

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 507
103RD GENERAL ASSEMBLY

0996H.03P

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 115.105, 115.107, 115.125, 115.127, 115.277, 115.284, 115.306, 115.430, 115.453, and 115.635, RSMo, and to enact in lieu thereof ten 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A. Sections 115.105, 115.107, 115.125, 115.127, 115.277, 115.284, 115.306, 2 115.430, 115.453, and 115.635, RSMo, are repealed and ten new sections enacted in lieu 3 thereof, to be known as sections 115.105, 115.107, 115.125, 115.127, 115.277, 115.284, 4 115.306, 115.430, 115.453, and 115.635, to read as follows:

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

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.

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.

115.125. 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.

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

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

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

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

115.277. 1. A registered voter of this state may cast an absentee ballot in person at a
2 location designated by the election authority for all candidates and issues for which such voter
3 is eligible to vote at the polling place if such voter expects to be prevented from going to the
4 polls to vote on election day due to one of the reasons listed in subsection 3 of this section. A

5 registered voter casting a ballot under the provisions of this subsection shall provide a form of
6 personal photo identification that is consistent with subsection 1 of section 115.427.
7 Beginning on the second Tuesday prior to an election, a reason listed under subsection 3 of
8 this section shall not be required, provided that, the provisions of section 1.140 to the contrary
9 notwithstanding, this sentence and section 115.427 shall be nonseverable, and if any
10 provision of section 115.427 is for any reason held to be invalid, such decision shall
11 invalidate this sentence.

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

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

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

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

29 (3) Religious belief or practice;

30 (4) Employment as:

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

33 (b) A first responder;

34 (c) A health care worker; or

35 (d) A member of law enforcement;

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

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

39 4. Any covered voter who is eligible to register and vote in this state may vote in any
40 election for federal office, statewide office, state legislative office, or statewide ballot
41 initiatives by submitting a federal postcard application to apply to vote by absentee ballot or

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

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

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

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

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

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

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

11 State of _____

12 County (City) of _____

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

19 _____
20 Signature of Voter

21 _____

22 _____

23 Voter's Address

24 5. Not earlier than ten weeks before an election but prior to the fourth Tuesday prior
25 to an election, the election authority shall deliver to each voter qualified to participate as

26 absentee voters pursuant to this section an absentee ballot application if the voter is eligible to
27 vote in that election. If the voter returns the absentee request application to the election
28 authority not later than 5:00 p.m. on the second Wednesday before an election and has
29 retained the necessary qualifications to vote, the election authority shall provide the voter
30 with an absentee ballot pursuant to this chapter.

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

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

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

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

5 2. (1) Any person who files as a candidate for election to a public office shall be
6 disqualified from participation in the election for which the candidate has filed if such person
7 is delinquent in the payment of any state income taxes, personal property taxes, municipal
8 taxes, real property taxes on the place of residence, as stated on the declaration of candidacy,
9 or if the person is a past or present corporate officer of any fee office that owes any taxes to
10 the state.

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

15 AFFIRMATION OF TAX PAYMENTS AND BONDING

16 REQUIREMENTS:

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

23 I declare under penalties of perjury that I am not aware of any

24 information that would prohibit me from fulfilling any bonding
25 requirements for the office for which I am filing.

26 _____ Candidate's Signature

27 _____ Printed Name of Candidate

28 (3) Upon receipt of a complaint alleging a delinquency of the candidate in the filing
29 or payment of any state income taxes, personal property taxes, municipal taxes, real property
30 taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a
31 past or present corporate officer of any fee office that owes any taxes to the state, the
32 department of revenue shall investigate such potential candidate to verify the claim contained
33 in the complaint. If the department of revenue finds a positive affirmation to be false, the
34 department shall contact the secretary of state, or the election official who accepted such
35 candidate's declaration of candidacy, and the potential candidate. The department shall notify
36 the candidate of the outstanding tax owed and give the candidate thirty days to remit any such
37 outstanding taxes owed which are not the subject of dispute between the department and the
38 candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate
39 shall be disqualified from participating in the current election and barred from refiling for an
40 entire election cycle even if the individual pays all of the outstanding taxes that were the
41 subject of the complaint.

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

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

4 2. (1) A voter claiming to be properly registered in the jurisdiction of the election
5 authority and eligible to vote in an election, but whose eligibility at that precinct cannot be
6 immediately established upon examination of the precinct register, shall be entitled to vote a
7 provisional ballot after providing a form of personal identification required pursuant to
8 section 115.427 or upon executing an affidavit under section 115.427, or may vote at a central
9 polling place as established in section 115.115 where the voter may vote his or her
10 appropriate ballot for his or her precinct of residence upon verification of eligibility or vote a
11 provisional ballot if eligibility cannot be determined. The provisional ballot provided to a

12 voter under this section shall be the ballot provided to a resident of the voter's precinct
13 determined by reference to the affidavit provided for in this section. If the voter declares that
14 the voter is eligible to vote and the election authority determines that the voter is eligible to
15 vote at another polling place, the voter shall be directed to the correct polling place or a
16 central polling place as established by the election authority pursuant to subsection 5 of
17 section 115.115. If the voter refuses to go to the correct polling place or a central polling
18 place, the voter shall be permitted to vote a provisional ballot at the incorrect polling place,
19 but such ballot shall not be counted if the voter was not eligible to vote at that polling place.

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

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

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

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

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

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

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

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

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

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

62 STATE OF _____

63 COUNTY OF _____

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

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

75 _____

76 (Signature of Voter)

77 _____

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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