the ballot
 38 provided to a resident of the voter's precinct determined by reference to the affidavit provided for in
 39 this section. If the voter declares that the voter is eligible to vote and the election authority
 40 determines that the voter is eligible to vote at another polling place, the voter shall be directed to the
 41 correct polling place or a central polling place as established by the election authority pursuant to

1 subsection 5 of section 115.115. If the voter refuses to go to the correct polling place or a central
2 polling place, the voter shall be permitted to vote a provisional ballot at the incorrect polling place,
3 but such ballot shall not be counted if the voter was not eligible to vote at that polling place.

4 (2) The following steps shall be taken to establish a voter's eligibility to vote at a polling
5 place:

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

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

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

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

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

30 3. (1) 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.

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

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

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

STATE OF _____

COUNTY OF _____

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

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

(Signature of Voter)

(Current Address)

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

(Signature of Election Official)

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

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:

(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;

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

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

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

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

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

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

24 (a) The name of the provisional voter;

25 (b) The name of the reviewer;

26 (c) The date and time; and

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

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

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

34 (a) The name of the provisional voter;

35 (b) The name of the reviewer;

36 (c) The date and time;

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

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

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

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

13 7. (1) After the election authority completes its review of the provisional voter's eligibility
14 under subsection 5 of this section, the election authority shall deliver the provisional ballots and
15 copies of the provisional ballot envelopes that include eligibility information to bipartisan counting
16 teams, which may be the board of verification, for review and tabulation. The election authority
17 shall maintain a record of such delivery. The record shall include the number of ballots delivered to
18 each team and shall include a signed receipt from two judges, one from each major political party.
19 The election authority shall provide each team with a ballot box and material necessary for
20 tabulation.

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

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

30 (4) The votes shall be tallied and the returns made as provided in sections 115.447 to
31 115.525 for paper ballots. After the vote on all ballots assigned to a team have been counted, the
32 ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by
33 the election authority shall be enclosed in sealed containers marked "Voted provisional ballots and
34 ballot envelopes from the election held _____, 20_____". All rejected provisional ballots, ballot
35 envelopes, and copies of ballot envelopes with the eligibility information provided by the election
36 authority shall be enclosed in sealed containers marked "Rejected provisional ballots and ballot
37 envelopes from the election held _____, 20_____". On the outside of each voted ballot and
38 rejected ballot container, each member of the team shall write their name and all such containers

1 shall be returned to the election authority. Upon receipt of the returns and ballots, the election
2 authority shall tabulate the provisional votes.

3 8. Challengers and watchers, as provided by sections 115.105 and 115.107, may be present
4 during all times that the bipartisan counting teams are reviewing or counting the provisional ballots,
5 the provisional ballot envelopes, or copies of the provisional ballot envelopes that include eligibility
6 information provided by the election authority. Challengers and watchers shall be permitted to
7 observe the determination of the eligibility of all provisional ballots. The election authority shall
8 notify the county chair of each major political party of the time and location when bipartisan
9 counting teams will be reviewing or counting the provisional ballots, the provisional ballot
10 envelopes, or the copies of the provisional ballot envelopes that include the eligibility information
11 provided by the election authority.

12 9. The certificate of ballot cards shall:

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

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

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

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

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

23 13. Pursuant to the Help America Vote Act of 2002, the secretary of state shall ensure a free
24 access system is established, such as a toll-free number or an internet website, that any individual
25 who casts a provisional ballot may access to discover whether the vote of that individual was
26 counted, and, if the vote was not counted, the reason that the vote was not counted. At the time an
27 individual casts a provisional ballot, the election authority shall give the voter written information
28 that states that any individual who casts a provisional ballot will be able to ascertain under such free
29 access system whether the vote was counted, and if the vote was not counted, the reason that the
30 vote was not counted.

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

38 115.453. Election judges shall count votes for all candidates in the following manner:

(1) No candidate shall be counted as voted for, except a candidate before whose name a distinguishing mark appears preceding the name and a distinguishing mark does not appear in the square preceding the name of any candidate for the same office in another column. Except as provided in this subdivision and subdivision (2) of this section, each candidate with a distinguishing mark preceding his or her name shall be counted as voted for;

(2) If distinguishing marks appear next to the names of more candidates for an office than are entitled to fill the office, no candidate for the office shall be counted as voted for. If more than one candidate is to be nominated or elected to an office, and any voter has voted for the same candidate more than once for the same office at the same election, no votes cast by the voter for the candidate shall be counted;

(3) No vote shall be counted for any candidate that is not marked substantially in accordance with the provisions of this section. The judges shall count votes marked substantially in accordance with this section and section 115.456 when the intent of the voter seems clear. Regulations promulgated by the secretary of state shall be used by the judges to determine voter intent. No ballot containing any proper votes shall be rejected for containing fewer marks than are authorized by law;

(4) Write-in votes shall be counted only for candidates for election to office who have filed a declaration of intent to be a write-in candidate for election to office with the proper election authority, who shall then notify the proper filing officer of the write-in candidate prior to 5:00 p.m. on the second Friday immediately preceding the election day; except that, write-in votes shall be counted only for candidates for election to state or federal office who have filed a declaration of intent to be a write-in candidate for election to state or federal office with the secretary of state pursuant to section 115.353 prior to 5:00 p.m. on the second Friday immediately preceding the election day. No person who filed as a party or independent candidate for nomination or election to an office may, without withdrawing as provided by law, file as a write-in candidate for election to the same office for the same term. No candidate who files for nomination to an office and is not nominated at a primary election may file a declaration of intent to be a write-in candidate for the same office at the general election. When declarations are properly filed with the secretary of state, the secretary of state shall promptly transmit copies of all such declarations to the proper election authorities for further action pursuant to this section. The election authority shall furnish a list to the election judges and counting teams prior to election day of all write-in candidates who have filed such declaration. ~~[This subdivision shall not apply to elections wherein candidates are being elected to an office for which no candidate has filed.]~~ No person shall file a declaration of intent to be a write-in candidate for election to any municipal office unless such person is qualified to be certified as a candidate under section 115.306;

(5) Write-in votes shall be cast and counted for a candidate without party designation. Write-in votes for a person cast with a party designation shall not be counted. Except for candidates for political party committees, no candidate shall be elected as a write-in candidate unless such candidate receives a separate plurality of the votes without party designation regardless of whether

or not the total write-in votes for such candidate under all party and without party designations totals a majority of the votes cast;

(6) When submitted to the election authority, each declaration of intent to be a write-in candidate for the office of United States president shall include the name of a candidate for vice president and the name of nominees for presidential elector equal to the number to which the state is entitled. At least one qualified resident of each congressional district shall be nominated as presidential elector. Each such declaration of intent to be a write-in candidate shall be accompanied by a declaration of candidacy for each presidential elector in substantially the form set forth in subsection 3 of section 115.399. Each declaration of candidacy for the office of presidential elector shall be subscribed and sworn to by the candidate before the election official receiving the declaration of intent to be a write-in, notary public or other officer authorized by law to administer oaths.

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

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

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

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

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

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

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

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

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

(9) On the part of any election official, challenger, watcher or person assisting a person to vote, revealing or disclosing any information as to how any voter may have voted, indicated that the

1 person had voted except as authorized by this chapter, indicated an intent to vote or offered to vote,
 2 except to a grand jury or pursuant to a lawful subpoena in a court proceeding relating to an election
 3 offense;

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

7 (11) Attempting to commit or participating in an attempt to commit any class one or class
 8 two election offense;

9 (12) Threatening to harm or engaging in conduct reasonably calculated to harass, including
 10 stalking under section 565.227, an election judge, challenger, watcher, or employee or volunteer of
 11 an election authority, or a member of such person's family;

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

14 (14) Disseminating, through any means, the home address, home telephone number, mobile
 15 telephone number, personal email address, social security number, federal tax identification number,
 16 checking account number, savings account number, credit card number, marital status, or identity of
 17 a child under eighteen years of age, of an election judge, challenger, watcher, or employee or
 18 volunteer of an election authority, or a member of such person's family, for the purposes of
 19 threatening to harm or engaging in conduct reasonably calculated to harass an election judge,
 20 challenger, watcher, or employee or volunteer of an election authority or a member of such person's
 21 family or attempting to induce, influence, deceive, or pressure an election official or a member of an
 22 election official's family to violate any provision of this chapter.

23 2. For the purposes of this section, the term "election official" includes the election authority
 24 for the county, election judges, and other volunteers or employees of an election authority. If a
 25 violation of subdivision (12), (13), or (14) of subsection 1 of this section results in death or bodily
 26 injury to an election official or a member of the official's family, the offense shall be a class B
 27 felony.

28 115.646. No contribution or expenditure of public funds shall be made directly by any
 29 officer, employee, or agent of any political subdivision, ~~[including school districts and charter~~
 30 ~~schools]~~ special district, or charter school to advocate, support, or oppose the passage or defeat of
 31 any ballot measure or the nomination or election of any candidate for public office, or to direct any
 32 public funds to, or pay any debts or obligations of, any committee supporting or opposing such
 33 ballot measures or candidates. This section shall not be construed to prohibit any public official of a
 34 political subdivision, including school districts and charter schools, from making public appearances
 35 or from issuing press releases concerning any such ballot measure. Any purposeful violation of this
 36 section shall be punished as a class four election offense.

37 115.755. A statewide presidential preference primary shall be held on the first Tuesday in
 38 March of each presidential election year.

39 115.758. On or before the tenth Tuesday prior to the date of the presidential preference
 40 primary, the secretary of state shall announce the official list of presidential candidates for each
 41 established political party as provided in section 115.761.

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

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

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

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

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

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

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

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

1 be included on the presidential primary ballot. The names of candidates filing on the first day for
 2 filing on each party ballot shall be listed in ascending order of the numbers so drawn.

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

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

18 115.773. After the count and canvass of the votes cast, the secretary of state shall notify the
 19 state chair of each of the established political parties for whom a candidate was listed, of the number
 20 of votes recorded in that established political party's primary that each candidate and uncommitted
 21 listing received.

22 115.776. The state party organization which is the state organization recognized by the
 23 national organization of that established political party shall, after the primary and before the
 24 national convention, conduct a series of caucuses culminating in congressional and state
 25 conventions [for the purpose of nominating a candidate for the president of the United States].
 26 Delegates to the national conventions shall be chosen at the congressional district and state
 27 conventions pursuant to rules established by the political parties.

28 115.785. All costs of a presidential preference primary shall be paid by the state, except that,
 29 pursuant to section 115.065, costs shall be shared proportionately by the state and any political
 30 subdivisions and special districts holding an election on the same day as any such primary.

31 115.904. The voting procedures in sections 115.900 to 115.936 shall apply to:

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

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

35 (3) Any election in which absentee voting is conducted pursuant to sections 115.275 to
 36 115.304."; and

37
 38 Further amend said bill by amending the title, enacting clause, and intersectional references
 39 accordingly.