

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 507**

103RD GENERAL ASSEMBLY

0996S.06C

KRISTINA MARTIN, Secretary

**AN ACT**

To repeal sections 115.105, 115.107, 115.123, 115.125, 115.127, 115.277, 115.284, 115.286, 115.295, 115.300, 115.306, 115.351, 115.430, 115.453, 115.637, 115.776, and 115.904, RSMo, and to enact in lieu thereof twenty-four 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, 115.123, 115.125,  
2 115.127, 115.277, 115.284, 115.286, 115.295, 115.300, 115.306,  
3 115.351, 115.430, 115.453, 115.637, 115.776, and 115.904, RSMo,  
4 are repealed and twenty-four new sections enacted in lieu  
5 thereof, to be known as sections 115.105, 115.107, 115.123,  
6 115.125, 115.127, 115.277, 115.284, 115.295, 115.300, 115.306,  
7 115.351, 115.430, 115.453, 115.637, 115.755, 115.758, 115.761,  
8 115.765, 115.767, 115.770, 115.773, 115.776, 115.785, and  
9 115.904, to read as follows:

115.105. 1. The chair of the county committee of each  
2 political party named on the ballot shall have the right to  
3 designate a challenger for each polling place, who may be  
4 present **[until all]** while ballots are cast on **[the day of]**  
5 election **day, or in first class counties and charter**  
6 **counties, during the absentee voting period,** and a  
7 challenger for each location at which absentee ballots are  
8 counted, who may be present while the ballots are being

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

9 prepared for counting and counted. No later than four  
10 business days before [the election] **a challenger may enter a**  
11 **polling location**, the chair of each county committee of each  
12 political party named on the ballot shall provide signed  
13 official designation forms with the names of the designated  
14 challengers and substitutes to the local election authority  
15 for confirmation of eligibility to serve as a challenger.  
16 The local election authority, after verifying the  
17 eligibility of each designated and substitute challenger,  
18 shall sign off on the official designation forms, unless the  
19 challenger is found not to have the qualifications  
20 established by subsection 4 of this section. If the  
21 election authority determines that a challenger does not  
22 meet the qualifications of subsection 4 of this section, the  
23 designating party chair may designate a replacement  
24 challenger and provide the local election authority with the  
25 name of the replacement challenger before 5:00 p.m. of the  
26 Monday preceding the election. The designating chair may  
27 substitute challengers at his or her discretion during such  
28 hours.

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

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

39 4. **In a presidential primary election, challengers may**  
40 **collect information about the party ballot selected by the**

41 **voter and may disclose party affiliation information after**  
42 **the polls close.**

43       5. All persons selected as challengers shall have the  
44 same qualifications required by section 115.085 for election  
45 judges, except that such challenger shall be a registered  
46 voter in the jurisdiction of the election authority for  
47 which the challenger is designated as a challenger.

48       [5.] 6. Any challenge by a challenger to a voter's  
49 identification for validity shall be made only to the  
50 election judges or other election authority. If the poll  
51 challenger is not satisfied with the decision of the  
52 election judges, then he or she may report his or her belief  
53 that the election laws of this state have been or will be  
54 violated to the election authority as allowed under this  
55 section.

115.107. 1. At every election, the chairman of the  
2 county committee of each political party named on the ballot  
3 shall have the right to designate a watcher for each place  
4 votes are counted. **No later than four business days before**  
5 **a watcher may enter a polling or counting location, the**  
6 **chair of each county committee of each political party named**  
7 **on the ballot shall provide signed official designation**  
8 **forms with the names of the designated watchers and**  
9 **substitutes to the local election authority for confirmation**  
10 **of eligibility to serve as a watcher. The local election**  
11 **authority, after verifying the eligibility of each**  
12 **designated and substitute watcher, shall sign off on the**  
13 **official designation forms, unless the watcher is found not**  
14 **to have the qualifications established by subsection 5 of**  
15 **this section. If the election authority determines that a**  
16 **watcher does not meet the qualifications of subsection 5 of**  
17 **this section, the designating party chair may designate a**

18 replacement watcher and provide the local election authority  
19 with the name of the replacement watcher before 5:00 p.m. of  
20 the Monday preceding the election. The designating chair  
21 may substitute watchers at his or her discretion during such  
22 hours.

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

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

30 4. A watcher may remain present until all closing  
31 certification forms are completed, all equipment is closed  
32 and taken down, the transportation case for the ballots is  
33 sealed, election materials are returned to the election  
34 authority or to the designated collection place for a  
35 polling place, and any other duties or procedures required  
36 under sections 115.447 to 115.491 are completed. A watcher  
37 may also remain present at each **in-person absentee voting**  
38 **location in first class counties and charter counties** at  
39 which absentee ballots are counted **or prepared for counting**  
40 and may remain present while such ballots are being prepared  
41 for counting and counted.

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

115.123. 1. All public elections shall be held on  
2 Tuesday. Except as provided in subsection 2 of this  
3 section, and section 247.180, all public elections shall be

4 held on the general election day, the primary election day,  
5 the general municipal election day, the first Tuesday after  
6 the first Monday in November, or on another day expressly  
7 provided by city or county charter, and in nonprimary years  
8 on the first Tuesday after the first Monday in August. Bond  
9 elections may be held on the first Tuesday after the first  
10 Monday in February but no other issue shall be included on  
11 the ballot for such election.

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

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

19           (1) Bond elections necessitated by fire, vandalism or  
20 natural disaster;

21           (2) Elections for which ownership of real property is  
22 required by law for voting;

23           (3) Special elections to fill vacancies and to decide  
24 tie votes or election contests; and

25           (4) Tax elections necessitated by a financial hardship  
26 due to a five percent or greater decline in per-pupil state  
27 revenue to a school district from the previous year.

28       **[3.] 4.** Nothing in this section prohibits a charter  
29 city or county from having its primary election in March if  
30 the charter provided for a March primary before August 28,  
31 1999.

32       **[4.] 5.** Nothing in this section shall prohibit  
33 elections held pursuant to section 65.600, but no other  
34 issues shall be on the March ballot except pursuant to this  
35 chapter.

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

22 2. In lieu of a certified copy of the legal notice to  
23 be published pursuant to subsection 2 of section 115.127,  
24 each notice of a special election to fill a vacancy shall  
25 include the name of the office to be filled, the date of the  
26 election and the date by which candidates must be selected  
27 or filed for the office. Not later than the sixth Tuesday  
28 prior to any special election to fill a vacancy called by a  
29 political subdivision or special district, the officer or  
30 agency calling the election shall certify a sample ballot to  
31 the election authorities responsible for conducting the  
32 election.

33           3. Except as provided for in sections 115.247 and  
34 115.359, if there is no additional cost for the printing or  
35 reprinting of ballots or if the political subdivision or  
36 special district calling for the election agrees to pay any  
37 printing or reprinting costs, a political subdivision or  
38 special district may, at any time after certification of the  
39 notice of election required in subsection 1 of this section,  
40 but no later than 5:00 p.m. on the eighth Tuesday before the  
41 election, be permitted to make late notification to the  
42 election authority pursuant to court order, which, except  
43 for good cause shown by the election authority in opposition  
44 thereto, shall be freely given upon application by the  
45 political subdivision or special district to the circuit  
46 court of the area of such subdivision or district. No court  
47 shall have the authority to order an individual or issue be  
48 placed on the ballot less than eight weeks before the date  
49 of the election.

115.127. 1. Except as provided in subsection 4 of  
2 this section, upon receipt of notice of a special election  
3 to fill a vacancy submitted pursuant to subsection 2 of  
4 section 115.125, the election authority shall cause legal  
5 notice of the special election to be published in a  
6 newspaper of general circulation in its jurisdiction. The  
7 notice shall include the name of the officer or agency  
8 calling the election, the date and time of the election, the  
9 name of the office to be filled and the date by which  
10 candidates must be selected or filed for the office. Within  
11 one week prior to each special election to fill a vacancy  
12 held in its jurisdiction, the election authority shall cause  
13 legal notice of the election to be published in two  
14 newspapers of different political faith and general  
15 circulation in the jurisdiction. The legal notice shall

16 include the date and time of the election, the name of the  
17 officer or agency calling the election and a sample ballot.  
18 If there is only one newspaper of general circulation in the  
19 jurisdiction, the notice shall be published in the newspaper  
20 within one week prior to the election. If there are two or  
21 more newspapers of general circulation in the jurisdiction,  
22 but no two of opposite political faith, the notice shall be  
23 published in any two of the newspapers within one week prior  
24 to the election.

25       2. Except as provided in subsections 1 and 4 of this  
26 section and in sections 115.521, 115.549 and 115.593, the  
27 election authority shall cause legal notice of each election  
28 held in its jurisdiction to be published. The notice shall  
29 be published in two newspapers of different political faith  
30 and qualified pursuant to chapter 493 which are published  
31 within the bounds of the area holding the election. If  
32 there is only one so-qualified newspaper, then notice shall  
33 be published in only one newspaper. If there is no  
34 newspaper published within the bounds of the election area,  
35 then the notice shall be published in two qualified  
36 newspapers of different political faith serving the area.  
37 Notice shall be published twice, the first publication  
38 occurring in the second week prior to the election, and the  
39 second publication occurring within one week prior to the  
40 election. Each such legal notice shall include the date and  
41 time of the election, the name of the officer or agency  
42 calling the election and a sample ballot; and, unless notice  
43 has been given as provided by section 115.129, the second  
44 publication of notice of the election shall include the  
45 location of polling places. The election authority may  
46 provide any additional notice of the election it deems  
47 desirable.



48           3. The election authority shall print the official  
49 ballot as the same appears on the sample ballot, and no  
50 candidate's name or ballot issue which appears on the sample  
51 ballot or official printed ballot shall be stricken or  
52 removed from the ballot except on death of a candidate or by  
53 court order, but in no event shall a candidate or issue be  
54 stricken or removed from the ballot less than eight weeks  
55 before the date of the election.

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

67           5. If the opening date for filing a declaration of  
68 candidacy for any office in a political subdivision or  
69 special district is not required by law or charter, the  
70 opening filing date shall be 8:00 a.m., the [seventeenth]  
71 **sixteenth** Tuesday prior to the election. If the closing  
72 date for filing a declaration of candidacy for any office in  
73 a political subdivision or special district is not required  
74 by law or charter, the closing filing date shall be 5:00  
75 p.m., the [fourteenth] **thirteenth** Tuesday prior to the  
76 election, **or if the thirteenth Tuesday prior to the election**  
77 **is a state or federal holiday, the closing filing date shall**  
78 **be 5:00 p.m. on the next day that is not a state or federal**  
79 **holiday.** The political subdivision or special district

80 calling an election shall, before the **[seventeenth]**  
81 **sixteenth** Tuesday, prior to any election at which offices  
82 are to be filled, notify the general public of the opening  
83 filing date, the office or offices to be filled, the proper  
84 place for filing and the closing filing date of the  
85 election. Such notification may be accomplished by legal  
86 notice published in at least one newspaper of general  
87 circulation in the political subdivision or special district.

88 6. Except as provided for in sections 115.247 and  
89 115.359, if there is no additional cost for the printing or  
90 reprinting of ballots or if the candidate agrees to pay any  
91 printing or reprinting costs, a candidate who has filed for  
92 an office or who has been duly nominated for an office may,  
93 at any time after the certification of the notice of  
94 election required in subsection 1 of section 115.125 but no  
95 later than 5:00 p.m. on the eighth Tuesday before the  
96 election, withdraw as a candidate pursuant to a court order,  
97 which, except for good cause shown by the election authority  
98 in opposition thereto, shall be freely given upon  
99 application by the candidate to the circuit court of the  
100 area of such candidate's residence.

115.277. 1. A registered voter of this state may cast  
2 an absentee ballot in person at a location designated by the  
3 election authority for all candidates and issues for which  
4 such voter is eligible to vote at the polling place if such  
5 voter expects to be prevented from going to the polls to  
6 vote on election day due to one of the reasons listed in  
7 subsection 3 of this section. A registered voter casting a  
8 ballot under the provisions of this subsection shall provide  
9 a form of personal photo identification that is consistent  
10 with subsection 1 of section 115.427. Beginning on the  
11 **[second] fourth** Tuesday prior to an election, a reason

12 listed under subsection 3 of this section shall not be  
13 required, provided that, the provisions of section 1.140 to  
14 the contrary notwithstanding, this sentence and section  
15 115.427 shall be nonseverable, and if any provision of  
16 section 115.427 is for any reason held to be invalid, such  
17 decision shall invalidate this sentence.

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

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

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

40 (2) Incapacity or confinement due to illness or  
41 physical disability on election day, including a person who  
42 is primarily responsible for the physical care of a person

43 who is incapacitated or confined due to illness or  
44 disability and resides at the same address;

45 (3) Religious belief or practice;

46 (4) Employment as:

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

50 (b) A first responder;

51 (c) A health care worker; or

52 (d) A member of law enforcement;

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

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

58 4. Any covered voter who is eligible to register and  
59 vote in this state may vote in any election for federal  
60 office, statewide office, state legislative office, or  
61 statewide ballot initiatives by submitting a federal  
62 postcard application to apply to vote by absentee ballot or  
63 by submitting a federal postcard application at the [polling  
64 place] **office of the election authority on election day** even  
65 though the person is not registered. A federal postcard  
66 application submitted by a covered voter pursuant to this  
67 subsection shall also serve as a voter registration  
68 application under section 115.908 and the election authority  
69 shall, if satisfied that the applicant is entitled to  
70 register, place the voter's name on the voter registration  
71 file. Each covered voter may vote by absentee ballot or,  
72 upon submitting an affidavit that the person is qualified to  
73 vote in the election, may vote at the person's polling place.

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

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

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

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

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

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

14           State of \_\_\_\_\_

15           County (City) of \_\_\_\_\_

16           I, \_\_\_\_\_(print applicant's name), declare that I  
17 am a resident and registered voter of  
18 \_\_\_\_\_County, Missouri, and am permanently  
19 disabled. I hereby request that my name be placed  
20 on the election authority's list of voters  
21 qualified to participate as absentee voters  
22 pursuant to section 115.284, and that I be  
23 delivered an absentee ballot application for each  
24 election in which I am eligible to vote.

25           \_\_\_\_\_

26           Signature of Voter

27           \_\_\_\_\_

28           \_\_\_\_\_

29           Voter's Address

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

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

44           (1) Asks to be removed from the list;

45           (2) Dies;

46           (3) Becomes disqualified from voting pursuant to this  
47 chapter; or

48           (4) No longer resides at the address of his or her  
49 voter registration.

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

115.295. 1. As each absentee ballot is received by  
the election authority, the election authority shall  
indicate its receipt on the list.

2. If the statements on any ballot envelope have not  
been completed[, the absentee ballot in the envelope shall  
be rejected] or the envelope has not been notarized as  
required by section 115.291, the election authority shall  
notify the voter of the incomplete information by all means  
reasonably calculated to make contact with the voter,  
including, but not limited to, postal mail, telephone, and  
electronic mail. The notice shall include a description of  
the missing information and instructions for how the voter  
can provide the missing information to the election  
authority.

3. The election authority shall allow the voter to  
supply the missing information by completing a new statement  
as described in section 115.283 and delivering it to the  
election authority by any means authorized by law for  
delivering absentee ballots.

4. (1) Only an employee of the election authority may  
contact the voter concerning missing ballot envelope  
information. An election authority may not authorize any  
third-party organization to contact voters concerning  
missing ballot envelope information.

(2) The election authority may deputize any employee  
of the county to assist in contacting voters with missing  
ballot envelope information. Upon being so deputized, such  
employee shall, in the name of and on behalf of the election  
authority, contact voters that the election authority has  
instructed the employee to contact for the purposes of  
supplying the needed information. Employees deputized  
pursuant to this subdivision shall not be a candidate at the

election for which the ballot was cast or within the second degree of consanguinity or affinity of a candidate at the election for which the ballot was cast.

5. Voters may provide missing information for the ballot envelope only once the envelope containing the ballot has been received in the office of the election authority. No person may change any selections on the ballot contained within the envelope once it is initially received in the office of the election authority.

6. If the voter provides the missing information by either method described above no later than the close of polls on election day, the ballot shall be accepted for counting according to the requirements of section 115.299. If the voter fails to provide the missing information by the close of polls on election day, the ballot shall be rejected.

[3.] 7. All ballot envelopes received by the election authority shall be kept together **in the possession of the election authority** in a safe place and shall not be opened except as provided in this subchapter.

115.300. In each jurisdiction, the election authority may start, [not earlier than the fifth day prior to the election] **upon receipt**, the preparation of absentee ballots for tabulation on the election day. The election authority shall give notice to the county chairman of each major political party forty-eight hours prior to beginning preparation of absentee ballot envelopes. Absentee ballot preparation shall be completed by teams of election authority employees or teams of election judges, with each team consisting of one member from each major political party.

115.306. 1. No person shall qualify as a candidate for elective public office in the state of Missouri who has



3 been found guilty of or pled guilty to a felony under the  
4 federal laws of the United States of America or to a felony  
5 under the laws of this state or an offense committed in  
6 another state that would be considered a felony in this  
7 state.

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

17       (2) Each potential candidate for election to a public  
18 office, except candidates for a county or city committee of  
19 a political party, shall file an affidavit with the  
20 department of revenue and include a copy of the affidavit  
21 with the declaration of candidacy required under section  
22 115.349. Such affidavit shall be in substantially the  
23 following form:

24       AFFIRMATION OF TAX PAYMENTS AND BONDING  
25       REQUIREMENTS:

26       I hereby declare under penalties of perjury that I  
27       am not currently aware of any delinquency in the  
28       filing or payment of any state income taxes,  
29       personal property taxes, municipal taxes, real  
30       property taxes on the place of residence, as  
31       stated on the declaration of candidacy, or that I  
32       am a past or present corporate officer of any fee  
33       office that owes any taxes to the state, other  
34       than those taxes which may be in dispute. I  
35       declare under penalties of perjury that I am not  
36       aware of any information that would prohibit me

37 from fulfilling any bonding requirements for the  
38 office for which I am filing.

39 \_\_\_\_\_ Candidate's  
40 Signature

41 \_\_\_\_\_ Printed Name of Candidate

42 (3) Upon receipt of a complaint alleging a delinquency  
43 of the candidate in the filing or payment of any state  
44 income taxes, personal property taxes, municipal taxes, real  
45 property taxes on the place of residence, as stated on the  
46 declaration of candidacy, or if the person is a past or  
47 present corporate officer of any fee office that owes any  
48 taxes to the state, the department of revenue shall  
49 investigate such potential candidate to verify the claim  
50 contained in the complaint. If the department of revenue  
51 finds a positive affirmation to be false, the department  
52 shall contact the secretary of state, or the election  
53 official who accepted such candidate's declaration of  
54 candidacy, and the potential candidate. The department  
55 shall notify the candidate of the outstanding tax owed and  
56 give the candidate thirty days to remit any such outstanding  
57 taxes owed which are not the subject of dispute between the  
58 department and the candidate. If the candidate fails to  
59 remit such amounts in full within thirty days, the candidate  
60 shall be disqualified from participating in the current  
61 election and barred from refiling for an entire election  
62 cycle even if the individual pays all of the outstanding  
63 taxes that were the subject of the complaint.

64 **(4) Any person who files as a candidate for election**  
65 **to a public office that performs county functions in a city**  
66 **not within a county shall file an affidavit with the**  
67 **election authority and shall attach thereto official copies**

68 of receipts or no-tax-due statements received from the  
69 collector and official statements from the collector that  
70 indicate the person has paid all taxes due and is not  
71 delinquent in any tax. The election authority shall review  
72 such documentation and the affirmation of tax payments  
73 required under subdivision (2) of this subsection.

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

115.430. 1. This section shall apply to [primary and  
2 general elections where candidates for federal or statewide  
3 offices are nominated or elected and any election where

4 statewide issue or issues are submitted to the voters] **any**  
5 **public election.**

6       2. (1) A voter claiming to be properly registered in  
7 the jurisdiction of the election authority and eligible to  
8 vote in an election, but whose eligibility at that precinct  
9 cannot be immediately established upon examination of the  
10 precinct register, shall be entitled to vote a provisional  
11 ballot after providing a form of personal identification  
12 required pursuant to section 115.427 or upon executing an  
13 affidavit under section 115.427, or may vote at a central  
14 polling place as established in section 115.115 where the  
15 voter may vote his or her appropriate ballot for his or her  
16 precinct of residence upon verification of eligibility or  
17 vote a provisional ballot if eligibility cannot be  
18 determined. The provisional ballot provided to a voter  
19 under this section shall be the ballot provided to a  
20 resident of the voter's precinct determined by reference to  
21 the affidavit provided for in this section. If the voter  
22 declares that the voter is eligible to vote and the election  
23 authority determines that the voter is eligible to vote at  
24 another polling place, the voter shall be directed to the  
25 correct polling place or a central polling place as  
26 established by the election authority pursuant to subsection  
27 5 of section 115.115. If the voter refuses to go to the  
28 correct polling place or a central polling place, the voter  
29 shall be permitted to vote a provisional ballot at the  
30 incorrect polling place, but such ballot shall not be  
31 counted if the voter was not eligible to vote at that  
32 polling place.

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

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

39           (b) If the voter's eligibility cannot be immediately  
40 established by examining the precinct register, the election  
41 judge shall contact the election authority. If the election  
42 authority cannot immediately establish that the voter is  
43 registered and eligible to vote at the polling place upon  
44 examination of the Missouri voter registration system, or if  
45 the election judge is unable to make contact with the  
46 election authority immediately, the voter shall be notified  
47 that the voter is entitled to a provisional ballot.

48           (3) The voter shall have the duty to appear and vote  
49 at the correct polling place. If an election judge  
50 determines that the voter is not eligible to vote at the  
51 polling place at which a voter presents himself or herself,  
52 and if the voter appears to be eligible to vote at another  
53 polling place, the voter shall be informed that he or she  
54 may cast a provisional ballot at the current polling place  
55 or may travel to the correct polling place or a central  
56 polling place, as established by the election authority  
57 under subsection 5 of section 115.115, where the voter may  
58 cast a regular ballot or provisional ballot if the voter's  
59 eligibility still cannot be determined. Provisional ballots  
60 cast at a polling place shall be counted only if the voter  
61 was eligible to vote at such polling place as provided in  
62 subsection 5 of this section.

63           (4) For a voter requesting an absentee ballot in  
64 person, such voter shall be entitled to cast a provisional  
65 ballot when the voter's eligibility cannot be immediately

66 established upon examination of the precinct registers or  
67 the Missouri voter registration system.

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

73 3. (1) No person shall be entitled to receive a  
74 provisional ballot until such person has completed a  
75 provisional ballot affidavit on the provisional ballot  
76 envelope.

77 (2) The secretary of state shall produce appropriate  
78 sizes of provisional ballot envelopes and distribute them to  
79 each election authority according to their tabulating  
80 system. All provisional ballot envelopes shall be printed  
81 on a distinguishable color of paper that is different from  
82 the color of the regular ballot. The provisional ballot  
83 envelope shall be in the form required by subsection 4 of  
84 this section. All provisional ballots shall be marked with  
85 a conspicuous stamp or other distinguishing mark that makes  
86 them readily distinguishable from the regular ballots.

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

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

96 STATE OF \_\_\_\_\_

97 COUNTY OF \_\_\_\_\_

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

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

114 \_\_\_\_\_

115 (Signature of  
116 Voter)

117 \_\_\_\_\_

118 (Current  
119 Address)

120 Subscribed and affirmed before me this \_\_\_\_\_ day  
121 of \_\_\_\_\_, 20\_\_\_\_\_

122 \_\_\_\_\_

123 (Signature of Election Official)

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

128 5. (1) Prior to counting any provisional ballot, the  
129 election authority shall determine if the voter is  
130 registered and eligible to vote and if the vote was properly

cast. The eligibility of provisional votes shall be determined according to the requirements for a voter to cast a ballot in the election as set forth in sections 115.133 and 115.135. A provisional [voter] ballot shall not be eligible to be counted until the election authority has determined that:

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

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

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

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

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

(3) To determine whether a provisional ballot is valid and entitled to be counted, the election authority shall



163 examine its records and verify that the provisional voter is  
164 properly registered and eligible to vote in the election.

165 If the provisional voter has provided information regarding  
166 the registration agency where the provisional voter  
167 registered to vote, the election authority shall make an  
168 inquiry of the registration agency to determine whether the  
169 provisional voter is properly registered and eligible to  
170 vote in the election.

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

- 177 (a) The name of the provisional voter;
- 178 (b) The name of the reviewer;
- 179 (c) The date and time; and
- 180 (d) A description of evidence found that supports the  
181 voter's eligibility.

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

186 (6) If the election authority determines that the  
187 provisional voter is not registered or eligible to vote in  
188 the election, the election authority shall provide  
189 documentation verifying the voter's ineligibility. Such  
190 documentation shall be noted on the copy of the provisional  
191 ballot envelope and shall contain substantially the  
192 following information:

- 193 (a) The name of the provisional voter;
- 194 (b) The name of the reviewer;

195 (c) The date and time;

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

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

201 (8) If rejected, a photocopy of the envelope shall be  
202 made and used by the election authority as a mail-in voter  
203 registration. The actual provisional ballot envelope shall  
204 be kept as ballot material, and the copy of the envelope  
205 shall be used by the election authority for registration  
206 record keeping.

207 6. All provisional ballots cast by voters whose  
208 eligibility has been verified as provided in this section  
209 shall be counted in accordance with the rules governing  
210 ballot tabulation. Provisional ballots shall not be counted  
211 until all provisional ballots are determined either eligible  
212 or ineligible and all provisional ballots must be processed  
213 before the election is certified. The provisional ballot  
214 shall be counted only if the election authority determines  
215 that the voter is registered and eligible to vote.

216 Provisional ballots voted in the wrong polling place shall  
217 not be counted. If the voter is not registered but is  
218 qualified to register for future elections, the affidavit  
219 shall be considered a mail-in application to register to  
220 vote pursuant to this chapter.

221 7. (1) After the election authority completes its  
222 review of the provisional voter's eligibility under  
223 subsection 5 of this section, the election authority shall  
224 deliver the provisional ballots and copies of the  
225 provisional ballot envelopes that include eligibility  
226 information to bipartisan counting teams, which may be the

board of verification, for review and tabulation. The election authority shall maintain a record of such delivery. The record shall include the number of ballots delivered to each team and shall include a signed receipt from two judges, one from each major political party. The election authority shall provide each team with a ballot box and material necessary for tabulation.

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

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

(4) The votes shall be tallied and the returns made as provided in sections 115.447 to 115.525 for paper ballots. After the vote on all ballots assigned to a team have been counted, the ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "Voted provisional ballots and ballot envelopes from the election held \_\_\_\_\_, 20\_\_\_\_". All rejected provisional ballots, ballot envelopes, and copies of ballot

259 envelopes with the eligibility information provided by the  
260 election authority shall be enclosed in sealed containers  
261 marked "Rejected provisional ballots and ballot envelopes  
262 from the election held \_\_\_\_\_, 20\_\_\_\_". On the outside of  
263 each voted ballot and rejected ballot container, each member  
264 of the team shall write their name and all such containers  
265 shall be returned to the election authority. Upon receipt  
266 of the returns and ballots, the election authority shall  
267 tabulate the provisional votes.

268       8. Challengers and watchers, as provided by sections  
269 115.105 and 115.107, may be present during all times that  
270 the bipartisan counting teams are reviewing or counting the  
271 provisional ballots, the provisional ballot envelopes, or  
272 copies of the provisional ballot envelopes that include  
273 eligibility information provided by the election authority.  
274 Challengers and watchers shall be permitted to observe the  
275 determination of the eligibility of all provisional  
276 ballots. The election authority shall notify the county  
277 chair of each major political party of the time and location  
278 when bipartisan counting teams will be reviewing or counting  
279 the provisional ballots, the provisional ballot envelopes,  
280 or the copies of the provisional ballot envelopes that  
281 include the eligibility information provided by the election  
282 authority.

283       9. The certificate of ballot cards shall:

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

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

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

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

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

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

312           14. In accordance with the Help America Vote Act of  
313 2002, any individual who votes in an election as a result of  
314 a court order or any other order extending the time  
315 established for closing the polls in section 115.407 may  
316 vote only by using a provisional ballot, and such  
317 provisional ballot shall be separated and held apart from  
318 other provisional ballots cast by those not affected by the  
319 order. Such ballots shall not be counted until such time as  
320 the ballots are determined to be valid. No state court  
321 shall have jurisdiction to extend the polling hours  
322 established by law, including section 115.407.

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

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

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

19 (3) No vote shall be counted for any candidate that is  
20 not marked substantially in accordance with the provisions  
21 of this section. The judges shall count votes marked  
22 substantially in accordance with this section and section  
23 115.456 when the intent of the voter seems clear.  
24 Regulations promulgated by the secretary of state shall be  
25 used by the judges to determine voter intent. No ballot  
26 containing any proper votes shall be rejected for containing  
27 fewer marks than are authorized by law;

28 (4) Write-in votes shall be counted only for  
29 candidates for election to office who have filed a  
30 declaration of intent to be a write-in candidate for  
31 election to office with the proper election authority, who  
32 shall then notify the proper filing officer of the write-in

33 candidate prior to 5:00 p.m. on the second Friday  
34 immediately preceding the election day; except that, write-  
35 in votes shall be counted only for candidates for election  
36 to state or federal office who have filed a declaration of  
37 intent to be a write-in candidate for election to state or  
38 federal office with the secretary of state pursuant to  
39 section 115.353 prior to 5:00 p.m. on the second Friday  
40 immediately preceding the election day. No person who filed  
41 as a party or independent candidate for nomination or  
42 election to an office may, without withdrawing as provided  
43 by law, file as a write-in candidate for election to the  
44 same office for the same term. No candidate who files for  
45 nomination to an office and is not nominated at a primary  
46 election may file a declaration of intent to be a write-in  
47 candidate for the same office at the general election. When  
48 declarations are properly filed with the secretary of state,  
49 the secretary of state shall promptly transmit copies of all  
50 such declarations to the proper election authorities for  
51 further action pursuant to this section. The election  
52 authority shall furnish a list to the election judges and  
53 counting teams prior to election day of all write-in  
54 candidates who have filed such declaration. [This  
55 subdivision shall not apply to elections wherein candidates  
56 are being elected to an office for which no candidate has  
57 filed.] No person shall file a declaration of intent to be  
58 a write-in candidate for election to any municipal office  
59 unless such person is qualified to be certified as a  
60 candidate under section 115.306;

61 (5) Write-in votes shall be cast and counted for a  
62 candidate without party designation. Write-in votes for a  
63 person cast with a party designation shall not be counted.  
64 Except for candidates for political party committees, no

65 candidate shall be elected as a write-in candidate unless  
66 such candidate receives a separate plurality of the votes  
67 without party designation regardless of whether or not the  
68 total write-in votes for such candidate under all party and  
69 without party designations totals a majority of the votes  
70 cast;

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

115.637. The following offenses, and any others  
2 specifically so described by law, shall be class four  
3 election offenses and are deemed misdemeanors not connected  
4 with the exercise of the right of suffrage. Conviction for  
5 any of these offenses shall be punished by imprisonment of  
6 not more than one year or by a fine of not more than two  
7 thousand five hundred dollars or by both such imprisonment  
8 and fine:

9 (1) Stealing or willfully concealing, defacing,  
10 mutilating, or destroying any sample ballots that may be



11 furnished by an organization or individual at or near any  
12 voting place on election day, except that this subdivision  
13 shall not be construed so as to interfere with the right of  
14 an individual voter to erase or cause to be erased on a  
15 sample ballot the name of any candidate and substituting the  
16 name of the person for whom he or she intends to vote; or to  
17 dispose of the received sample ballot;

18 (2) Printing, circulating, or causing to be printed or  
19 circulated, any false and fraudulent sample ballots which  
20 appear on their face to be designed as a fraud upon voters;

21 (3) Purposefully giving a printed or written sample  
22 ballot to any qualified voter which is intended to mislead  
23 the voter;

24 (4) On the part of any candidate for election to any  
25 office of honor, trust, or profit, offering or promising to  
26 discharge the duties of such office for a less sum than the  
27 salary, fees, or emoluments as fixed by law or promising to  
28 pay back or donate to any public or private interest any  
29 portion of such salary, fees, or emolument as an inducement  
30 to voters;

31 (5) On the part of any canvasser appointed to canvass  
32 any registration list, willfully failing to appear, refusing  
33 to continue, or abandoning such canvass or willfully  
34 neglecting to perform his duties in making such canvass or  
35 willfully neglecting any duties lawfully assigned to him or  
36 her;

37 (6) On the part of any employer, making, enforcing, or  
38 attempting to enforce any order, rule, or regulation or  
39 adopting any other device or method to prevent an employee  
40 from engaging in political activities, accepting candidacy  
41 for nomination to, election to, or the holding of, political  
42 office, holding a position as a member of a political

43 committee, soliciting or receiving funds for political  
44 purpose, acting as chairman or participating in a political  
45 convention, assuming the conduct of any political campaign,  
46 signing, or subscribing his or her name to any initiative,  
47 referendum, or recall petition, or any other petition  
48 circulated pursuant to law;

49 (7) On the part of any person authorized or employed  
50 to print official ballots, or any person employed in  
51 printing ballots, giving, delivering, or knowingly  
52 permitting to be taken any ballot to or by any person other  
53 than the official under whose direction the ballots are  
54 being printed, any ballot in any form other than that  
55 prescribed by law, or with unauthorized names, with names  
56 misspelled, or with the names of candidates arranged in any  
57 way other than that authorized by law;

58 (8) On the part of any election authority or official  
59 charged by law with the duty of distributing the printed  
60 ballots, or any person acting on his or her behalf,  
61 knowingly distributing or causing to be distributed any  
62 ballot in any manner other than that prescribed by law;

63 (9) Any person having in his or her possession any  
64 official ballot, except in the performance of his or her  
65 duty as an election authority or official, or in the act of  
66 exercising his or her individual voting privilege;

67 (10) Willfully mutilating, defacing, or altering any  
68 ballot before it is delivered to a voter;

69 (11) On the part of any election judge, being  
70 willfully absent from the polls on election day without good  
71 cause or willfully detaining any election material or  
72 equipment and not causing it to be produced at the voting  
73 place at the opening of the polls or within fifteen minutes  
74 thereafter;

(12) On the part of any election authority or official, willfully neglecting, refusing, or omitting to perform any duty required of him or her by law with respect to holding and conducting an election, receiving and counting out the ballots, or making proper returns;

(13) On the part of any election judge, or party watcher or challenger, furnishing any information tending in any way to show the state of the count to any other person prior to the closing of the polls;

(14) On the part of any voter, except as otherwise provided by law, allowing his or her ballot to be seen by any person with the intent of letting it be known how he or she is about to vote or has voted, or knowingly making a false statement as to his or her inability to mark a ballot;

(15) On the part of any election judge, disclosing to any person the name of any candidate for whom a voter has voted;

(16) Interfering, or attempting to interfere, with any voter inside a polling place;

(17) On the part of any person at any registration site, polling place, counting location or verification location, causing any breach of the peace or engaging in disorderly conduct, violence, or threats of violence whereby such registration, election, count or verification is impeded or interfered with;

(18) Exit polling, surveying, sampling, electioneering, distributing election literature, posting signs or placing vehicles bearing signs with respect to any candidate or question to be voted on at an election on election day inside the building in which a polling place is located or within [twenty-five] **fifty** feet of the building's outer door closest to the polling place, or, on the part of

107 any person, refusing to remove or permit removal from  
108 property owned or controlled by such person, any such  
109 election sign or literature located within such distance on  
110 such day after request for removal by any person.

111 **Notwithstanding the preceding sentence, a candidate may be**  
112 **up to twenty-five feet from the building's outer door**  
113 **closest to the polling place at any time at which the**  
114 **candidate is not seeking to vote;**

115 (19) Stealing or willfully defacing, mutilating, or  
116 destroying any campaign yard sign on private property,  
117 except that this subdivision shall not be construed to  
118 interfere with the right of any private property owner to  
119 take any action with regard to campaign yard signs on the  
120 owner's property and this subdivision shall not be construed  
121 to interfere with the right of any candidate, or the  
122 candidate's designee, to remove the candidate's campaign  
123 yard sign from the owner's private property after the  
124 election day.

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

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

115.761. 1. The official list of presidential  
2 candidates for each established political party shall  
3 include the names of all constitutionally qualified  
4 candidates for whom, on or after 8:00 a.m. on the fifteenth  
5 Tuesday prior to the presidential primary, and on or before  
6 5:00 p.m., on the eleventh Tuesday prior to the presidential

7 primary, a written request to be included on the  
8 presidential primary ballot is filed with the secretary of  
9 state along with:

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

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

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

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

36 3. Any candidate or such candidate's authorized  
37 representative may have such candidate's name stricken from

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

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

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

20 names of candidates filing on the first day for filing on  
21 each party ballot shall be listed in ascending order of the  
22 numbers so drawn.

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

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

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

5 **established political party's primary that each candidate**  
6 **and uncommitted listing received.**

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

115.785. All costs of a presidential preference  
2 primary shall be paid by the state, except that, pursuant to  
3 section 115.065, costs shall be shared proportionately by  
4 the state and any political subdivisions and special  
5 districts holding an election on the same day as any such  
6 primary. For any county with more than five hundred polling  
7 places, the state shall assist in assuring adequate poll  
8 workers and equipment.

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

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

5 (2) A general, special, or primary election for  
6 statewide or state legislative office or state ballot  
7 measure; or

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

[115.286. Absentee ballots under sections  
2 115.275 to 115.304 received by the election  
3 authority in person or other authorized location



4 designated by the election authority are deemed  
5 cast when received prior to election day.  
6 Absentee ballots received by the election  
7 authority through a common carrier such as the  
8 United States Postal Service are deemed cast  
9 when received prior to the time fixed by law for  
10 the closing of the polls on election day.  
11 Absentee ballots received by the election  
12 authority through a common carrier such as the  
13 United States Postal Service shall be received  
14 prior to the time fixed by law for the closing  
15 of polls on election day. The election  
16 authority shall hand mark or stamp each absentee  
17 ballot envelope as it is received, indicating  
18 the date and time the absentee ballot was  
19 received.]

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