

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 638
103RD GENERAL ASSEMBLY

1737H.04C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 115.105 and 115.107, RSMo, and to enact in lieu thereof two new sections relating to election oversight.

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

Section A. Sections 115.105 and 115.107, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 115.105 and 115.107, 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
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.

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.

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

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

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

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

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

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