

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 126 & 367
103RD GENERAL ASSEMBLY

0304H.02P

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 115.105, 115.107, 115.123, 115.125, 115.127, 115.277, 115.283, 115.284, 115.291, 115.351, 115.430, 115.453, 115.635, 115.646, 115.776, 115.904, and 531.050, RSMo, and to enact in lieu thereof twenty-six new sections relating to elections.

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

Section A. Sections 115.105, 115.107, 115.123, 115.125, 115.127, 115.277, 115.283, 115.284, 115.291, 115.351, 115.430, 115.453, 115.635, 115.646, 115.776, 115.904, and 531.050, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 105.695, 115.105, 115.107, 115.123, 115.125, 115.127, 115.277, 115.283, 115.284, 115.291, 115.351, 115.430, 115.453, 115.635, 115.646, 115.755, 115.758, 115.761, 115.765, 115.767, 115.770, 115.773, 115.776, 115.785, 115.904, and 531.050, to read as follows:

- 105.695. 1. No contribution or expenditure of system funds shall be made directly by any public pension system to advocate, support, or oppose the passage or defeat of any ballot measure or the nomination or election of any candidate for public office. Nor shall any system funds pay any debts or obligations of, any committee supporting or opposing such ballot measures or candidates.**
- 2. For the purposes of this section, the term "system" shall be defined as any retirement system established by the state of Missouri or any political subdivision or instrumentality of the state for the purpose of providing plan benefits for elected or appointed public officials or employees of the state of Missouri or any political subdivision or instrumentality of the state.**

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.

115.105. 1. The chair of the county committee of each political party named on the
2 ballot shall have the right to designate a challenger for each polling place, who may be
3 present ~~[until all]~~ **while** ballots are cast on ~~[the day of]~~ **election day, or in first class counties**
4 **and charter counties, during the absentee voting period**, and a challenger for each location
5 at which absentee ballots are counted, who may be present while the ballots are being
6 prepared for counting and counted. No later than four business days before ~~[the election]~~ **a**
7 **challenger may enter a polling location**, the chair of each county committee of each
8 political party named on the ballot shall provide signed official designation forms with the
9 names of the designated challengers and substitutes to the local election authority for
10 confirmation of eligibility to serve as a challenger. The local election authority, after
11 verifying the eligibility of each designated and substitute challenger, shall sign off on the
12 official designation forms, unless the challenger is found not to have the qualifications
13 established by subsection 4 of this section. If the election authority determines that a
14 challenger does not meet the qualifications of subsection 4 of this section, the designating
15 party chair may designate a replacement challenger and provide the local election authority
16 with the name of the replacement challenger before 5:00 p.m. of the Monday preceding the
17 election. The designating chair may substitute challengers at his or her discretion during such
18 hours.

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

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

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

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

115.107. 1. At every election, the chairman of the county committee of each political
2 party named on the ballot shall have the right to designate a watcher for each place votes are
3 counted. **No later than four business days before a watcher may enter a polling or**
4 **counting location, the chair of each county committee of each political party named on**

5 the ballot shall provide signed official designation forms with the names of the
6 designated watchers and substitutes to the local election authority for confirmation of
7 eligibility to serve as a watcher. The local election authority, after verifying the eligibility
8 of each designated and substitute watcher, shall sign off on the official designation
9 forms, unless the watcher is found not to have the qualifications established by
10 subsection 5 of this section. If the election authority determines that a watcher does not
11 meet the qualifications of subsection 5 of this section, the designating party chair may
12 designate a replacement watcher and provide the local election authority with the name
13 of the replacement watcher before 5:00 p.m. of the Monday preceding the election. The
14 designating chair may substitute watchers at his or her discretion during such hours.

15 2. Watchers are to observe the counting of the votes and present any complaint of
16 irregularity or law violation to the election judges, or to the election authority if not satisfied
17 with the decision of the election judges. No watcher may be substituted for another on
18 election day.

19 3. No watcher shall report to anyone the name of any person who has or has not
20 voted.

21 4. A watcher may remain present until all closing certification forms are completed,
22 all equipment is closed and taken down, the transportation case for the ballots is sealed,
23 election materials are returned to the election authority or to the designated collection place
24 for a polling place, and any other duties or procedures required under sections 115.447 to
25 115.491 are completed. A watcher may also remain present at each **in-person absentee**
26 **voting location in first class counties and charter counties** at which absentee ballots are
27 counted **or prepared for counting** and may remain present while such ballots are being
28 prepared for counting and counted.

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

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

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

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

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

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

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

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

14 2. In lieu of a certified copy of the legal notice to be published pursuant to subsection
15 2 of section 115.127, each notice of a special election to fill a vacancy shall include the name
16 of the office to be filled, the date of the election and the date by which candidates must be
17 selected or filed for the office. Not later than the sixth Tuesday prior to any special election to
18 fill a vacancy called by a political subdivision or special district, the officer or agency calling
19 the election shall certify a sample ballot to the election authorities responsible for conducting
20 the election.

21 3. Except as provided for in sections 115.247 and 115.359, if there is no additional
22 cost for the printing or reprinting of ballots or if the political subdivision or special district
23 calling for the election agrees to pay any printing or reprinting costs, a political subdivision or
24 special district may, at any time after certification of the notice of election required in
25 subsection 1 of this section, but no later than 5:00 p.m. on the eighth Tuesday before the

26 election, be permitted to make late notification to the election authority pursuant to court
27 order, which, except for good cause shown by the election authority in opposition thereto,
28 shall be freely given upon application by the political subdivision or special district to the
29 circuit court of the area of such subdivision or district. No court shall have the authority to
30 order an individual or issue be placed on the ballot less than eight weeks before the date of the
31 election.

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

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

3. The election authority shall print the official ballot as the same appears on the
31 sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or

32 official printed ballot shall be stricken or removed from the ballot except on death of a
33 candidate or by court order, but in no event shall a candidate or issue be stricken or removed
34 from the ballot less than eight weeks before the date of the election.

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

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

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

115.277. 1. A registered voter of this state may cast an absentee ballot in person at a
2 location designated by the election authority for all candidates and issues for which such voter
3 is eligible to vote at the polling place ~~[if such voter expects to be prevented from going to the~~
4 ~~polls to vote on election day due to one of the reasons listed in subsection 3 of this section]~~
5 **beginning on the sixth Tuesday before election day without providing an excuse under**
6 **subsection 3 of this section.** A registered voter casting a ballot under the provisions of this

7 subsection shall provide a form of personal photo identification that is consistent with
8 subsection 1 of section 115.427. ~~[Beginning on the second Tuesday prior to an election, a
9 reason listed under subsection 3 of this section shall not be required, provided that, the
10 provisions of section 1.140 to the contrary notwithstanding, this sentence and section 115.427
11 shall be nonseverable, and if any provision of section 115.427 is for any reason held to be
12 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
14 this state may cast an absentee ballot not in person at a location designated by the election
15 authority for all candidates and issues for which such voter would be eligible to vote at the
16 polling place if such voter expects to be prevented from going to the polls to vote on election
17 day due to one of the reasons listed in subsection 3 of this section. An absentee ballot that is
18 not requested and completed in person at the office of the election authority with a form of
19 personal photo identification that is consistent with subsection 1 of section 115.427 shall have
20 the statement on the ballot envelope notarized as required under section 115.283, except that
21 absentee ballots requested under subdivisions (2) and (5) of subsection 3 of this section shall
22 not require notarization. This subsection shall apply only in the case of absentee ballots that
23 are not cast in person.

24 3. A voter may request an absentee ballot **by mail** for any of the following reasons:

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

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

30 (3) Religious belief or practice;

31 (4) Employment as:

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

34 (b) A first responder;

35 (c) A health care worker; or

36 (d) A member of law enforcement;

37 (5) Incarceration, provided all qualifications for voting are retained;

38 (6) Certified participation in the address confidentiality program established under
39 sections 589.660 to 589.681 because of safety concerns.

40 4. Any covered voter who is eligible to register and vote in this state may vote in any
41 election for federal office, statewide office, state legislative office, or statewide ballot
42 initiatives by submitting a federal postcard application to apply to vote by absentee ballot or
43 by submitting a federal postcard application at the ~~[polling place]~~**office of the election**

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

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

52 6. Any new resident may vote by absentee ballot **or at the office of the election**
53 **authority on election day** for presidential and vice presidential electors after registering to
54 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
2 the voter's name, the voter's voting address, the voter's mailing address and the voter's reason
3 for voting an absentee ballot. If the reason for the voter voting absentee is due to the reasons
4 established under subdivision (6) of subsection 3 of section 115.277, the voter shall state the
5 voter's identification information provided by the address confidentiality program in lieu of
6 the applicant's name, voting address, and mailing address. On the form, the voter shall also
7 state under penalties of perjury that the voter is qualified to vote in the election, that the voter
8 has not previously voted and will not vote again in the election, that the voter has personally
9 marked the voter's ballot in secret or supervised the marking of the voter's ballot if the voter is
10 unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter
11 or under the voter's supervision if the voter is unable to seal it, and that all information
12 contained in the statement is true. In addition, any person providing assistance to the absentee
13 voter shall include a statement on the envelope identifying the person providing assistance
14 under penalties of perjury. Persons authorized to vote only for federal and statewide officers
15 shall also state their former Missouri residence.

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

18 State of Missouri

19 County (City) of _____

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

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

27 _____ incapacity or confinement due to illness or physical disability
 28 on election day, including caring for a person who is
 29 incapacitated or confined due to illness or disability and
 30 resides at the same address;
 31 _____ religious belief or practice;
 32 _____ employment as an election authority, by an election authority
 33 at a location other than my polling place, as a first responder,
 34 as a health care worker, or as a member of law enforcement;
 35 _____ incarceration, although I have retained all the necessary
 36 qualifications for voting;
 37 _____ certified participation in the address confidentiality program
 38 established under sections 589.660 to 589.681 because of
 39 safety concerns.

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

48		_____
49	_____	—
50	Signature of Voter	Signature of Person
51		Assisting Voter
52		(if applicable)
53	Signed _____	Subscribed and sworn
54	Signed _____	to before me this
55		_____ day of _____
56	Address of Voter	—, _____
57		_____
58	_____	—
59		_____
60	_____	—
61	Mailing Addresses	Signature of notary or
62	(if different)	other officer

63 authorized to
64 administer oaths
65 3. The statement for persons voting absentee ballots **by mail** pursuant to the
66 provisions of subsection 4, 5, or 6 of section 115.277 without being registered shall be in
67 substantially the following form:

68 State of Missouri

69 County (City) of _____

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

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

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

86 _____
87 Signature of Voter

Subscribed to and
sworn before me this
_____ day of
_____, _____

90 _____
91 _____
92 Address of Voter

Signature of notary or
other officer
authorized to
administer oaths

96 _____
97 Mailing Address (if different)

98

99

100

Signature of Person

101

Assisting Voter

102

Address of Last

Missouri Residence

(if applicable)

103

104

105

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

106

State of Missouri

107

County (City) of _____

108

I, _____ (print name), declare under the penalties of perjury that I

109

expect to be prevented from going to the polls on election day due to

110

(check one):

111

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

112

113

_____ incapacity or confinement due to illness or physical disability

114

on election day, including caring for a person who is

115

incapacitated or confined due to illness or disability and

116

resides at the same address;

117

_____ religious belief or practice;

118

_____ employment as an election authority, by an election authority

119

at a location other than my polling place, as a first responder,

120

as a health care worker, or as a member of law enforcement;

121

_____ incarceration, although I have retained all the necessary

122

qualifications of voting;

123

_____ certified participation in the address confidentiality program

124

established under sections 589.660 to 589.681 because of

125

safety concerns.

126

I hereby state under penalties of perjury that I own property in the _____

127

____ district and am qualified to vote at this election; I have not voted

128

and will not vote other than by this ballot at this election. I further state

129

that I marked the enclosed ballot in secret or that I am blind, unable to

130

read and write English, or physically incapable of marking the ballot,

131

and the person of my choosing indicated below marked the ballot at my

132

direction; all of the information on this statement is, to the best of my

133

knowledge and belief, true.

134

Subscribed and sworn

135	Signature of Voter	to before me this
136		_____ day of
137		_____, _____
138	_____	
139	_____	_____
140	Address	Signature of notary or
141		other officer
142		authorized to
143		administer oaths
144	_____	
145	Signature of Person	
146	Assisting Voter	
147	(if applicable)	

148 5. The statement for persons providing assistance to absentee voters shall be in
 149 substantially the following form:

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

158 Reason why voter needed assistance: _____

159 ASSISTING PERSON SIGN HERE

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

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

168 7. Notwithstanding any other provision of this section or section 115.291 to the
 169 contrary, the subscription, signature and seal of a notary or other officer authorized to
 170 administer oaths shall not be required on any ballot, ballot envelope, or statement required by

171 this section if the reason for the voter voting absentee is due to the reasons established
172 pursuant to subdivision (2) of subsection 3 of section 115.277.

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

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

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

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

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

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

11 State of _____

12 County (City) of _____

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

19 _____
20 Signature of Voter

21 _____
22 _____

23 Voter's Address

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

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

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

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

 115.291. 1. Upon receiving an absentee ballot by mail, the voter shall mark the ballot
2 in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on
3 the ballot envelope. The affidavit of each person voting an absentee ballot **by mail** shall be
4 subscribed and sworn to before the election official receiving the ballot, a notary public or
5 other officer authorized by law to administer oaths, unless the voter is voting absentee due to
6 incapacity or confinement due to the provisions of section 115.284, illness or physical
7 disability on election day, or the voter is a covered voter as defined in section 115.902. If the
8 voter is blind, unable to read or write the English language, or physically incapable of voting
9 the ballot, the voter may be assisted by a person of the voter's own choosing. Any person
10 assisting a voter who is not entitled to such assistance, and any person who assists a voter and
11 in any manner coerces or initiates a request or a suggestion that the voter vote for or against or
12 refrain from voting on any question, ticket or candidate, shall be guilty of a class one election
13 offense. If, upon counting, challenge or election contest, it is ascertained that any absentee
14 ballot was voted with unlawful assistance, the ballot shall be rejected.

15 2. Except as provided in subsection 4 of this section, each absentee ballot that is not
16 cast by the voter in person in the office of the election authority shall be returned to the
17 election authority in the ballot envelope and shall only be returned by the voter in person, or
18 in person by a relative of the voter who is within the second degree of consanguinity or
19 affinity, by mail or registered carrier or by a team of deputy election authorities; except that
20 covered voters, when sent from a location determined by the secretary of state to be
21 inaccessible on election day, shall be allowed to return their absentee ballots cast by use of
22 facsimile transmission or under a program approved by the Department of Defense for
23 electronic transmission of election materials.

24 3. In cases of an emergency declared by the President of the United States or the
25 governor of this state where the conduct of an election may be affected, the secretary of state
26 may provide for the delivery and return of absentee ballots by use of a facsimile transmission
27 device or system. Any rule promulgated pursuant to this subsection shall apply to a class or
28 classes of voters as provided for by the secretary of state.

29 4. No election authority shall refuse to accept and process any otherwise valid marked
30 absentee ballot submitted in any manner by a covered voter solely on the basis of restrictions
31 on envelope type.

32 5. No absentee ballot shall be delivered through a drop box and no election authority
33 shall establish or use a drop box for the purpose of collecting absentee ballots.

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

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

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

18 place, the voter shall be permitted to vote a provisional ballot at the incorrect polling place,
19 but such ballot shall not be counted if the voter was not eligible to vote at that polling place.

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

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

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

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

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

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

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

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

54 conspicuous stamp or other distinguishing mark that makes them readily distinguishable from
55 the regular ballots.

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

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

62 STATE OF _____

63 COUNTY OF _____

64 I do solemnly swear (or affirm) that my name is _____; that my date
65 of birth is _____; that the last four digits of my Social Security
66 Number are _____; that I am registered to vote in _____ County or
67 City (if a City not within a County), Missouri; that I am a qualified
68 voter of said County (or City not within a County); that I am eligible
69 to vote at this polling place; and that I have not voted in this election.
70 I understand that if the above-provided information is not correct and
71 the election authority determines that I am not registered and eligible
72 to vote, my vote will not be counted. I further understand that
73 knowingly providing false information is a violation of law and
74 subjects me to possible criminal prosecution.

75 _____
76 (Signature of Voter)

77 _____
78 (Current Address)

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

80 _____

81 _____
82 (Signature of Election Official)

83

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

86 5. (1) Prior to counting any provisional ballot, the election authority shall determine
87 if the voter is registered and eligible to vote and if the vote was properly cast. The eligibility
88 of provisional votes shall be determined according to the requirements for a voter to cast a
89 ballot in the election as set forth in sections 115.133 and 115.135. A provisional [~~voter~~] ballot
90 shall not be eligible to be counted until the election authority has determined that:

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

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

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

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

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

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

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

118 (a) The name of the provisional voter;

119 (b) The name of the reviewer;

120 (c) The date and time; and

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

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

125 (6) If the election authority determines that the provisional voter is not registered or
126 eligible to vote in the election, the election authority shall provide documentation verifying

127 the voter's ineligibility. Such documentation shall be noted on the copy of the provisional
128 ballot envelope and shall contain substantially the following information:

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

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

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

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

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

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

160 (3) If the person named on the provisional ballot affidavit is found not to have been
161 properly qualified and registered to cast a ballot in the election or if the election authority is
162 unable to determine such person's right to vote, the envelope containing the provisional ballot
163 shall not be opened, and the person's vote shall not be counted. The members of the team

164 shall follow the procedures set forth in subsection 5 of this section for rejected provisional
165 ballots.

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

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

188 9. The certificate of ballot cards shall:

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

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

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

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

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

199 13. Pursuant to the Help America Vote Act of 2002, the secretary of state shall ensure
200 a free access system is established, such as a toll-free number or an internet website, that any

201 individual who casts a provisional ballot may access to discover whether the vote of that
202 individual was counted, and, if the vote was not counted, the reason that the vote was not
203 counted. At the time an individual casts a provisional ballot, the election authority shall give
204 the voter written information that states that any individual who casts a provisional ballot will
205 be able to ascertain under such free access system whether the vote was counted, and if the
206 vote was not counted, the reason that the vote was not counted.

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

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

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

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

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

18 (4) Write-in votes shall be counted only for candidates for election to office who have
19 filed a declaration of intent to be a write-in candidate for election to office with the proper
20 election authority, who shall then notify the proper filing officer of the write-in candidate
21 prior to 5:00 p.m. on the second Friday immediately preceding the election day; except that,
22 write-in votes shall be counted only for candidates for election to state or federal office who
23 have filed a declaration of intent to be a write-in candidate for election to state or federal
24 office with the secretary of state pursuant to section 115.353 prior to 5:00 p.m. on the second

25 Friday immediately preceding the election day. No person who filed as a party or
26 independent candidate for nomination or election to an office may, without withdrawing as
27 provided by law, file as a write-in candidate for election to the same office for the same term.
28 No candidate who files for nomination to an office and is not nominated at a primary election
29 may file a declaration of intent to be a write-in candidate for the same office at the general
30 election. When declarations are properly filed with the secretary of state, the secretary of
31 state shall promptly transmit copies of all such declarations to the proper election authorities
32 for further action pursuant to this section. The election authority shall furnish a list to the
33 election judges and counting teams prior to election day of all write-in candidates who have
34 filed such declaration. ~~[This subdivision shall not apply to elections wherein candidates are~~
35 ~~being elected to an office for which no candidate has filed.]~~ No person shall file a declaration
36 of intent to be a write-in candidate for election to any municipal office unless such person is
37 qualified to be certified as a candidate under section 115.306;

38 (5) Write-in votes shall be cast and counted for a candidate without party designation.
39 Write-in votes for a person cast with a party designation shall not be counted. Except for
40 candidates for political party committees, no candidate shall be elected as a write-in candidate
41 unless such candidate receives a separate plurality of the votes without party designation
42 regardless of whether or not the total write-in votes for such candidate under all party and
43 without party designations totals a majority of the votes cast;

44 (6) When submitted to the election authority, each declaration of intent to be a write-
45 in candidate for the office of United States president shall include the name of a candidate for
46 vice president and the name of nominees for presidential elector equal to the number to which
47 the state is entitled. At least one qualified resident of each congressional district shall be
48 nominated as presidential elector. Each such declaration of intent to be a write-in candidate
49 shall be accompanied by a declaration of candidacy for each presidential elector in
50 substantially the form set forth in subsection 3 of section 115.399. Each declaration of
51 candidacy for the office of presidential elector shall be subscribed and sworn to by the
52 candidate before the election official receiving the declaration of intent to be a write-in,
53 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,
2 shall be class three election offenses and are deemed misdemeanors connected with the
3 exercise of the right of suffrage. Conviction for any of these offenses shall be punished by
4 imprisonment of not more than one year or by fine of not more than two thousand five
5 hundred dollars, or by both such imprisonment and fine:

6 (1) Giving, lending, agreeing to give or lend, offering, promising, or endeavoring to
7 procure, any money or valuable consideration, office, or place of employment, to or for any
8 voter, to or for any person on behalf of any voter, or to or for any person, in order to induce

9 any voter to vote or refrain from voting or corruptly doing any such act on account of such
10 voter having already voted or refrained from voting at any election;

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

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

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

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

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

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

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

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

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

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

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

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

44 **(14) Disseminating, through any means, the home address, home telephone**
45 **number, mobile telephone number, personal email address, social security number,**

46 federal tax identification number, checking account number, savings account number,
47 credit card number, marital status, or identity of a child under eighteen years of age, of
48 an election judge, challenger, watcher, or employee or volunteer of an election authority,
49 or a member of such person's family, for the purposes of threatening to harm or
50 engaging in conduct reasonably calculated to harass an election judge, challenger,
51 watcher, or employee or volunteer of an election authority or a member of such person's
52 family or attempting to induce, influence, deceive, or pressure an election official or a
53 member of an election official's family to violate any provision of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

12 the number drawn with the candidate's request to be included on the presidential
13 primary ballot. The names of candidates filing on the first day for filing on each party
14 ballot shall be listed in ascending order of the numbers so drawn.

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

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

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

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

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

2 115.904. The voting procedures in sections 115.900 to 115.936 shall apply to:

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

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

5 (3) Any election in which absentee voting is conducted pursuant to sections 115.275
6 to 115.304.

531.050. In case any person, against whom any such information in the nature of a
2 quo warranto shall be prosecuted, shall be adjudged guilty of any usurpation of, or intrusion
3 into, or unlawfully holding and executing any office or franchise, it may be lawful for the
4 court as well to give judgment of ouster against such person from any of the said offices or
5 franchises, as to fine such person for his usurpation of, intruding into or unlawfully holding
6 and executing any such office or franchise, and to give judgment that the relator in such
7 information named shall recover his costs of such prosecution; and if judgment shall be given
8 for the defendant in such information, he shall recover his costs against such relator. **Any**
9 **person against whom such judgment is entered, or who resigns during the pendency of**
10 **the action, shall be permanently barred from holding, being appointed to, or appearing**
11 **on any ballot for the office for which judgment was entered or the action was brought**
12 **against such person.**

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