

FIRST REGULAR SESSION

HOUSE BILL NO. 1128

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SIMMONS.

2155H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 115.137, 115.157, 115.168, 115.225, 115.249, 115.279, 115.287, 115.327, 115.349, 115.351, 115.363, 115.395, 115.397, 115.409, 115.429, and 115.628, RSMo, and to enact in lieu thereof sixteen new sections relating to political party primary elections, with penalty provisions and a delayed effective date.

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

Section A. Sections 115.137, 115.157, 115.168, 115.225, 115.249, 115.279, 115.287, 2 115.327, 115.349, 115.351, 115.363, 115.395, 115.397, 115.409, 115.429, and 115.628, 3 RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 4 115.137, 115.157, 115.168, 115.225, 115.249, 115.279, 115.287, 115.327, 115.349, 115.351, 5 115.363, 115.395, 115.397, 115.409, 115.429, and 115.628, to read as follows:

115.137. 1. Except as provided in subsection 2 of this section, any citizen who is 2 entitled to register and vote shall be entitled to register for and vote pursuant to the provisions 3 of this chapter in all statewide public elections and all public elections held for districts and 4 political subdivisions within which he resides.

5 2. Any person who and only persons who fulfill the ownership requirements shall be 6 entitled to vote in elections for which ownership of real property is required by law for voting.

7 **3. Notwithstanding any other provision of law to the contrary, no person shall be** 8 **entitled to vote in a primary election of an established political party unless he or she is** 9 **affiliated with such party, as evidenced by his or her voter registration on the twenty-** 10 **third Tuesday preceding any political party primary election, including a presidential** 11 **preference primary.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

115.157. 1. The election authority may place all information on any registration cards
2 in computerized form in accordance with section 115.158. No election authority or secretary
3 of state shall furnish to any member of the public electronic media or printout showing any
4 registration information, except as provided in this section. Except as provided in subsection
5 2 of this section, the election authority or secretary of state shall make available electronic
6 media or printouts showing only unique voter identification numbers, voters' names, year of
7 birth, addresses, townships or wards, and precincts. Electronic data shall be maintained in at
8 least the following separate fields:

- 9 (1) Voter identification number;
- 10 (2) First name;
- 11 (3) Middle initial;
- 12 (4) Last name;
- 13 (5) Suffix;
- 14 (6) Street number;
- 15 (7) Street direction;
- 16 (8) Street name;
- 17 (9) Street suffix;
- 18 (10) Apartment number;
- 19 (11) City;
- 20 (12) State;
- 21 (13) Zip code;
- 22 (14) Township;
- 23 (15) Ward;
- 24 (16) Precinct;
- 25 (17) Senatorial district;
- 26 (18) Representative district;
- 27 (19) Congressional district; and
- 28 (20) Political party affiliation.

29 2. All election authorities shall enter voter history in their computerized registration
30 systems and shall, not more than three months after the election, forward such data to the
31 Missouri voter registration system established in section 115.158. In addition, election
32 authorities shall forward registration and other data in a manner prescribed by the secretary of
33 state to comply with the Help America Vote Act of 2002.

34 3. Except as provided in subsection 6 of this section, the election authority shall
35 furnish, for a fee, electronic media or a printout showing only the names, year of birth,
36 addresses, and political party affiliations of voters, or any part thereof, within the jurisdiction
37 of the election authority who voted in any specific election, including primary elections, by

38 township, ward or precinct, provided that nothing in this chapter shall require such voter
39 information to be released to the public over the internet and shall not be used for commercial
40 purposes.

41 4. Except as provided in subsection 6 of this section, upon a request by a candidate, a
42 duly authorized representative of a campaign committee, or a political party committee, the
43 secretary of state shall furnish, for a fee determined by the secretary of state and in
44 compliance with section 610.026, media in an electronic format or, if so requested, in a
45 printed format, showing the names, addresses, ~~and~~ voter identification numbers, **and**
46 **political party affiliations** of voters within the jurisdiction of a specific election authority
47 who applied for an absentee ballot under section 115.279 for any specific election involving a
48 ballot measure or an office for which the declaration of candidacy is required to be filed with
49 the secretary of state pursuant to section 115.353, including primary elections, by township,
50 ward, or precinct. Nothing in this section shall require such voter information to be released
51 to the public over the internet. For purposes of this section, the terms "candidate", "campaign
52 committee", and "political party committee" shall have the same meaning given to such terms
53 in section 130.011.

54 5. The amount of fees charged for information provided in this section shall be
55 established pursuant to chapter 610. All revenues collected by the secretary of state pursuant
56 to this section shall be deposited in the state treasury and credited to the secretary of state's
57 technology trust fund account established pursuant to section 28.160. In even-numbered
58 years, each election authority shall, upon request, supply the voter registration list for its
59 jurisdiction to all candidates and party committees for a charge established pursuant to
60 chapter 610. Except as provided in subsection 6 of this section, all election authorities shall
61 make the information described in this section available pursuant to chapter 610. Any
62 election authority who fails to comply with the requirements of this section shall be subject to
63 the provisions of chapter 610.

64 6. Any person working as an undercover officer of a local, state or federal law
65 enforcement agency, persons in witness protection programs, and victims of domestic
66 violence and abuse who have received orders of protection pursuant to chapter 455 shall be
67 entitled to apply to the circuit court having jurisdiction in his or her county of residence to
68 have the residential address on his or her voter registration records closed to the public if the
69 release of such information could endanger the safety of the person. Any person working as
70 an undercover agent or in a witness protection program shall also submit a statement from the
71 chief executive officer of the agency under whose direction he or she is serving. The petition
72 to close the residential address shall be incorporated into any petition for protective order
73 provided by circuit clerks pursuant to chapter 455. If satisfied that the person filing the
74 petition meets the qualifications of this subsection, the circuit court shall issue an order to the

75 election authority to keep the residential address of the voter a closed record and the address
76 may be used only for the purposes of administering elections pursuant to this chapter. The
77 election authority may require the voter who has a closed residential address record to verify
78 that his or her residential address has not changed or to file a change of address and to affirm
79 that the reasons contained in the original petition are still accurate prior to receiving a ballot.
80 A change of address within an election authority's jurisdiction shall not require that the voter
81 file a new petition. Any voter who no longer qualifies pursuant to this subsection to have his
82 or her residential address as a closed record shall notify the circuit court. Upon such
83 notification, the circuit court shall void the order closing the residential address and so notify
84 the election authority.

115.168. 1. **(1)** If a registered voter chooses to change his or her political party
2 affiliation, the voter may notify the election authority of such change. **If the change happens**
3 **within twenty-three weeks of any political party primary election, the voter's change of**
4 **affiliation shall not be applied by the election authority until after the political party**
5 **primary election. The voter shall be entitled to vote in the current political party**
6 **primary election based on his or her party affiliation on the twenty-third Tuesday before**
7 **the political party primary election.** Any change of political party affiliation shall be made
8 by signed, written notice in substantially the same manner as a change of address application
9 is filed under section 115.165.

10 ~~2.]~~ **(2)** For purposes of this section, the phrase "change his or her political party
11 affiliation" shall mean changing affiliation from one established political party to another
12 established political party, changing from affiliation with an established political party to
13 unaffiliated, or changing from unaffiliated to affiliation with an established political party.

14 **2. Any person who was not previously registered to vote in this state and who**
15 **submits a voter registration application before 5:00 p.m. on the fourth Wednesday prior**
16 **to any political party primary election may choose a political party affiliation or**
17 **unaffiliation and may vote in the primary election of the chosen established political**
18 **party.**

115.225. 1. Before use by election authorities in this state, the secretary of state shall
2 approve the marking devices and the automatic tabulating equipment used in electronic
3 voting systems and may promulgate rules and regulations to implement the intent of sections
4 115.225 to 115.235.

5 2. No electronic voting system shall be approved unless it:

6 (1) Permits voting in absolute secrecy;

7 (2) Permits each voter to vote for as many candidates for each office as a voter is
8 lawfully entitled to vote for;

9 (3) Permits each voter to vote for or against as many questions as a voter is lawfully
10 entitled to vote on, and no more;

11 (4) Provides facilities for each voter to cast as many write-in votes for each office as a
12 voter is lawfully entitled to cast;

13 (5) Permits each voter in a primary election to vote for the candidates of only one
14 party [~~announced by the voter in advance~~];

15 (6) Permits each voter at a presidential election to vote by use of a single mark for the
16 candidates of one party or group of petitioners for president, vice president and their
17 presidential electors;

18 (7) Accurately counts all proper votes cast for each candidate and for and against each
19 question;

20 (8) Is set to reject all votes, except write-in votes, for any office and on any question
21 when the number of votes exceeds the number a voter is lawfully entitled to cast;

22 (9) Permits each voter, while voting, to clearly see the ballot label;

23 (10) Has been tested and is certified by an independent authority that meets the voting
24 system standards developed by the Federal Election Commission or its successor agency. The
25 provisions of this subdivision shall not be required for any system purchased prior to August
26 28, 2002.

27 3. The secretary of state shall promulgate rules and regulations to allow the use of a
28 computerized voting system. The procedures shall provide for the use of a computerized
29 voting system with the ability to provide a paper audit trail. Notwithstanding any provisions
30 of this chapter to the contrary, such a system may allow for the storage of processed ballot
31 materials in an electronic form.

32 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is
33 created under the authority delegated in this section shall become effective only if it complies
34 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
35 This section and chapter 536 are nonseverable and if any of the powers vested with the
36 general assembly pursuant to chapter 536 to review, to delay the effective date or to
37 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
38 rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid
39 and void.

40 5. If any election authority uses any touchscreen direct-recording electronic vote-
41 counting machine, the election authority may continue to use such machine. Upon the
42 removal of such voting machine from the election authority's inventory because of
43 mechanical malfunction, wear and tear, or any other reason, the machine shall not be replaced
44 and no additional direct-recording electronic vote-counting machine shall be added to the

45 election authority's inventory. Such machines shall not be used beginning January 1, 2024.
46 Equipment that is designed for accessibility shall provide a paper ballot audit trail.

47 6. (1) Each election authority that controls its own information technology
48 department shall, once every two years, allow a cyber security review of their office by the
49 secretary of state or alternatively by an entity that specializes in cyber security reviews. Each
50 political subdivision that controls the information technology department for an election
51 authority shall, once every two years, allow a cyber security review of the information
52 technology department by the secretary of state or alternatively by an entity that specializes in
53 cyber security reviews. The secretary of state shall, once every two years, allow a cyber
54 security review of its office by an entity that specializes in cyber security reviews. For
55 purposes of this section, an entity specializes in cyber security review if it employs one or
56 more individuals who:

57 (a) Have at least five years management experience in information security or five
58 years' experience as an information security analyst;

59 (b) Have worked in at least two of the domains listed in paragraph (c) of this
60 subdivision that are covered in the exam required by such paragraph; and

61 (c) Have attained an information security certification by passing an exam that covers
62 at least three of the following topics:

63 a. Information technology risk management, identification, mitigation, and
64 compliance;

65 b. Information security incident management;

66 c. Information security program development and management;

67 d. Risk and control monitoring and reporting;

68 e. Access control systems and methodology;

69 f. Business continuity planning and disaster recovery planning;

70 g. Physical security of election authority property;

71 h. Networking security; or

72 i. Security architecture application and systems development.

73 (2) If an election authority or political subdivision fails to have a cyber security
74 review as required by this subsection, the secretary of state may publish a notice of
75 noncompliance in a newspaper within the jurisdiction of the election authority or in electronic
76 format. The secretary of state is also authorized to withhold funds from an election authority
77 in violation of this section unless such funding is a federal mandate or part of a federal and
78 state agreement.

79 7. The secretary of state shall have authority to require cyber security testing,
80 including penetration testing, of vendor machines, programs, and systems. Failure to
81 participate in such testing shall result in a revocation of vendor certification. Upon notice

82 from another jurisdiction of cyber security failures or certification withholds or revocation,
83 the secretary of state shall have authority to revoke or withhold certification for vendors. The
84 requirements of this section shall be subject to appropriation for the purpose of cyber security
85 testing.

86 8. The secretary of state may designate an organization of which each election
87 authority shall be a member, provided there is no membership fee and the organization
88 provides information to increase cyber security and election integrity efforts.

89 9. All audits required by subsection 6 of this section that are conducted by the
90 secretary of state shall be solely paid for by state and federal funding.

115.249. No voting machine shall be used unless it:

- 2 (1) Permits voting in absolute secrecy;
- 3 (2) Permits each voter to vote for as many candidates for each office as he is lawfully
4 entitled to vote for, and no other;
- 5 (3) Permits each voter to vote for or against as many questions as he is lawfully
6 entitled to vote on, and no more;
- 7 (4) Provides facilities for each voter to cast as many write-in votes for each office as
8 he is lawfully entitled to cast;
- 9 (5) Permits each voter in a primary election to vote for the candidates of only one
10 party [~~announced by the voter in advance~~];
- 11 (6) Correctly registers or records and accurately counts all votes cast for each
12 candidate and for and against each question;
- 13 (7) Is provided with a lock or locks which prevent any movement of the voting or
14 registering mechanism and any tampering with the mechanism;
- 15 (8) Is provided with a protective counter or other device whereby any operation of the
16 machine before or after an election will be detected;
- 17 (9) Is provided with a counter which shows at all times during the election how many
18 people have voted on the machine;
- 19 (10) Is provided with a proper light which enables each voter, while voting, to clearly
20 see the ballot labels.

115.279. 1. Application for an absentee ballot may be made by the applicant in
2 person, or by mail, or for the applicant, in person, by his or her guardian or a relative within
3 the second degree by consanguinity or affinity. The election authority shall accept
4 applications by facsimile transmission and by electronic mail within the limits of its
5 telecommunications capacity.

6 2. Notwithstanding section 115.284, no individual, group, or party shall solicit a voter
7 into obtaining an absentee ballot application. Absentee ballot applications shall not have the

8 information prefilled prior to it being provided to a voter. Nothing in this section shall be
9 interpreted to prohibit a state or local election authority from assisting an individual voter.

10 3. Each application shall be made to the election authority of the jurisdiction in which
11 the person is or would be registered. Each application shall be in writing and shall state the
12 applicant's name, address at which he or she is or would be registered, his or her reason for
13 voting an absentee ballot, the address to which the ballot is to be mailed, if mailing is
14 requested, and for absent uniformed services and overseas applicants, the applicant's email
15 address if electronic transmission is requested. If the reason for the applicant voting absentee
16 is due to the reasons established under subdivision (6) of subsection 3 of section 115.277, the
17 applicant shall state the voter's identification information provided by the address
18 confidentiality program in lieu of the applicant's name, address at which he or she is or
19 would be registered, and address to which the ballot is to be mailed, if mailing is requested.
20 ~~[Each application to vote in a primary election shall also state which ballot the applicant~~
21 ~~wishes to receive. If any application fails to designate a ballot, the election authority shall,~~
22 ~~within three working days after receiving the application, notify the applicant by mail that it~~
23 ~~will be unable to deliver an absentee ballot until the applicant designates which political party~~
24 ~~ballot he or she wishes to receive. If the applicant does not respond to the request for political~~
25 ~~party designation, the election authority is authorized to provide the voter with that part of the~~
26 ~~ballot for which no political party designation is required.]~~

27 4. All applications for absentee ballots received prior to the sixth Tuesday before an
28 election shall be stored at the office of the election authority until such time as the
29 applications are processed in accordance with section 115.281. No application for an
30 absentee ballot received in the office of the election authority by mail, by facsimile
31 transmission, by electronic mail, or by a guardian or relative after 5:00 p.m. on the second
32 Wednesday immediately prior to the election shall be accepted by any election authority. No
33 application for an absentee ballot submitted by the applicant in person after 5:00 p.m. on the
34 day before the election shall be accepted by any election authority, except as provided in
35 subsections 7, 8, and 9 of this section.

36 5. Each application for an absentee ballot shall be signed by the applicant or, if the
37 application is made by a guardian or relative pursuant to this section, the application shall be
38 signed by the guardian or relative, who shall note on the application his or her relationship to
39 the applicant. If an applicant, guardian or relative is blind, unable to read or write the English
40 language or physically incapable of signing the application, he or she shall sign by mark,
41 witnessed by the signature of an election official or person of his or her own choosing. Any
42 person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall
43 be guilty of a class one election offense.

44 6. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri
 45 who resides outside the boundaries of the United States or who is on active duty with the
 46 Armed Forces of the United States or members of their immediate family living with them
 47 may request an absentee ballot for both the primary and subsequent general election with one
 48 application.

49 (2) The election authority shall provide each absent uniformed services voter and
 50 each overseas voter who submits a voter registration application or an absentee ballot request,
 51 if the election authority rejects the application or request, with the reasons for the rejection.

52 (3) Notwithstanding any other law to the contrary, if a standard oath regarding
 53 material misstatements of fact is adopted for uniformed and overseas voters pursuant to the
 54 Help America Vote Act of 2002, the election authority shall accept such oath for voter
 55 registration, absentee ballot, or other election-related materials.

56 (4) Not later than sixty days after the date of each regularly scheduled general
 57 election for federal office, each election authority which administered the election shall
 58 submit to the secretary of state in a format prescribed by the secretary a report on the
 59 combined number of absentee ballots transmitted to, and returned by, absent uniformed
 60 services voters and overseas voters for the election. The secretary shall submit to the Election
 61 Assistance Commission a combined report of such information not later than ninety days after
 62 the date of each regularly scheduled general election for federal office and in a standardized
 63 format developed by the commission pursuant to the Help America Vote Act of 2002. The
 64 secretary shall make the report available to the general public.

65 (5) As used in this section, the terms "absent uniformed services voter" and "overseas
 66 voter" shall have the meaning prescribed in 52 U.S.C. Section 20310.

67 7. An application for an absentee ballot by a new resident shall be submitted in person
 68 by the applicant in the office of the election authority in the election jurisdiction in which
 69 such applicant resides. The application shall be received by the election authority no later
 70 than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit,
 71 executed in duplicate in the presence of the election authority or any authorized officer of the
 72 election authority, and in substantially the following form:

73 "STATE OF _____
 74 COUNTY OF _____, ss.
 75 I, _____, do solemnly swear that:
 76 (1) Before becoming a resident of this state, I resided at _____
 77 (residence address) in _____ (town, township, village or city) of
 78 _____ County in the state of _____;

- 79 (2) I moved to this state after the last day to register to vote in such
- 80 general presidential election and I am now residing in the county
- 81 of _____, state of Missouri;
- 82 (3) I believe I am entitled pursuant to the laws of this state to vote in
- 83 the presidential election to be held November _____, _____
- 84 (year);
- 85 (4) I hereby make application for a presidential and vice presidential
- 86 ballot. I have not voted and shall not vote other than by this ballot
- 87 at such election.

88 Signed _____
 89 (Applicant)

90 _____
 91 (Residence Address)

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

93 Signed _____
 94 (Title and name of officer authorized to administer oaths)"

95 8. The election authority in whose office an application is filed pursuant to subsection
 96 7 of this section shall immediately send a duplicate of such application to the appropriate
 97 official of the state in which the new resident applicant last resided and shall file the original
 98 of such application in its office.

99 9. An application for an absentee ballot by an interstate former resident shall be
 100 received in the office of the election authority where the applicant was formerly registered by
 101 5:00 p.m. on the second Wednesday immediately prior to the election, unless the application
 102 is made in person by the applicant in the office of the election authority, in which case such
 103 application shall be made no later than 7:00 p.m. on the day of the election.

115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied
 2 the applicant is entitled to vote by absentee ballot, the election authority shall, within three
 3 working days after receiving the application, or if absentee ballots are not available at the
 4 time the application is received, within five working days after they become available, deliver
 5 to the voter an absentee ballot, ballot envelope and such instructions as are necessary for the
 6 applicant to vote. **For applications for an absentee ballot to vote in a primary election,**
 7 **the election authority shall deliver to the voter only the ballot that corresponds to the**
 8 **established political party with which the voter is affiliated, according to his or her voter**
 9 **registration, or, if the voter is unaffiliated, the unaffiliated ballot.** Delivery shall be made
 10 to the voter personally in the office of the election authority or by bipartisan teams appointed
 11 by the election authority, or by first class, registered, or certified mail at the discretion of the

12 election authority, or in the case of a covered voter as defined in section 115.902, the method
13 of transmission prescribed in section 115.914. Where the election authority is a county clerk,
14 the members of bipartisan teams representing the political party other than that of county
15 clerk shall be selected from a list of persons submitted to the county clerk by the county
16 chairman of that party. If no list is provided by the time that absentee ballots are to be made
17 available, the county clerk may select a person or persons from lists provided in accordance
18 with section 115.087. If the election authority is not satisfied that any applicant is entitled to
19 vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within three
20 working days of receiving such an application, the election authority shall notify the applicant
21 and state the reason he or she is not entitled to vote by absentee ballot. The applicant may file
22 a complaint with the elections division of the secretary of state's office under and pursuant to
23 section 115.219.

24 2. If, after 5:00 p.m. on the second Wednesday before an election, any voter from the
25 jurisdiction has become hospitalized, becomes confined due to illness or injury, or is confined
26 in an intermediate care facility, residential care facility, or skilled nursing facility on election
27 day, as such terms are defined in section 198.006, in the county in which the jurisdiction is
28 located or in the jurisdiction of an adjacent election authority within the same county, the
29 election authority shall appoint a team to deliver, witness the signing of and return the voter's
30 application and deliver, witness the voting of and return the voter's absentee ballot. If the
31 election authority receives ten or more applications for absentee ballots from the same
32 address it shall appoint a team to deliver and witness the voting and return of absentee ballots
33 by voters residing at that address, except when such addresses are for an apartment building
34 or other structure wherein individual living units are located, each of which has its own
35 separate cooking facilities. Each team appointed pursuant to this subsection shall consist of
36 two registered voters, one from each major political party. Both members of any team
37 appointed pursuant to this subsection shall be present during the delivery, signing or voting
38 and return of any application or absentee ballot signed or voted pursuant to this subsection.

39 3. On the mailing and ballot envelopes for each covered voter, the election authority
40 shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF MISSOURI"
41 and "U.S. Postage Paid, 39 U.S.C. Section 3406".

42 4. No information which encourages a vote for or against a candidate or issue shall be
43 provided to any voter with an absentee ballot.

115.327. 1. When submitted for filing, each petition for the nomination of an
2 independent candidate or for the formation of a new political party shall be accompanied by a
3 declaration of candidacy for each candidate to be nominated by the petition or by the party,
4 respectively. The party's duly authorized chairman and treasurer shall also submit a certified
5 complete list of the names and addresses of all their candidates and the office for which each

6 seeks. The party shall nominate its candidates in the manner prescribed in the party's bylaws.
 7 If presidential electors are to be nominated, at least one qualified resident of each
 8 congressional district shall be named as a nominee for presidential elector. The number of
 9 candidates to be nominated shall equal the number of electors to which the state is entitled.
 10 Each declaration of candidacy for the office of presidential elector shall be in the form
 11 provided in section 115.399. Each declaration of candidacy for an office other than
 12 presidential elector shall state the candidate's full name, residence address, office for which he
 13 proposes to be a candidate, the party, if any, upon whose ticket he is to be a candidate and that
 14 if nominated and elected he will qualify. Each such declaration shall be in substantially the
 15 following form:

16 I, _____, a resident and registered voter of the _____ precinct of the
 17 town of _____ or the _____ precinct of the _____ ward of the city
 18 of _____, or the _____ precinct of _____ township of the county of
 19 _____ and the state of Missouri, do announce myself a candidate for
 20 the office of _____ on the _____ ticket, to be voted for at the general
 21 (special) election to be held on the _____ day of _____, 20_____,
 22 and I further declare that if nominated and elected I will qualify.

23 _____	Subscribed and sworn
24 Signature of candidate	to before me this
25 _____	_____ day of
26 _____	_____, 20_____
27 _____	_____
28 Residence address	Signature of election
29 _____	official or officer
30 _____	authorized to
31 _____	administer oaths
32 _____	

33 Each such declaration shall be subscribed and sworn to by the candidate before the election
 34 official accepting the candidate's petition, a notary public or other officer authorized by law to
 35 administer oaths.

36 **2. Any person who files a declaration of candidacy as an independent candidate**
 37 **or as the candidate of a new political party for election to an office shall be unaffiliated**
 38 **with any established political party, as evidenced by his or her voter registration, no**
 39 **later than the twenty-third Tuesday prior to any candidate filing opening date preceding**
 40 **a political party primary election.**

115.349. 1. Except as otherwise provided in sections 115.361 to 115.383, no
 2 candidate's name shall be printed on any official primary ballot unless the candidate has filed

3 a written declaration of candidacy in the office of the appropriate election official by 5:00
4 p.m. on the last Tuesday in March immediately preceding the primary election.

5 2. No declaration of candidacy for nomination in a primary election shall be accepted
6 for filing prior to 8:00 a.m. on the last Tuesday in February immediately preceding the
7 primary election.

8 3. Each declaration of candidacy for nomination in a primary election shall state the
9 candidate's full name, residence address, office for which such candidate proposes to be a
10 candidate, the party ticket on which he or she wishes to be a candidate and that if nominated
11 and elected he or she will qualify. The declaration shall be in substantially the following
12 form:

13 I, _____, a resident and registered voter of the county of _____ and
14 the state of Missouri, residing at _____, do announce myself a
15 candidate for the office of _____ on the _____ party ticket, to be
16 voted for at the primary election to be held on the _____ day of _____
17 _____, and I further declare that if nominated and elected to such
18 office I will qualify.

19 _____ Subscribed and sworn to before
20 Signature of candidate me this _____ day of _____,

21 _____

22 _____

23 Residence address Signature of election official or
24 other officer authorized to
25 administer oaths

26 _____
27 Mailing address (if different)

28 _____
29 Telephone Number (Optional)

30

31 If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate
32 before an official authorized to accept his or her declaration of candidacy. If the declaration is
33 to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it
34 shall be subscribed and sworn to by the candidate before a notary public or other officer
35 authorized by law to administer oaths.

36 **4. Any person who files a declaration of candidacy as a party candidate for**
37 **nomination or election to an office shall be affiliated with that political party, as**
38 **evidenced by his or her voter registration, no later than twenty-three weeks prior to the**
39 **last Tuesday in February immediately preceding the primary election.**

115.351. ~~[No person who files as a party candidate for nomination or election to an office shall, without withdrawing, file as another party's candidate or an independent candidate for nomination or election to the office for the same term. No person who files as an independent candidate for election to an office shall, without withdrawing, file as a party candidate for nomination or election to the office for the same term.]~~ No person shall file for one office and, without withdrawing, file for another office to be filled at the same election. Receipt by the secretary of state of proper certification of nomination pursuant to subsection 1 of section 115.399 constitutes withdrawal by operation of law pursuant to subsection 1 of section 115.359 of any presidential or vice presidential nominee from any other office for which such nominee is a candidate at the same election. Any person violating any provision of this section shall be disqualified from running for nomination or election to any office at the primary and general election next succeeding the violation.

115.363. 1. Except as provided in section 115.361, a party nominating committee of a political party may select a party candidate for nomination to an office on the primary election ballot in the following cases:

(1) If there are no candidates for nomination as the party candidate due to death of all the party's candidates after 5:00 p.m. on the last day in which a person may file as a candidate for nomination and at or before 5:00 p.m. on the tenth Tuesday prior to the primary election;

(2) If there are no candidates for nomination as the party candidate due to withdrawal after 5:00 p.m. on the last day in which a person may file as a candidate for nomination and at or before 5:00 p.m. on whatever day may be fixed by law as the final date for withdrawing as a candidate for the office;

(3) If there are no candidates for nomination as the party candidate due to death or disqualification of all candidates within seven days prior to the filing deadline and if no person has filed for the party nomination within that time;

(4) If there are no candidates for nomination as the party candidate due to disqualification of all party candidates after 5:00 p.m. on the last day on which a person may file as a candidate for nomination, and at or before 5:00 p.m. on the tenth Tuesday prior to the primary election; or

(5) If a candidate for the position of political party committeeman or committeewoman dies or withdraws as provided in subsection 1 or 2 of section 115.359 after the tenth Tuesday prior to the primary election, leaving no candidate.

2. Any established political party may select a candidate for nomination, if a candidate who is the incumbent or only candidate dies, is disqualified or withdraws pursuant to subsection 1 or 2 of section 115.359 after 5:00 p.m. on the tenth Tuesday prior to the primary election, and at or before 5:00 p.m. on whatever day is fixed by law as the final date for withdrawing as a candidate for the office.

26 3. A party nominating committee may select a party candidate for election to an
27 office on the general election ballot in the following cases:

28 (1) If the person nominated as the party candidate shall die at or before 5:00 p.m. on
29 the tenth Tuesday prior to the general election;

30 (2) If the person nominated as the party candidate is disqualified at or before 5:00
31 p.m. on the tenth Tuesday prior to the general election;

32 (3) If the person nominated as the party candidate shall withdraw at or before 5:00
33 p.m. on whatever day may be fixed by law as the final date for withdrawing as a candidate for
34 the office;

35 (4) If a candidate for nomination to an office in which the person is the party's only
36 candidate dies after 5:00 p.m. on the tenth Tuesday prior to any primary election, withdraws
37 as provided in subsection 1 of section 115.359 after 5:00 p.m. on the tenth Tuesday prior to
38 any primary election, or is disqualified after 5:00 p.m. on the tenth Tuesday before any
39 primary election.

40 4. If a person nominated as a party's candidate who is unopposed shall die at or before
41 5:00 p.m. on the tenth Tuesday prior to the general election, is disqualified at or before 5:00
42 p.m. on the tenth Tuesday prior to the general election, or shall withdraw at or before 5:00
43 p.m. on whatever day may be fixed by law as the final date for withdrawing as a candidate for
44 the office, the party nominating committee for any established political party may select a
45 party candidate.

46 5. A party nominating committee may select a party candidate for election to an
47 office in the following cases:

48 (1) For an election called to fill a vacancy in an office;

49 (2) For an election held pursuant to the provisions of section 105.030 to fill an
50 unexpired term resulting from a vacancy in an office that occurs within fourteen days prior to
51 the filing deadline for the primary election and not later than the tenth Tuesday prior to the
52 general election. If such vacancy occurs prior to the fourteenth day before the filing deadline
53 for a primary election, filing for the office shall be as provided for in sections 115.307 to
54 115.359.

55 **6. Any party candidate selected by a party nominating committee pursuant to**
56 **this section shall be affiliated with the political party of the committee, as evidenced by**
57 **his or her voter registration, no later than twenty-three weeks prior to the date of the**
58 **selection.**

115.395. 1. At each primary election, there shall be as many separate ballots as there
2 are **established political** parties entitled to participate in the election. **Additionally, there**
3 **shall be a separate ballot for unaffiliated voters, that shall contain only ballot measures**
4 **and nonpartisan candidates submitted by political subdivisions and special districts.**

5 2. The names of the candidates for each office on each party ballot shall be listed in
6 the order in which they are filed, except that, in the case of candidates who file a declaration
7 of candidacy with the secretary of state prior to 5:00 p.m. on the first day for filing, the
8 secretary of state shall determine by random drawing the order in which such candidates'
9 names shall appear on the ballot. The drawing shall be conducted so that each candidate, or
10 candidate's representative if the candidate filed under subsection 2 of section 115.355, may
11 draw a number at random at the time of filing. The secretary of state shall record the number
12 drawn with the candidate's declaration of candidacy. The names of candidates filing on the
13 first day for filing for each office on each party ballot shall be listed in ascending order of the
14 numbers so drawn. For the purposes of this subsection, the election authority responsible for
15 oversight of the filing of candidates, other than candidates that file with the secretary of state,
16 shall clearly designate where candidates, or a candidate's representative if the candidate filed
17 under subsection 2 of section 115.355, shall form a line to effectuate such filings and
18 determine the order of such filings; except that, in the case of candidates who file a
19 declaration of candidacy with the election authority prior to 5:00 p.m. on the first day for
20 filing, the election authority may determine by random drawing the order in which such
21 candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this
22 subsection, it shall be conducted so that each candidate, or candidate's representative if the
23 candidate filed under subsection 2 of section 115.355, may draw a number at random at the
24 time of filing. If such drawing is conducted, the election authority shall record the number
25 drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names
26 of candidates filing on the first day for filing for each office on each party ballot shall be
27 listed in ascending order of the numbers so drawn.

28 3. Insofar as applicable, the provisions of sections 115.237 and 115.245 shall apply to
29 each ballot prepared for a primary election, except that the ballot information may be placed
30 in vertical or horizontal rows, no circle shall appear under any party name and no write-in
31 lines shall appear under the name of any office for which a candidate is to be nominated at the
32 primary. At a primary election, write-in votes shall be counted only for persons who can be
33 elected to an office at the primary.

115.397. **1.** In each primary election, each voter shall be entitled to receive the ballot
2 of ~~[one and only one]~~ **the established** political party~~[-, designated by the voter before~~
3 ~~receiving his ballot]~~ **with which such voter is affiliated, as evidenced by his or her voter**
4 **registration twenty-three weeks prior to the current political party primary. Any voter**
5 **who has chosen to be unaffiliated shall be permitted to cast only an unaffiliated ballot.**

6 **2.** Each voter who participates in a party primary shall be entitled to vote on all
7 questions and for any nonpartisan candidates submitted by political subdivisions and special
8 districts at the primary election. Each voter who does not wish to participate in a party

9 primary may vote on all questions and for any nonpartisan candidates submitted by a political
10 subdivision or special district at the primary election.

115.409. Except election authority personnel, election judges, watchers and
2 challengers appointed pursuant to section 115.105 or 115.107, law enforcement officials at
3 the request of election officials or in the line of duty, minor children under the age of eighteen
4 accompanying an adult who is in the process of voting, international observers who have
5 registered as such with the election authority, persons designated by the election authority to
6 administer a simulated youth election for persons ineligible to vote because of their age,
7 members of the news media who present identification satisfactory to the election judges and
8 who are present only for the purpose of bona fide news coverage except as provided in
9 subdivision (18) of section 115.637, provided that such coverage does not disclose how any
10 voter cast the voter's ballot on any question or candidate [~~or in the case of a primary election~~
11 ~~on which party ballot they voted~~] or does not interfere with the general conduct of the election
12 as determined by the election judges or election authority, and registered voters who are
13 eligible to vote at the polling place, no person shall be admitted to a polling place.

115.429. 1. The election judges shall not permit any person to vote unless satisfied
2 that such person is the person whose name appears on the precinct register.

3 2. The identity or qualifications of any person offering to vote may be challenged by
4 any election authority personnel, any registered voter, or any duly authorized challenger at the
5 polling place. No person whose right to vote is challenged shall receive a ballot until his or
6 her identity and qualifications have been established.

7 3. Any question of doubt concerning the identity or qualifications of a voter shall be
8 decided by a majority of the judges from the major political parties. If such election judges
9 decide not to permit a person to vote because of doubt as to his or her identity or
10 qualifications, the person may apply to the election authority as provided in section 115.193
11 or file a complaint with the elections division of the secretary of state's office under and
12 pursuant to section 115.219.

13 4. If the election judges cannot reach a decision on the identity or qualifications of
14 any person, the question shall be decided by the election authority.

15 5. The election judges or the election authority may require any person whose right to
16 vote is challenged to execute an affidavit affirming his or her qualifications. The election
17 authority shall furnish to the election judges a sufficient number of blank affidavits of
18 qualification, and the election judges shall enter any appropriate information or comments
19 under the title "Remarks" which shall appear at the bottom of the affidavit. All executed
20 affidavits of qualification shall be returned to the election authority with the other election
21 supplies. Any person who makes a false affidavit of qualification shall be guilty of a class
22 one election offense.

23 **6. In the case of any primary election, the election judges shall determine, using**
24 **the voter's registration information, whether the voter's political party affiliation is the**
25 **same as the political party holding the primary election.**

 115.628. 1. **Except as provided in subsection 4 of this section, the governing body**
2 **of any established political party shall adopt a protected primary election system that**
3 **shall be enforced by the office of the secretary of state and the requisite local election**
4 **authority. The protected primary election system shall be binding upon all elections for**
5 **partisan offices in this state.**

6 **2. The secretary of state shall maintain voter registration records in accordance with**
7 **the Missouri voter registration system defined under section 115.158. No later than**
8 **nineteen weeks prior to any primary election date, the secretary of state shall distribute**
9 **a list of voters affiliated with each established political party to all requisite local**
10 **election authorities. Local election authorities shall implement the protected primary**
11 **system for any primary election after January 1, 2028, by providing primary ballots**
12 **indicating political party nominees only to those individuals who are registered to vote**
13 **in this state and who appear on the lists provided by the secretary of state.**

14 **3. Any political party entitled to ballot access as established under section**
15 **115.315 shall be allowed to exempt itself from a protected primary and conduct a caucus**
16 **or primary election at its own expense. The party shall be allowed to submit a general**
17 **election candidate for the general election ballot.**

18 **4. The state shall pay the costs of implementing and providing notice of the**
19 **protected primary system under this section, with the exception of any caucus or**
20 **primary election conducted under subsection 3 of this section. The state shall end any**
21 **initial notification requirement under this section or chapter after the political party**
22 **primary election is held in August 2028.**

23 ~~[2-]~~ **5. Local election authorities shall notify registered voters of the political party**
24 **affiliation ~~[opportunities]~~ requirements of this section using all current election mailings that**
25 **would otherwise be mailed to registered voters prior to January 1, 2025.**

26 ~~[3-]~~ **6. Beginning January 1, 2023, the voter registration application form shall be**
27 **amended to include a choice of political party affiliation.**

28 ~~[4-]~~ **7. Notwithstanding any other provision of law to the contrary, beginning January**
29 **1, 2023, voters may declare political party affiliation during the voter check-in process at any**
30 **election. Appropriate software shall be provided at voter check-in for political party**
31 **affiliation so as to minimize later data entry for election authorities. If the election authority**
32 **does not use electronic poll books, then a signed, written notice in substantially the same**
33 **manner as a change of address application is filed under section 115.165 is adequate. The**

34 election authority shall process this initial political party registration through its normal
35 means of administration.

36 ~~5.~~ **8.** Notwithstanding any other provision of law to the contrary, all current
37 processes for registering voters in the various counties shall remain in place.

Section B. The repeal and reenactment of sections 115.137, 115.155, 115.157,
2 115.163, 115.168, 115.225, 115.249, 115.279, 115.287, 115.327, 115.349, 115.351, 115.363,
3 115.397, 115.409, 115.429, and 115.628 of this act shall become effective on January 1, 2027.

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