

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1871

AN ACT

To repeal sections 108.240, 115.125, 115.127, 115.233, 115.277, 115.284, 115.306, 115.427, 115.430, 115.453, 115.637, and 115.646, RSMo, and to enact in lieu thereof thirteen 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 108.240, 115.125, 115.127, 115.233, 2 115.277, 115.284, 115.306, 115.427, 115.430, 115.453, 115.637, 3 and 115.646, RSMo, are repealed and thirteen new sections 4 enacted in lieu thereof, to be known as sections 9.515, 108.240, 5 115.125, 115.127, 115.233, 115.277, 115.284, 115.306, 115.427, 6 115.430, 115.453, 115.637, and 115.646, to read as follows:

9.515. August twelfth each year is hereby designated
2 as "Election Worker Appreciation Day" in Missouri. The
3 citizens of this state are encouraged to participate in
4 appropriate events and activities to celebrate the essential
5 contributions of election workers and express appreciation
6 for the vital role they play in elections.

108.240. 1. Before any general obligation bearer bond
2 or general obligation registered bond, hereafter issued by
3 any county, township, city, town, village or school district
4 or special road district or fire protection district or by
5 virtue of the provisions of chapters 243, 245, 248, and

6 sections 242.010 to 242.690 for any purpose whatever, shall
7 obtain validity or be negotiated:

8 (1) If such bonds are in bearer form, such bonds shall
9 first be presented to the state auditor, who, other
10 provisions of law notwithstanding, shall certify by manual
11 or facsimile endorsement of such bonds that all conditions
12 of the laws have been complied with in its issue, if that be
13 the case, and also that the conditions of the contract,
14 under which they were ordered to be issued, have also been
15 complied with and the evidence of that fact shall be filed
16 and preserved by the auditor. The state auditor may endorse
17 bearer bonds with the auditor's facsimile signature in lieu
18 of manual signature after filing the auditor's manual
19 signature, certified by the auditor under oath, with the
20 secretary of state; and

21 (2) If such bonds are in registered form, the
22 proceedings relating to the issuance of such registered
23 bonds shall first be presented to the state auditor, who
24 shall examine the same and shall issue a certificate that
25 such proceedings comply with all conditions of the laws, if
26 that be the case, and also that the conditions of the
27 contract, under which they were ordered to be issued, have
28 also been complied with, and the evidence of these facts
29 shall be filed and preserved by the auditor. The state
30 auditor shall also maintain the following information: the
31 name of the issuer of the bonds; the amount thereof; the
32 maturity dates thereof; the interest rates thereon; and the
33 provisions with respect to prepayment, if any.

34 2. Such bearer bonds after receiving the said
35 certificate of the auditor as herein provided and such
36 registered bonds after the issuance of the said certificate
37 as herein provided shall thereafter be held in every action,
38 suit or proceeding in which their validity is, or may be,

39 brought into question, prima facie, valid and binding
40 obligations, and in every action brought to enforce
41 collection of such bonds, the certificate of such auditor,
42 or a duly certified copy thereof, shall be admitted and
43 received in evidence of the validity of such bonds, together
44 with the coupons thereto attached if any; provided, the only
45 defense which can be offered against the validity of such
46 bonds shall be for forgery or fraud. But this section shall
47 not be construed to give validity to any such bonds as may
48 be issued in excess of the limit fixed by the constitution,
49 or contrary to its provisions, but all such bonds shall, to
50 the extent of such excess, be held void; and provided
51 further, that the remedy of injunction shall also lie at the
52 instance of any taxpayer of the respective county, city,
53 town, village, township or school district or special road
54 district or fire protection district or drainage district or
55 levy district to prevent the registration of any bonds,
56 alleged to be illegally issued or funded.

57 3. For purposes of subsection 1 of this section, once
58 the time period set forth in section 115.557 has expired, if
59 no election contest has been brought, all conditions of
60 chapter 115 shall be deemed as having been complied with in
61 the issuance of the bond.

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] 2 of this section, or pursuant to
7 the provisions of section 115.399, the officer or agency
8 calling 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.] 2. 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] six weeks
40 prior to the election. Each such legal notice shall include
41 the date and time of the election, the name of the officer
42 or agency calling the election and a sample ballot; and,
43 unless notice has been given as provided by section 115.129,
44 the second publication of notice of the election shall
45 include the location of polling places. The election
46 authority may provide any additional notice of the election
47 it deems 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
57 twice in accordance with any of the provisions of this
58 chapter, the election authority [in jurisdictions which have
59 less than seven hundred fifty registered voters and in which
60 no newspaper qualified pursuant to chapter 493 is

61 published,] may cause legal notice to be mailed [during the
62 second week prior to the election, by first class mail,]
63 within six weeks prior to the election to each registered
64 voter at the voter's voting address and published once in
65 one or more newspapers in the county. An election authority
66 may exclude from this mailing any voter that is designated
67 as an inactive voter pursuant to section 115.193. All such
68 legal notices shall include the date and time of the
69 election, the location of the polling place, the name of the
70 officer or agency calling the election and a sample ballot.

71 5. If the opening date for filing a declaration of
72 candidacy for any office in a political subdivision or
73 special district is not required by law or charter, the
74 opening filing date shall be 8:00 a.m., the [seventeenth]
75 sixteenth Tuesday prior to the election. If the closing
76 date for filing a declaration of candidacy for any office in
77 a political subdivision or special district is not required
78 by law or charter, the closing filing date shall be 5:00
79 p.m., the [fourteenth] thirteenth Tuesday prior to the
80 election, or if the thirteenth Tuesday prior to the election
81 is a state or federal holiday, the closing filing date shall
82 be 5:00 p.m. on the next day that is not a state or federal
83 holiday. The political subdivision or special district
84 calling an election shall, before the [seventeenth]
85 sixteenth Tuesday, prior to any election at which offices
86 are to be filled, notify the general public of the opening
87 filing date, the office or offices to be filled, the proper
88 place for filing and the closing filing date of the
89 election. Such notification may be accomplished by legal
90 notice published in at least one newspaper of general
91 circulation in the political subdivision or special district.

92 6. Except as provided for in sections 115.247 and
93 115.359, if there is no additional cost for the printing or

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

115.233. [Within] At least fourteen days prior to an
2 election and no less than one week prior to an election at
3 which an electronic voting system is to be used, the
4 election authority shall have the automatic tabulating
5 equipment tested to ascertain that the equipment is in
6 compliance with the law and that it will correctly count the
7 votes cast for all offices and on all questions. At least
8 forty-eight hours prior to the test, notice of the time and
9 place of the test shall be mailed to each independent and
10 new party candidate and the chairman of the county committee
11 of each established political party named on the ballot.
12 The test shall be observed by at least two persons
13 designated by the election authority, one from each major
14 political party, and shall be open to representatives of the
15 political parties, candidates, the news media and the
16 public. The test shall be conducted by processing a
17 preaudited group of ballots. If any error is detected, the
18 cause shall be ascertained and corrected, and an errorless
19 count shall be made before the tabulating equipment is
20 approved.

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 Tuesday prior to an election, a reason listed under
12 subsection 3 of this section shall not be required, provided
13 that, the provisions of section 1.140 to the contrary
14 notwithstanding, this sentence and section 115.427 shall be
15 nonseverable, and if any provision of section 115.427 is for
16 any reason held to be invalid, such decision shall
17 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,
65 even though the person is not registered. A federal
66 postcard application submitted by a covered voter pursuant
67 to this 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
17 I 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
53 public, nor shall such lists of applications be shown to any
54 unauthorized person.

 115.306. 1. No person shall qualify as a candidate
2 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 REQUIREMENTS:

25

26 I hereby declare under penalties of perjury that I am
27 not currently aware of any delinquency in the filing or
28 payment of any state income taxes, personal property

29 taxes, municipal taxes, real property taxes on the place
30 of residence, as stated on the declaration of candidacy,
31 or that I am a past or present corporate officer of any
32 fee office that owes any taxes to the state, other than
33 those taxes which may be in dispute. I declare under
34 penalties of perjury that I am not aware of any
35 information that would prohibit me from fulfilling any
36 bonding requirements for the office for which I am
37 filing.

38

39 _____ Candidate's
40 _____ Signature

41 _____ Printed Name of Candidate

42

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

63 cycle even if the individual pays all of the outstanding
64 taxes that were the subject of the complaint.

65 (4) Any person who files as a candidate for election
66 to a public office that performs county functions in a city
67 not within a county shall file an affidavit with the
68 election authority and shall attach thereto official copies
69 of receipts or no-tax-due statements received from the
70 collector and official statements from the collector that
71 indicate the person has paid all taxes due and is not
72 delinquent in any tax. The election authority shall review
73 such documentation and the affirmation of tax payments
74 required under subdivision (2) of this subsection.

115.427. 1. Persons seeking to vote in a public
2 election shall establish their identity and eligibility to
3 vote at the polling place or, if voting absentee in person
4 under section 115.277, at the office of the election
5 authority or other authorized location designated by the
6 election authority by presenting a form of personal photo
7 identification to election officials. No form of personal
8 photo identification other than the forms listed in this
9 section shall be accepted to establish a voter's
10 qualifications to vote. Forms of personal photo
11 identification that satisfy the requirements of this section
12 are any one of the following:

13 (1) Nonexpired Missouri driver's license;
14 (2) Nonexpired or nonexpiring Missouri nondriver's
15 license;

16 (3) A document that satisfies all of the following
17 requirements:

18 (a) The document contains the name of the individual
19 to whom the document was issued, and the name substantially
20 conforms to the most recent signature in the individual's
21 voter registration record;

22 (b) The document shows a photograph of the individual;

23 (c) The document includes an expiration date, and the
24 document is not expired, or, if expired, the document
25 expired after the date of the most recent general election;
26 and

27 (d) The document was issued by the United States or
28 the state of Missouri; or

29 (4) Any identification containing a photograph of the
30 individual which is issued by the Missouri National Guard,
31 the United States Armed Forces, including the Space Force,
32 or the United States Department of Veteran Affairs to a
33 member or former member of the Missouri National Guard or
34 the United States Armed Forces, including the Space Force,
35 and that is not expired or does not have an expiration date.

36 2. (1) An individual who appears at a polling place
37 or, if voting absentee in person pursuant to section
38 115.277, at the office of the election authority or other
39 authorized location designated by the election authority
40 without a form of personal identification described in
41 subsection 1 of this section and who is otherwise qualified
42 to vote at that [polling place] location shall be allowed to
43 cast a provisional ballot. The election judges or election
44 authority shall make a notation on the provisional ballot
45 envelope to indicate that the voter's identity was not
46 verified.

47 (2) No person shall be entitled to receive a
48 provisional ballot until such person has completed a
49 provisional ballot affidavit on the provisional ballot
50 envelope. All provisional ballots shall be marked with a
51 conspicuous stamp or mark that makes them distinguishable
52 from other ballots.

53 (3) The provisional ballot envelope shall be completed
54 by the voter for use in determining the voter's eligibility
55 to cast a ballot.

56 3. The provisional ballot envelope shall provide a
57 place for the voter's name, address, date of birth, and last
58 four digits of his or her Social Security number, followed
59 by a certificate in substantially the following form:

60 I do solemnly swear that I am the person
61 identified above and the information provided is
62 correct. I understand that my vote will not be
counted unless:

63 (1) (a) I return to this polling place today
64 between 6:00 a.m. and 7:00 p.m. and provide one of
65 the following forms of identification:

66 a. Nonexpired Missouri driver's license;

67 b. Nonexpired or nonexpiring Missouri nondriver's
68 license;

69 c. A document that satisfies all of the following
70 requirements:

71 (i) The document contains my name, in
72 substantially the same form as the most recent
73 signature on my voter registration record;

74 (ii) The document contains my photograph;

75 (iii) The document contains an expiration date
76 and is not expired, or if expired, the document
77 expired after the date of the most recent general
78 election; and

79 (iv) The document was issued by the United States
80 or the state of Missouri; or

81 d. Identification containing my photograph issued
82 to me by the Missouri National Guard, the United
83 States Armed Forces, including Space Force, or the
84 United States Department of Veteran Affairs as a

85 member or former member of the Missouri National
86 Guard or the United States Armed Forces that is
87 not expired or does not have an expiration date;
or

88 (b) The election authority verifies my identity
89 by comparing my signature on this envelope to the
90 signature on file with the election authority and
91 determines that I was eligible to cast a ballot at
92 this polling place; and

93 (2) This provisional ballot otherwise qualifies
94 to be counted under the laws of the State of
Missouri.

95 _____
96 Signature of Voter Date

97 _____
98 Signature of Election Officials

99 Once voted, the provisional ballot shall be sealed in the
100 provisional ballot envelope and placed in a separate secured
101 container by the election judge or election authority.

102 4. The provisional ballot cast by such voter shall not
103 be counted unless:

104 (1) (a) The voter returns to the polling place during
105 the uniform polling hours established by section 115.407 or,
106 if voting by absentee ballot in person, the voter returns to
107 the election authority's office by 7:00 p.m. on election day
108 and provides a form of personal identification that allows
109 the election judges to verify the voter's identity as
110 provided in subsection 1 of this section; or

111 (b) The election authority verifies the identity of
112 the individual by comparing that individual's signature to
113 the signature on file with the election authority and

114 determines that the individual was eligible to cast a ballot
115 at the [polling place] location where the ballot was cast;
116 and

117 (2) The provisional ballot otherwise qualifies to be
118 counted under section 115.430.

119 5. The secretary of state shall provide notice of the
120 personal photo identification requirements described in
121 subsection 1 of this section on the official state internet
122 website of the secretary of state.

123 6. (1) Notwithstanding the provisions of section
124 136.055 and section 302.181 to the contrary, the state and
125 all fee offices shall provide one nondriver's license at no
126 cost to any otherwise qualified voter who does not already
127 possess such identification and who desires the
128 identification for voting.

129 (2) This state and its agencies shall provide one copy
130 of each of the following, free of charge, if needed by an
131 individual seeking to obtain a form of personal photo
132 identification described in subsection 1 of this section in
133 order to vote:

- 134 (a) A birth certificate;
- 135 (b) A marriage license or certificate;
- 136 (c) A divorce decree;
- 137 (d) A certificate of decree of adoption;
- 138 (e) A court order changing the person's name;
- 139 (f) A Social Security card reflecting an updated name;

140 and

141 (g) Naturalization papers or other documents from the
142 United States Department of State proving citizenship.

143 Any individual seeking one of the above documents in order
144 to obtain a form of personal photo identification described
145 in subsection 1 of this section for voting may request the

146 secretary of state to facilitate the acquisition of such
147 documents. The secretary of state shall pay any fee or fees
148 charged by another state or its agencies, or any court of
149 competent jurisdiction in this state or any other state, or
150 the federal government or its agencies, in order to obtain
151 any of the above documents from such state or the federal
152 government.

153 (3) Any applicant who requests a nondriver's license
154 for voting shall not be required to pay a fee. The state of
155 Missouri shall pay the legally required fees for any such
156 applicant. The department of revenue and a local election
157 authority may enter into a contract that allows the local
158 election authority to assist the department in issuing
159 nondriver's license photo identifications.

160 7. The director of the department of revenue shall, by
161 January first of each year, prepare and deliver to each
162 member of the general assembly a report documenting the
163 number of individuals who have requested and received a
164 nondriver's license photo identification for the purposes of
165 voting under this section. The report shall also include
166 the number of persons requesting a nondriver's license for
167 purposes of voting under this section, but not receiving
168 such license, and the reason for the denial of the
169 nondriver's license.

170 8. The precinct register shall serve as the voter
171 identification certificate. The following form shall be
172 printed at the top of each page of the precinct register:

173 VOTER'S IDENTIFICATION CERTIFICATE

174 Warning: It is against the law for anyone to vote,
175 or attempt to vote, without having a lawful right
176 to vote.

177 PRECINCT

178 WARD OR TOWNSHIP _____

179 GENERAL (SPECIAL, PRIMARY) ELECTION

180 Held _____, 20_____

181 Date

182 I hereby certify that I am qualified to vote at
183 this election by signing my name and verifying my
184 address by signing my initials next to my address.

185 9. The secretary of state shall promulgate rules to
186 effectuate the provisions of this section.

187 10. Any rule or portion of a rule, as that term is
188 defined in section 536.010, that is created under the
189 authority delegated in this section shall become effective
190 only if it complies with and is subject to all of the
191 provisions of chapter 536 and, if applicable, section
192 536.028. This section and chapter 536 are nonseverable and
193 if any of the powers vested with the general assembly
194 pursuant to chapter 536 to review, to delay the effective
195 date or to disapprove and annul a rule are subsequently held
196 unconstitutional, then the grant of rulemaking authority and
197 any rule proposed or adopted after August 28, 2002, shall be
198 invalid and void.

199 11. If any voter is unable to sign his name at the
200 appropriate place on the certificate or computer printout,
201 an election judge or election authority shall print the name
202 and address of the voter in the appropriate place on the
203 precinct register, the voter shall make his mark in lieu of
204 signature, and the voter's mark shall be witnessed by the
205 signature of an election judge or election authority.

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 last four
100 digits of my Social Security Number are _____; that I
101 am registered to vote in _____ County or City (if a

102 City not within a County), Missouri; that I am a
103 qualified voter of said County (or City not within a
104 County); that I am eligible to vote at this polling
105 place; and that I have not voted in this election.
106

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

114 _____

115

116 (Signature of
117 Voter)

118 _____

119

120 (Current Address)

121 Subscribed and affirmed before me this _____ day of
122 _____, 20_____

123 _____

124

125 (Signature of Election Official)

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

130 5. (1) Prior to counting any provisional ballot, the
131 election authority shall determine if the voter is
132 registered and eligible to vote and if the vote was properly
133 cast. The eligibility of provisional votes shall be
134 determined according to the requirements for a voter to cast
135 a ballot in the election as set forth in sections 115.133

136 and 115.135. A provisional [voter] ballot shall not be
137 eligible to be counted until the election authority has
138 determined that:

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

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

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

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

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

163 (3) To determine whether a provisional ballot is valid
164 and entitled to be counted, the election authority shall
165 examine its records and verify that the provisional voter is
166 properly registered and eligible to vote in the election.
167 If the provisional voter has provided information regarding
168 the registration agency where the provisional voter

169 registered to vote, the election authority shall make an
170 inquiry of the registration agency to determine whether the
171 provisional voter is properly registered and eligible to
172 vote in the election.

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

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

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

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

- 195 (a) The name of the provisional voter;
- 196 (b) The name of the reviewer;
- 197 (c) The date and time;
- 198 (d) A description of why the voter is ineligible.
- 199 (7) The local election authority shall record on a
200 provisional ballot acceptance/rejection list the provisional

201 ballot identification number and notation marking it as
202 rejected.

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

209 6. All provisional ballots cast by voters whose
210 eligibility has been verified as provided in this section
211 shall be counted in accordance with the rules governing
212 ballot tabulation. Provisional ballots shall not be counted
213 until all provisional ballots are determined either eligible
214 or ineligible and all provisional ballots must be processed
215 before the election is certified. The provisional ballot
216 shall be counted only if the election authority determines
217 that the voter is registered and eligible to vote.
218 Provisional ballots voted in the wrong polling place shall
219 not be counted. If the voter is not registered but is
220 qualified to register for future elections, the affidavit
221 shall be considered a mail-in application to register to
222 vote pursuant to this chapter.

223 7. (1) After the election authority completes its
224 review of the provisional voter's eligibility under
225 subsection 5 of this section, the election authority shall
226 deliver the provisional ballots and copies of the
227 provisional ballot envelopes that include eligibility
228 information to bipartisan counting teams, which may be the
229 board of verification, for review and tabulation. The
230 election authority shall maintain a record of such
231 delivery. The record shall include the number of ballots
232 delivered to each team and shall include a signed receipt
233 from two judges, one from each major political party. The

234 election authority shall provide each team with a ballot box
235 and material necessary for tabulation.

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

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

252 (4) The votes shall be tallied and the returns made as
253 provided in sections 115.447 to 115.525 for paper ballots.
254 After the vote on all ballots assigned to a team have been
255 counted, the ballots, ballot envelopes, and copies of ballot
256 envelopes with the eligibility information provided by the
257 election authority shall be enclosed in sealed containers
258 marked "Voted provisional ballots and ballot envelopes from
259 the election held _____, 20_____". All rejected
260 provisional ballots, ballot envelopes, and copies of ballot
261 envelopes with the eligibility information provided by the
262 election authority shall be enclosed in sealed containers
263 marked "Rejected provisional ballots and ballot envelopes
264 from the election held _____, 20_____". On the outside of
265 each voted ballot and rejected ballot container, each member
266 of the team shall write their name and all such containers

267 shall be returned to the election authority. Upon receipt
268 of the returns and ballots, the election authority shall
269 tabulate the provisional votes.

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

285 9. The certificate of ballot cards shall:

286 (1) Reflect the number of provisional envelopes
287 delivered; and

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

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

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

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

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

314 14. In accordance with the Help America Vote Act of
315 2002, any individual who votes in an election as a result of
316 a court order or any other order extending the time
317 established for closing the polls in section 115.407 may
318 vote only by using a provisional ballot, and such
319 provisional ballot shall be separated and held apart from
320 other provisional ballots cast by those not affected by the
321 order. Such ballots shall not be counted until such time as
322 the ballots are determined to be valid. No state court
323 shall have jurisdiction to extend the polling hours
324 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;

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

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

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

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

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

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

100 (18) Exit polling, surveying, sampling,
101 electioneering, distributing election literature, posting
102 signs, petitioning, or placing vehicles bearing signs with
103 respect to any candidate or question to be voted on at [an]
104 a current or future election on election day or during the
105 absentee voting period inside the building in which a
106 polling place is located or within twenty-five feet of the
107 building's outer door closest to the polling place, or, on
108 the part of any person, refusing to remove or permit removal
109 from property owned or controlled by such person, any such
110 election sign or literature located within such distance on
111 such day after request for removal by any person.
112 Notwithstanding the preceding sentence, an election
113 authority may, upon notice publicly posted at the office of
114 the election authority not later than six weeks prior to the
115 election, provide that exit polling, surveying, sampling,
116 electioneering, distributing election literature,

117 petitioning, or placing vehicles bearing signs with respect
118 to any candidate or question to be voted on at a current or
119 future election on election day or during the absentee
120 voting period inside the building in which a polling place
121 is located may not take place within fifty feet of the
122 building's outer door closest to the polling place, or, on
123 the part of any person, refusing to remove or permit removal
124 from property owned or controlled by such person, any such
125 election sign or literature located within such distance on
126 such day after request for removal by any person; provided
127 that a candidate who is not seeking to vote shall be allowed
128 to be up to twenty-five feet from the building's outer door
129 closest to the polling place and may distribute election
130 literature; and provided further that campaign signs shall
131 be permitted to be placed up to twenty-five feet from the
132 building's outer door closest to the polling place;

133 (19) Stealing or willfully defacing, mutilating, or
134 destroying any campaign yard sign on private property,
135 except that this subdivision shall not be construed to
136 interfere with the right of any private property owner to
137 take any action with regard to campaign yard signs on the
138 owner's property and this subdivision shall not be construed
139 to interfere with the right of any candidate, or the
140 candidate's designee, to remove the candidate's campaign
141 yard sign from the owner's private property after the
142 election day.

115.646. No contribution or expenditure of public
2 funds shall be made directly by any officer, employee, or
3 agent of any political subdivision, [including school
4 districts and charter schools] special district, or charter
5 school to advocate, support, or oppose the passage or defeat
6 of any ballot measure or the nomination or election of any
7 candidate for public office, or to direct any public funds

8 to, or pay any debts or obligations of, any committee
9 supporting or opposing such ballot measures or candidates.
10 This section shall not be construed to prohibit any public
11 official of a political subdivision, [including school
12 districts and charter schools,] special district, or charter
13 school from making public appearances or from issuing press
14 releases concerning any such ballot measure. Any purposeful
15 violation of this section shall be punished as a class four
16 election offense.