

FIRST REGULAR SESSION

HOUSE BILL NO. 507

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

0996H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.125, 115.127, 115.277, 115.284, 115.430, and 115.453, RSMo, and to enact in lieu thereof seven new sections relating to elections, with penalty provisions.

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

Section A. Sections 115.125, 115.127, 115.277, 115.284, 115.430, and 115.453, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 115.125, 115.127, 115.277, 115.284, 115.430, 115.453, and 115.638, to read as follows:

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

2. In lieu of a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127, each notice of a special election to fill a vacancy shall include the name of the office to be filled, the date of the election and the date by which candidates must be

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.

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

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

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

16 2. Except as provided in subsections 1 and 4 of this section and in sections 115.521,
17 115.549 and 115.593, the election authority shall cause legal notice of each election held in its
18 jurisdiction to be published. The notice shall be published in two newspapers of different
19 political faith and qualified pursuant to chapter 493 which are published within the bounds of
20 the area holding the election. If there is only one so-qualified newspaper, then notice shall be
21 published in only one newspaper. If there is no newspaper published within the bounds of the
22 election area, then the notice shall be published in two qualified newspapers of different

23 political faith serving the area. Notice shall be published twice, the first publication occurring
24 in the second week prior to the election, and the second publication occurring within one
25 week prior to the election. Each such legal notice shall include the date and time of the
26 election, the name of the officer or agency calling the election and a sample ballot; and, unless
27 notice has been given as provided by section 115.129, the second publication of notice of the
28 election shall include the location of polling places. The election authority may provide any
29 additional notice of the election it deems desirable.

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

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

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

55 6. Except as provided for in sections 115.247 and 115.359, if there is no additional
56 cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or
57 reprinting costs, a candidate who has filed for an office or who has been duly nominated for
58 an office may, at any time after the certification of the notice of election required in
59 subsection 1 of section 115.125 but no later than 5:00 p.m. on the eighth Tuesday before the

60 election, withdraw as a candidate pursuant to a court order, which, except for good cause
61 shown by the election authority in opposition thereto, shall be freely given upon application
62 by the candidate to the circuit court of the area of such candidate's residence.

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

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

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

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

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

29 (3) Religious belief or practice;

30 (4) Employment as:

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

33 (b) A first responder;

34 (c) A health care worker; or

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

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

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

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

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

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

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

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

11 State of _____

12 County (City) of _____

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

19

Signature of Voter

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Voter's Address

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

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6. The election authority shall remove from the list of voters qualified to participate as 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.

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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.

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

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

16 central polling place as established by the election authority pursuant to subsection 5 of
17 section 115.115. If the voter refuses to go to the correct polling place or a central polling
18 place, the voter shall be permitted to vote a provisional ballot at the incorrect polling place,
19 but such ballot shall not be counted if the voter was not eligible to vote at that polling place.

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

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

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

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

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

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

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

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

53 form required by subsection 4 of this section. All provisional ballots shall be marked with a
54 conspicuous stamp or other distinguishing mark that makes them readily distinguishable from
55 the regular ballots.

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

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

62 STATE OF _____

63 COUNTY OF _____

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

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

75 _____

76 (Signature of Voter)

77 _____

78 (Current Address)

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

80 _____

81 _____

82 (Signature of Election Official)

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

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.

**115.638. 1. A person commits the offense of tampering with an election official
2 if, with the purpose to harass or intimidate an election official in the performance of
3 such official's official duties, such person:**

4 (1) Threatens or causes harm to such election official or members of such
5 election official's family;

6 **(2) Uses force, threats, or deception against or toward such election official or**
7 **members of such election official's family;**

8 **(3) Attempts to induce, influence, or pressure an election official or members of**
9 **an election official's family to violate the provisions of chapter 115;**

10 **(4) Engages in conduct reasonably calculated to harass or alarm such election**
11 **official or such election official's family, including stalking pursuant to section 565.225**
12 **or 565.227; or**

13 **(5) Disseminates through any means, including by posting on the internet, the**
14 **personal information of an election official or any member of an election official's**
15 **family. For purposes of this section, "personal information" includes a home address,**
16 **home telephone number, mobile telephone number, personal email address, Social**
17 **Security number, federal tax identification number, checking and savings account**
18 **numbers, credit card numbers, marital status, or identity of a child under eighteen years**
19 **of age.**

20 **2. For the purposes of this section, the term "election official" includes the**
21 **election authority for the county, election judges, and other volunteers or employees of**
22 **an election authority. The offense of tampering with an election official shall be a class**
23 **one election offense. If a violation of this section results in death or bodily injury to an**
24 **election official or a member of the official's family, the offense shall be a class B felony.**

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