

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 630
97TH GENERAL ASSEMBLY

4779H.06C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 71.015, 77.030, 79.050, 94.902, 115.013, 115.104, 115.121, 115.123, 115.124, 115.221, 115.231, 115.237, 115.251, 115.253, 115.255, 115.257, 115.261, 115.263, 115.265, 115.267, 115.269, 115.271, 115.273, 115.291, 115.293, 115.301, 115.305, 115.342, 115.346, 115.395, 115.417, 115.420, 115.431, 115.443, 115.453, 115.475, 115.477, 115.479, 115.483, 115.485, 115.487, 115.489, 115.495, 115.503, 115.607, 115.755, 130.026, and 162.481, RSMo, and to enact in lieu thereof forty-one new sections relating to elections.

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

Section A. Sections 71.015, 77.030, 79.050, 94.902, 115.013, 115.104, 115.121, 115.123, 115.124, 115.221, 115.231, 115.237, 115.251, 115.253, 115.255, 115.257, 115.261, 115.263, 115.265, 115.267, 115.269, 115.271, 115.273, 115.291, 115.293, 115.301, 115.305, 115.342, 115.346, 115.395, 115.417, 115.420, 115.431, 115.443, 115.453, 115.475, 115.477, 115.479, 115.483, 115.485, 115.487, 115.489, 115.495, 115.503, 115.607, 115.755, 130.026, and 162.481, RSMo, are repealed and forty-one new sections enacted in lieu thereof, to be known as sections 71.015, 77.030, 79.050, 94.902, 115.013, 115.104, 115.121, 115.123, 115.124, 115.221, 115.237, 115.255, 115.257, 115.261, 115.263, 115.265, 115.267, 115.269, 115.271, 115.273, 115.291, 115.293, 115.342, 115.395, 115.417, 115.420, 115.431, 115.443, 115.453, 115.475, 115.477, 115.479, 115.483, 115.495, 115.503, 115.607, 115.755, 115.960, 130.026, 162.481, and 190.336, to read as follows:

71.015. 1. Should any city, town, or village, not located in any county of the first classification which has adopted a constitutional charter for its own local government, seek to annex an area to which objection is made, the following shall be satisfied:

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.

4 (1) Before the governing body of any city, town, or village has adopted a resolution to
5 annex any unincorporated area of land, such city, town, or village shall first as a condition
6 precedent determine that the land to be annexed is contiguous to the existing city, town, or
7 village limits and that the length of the contiguous boundary common to the existing city, town,
8 or village limit and the proposed area to be annexed is at least fifteen percent of the length of the
9 perimeter of the area proposed for annexation.

10 (2) The governing body of any city, town, or village shall propose an ordinance setting
11 forth the following:

12 (a) The area to be annexed and affirmatively stating that the boundaries comply with the
13 condition precedent referred to in subdivision (1) above;

14 (b) That such annexation is reasonable and necessary to the proper development of the
15 city, town, or village;

16 (c) That the city has developed a plan of intent to provide services to the area proposed
17 for annexation;

18 (d) That a public hearing shall be held prior to the adoption of the ordinance;

19 (e) When the annexation is proposed to be effective, the effective date being up to
20 thirty-six months from the date of any election held in conjunction thereto.

21 (3) The city, town, or village shall fix a date for a public hearing on the ordinance and
22 make a good faith effort to notify all fee owners of record within the area proposed to be annexed
23 by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all
24 residents of the area by publication of notice in a newspaper of general circulation qualified to
25 publish legal matters in the county or counties where the proposed area is located, at least once
26 a week for three consecutive weeks prior to the hearing, with at least one such notice being not
27 more than twenty days and not less than ten days before the hearing.

28 (4) At the hearing referred to in subdivision (3) **of this subsection**, the city, town, or
29 village shall present the plan of intent and evidence in support thereof to include:

30 (a) A list of major services presently provided by the city, town, or village including, but
31 not limited to, police and fire protection, water and sewer systems, street maintenance, parks and
32 recreation, and refuse collection;

33 (b) A proposed time schedule whereby the city, town, or village plans to provide such
34 services to the residents of the proposed area to be annexed within three years from the date the
35 annexation is to become effective;

36 (c) The level at which the city, town, or village assesses property and the rate at which
37 it taxes that property;

38 (d) How the city, town, or village proposes to zone the area to be annexed;

39 (e) When the proposed annexation shall become effective.

40 (5) Following the hearing, and either before or after the election held in subdivision (6)
41 of this subsection, should the governing body of the city, town, or village vote favorably by
42 ordinance to annex the area, the governing body of the city, town or village shall file an action
43 in the circuit court of the county in which such unincorporated area is situated, under the
44 provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The
45 petition in such action shall state facts showing:

46 (a) The area to be annexed and its conformity with the condition precedent referred to
47 in subdivision (1) of this subsection;

48 (b) That such annexation is reasonable and necessary to the proper development of the
49 city, town, or village; and

50 (c) The ability of the city, town, or village to furnish normal municipal services of the
51 city, town, or village to the unincorporated area within a reasonable time not to exceed three
52 years after the annexation is to become effective. Such action shall be a class action against the
53 inhabitants of such unincorporated area under the provisions of section 507.070.

54 (6) Except as provided in subsection 3 of this section, if the court authorizes the city,
55 town, or village to make an annexation, the legislative body of such city, town, or village shall
56 not have the power to extend the limits of the city, town, or village by such annexation until an
57 election is held at which the proposition for annexation is approved by a majority of the total
58 votes cast in the city, town, or village and by a separate majority of the total votes cast in the
59 unincorporated territory sought to be annexed. However, should less than a majority of the total
60 votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority
61 of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal
62 shall again be voted upon in not more than one hundred [twenty] **sixty** days by both the
63 registered voters of the city, town, or village and the registered voters of the area proposed to be
64 annexed. If at least two-thirds of the qualified electors voting thereon are in favor of the
65 annexation, then the city, town, or village may proceed to annex the territory. If the proposal
66 fails to receive the necessary majority, no part of the area sought to be annexed may be the
67 subject of another proposal to annex for a period of two years from the date of the election,
68 except that, during the two-year period, the owners of all fee interests of record in the area or any
69 portion of the area may petition the city, town, or village for the annexation of the land owned
70 by them pursuant to the procedures in section 71.012. The elections shall if authorized be held,
71 except as herein otherwise provided, in accordance with the general state law governing special
72 elections, and the entire cost of the election or elections shall be paid by the city, town, or village
73 proposing to annex the territory.

74 (7) Failure to comply in providing services to the said area or to zone in compliance with
75 the plan of intent within three years after the effective date of the annexation, unless compliance

76 is made unreasonable by an act of God, shall give rise to a cause of action for deannexation
77 which may be filed in the circuit court by any resident of the area who was residing in the area
78 at the time the annexation became effective.

79 (8) No city, town, or village which has filed an action under this section as this section
80 read prior to May 13, 1980, which action is part of an annexation proceeding pending on May
81 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such
82 annexation proceeding.

83 (9) If the area proposed for annexation includes a public road or highway but does not
84 include all of the land adjoining such road or highway, then such fee owners of record, of the
85 lands adjoining said highway shall be permitted to intervene in the declaratory judgment action
86 described in subdivision (5) of this subsection.

87 2. Notwithstanding any provision of subsection 1 of this section, for any annexation by
88 any city with a population of three hundred fifty thousand or more inhabitants which is located
89 in more than one county that becomes effective after August 28, 1994, if such city has not
90 provided water and sewer service to such annexed area within three years of the effective date
91 of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such
92 water and sewer service to the annexed area is made unreasonable by an act of God. The cause
93 of action for deannexation may be filed in the circuit court by any resident of the annexed area
94 who is presently residing in the area at the time of the filing of the suit and was a resident of the
95 annexed area at the time the annexation became effective. If the suit for deannexation is
96 successful, the city shall be liable for all court costs and attorney fees.

97 3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all
98 cities, towns, and villages located in any county of the first classification with a charter form of
99 government with a population of two hundred thousand or more inhabitants which adjoins a
100 county with a population of nine hundred thousand or more inhabitants shall comply with the
101 provisions of this subsection. If the court authorizes any city, town, or village subject to this
102 subsection to make an annexation, the legislative body of such city, town or village shall not
103 have the power to extend the limits of such city, town, or village by such annexation until an
104 election is held at which the proposition for annexation is approved by a majority of the total
105 votes cast in such city, town, or village and by a separate majority of the total votes cast in the
106 unincorporated territory sought to be annexed; except that:

107 (1) In the case of a proposed annexation in any area which is contiguous to the existing
108 city, town or village and which is within an area designated as flood plain by the Federal
109 Emergency Management Agency and which is inhabited by no more than thirty registered voters
110 and for which a final declaratory judgment has been granted prior to January 1, 1993, approving
111 such annexation and where notarized affidavits expressing approval of the proposed annexation

112 are obtained from a majority of the registered voters residing in the area to be annexed, the area
113 may be annexed by an ordinance duly enacted by the governing body and no elections shall be
114 required; and

115 (2) In the case of a proposed annexation of unincorporated territory in which no qualified
116 electors reside, if at least a majority of the qualified electors voting on the proposition are in
117 favor of the annexation, the city, town or village may proceed to annex the territory and no
118 subsequent election shall be required.

119

120 If the proposal fails to receive the necessary separate majorities, no part of the area sought to be
121 annexed may be the subject of any other proposal to annex for a period of two years from the
122 date of such election, except that, during the two-year period, the owners of all fee interests of
123 record in the area or any portion of the area may petition the city, town, or village for the
124 annexation of the land owned by them pursuant to the procedures in section 71.012 or 71.014.
125 The election shall, if authorized, be held, except as otherwise provided in this section, in
126 accordance with the general state laws governing special elections, and the entire cost of the
127 election or elections shall be paid by the city, town, or village proposing to annex the territory.
128 Failure of the city, town or village to comply in providing services to the area or to zone in
129 compliance with the plan of intent within three years after the effective date of the annexation,
130 unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for
131 deannexation which may be filed in the circuit court not later than four years after the effective
132 date of the annexation by any resident of the area who was residing in such area at the time the
133 annexation became effective or by any nonresident owner of real property in such area.

134 4. Except for a cause of action for deannexation under subdivision (2) of subsection 3
135 of this section, any action of any kind seeking to deannex from any city, town, or village any area
136 annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise
137 challenge such annexation or oust such city, town, or village from jurisdiction over such annexed
138 area shall be brought within five years of the date of the adoption of the annexation ordinance.

77.030. 1. Unless it elects to be governed by subsection 2 of this section, the council
2 shall by ordinance divide the city into not less than four wards, and two councilmen shall be
3 elected from each of such wards by the qualified voters thereof at the first election for
4 councilmen in cities hereafter adopting the provisions of this chapter; the one receiving the
5 highest number of votes in each ward shall hold his office for two years, and the one receiving
6 the next highest number of votes shall hold his office for one year; but thereafter each ward shall
7 elect annually one councilman, who shall hold his office for two years.

8 2. In lieu of electing councilmen as provided in subsection 1 of this section, the council
9 may elect to establish wards and elect councilmen as provided in this subsection. If the council

10 so elects, it shall, by ordinance, divide the city into not less than four wards, and one councilman
 11 shall be elected from each of such wards by the qualified voters thereof at the first election for
 12 councilmen held in the city after it adopts the provisions of this subsection. At the first election
 13 held under this subsection the councilmen elected from the odd-numbered wards shall be elected
 14 for a term of one year and the councilmen elected from the even-numbered wards shall be elected
 15 for a term of two years. At each annual election held thereafter, successors for councilmen
 16 whose terms expire in such year shall be elected for a term of two years.

17 3. (1) Council members may serve four-year terms if the two-year terms provided under
 18 subsection 1 or 2 of this section have been extended to four years by approval of a majority of
 19 the voters voting on the proposal.

20 (2) The ballot of submission shall be in substantially the following form:

21 Shall the terms of council members which are currently set at two years in
 22 (city) be extended to four years for members elected after August 28, 2013?

23 YES NO

24 (3) If a majority of the voters voting approve the proposal authorized in this subsection,
 25 the members of council who would serve two years under subsections 1 and 2 of this section
 26 shall be elected to four-year terms beginning with any election occurring after approval of the
 27 ballot question.

28 **4. In any city that has approved the proposal under subsection 3 of this section, the**
 29 **council may, by ordinance, elect to establish a system for holding elections for one-half of**
 30 **the council every other year. The ordinance may stipulate that any council member whose**
 31 **term of office expires during the year of the next election after the adoption of the**
 32 **ordinance shall be elected for a term of three years. Any council member not elected to a**
 33 **three-year term at such election shall be elected for a term of four years at the election in**
 34 **the year in which the member's term of office expires. All successors for council shall**
 35 **thereafter be elected to four-year terms of office. Any new terms in office for particular**
 36 **wards shall be effective only upon the expiration of any term in office authorized under**
 37 **this section for a particular ward prior to the adoption of an ordinance under this**
 38 **subsection.**

79.050. 1. The following officers shall be elected by the qualified voters of the city, and
 2 shall hold office for the term of two years, except as otherwise provided in this section, and until
 3 their successors are elected and qualified, to wit: mayor and board of aldermen. The board of
 4 aldermen may provide by ordinance, after the approval of a majority of the voters voting at an
 5 election at which the issue is submitted, for the appointment of a collector and for the
 6 appointment of a chief of police, who shall perform all duties required of the marshal by law, and
 7 any other police officers found by the board of aldermen to be necessary for the good government

8 of the city. The marshal or chief of police shall be twenty-one years of age or older. If the board
9 of aldermen does not provide for the appointment of a chief of police and collector as provided
10 by this section, a city marshal, who shall be twenty-one years of age or older, and collector shall
11 be elected, and the board of aldermen may provide by ordinance that the same person may be
12 elected marshal and collector, at the same election, and hold both offices and the board of
13 aldermen may provide by ordinance for the election of city assessor, city attorney, city clerk and
14 street commissioner, who shall hold their respective offices for a term of two years and until their
15 successors shall be elected or appointed and qualified, except that the term of the city marshal
16 shall be four years.

17 2. The board of aldermen may provide by ordinance, after the approval of a majority of
18 the voters voting thereon at the next municipal election at which the issue is submitted, that the
19 term of the collector shall be four years and the term of the mayor shall be two, three, or four
20 years. Any person elected as collector after the passage of such an ordinance shall serve for a
21 term of four years and until his successor is elected and qualified. Any person elected as mayor
22 after the passage of such ordinance shall serve for a term of two, three, or four years, as provided,
23 and until his successor is elected and qualified.

24 3. The board of aldermen may provide by ordinance that the term of the board of
25 aldermen shall be four years. Such ordinance shall be submitted by the board to the voters of the
26 city and shall take effect only upon the approval of a majority of the voters voting at an election
27 at which the issue is submitted. Any person elected to the board of aldermen after the passage
28 of such an ordinance shall serve for a term of four years and until his successor is elected and
29 qualified.

30 **4. In any city that has approved the proposal under subsection 3 of this section, the**
31 **board of aldermen may, by ordinance, elect to establish a system for holding elections for**
32 **one-half of the board of aldermen every other year. The ordinance may stipulate that any**
33 **member of the board of aldermen whose term of office expires during the year of the next**
34 **election after the adoption of the ordinance shall be elected for a term of three years. Any**
35 **member of the board of aldermen not elected to a three-year term at such election shall be**
36 **elected for a term of four years at the election in the year in which the member's term of**
37 **office expires. All successors for the board of aldermen shall thereafter be elected to four-**
38 **year terms of office. Any new terms in office for the board of aldermen shall be effective**
39 **only upon the expiration of any term in office authorized under this section prior to the**
40 **adoption of an ordinance under this subsection.**

94.902. 1. **(1) The governing body of the following cities may impose a sales tax as**
2 **provided in this section:**

3 (a) Any city of the third classification with more than twenty-six thousand three hundred
4 but less than twenty-six thousand seven hundred inhabitants[, or] ;

5 (b) Any city of the fourth classification with more than thirty thousand three hundred but
6 fewer than thirty thousand seven hundred inhabitants[, or] ;

7 (c) Any city of the fourth classification with more than twenty-four thousand eight
8 hundred but fewer than twenty-five thousand inhabitants[,] ; and

9 (d) Any city of the third classification with more than four thousand but fewer than
10 four thousand five hundred inhabitants and located in any county of the first classification
11 with more than two hundred thousand but fewer than two hundred sixty thousand
12 inhabitants; and

13 (e) Any special charter city with more than twenty nine thousand, but fewer than
14 thirty-two thousand inhabitants.

15 (2) The governing body of any city listed in subdivision (1) of this subsection may
16 impose, by order or ordinance, a sales tax on all retail sales made in the city which are subject
17 to taxation under chapter 144. The tax authorized in this section may be imposed in an amount
18 of up to one-half of one percent, and shall be imposed solely for the purpose of improving the
19 public safety for such city, including but not limited to expenditures on equipment, city employee
20 salaries and benefits, and facilities for police, fire and emergency medical providers. The tax
21 authorized in this section shall be in addition to all other sales taxes imposed by law, and shall
22 be stated separately from all other charges and taxes. The order or ordinance imposing a sales
23 tax under this section shall not become effective unless the governing body of the city submits
24 to the voters residing within the city, at a county or state general, primary, or special election, a
25 proposal to authorize the governing body of the city to impose a tax under this section.

26 2. The ballot of submission for the tax authorized in this section shall be in substantially
27 the following form:

28 Shall the city of (city's name) impose a citywide sales tax at
29 a rate of (insert rate of percent) percent for the purpose of improving the public safety of
30 the city?

31 YES NO

32

33 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
34 to the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the
35 proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance
36 or order and any amendments to the order or ordinance shall become effective on the first day
37 of the second calendar quarter after the director of revenue receives notice of the adoption of the
38 sales tax. If a majority of the votes cast on the proposal by the qualified voters voting thereon

39 are opposed to the proposal, then the tax shall not become effective unless the proposal is
40 resubmitted under this section to the qualified voters and such proposal is approved by a majority
41 of the qualified voters voting on the proposal. However, in no event shall a proposal under this
42 section be submitted to the voters sooner than twelve months from the date of the last proposal
43 under this section.

44 3. Any sales tax imposed under this section shall be administered, collected, enforced,
45 and operated as required in section 32.087. All sales taxes collected by the director of the
46 department of revenue under this section on behalf of any city, less one percent for cost of
47 collection which shall be deposited in the state's general revenue fund after payment of premiums
48 for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which
49 is hereby created in the state treasury, to be known as the "City Public Safety Sales Tax Trust
50 Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be
51 commingled with any funds of the state. The provisions of section 33.080 to the contrary
52 notwithstanding, money in this fund shall not be transferred and placed to the credit of the
53 general revenue fund. The director shall keep accurate records of the amount of money in the
54 trust fund and which was collected in each city imposing a sales tax under this section, and the
55 records shall be open to the inspection of officers of the city and the public. Not later than the
56 tenth day of each month the director shall distribute all moneys deposited in the trust fund during
57 the preceding month to the city which levied the tax. Such funds shall be deposited with the city
58 treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by
59 an appropriation act to be enacted by the governing body of each such city. Expenditures may
60 be made from the fund for any functions authorized in the ordinance or order adopted by the
61 governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the
62 special trust fund shall continue to be used solely for the designated purposes. Any funds in the
63 special trust fund which are not needed for current expenditures shall be invested in the same
64 manner as other funds are invested. Any interest and moneys earned on such investments shall
65 be credited to the fund.

66 4. The director of the department of revenue may authorize the state treasurer to make
67 refunds from the amounts in the trust fund and credited to any city for erroneous payments and
68 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
69 such cities. If any city abolishes the tax, the city shall notify the director of the action at least
70 ninety days before the effective date of the repeal, and the director may order retention in the
71 trust fund, for a period of one year, of two percent of the amount collected after receipt of such
72 notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and
73 drafts deposited to the credit of such accounts. After one year has elapsed after the effective date
74 of abolition of the tax in such city, the director shall remit the balance in the account to the city

75 and close the account of that city. The director shall notify each city of each instance of any
76 amount refunded or any check redeemed from receipts due the city.

77 5. The governing body of any city that has adopted the sales tax authorized in this section
78 may submit the question of repeal of the tax to the voters on any date available for elections for
79 the city. The ballot of submission shall be in substantially the following form:

80 Shall (insert the name of the city) repeal the sales tax
81 imposed at a rate of (insert rate of percent) percent for the purpose of improving the public
82 safety of the city?

83 YES NO

84

85 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
86 effective on December thirty-first of the calendar year in which such repeal was approved. If a
87 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
88 the repeal, then the sales tax authorized in this section shall remain effective until the question
89 is resubmitted under this section to the qualified voters, and the repeal is approved by a majority
90 of the qualified voters voting on the question.

91 6. Whenever the governing body of any city that has adopted the sales tax authorized in
92 this section receives a petition, signed by ten percent of the registered voters of the city voting
93 in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this
94 section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If
95 a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
96 the repeal, that repeal shall become effective on December thirty-first of the calendar year in
97 which such repeal was approved. If a majority of the votes cast on the question by the qualified
98 voters voting thereon are opposed to the repeal, then the tax shall remain effective until the
99 question is resubmitted under this section to the qualified voters and the repeal is approved by
100 a majority of the qualified voters voting on the question.

101 7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
102 apply to the tax imposed under this section.

115.013. As used in this chapter, unless the context clearly implies otherwise, the
2 following terms mean:

3 (1) "Automatic tabulating equipment", the apparatus necessary to examine and
4 automatically count votes, and the data processing machines which are used for counting votes
5 and tabulating results;

6 (2) "Ballot", the ballot card, paper ballot or ballot designed for use with an electronic
7 voting system on which each voter may cast all votes to which he or she is entitled at an election;

- 8 (3) "Ballot card", a ballot which is voted by making a punch or sensor mark which can
9 be tabulated by automatic tabulating equipment;
- 10 (4) "Ballot label", the card, paper, booklet, page or other material containing the names
11 of all offices and candidates and statements of all questions to be voted on;
- 12 (5) "Counting location", a location selected by the election authority for the automatic
13 processing or counting, or both, of ballots;
- 14 (6) "County", any one of the several counties of this state or the City of St. Louis;
- 15 (7) "Disqualified", a determination made by a court of competent jurisdiction, the
16 Missouri ethics commission, an election authority or any other body authorized by law to make
17 such a determination that a candidate is ineligible to hold office or not entitled to be voted on for
18 office;
- 19 (8) "District", an area within the state or within a political subdivision of the state from
20 which a person is elected to represent the area on a policy-making body with representatives of
21 other areas in the state or political subdivision;
- 22 **(9) "Electronic voting machine", any part of an electronic voting system on which**
23 **a voter is able to cast a ballot under this chapter;**
- 24 [(9)] **(10)** "Electronic voting system", a system of casting votes by use of marking
25 devices, and counting votes by use of automatic tabulating or data processing equipment, and
26 includes computerized voting systems;
- 27 [(10)] **(11)** "Established political party" for the state, a political party which, at either
28 of the last two general elections, polled for its candidate for any statewide office, more than two
29 percent of the entire vote cast for the office. "Established political party" for any district or
30 political subdivision shall mean a political party which polled more than two percent of the entire
31 vote cast at either of the last two elections in which the district or political subdivision voted as
32 a unit for the election of officers or representatives to serve its area;
- 33 [(11)] **(12)** "Federal office", the office of presidential elector, United States senator, or
34 representative in Congress;
- 35 [(12)] **(13)** "Independent", a candidate who is not a candidate of any political party and
36 who is running for an office for which party candidates may run;
- 37 [(13)] **(14)** "Major political party", the political party whose candidates received the
38 highest or second highest number of votes at the last general election;
- 39 [(14)] **(15)** "Marking device", either an apparatus in which ballots are inserted and voted
40 by use of a punch apparatus, or any approved device which will enable the votes to be counted
41 by automatic tabulating equipment;
- 42 [(15)] **(16)** "Municipal" or "municipality", a city, village, or incorporated town of this
43 state;

44 [(16)] (17) "New party", any political group which has filed a valid petition and is
45 entitled to place its list of candidates on the ballot at the next general or special election;

46 [(17)] (18) "Nonpartisan", a candidate who is not a candidate of any political party and
47 who is running for an office for which party candidates may not run;

48 [(18)] (19) "Political party", any established political party and any new party;

49 [(19)] (20) "Political subdivision", a county, city, town, village, or township of a
50 township organization county;

51 [(20)] (21) "Polling place", the voting place designated for all voters residing in one or
52 more precincts for any election;

53 [(21)] (22) "Precincts", the geographical areas into which the election authority divides
54 its jurisdiction for the purpose of conducting elections;

55 [(22)] (23) "Public office", any office established by constitution, statute or charter and
56 any employment under the United States, the state of Missouri, or any political subdivision or
57 special district, but does not include any office in the reserve forces or the National Guard or the
58 office of notary public or city attorney in cities of the third classification or cities of the fourth
59 classification;

60 [(23)] (24) "Question", any measure on the ballot which can be voted "YES" or "NO";

61 [(24)] (25) "Relative within the first degree by consanguinity or affinity", a spouse,
62 parent, or child of a person;

63 [(25)] (26) "Relative within the second degree by consanguinity or affinity", a spouse,
64 parent, child, grandparent, brother, sister, grandchild, mother-in-law, father-in-law, daughter-in-
65 law, or son-in-law;

66 [(26)] (27) "Special district", any school district, water district, fire protection district,
67 hospital district, health center, nursing district, or other districts with taxing authority, or other
68 district formed pursuant to the laws of Missouri to provide limited, specific services;

69 [(27)] (28) "Special election", elections called by any school district, water district, fire
70 protection district, or other district formed pursuant to the laws of Missouri to provide limited,
71 specific services; and

72 [(28)] (29) "Voting district", the one or more precincts within which all voters vote at
73 a single polling place for any election.

115.104. 1. As used in this section, the term "participant" means a Missouri youth
2 election participant.

3 2. Notwithstanding any other law to the contrary, any person more than fifteen years of
4 age but less than eighteen years of age who is in full-time attendance in a school of this state may
5 aid and assist any election judge or election authority authorized or appointed pursuant to this
6 chapter. Such [persons] **person** shall be known as a "Missouri Youth Election [Participants]

7 **Participant**" and shall, before entering upon the duties related to an election conducted pursuant
8 to this chapter, take and subscribe the following oath, which shall be signed by the participant
9 and an original copy thereof delivered to the election authority:

10 I solemnly swear or affirm that I will impartially discharge the duties of a Missouri youth
11 election participant by following to the best of my ability the instructions of any election judge,
12 election authority, or teacher of my school. I also swear or affirm that I will not disclose how
13 any voter has voted unless I am told to do so by an election judge, election authority, or a court
14 of law in a proper judicial proceeding. I also swear or affirm that I will make no statement nor
15 give any information of any kind tending in any way to show the state of the count of votes prior
16 to the close of the polls on election day, nor will I make any statement during the conduct of my
17 duties which tends to show my preferences for any issue or candidate involved in the election.

18

19 Signature of Missouri Youth
20 Election Participant

21 3. If, in the opinion of the chief administrative officer of any high school of this state,
22 the appointment of students in the tenth, eleventh or twelfth grade as Missouri youth election
23 participants would benefit those persons involved and the election process, the officer may
24 nominate such persons as participants. The chief administrative officer shall establish the
25 academic and behavioral standards for qualification, but persons nominated shall, at a minimum:

- 26 (1) Have demonstrated age-appropriate academic ability and demeanor;
- 27 (2) Be a person of good repute who can speak, read and write the English language; and
- 28 (3) Not be related within the second degree of consanguinity or affinity to any person
29 whose name appears on the ballot, except that no participant shall be disqualified if related
30 within such degree to an unopposed candidate.

31 4. The chief administrative officer of the school shall transmit a written list of nominees
32 to the election authority of the jurisdiction at least sixty days prior to the election. If, in the
33 opinion of the election authority, the appointment of participants nominated pursuant to this
34 section would not be disruptive to the election process, the election authority may appoint any
35 number of participants for each polling place or place where votes are to be counted within its
36 jurisdiction. Such appointment shall include a schedule of the time during which the participant
37 is expected to serve. [No participant shall be entitled to any compensation or remuneration for
38 the time served as a participant or costs incurred in the performance of his duties.] Nothing in
39 this section shall be construed to mandate the appointment of any participant if, in the sole
40 discretion of the election authority, the presence of such participants in any polling place or place
41 where votes are counted would be disruptive to the orderly election process.

42 5. Subject to the provisions of this section and under the direct supervision of the
43 election authority or election judges, each participant may assist in the administration of the
44 polling place, assist in the counting of votes, assist in the execution of any administrative duty
45 of any election authority or election judge, and perform any other election-day-related duty as
46 instructed.

47 6. Each election authority and election judge appointed pursuant to this chapter shall
48 have the authority to direct any Missouri youth election participant in his duties and to compel
49 compliance with law. Each election authority may, in its sole discretion, substitute participants
50 on or before election day. Each election authority or election judge shall have the authority at
51 any time to take any action necessary to remove any participant from any polling place or place
52 where votes are being counted. It shall be the duty of any law enforcement officer, if requested
53 by the election authority or judges of election, to exclude any participant from the polling place
54 or place where votes are being counted.

55 7. In order to best prepare students for duty as Missouri youth election participants
56 pursuant to this section, each high school of this state may offer a course of instruction in the
57 democratic electoral process which concentrates upon the election law of this state. The high
58 school may require successful completion of such a course prior to qualification for nomination
59 as a Missouri youth election participant.

 115.121. 1. The general election day shall be the first Tuesday after the first Monday in
2 November of even-numbered years.

3 2. The primary election day shall be the first Tuesday after the first Monday in August
4 of even-numbered years.

5 3. The election day for the election of political subdivision and special district officers
6 shall be the first Tuesday after the first Monday in April each year; and shall be known as the
7 general municipal election day.

8 [4. In addition to the primary election day provided for in subsection 2 of this section,
9 for the year 2003, the first Tuesday after the first Monday in August, 2003, also shall be a
10 primary election day for the purpose of permitting school districts and other political
11 subdivisions of Missouri to incur debt in accordance with the provisions of article VI, section
12 26(a) through 26(g) of the Missouri Constitution, with the approval of four-sevenths of the
13 eligible voters of such school district or other political subdivision voting thereon, to provide
14 funds for the acquisition, construction, equipping, improving, restoration, and furnishing of
15 facilities to replace, repair, reconstruct, reequip, restore, and refurnish facilities damaged,
16 destroyed, or lost due to severe weather, including, without limitation, windstorms, hail storms,
17 flooding, tornadic winds, rainstorms and the like which occurred during the month of April or
18 May, 2003.

19 5. Notwithstanding the provisions of subsection 1 of section 115.125, the officer or
20 agency calling an election on the first Tuesday after the first Monday of August, 2003, shall
21 notify the election authorities responsible for conducting the election not later than 5:00 p.m. on
22 the sixth Tuesday prior to the election. For purposes of any such election, all references in
23 section 115.125 to the tenth Tuesday prior to such election shall be deemed to refer to the sixth
24 Tuesday prior to such election.

25 6. In addition to the general election day provided for in subsection 1 of this section, for
26 the year 2009 the first Tuesday after the first Monday in November shall be a general election
27 day for the purpose of permitting school districts to incur debt in accordance with the provisions
28 of article VI, section 26(a) through 26(g) of the Missouri Constitution, with the approval of
29 four-sevenths of the eligible voters of such school district, to provide funds for school districts
30 to acquire, construct, equip, improve, restore, and furnish public school facilities in accordance
31 with the provisions of Section 54F of the Internal Revenue Code of 1986, as amended, which
32 provides for qualified school construction bonds and the provisions of Section 54AA of the
33 Internal Revenue Code of 1986, as amended, which provides for build America bonds, as well
34 as in accordance with the provisions of Section 103 of the Internal Revenue Code of 1986, as
35 amended, which provides for traditional government bonds.]

 115.123. 1. All public elections shall be held on Tuesday. Except as provided in
2 subsections 2 and 3 of this section, and section 247.180, all public elections shall be held on the
3 general election day, the primary election day, the general municipal election day, the first
4 Tuesday after the first Monday in November, or on another day expressly provided by city or
5 county charter, and in nonprimary years on the first Tuesday after the first Monday in August.
6 Bond elections may be held on the first Tuesday after the first Monday in February but no other
7 issue shall be included on the ballot for such election.

8 2. Notwithstanding the provisions of subsection 1 of this section, an election for a
9 presidential primary held pursuant to sections 115.755 to 115.785 shall be held on the [first]
10 **second** Tuesday after the first Monday in [February] **March** of each presidential election year.

11 3. The following elections shall be exempt from the provisions of subsection 1 of this
12 section:

- 13 (1) Bond elections necessitated by fire, vandalism or natural disaster;
- 14 (2) Elections for which ownership of real property is required by law for voting;
- 15 (3) Special elections to fill vacancies and to decide tie votes or election contests; and
- 16 (4) Tax elections necessitated by a financial hardship due to a five percent or greater
17 decline in per-pupil state revenue to a school district from the previous year.

18 4. Nothing in this section prohibits a charter city or county from having its primary
19 election in March if the charter provided for a March primary before August 28, 1999.

20 5. Nothing in this section shall prohibit elections held pursuant to section 65.600, but no
21 other issues shall be on the March ballot except pursuant to this chapter.

 115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in
2 any political subdivision or special district [except for] **including municipal elections in any**
3 **city, town, or village with one thousand or fewer inhabitants that have adopted a proposal**
4 **under subsection 3 of this section but excluding municipal elections in any city, town, or**
5 **village with more than one thousand inhabitants**, if the notice provided for in subsection 5
6 of section 115.127 has been published in at least one newspaper of general circulation **as defined**
7 **in section 493.050** in the district, and if the number of candidates who have filed for a particular
8 office is equal to the number of positions in that office to be filled by the election, no election
9 shall be held for such office, and the candidates shall assume the responsibilities of their offices
10 at the same time and in the same manner as if they had been elected. **If no election is held for**
11 **such office as provided in this section, the election authority shall publish a notice**
12 **containing the names of the candidates who shall assume the responsibilities of office under**
13 **this section. Such notice shall be published in at least one newspaper of general circulation**
14 **as defined in section 493.050 in such political subdivision or district by the first of the**
15 **month in which the election would have occurred, had it been contested.** Notwithstanding
16 any other provision of law to the contrary, if at any election the number of candidates filing for
17 a particular office exceeds the number of positions to be filled at such election, the election
18 authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw
19 from such contest for that office so that the number of candidates remaining after the filing
20 deadline is equal to the number of positions to be filled.

 2. The election authority or political subdivision responsible for the oversight of the
22 filing of candidates in any nonpartisan election in any political subdivision or special district
23 shall clearly designate where candidates, **or candidate's representative if the candidate filed**
24 **under subsection 2 of section 115.355**, shall form a line to effectuate such filings and determine
25 the order of such filings; except that, in the case of candidates who file a declaration of candidacy
26 with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing,
27 the election authority or political subdivision may determine by random drawing the order in
28 which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to
29 this subsection, it shall be conducted so that each candidate, **or candidate's representative if**
30 **the candidate filed under subsection 2 of section 115.355**, may draw a number at random at
31 the time of filing. If such drawing is conducted, the election authority or political subdivision
32 shall record the number drawn with the candidate's declaration of candidacy. If such drawing
33 is conducted, the names of candidates filing on the first day of filing for each office on each
34 ballot shall be listed in ascending order of the numbers so drawn.

35 **3. The governing body of any city, town, or village with one thousand or fewer**
36 **inhabitants may submit to the voters at any available election, a question to adopt the**
37 **provisions of subsection 1 of this section for municipal elections. If a majority of the votes**
38 **cast by the qualified voters voting thereon are in favor of the question, then the city, town,**
39 **or village shall conduct nonpartisan municipal elections as provided in subsection 1 of this**
40 **section for all nonpartisan elections remaining in the year in which the proposal was**
41 **adopted and for the six calendar years immediately following such approval. At the end**
42 **of such six-year period, each such city, town, or village shall be prohibited from conducting**
43 **such elections in such a manner unless such a question is again adopted by the majority of**
44 **qualified voters as provided in this subsection.**

 115.221. [At least once each year,] **Notwithstanding any other provisions of law to the**
2 **contrary**, each election authority [shall] **may** have the voting records inspected and may
3 investigate the qualifications of any person who has not voted or transferred his registration
4 within the four preceding calendar years.

 115.237. 1. Each ballot printed or designed for use with an electronic voting system for
2 any election pursuant to this chapter shall contain all questions and the names of all offices and
3 candidates certified or filed pursuant to this chapter and no other. As far as practicable, all
4 questions and the names of all offices and candidates for which each voter is entitled to vote shall
5 be printed on one page except for the ballot for political party committee persons in polling
6 places not utilizing an electronic voting system which may be printed separately and in
7 conformity with the requirements contained in this section. As far as practicable, ballots
8 containing only questions and the names of nonpartisan offices and candidates shall be printed
9 in accordance with the provisions of this section, except that the ballot information may be listed
10 in vertical or horizontal rows. The names of candidates for each office shall be listed in the order
11 in which they are filed.

12 2. [Except as provided in subsection 5 of this section, each ballot shall have:

13 (1) Each party name printed in capital letters not less than eighteen point in size;

14 (2) The name of each office printed in capital letters not less than eight point in size;

15 (3) The name of each candidate printed in capital letters not less than ten point in size;

16 (4) A small square, the sides of which shall not be less than one-fourth inch in length,
17 printed directly to the left of each candidate's name and on the same line as the candidate's name.

18 When write-in votes are authorized and no candidate's name is to be printed under the name of
19 an office in a party or nonpartisan column, under the name of the office in the column shall be
20 printed a square. Directly to the right of the square shall be printed a horizontal line on which
21 the voter may vote for a person whose name does not appear on the ballot. When more than one
22 position is to be filled for an office, and the number of candidates' names under the office in a

23 column is less than the number of positions to be filled, the number of squares and write-in lines
24 printed in the column shall equal the difference between the number of candidates' names and
25 the number of positions to be filled;

26 (5) The list of candidates of each party and all nonpartisan candidates placed in separate
27 columns with a heavy vertical line between each list;

28 (6) A horizontal line extending across the ballot three-eighths of an inch below the last
29 name or write-in line under each office in such a manner that the names of all candidates and all
30 write-in lines for the same office appear between the same horizontal lines. If write-in votes are
31 not authorized, the horizontal line shall extend across the ballot three-eighths of an inch below
32 the name of the last candidate under each office;

33 (7) In a separate column or beneath a heavy horizontal line under all names and write-in
34 lines, all questions;

35 (8) At least three-eighths of an inch below all other matter on the ballot, printed in
36 ten-point Gothic type, the words "Instructions to Voters" followed by directions to the voter on
37 marking the ballot as provided in section 115.439;

38 (9) Printed at the top on the face of the ballot the words "Official Ballot" followed by the
39 date of the election and the statement "Instruction to Voters: Place an X in the square opposite
40 the name of the person for whom you wish to vote.".]

41 **In polling places using electronic voting systems, the ballot information may be**
42 **arranged in vertical or horizontal rows or on a number of separate pages or screens. In**
43 **any event, the name of each candidate, the candidate's party, the office for which he or she**
44 **is a candidate, and each question shall be indicated clearly on the ballot.**

45 3. [As nearly as practicable, each ballot shall be in substantially the following form:

46 OFFICIAL BALLOT			DATE
47 REPUBLICAN	DEMOCRATIC	THIRD PARTY	INDEPENDENT
48 For President	For President	For President	For President
49 and Vice President	and Vice President	and Vice President	and Vice President
50 ?	?	?	?
51 For	For	For	For
52 United States	United States	United States	United States
53 Senator	Senator	Senator	Senator
54 ?	?	?	?
55 For Governor	For Governor	For Governor	For Governor
56 ?	?	?	?
57 For Lieutenant	For Lieutenant	For Lieutenant	For Lieutenant
58 Governor	Governor	Governor	Governor

59	?	?	?	?
60	For Secretary	For Secretary	For Secretary	For Secretary
61	of State	of State	of State	of State
62	?	?	?	?
63	For Treasurer	For Treasurer	For Treasurer	For Treasurer
64	?	?	?	?
65	For Attorney	For Attorney	For Attorney	For Attorney
66	General	General	General	General
67	?	?	?	?
68	For	For	For	For
69	United States	United States	United States	United States
70	Representative	Representative	Representative	Representative
71	?	?	?	?
72	For State Senator	For State Senator	For State Senator	For State Senator
73	?	?	?	?
74	For State	For State	For State	For State
75	Representative	Representative	Representative	Representative
76	?	?	?	?
77	For Circuit Judge	For Circuit Judge	For Circuit Judge	For Circuit Judge
78	?	?	?	?]

79 **Nothing in this subchapter shall be construed as prohibiting the use of a separate**
80 **paper ballot for questions or for the presidential preference primary in any polling place**
81 **using an electronic voting system.**

82 **4. Where electronic voting systems are used and when write-in votes are authorized**
83 **by law, a write-in ballot, which may be in the form of a separate paper ballot, card, or**
84 **envelope, may be provided by the election authority to permit each voter to write in the**
85 **names of persons whose names do not appear on the ballot.**

86 **5.** No ballot printed or designed for use with an electronic voting system for any partisan
87 election held under this chapter shall allow a person to vote a straight political party ticket. For
88 purposes of this subsection, a "straight political party ticket" means voting for all of the
89 candidates for elective office who are on the ballot representing a single political party by a
90 single selection on the ballot.

91 [5.] **6.** The secretary of state shall promulgate rules that specify uniform standards for
92 ballot layout for each electronic or computerized ballot counting system approved under the
93 provisions of section 115.225 so that the ballot used with any counting system is, where possible,
94 consistent with the intent of this section. Nothing in this section shall be construed to require

95 the format specified in this section if it does not meet the requirements of the ballot counting
96 system used by the election authority.

97 [6.] 7. Any rule or portion of a rule, as that term is defined in section 536.010, that is
98 created under the authority delegated in this section shall become effective only if it complies
99 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
100 This section and chapter 536 are nonseverable and if any of the powers vested with the general
101 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
102 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
103 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

115.255. [1. In polling places using voting machines, the ballot information may be
2 arranged in vertical or horizontal rows. In any event, the name of each candidate, his party, the
3 office for which he is a candidate and each question shall be indicated clearly on the ballot label.
4 All ballot labels shall be placed to indicate clearly to the voter which key lever or other device
5 to operate in order to vote on questions and for the candidates of his choice.

6 2. Nothing in this subchapter shall be construed as prohibiting] The use of [a] separate
7 paper [ballot] **ballots** for questions **and candidates** in polling places **shall not be prohibited**
8 where **electronic** voting machines are used.

115.257. 1. In jurisdictions where **electronic** voting machines are used, the election
2 authority shall cause the voting machines to be put in order, set, adjusted and made ready for
3 voting before they are delivered to polling places. [Before delivery to the polling places, the
4 election authority shall have all recording counters, except the protective counter on each voting
5 machine set at zero (000).]

6 2. At least five days before preparing **electronic** voting machines for any election, notice
7 of the time and place of such preparation shall be mailed to each independent candidate and the
8 chairman of the county committee of each established political party named on the ballot. The
9 preparation shall be watched by two observers designated by the election authority, one from
10 each major political party, and shall be open to representatives of the political parties, candidates,
11 the news media and the public.

12 3. When [a] **an electronic voting** machine has been examined by such observers and
13 shown to be in good working order, the machine shall be locked against voting [and sealed in
14 their presence with a numbered metal seal]. The observers shall certify the [number] **vote count**
15 on each machine[, the number on each protective counter, the number on each seal and that each
16 recording counter] is set at zero.

17 4. After [a] **an electronic** voting machine has been properly prepared[,] **and** locked [and
18 sealed], its keys shall be retained by the election authority and delivered to the election judges
19 along with the other election supplies.

20 **5. For the purpose of processing absentee ballots, the election authority may cause**
21 **a voting machine to be put in order, set, adjusted, and made ready for voting within one**
22 **business day of the printing of absentee ballots as provided in section 115.281. The election**
23 **authority shall have the recording counter except for the protective counter on the voting**
24 **machine set to zero (000). After the voting machine has been made ready for voting, the**
25 **election authority shall not permit any person to handle any voting machine except voters**
26 **while they are voting and others expressly authorized by the election authority. The**
27 **election authority shall neither be nor permit any other person to be in any position, or**
28 **near any position, that enables them to see how any absentee voter votes or has voted.**

29 **6.** Nothing in this section shall prohibit the on-site storage of **electronic** voting machines
30 and the preparation of the **electronic** machines for voting, provided the **electronic** voting
31 machines are put in order, set, adjusted and made ready for voting as provided in subsections 1,
32 2, 3, [and] 4, **5, and 6** of this section.

 115.261. During an election, no door, [or other counter] compartment, [covering] **or lock**
2 shall be unlocked or opened [or the counters exposed], except by direction of the election
3 authority, and then only for good and sufficient reason. If the door, [or other counter]
4 compartment, [covering] **or lock** on any machine is opened by the election authority or his
5 representative, the reason for such opening shall be stated in writing, signed by the election
6 authority or his representative and attached to one statement of returns.

 115.263. After the opening of the polls, the election judges shall not permit any person
2 to handle any **electronic** voting machine, except voters while they are voting and others
3 expressly authorized by the election authority **or state law**.

 115.265. If any **electronic** voting machine at a polling place becomes inoperative, the
2 election judges shall immediately notify the election authority. If possible, the election authority
3 shall repair or replace the machine. If [a] **an electronic** voting machine is replaced with another
4 machine, the votes on both machines shall be recorded at the close of the polls and shall be added
5 together in determining the results of the election. If the inoperative machine cannot be repaired,
6 and no other machine is available for use, paper ballots, made as nearly as practicable to the
7 official ballot may be used. At the close of the polls, the votes on paper ballots and the votes on
8 the **electronic** voting machines shall be recorded and shall be added together in determining the
9 results of the election. All paper ballots used pursuant to this section shall be used in accordance
10 with the laws affecting paper ballots and shall be returned to the election authority as paper
11 ballots are returned with a statement describing how and why the paper ballots were voted.

 115.267. Any election authority may adopt, experiment with or abandon any [voting
2 machine meeting the requirements of this subchapter or any] electronic voting system approved
3 for use in the state, or may lease one or more **electronic** voting machines or other equipment,

4 either with or without option to purchase, and may use any authorized **electronic** voting
5 equipment at any polling place in its jurisdiction.

115.269. For the purpose of giving instructions on their use, any election authority may
2 designate suitable times and places for the exhibition and demonstration of its **electronic** voting
3 machines [or marking devices]. During such instructions, the **electronic** voting machines [and
4 marking devices] may contain sample ballot labels which show the names of offices and
5 fictitious candidates. No **electronic** voting machine shall be used for instruction after it has been
6 prepared [and sealed] for use at an election, unless it is prepared again [and resealed] prior to the
7 election. [During the instructions, no counting mechanism on any voting machine shall be
8 exposed to view.]

115.271. 1. While its **electronic** voting machines [or marking devices] are not in use,
2 the election authority may permit civic or educational organizations to use the machines [or
3 devices] for the purpose of giving instructions on their use.

4 2. Any election authority may rent its **electronic** voting machines [or marking devices]
5 to any other group for use in its elections.

6 3. At the discretion of the election authority, the machines [or devices] may be
7 transported at the expense of the organizations using them. The president or secretary of each
8 organization using such machines [or devices] shall sign a receipt therefor and shall agree in
9 writing that the organization assumes liability for any damage or loss occurring to the machines
10 [or devices] up to the time they are returned to the election authority and will return the machines
11 [or devices] by a designated time.

115.273. All provisions of law not inconsistent with the provisions of sections 115.249
2 to 115.271 shall apply with full force and effect to elections in jurisdictions using **electronic**
3 voting machines.

115.291. 1. Upon receiving an absentee ballot in person or by mail, the voter shall mark
2 the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the
3 statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall
4 be subscribed and sworn to before the election official receiving the ballot, a notary public or
5 other officer authorized by law to administer oaths, unless the voter is voting absentee due to
6 incapacity or confinement due to the provisions of section 115.284, illness or physical disability,
7 or the voter is a covered voter as defined in section 115.902. If the voter is blind, unable to read
8 or write the English language, or physically incapable of voting the ballot, the voter may be
9 assisted by a person of the voter's own choosing. Any person assisting a voter who is not entitled
10 to such assistance, and any person who assists a voter and in any manner coerces or initiates a
11 request or a suggestion that the voter vote for or against or refrain from voting on any question,
12 ticket or candidate, shall be guilty of a class one election offense. If, upon counting, challenge

13 or election contest, it is ascertained that any absentee ballot was voted with unlawful assistance,
14 the ballot shall be rejected.

15 2. Except as provided in subsection 4 of this section, each absentee ballot shall be
16 returned to the election authority in the ballot envelope and shall only be returned by the voter
17 in person, or in person by a relative of the voter who is within the second degree of consanguinity
18 or affinity, by mail or registered carrier or by a team of deputy election authorities; except that
19 persons in federal service, when sent from a location determined by the secretary of state to be
20 inaccessible on election day, shall be allowed to return their absentee ballots cast by use of
21 facsimile transmission or under a program approved by the Department of Defense for electronic
22 transmission of election materials.

23 3. In cases of an emergency declared by the President of the United States or the
24 governor of this state where the conduct of an election may be affected, the secretary of state may
25 provide for the delivery and return of absentee ballots by use of a facsimile transmission device
26 or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of
27 voters as provided for by the secretary of state.

28 4. No election authority shall refuse to accept and process any otherwise valid marked
29 absentee ballot submitted in any manner by a covered voter solely on the basis of restrictions on
30 envelope type. **When an absentee ballot is voted in person, the election authority may waive**
31 **the sealed ballot envelope provisions of this section and process the ballot as provided in**
32 **subsection 5 of section 115.257.**

115.293. [1.] All proper votes on each absentee ballot received by an election authority
2 at or before the time fixed by law for the closing of the polls on election day shall be counted.
3 No votes on any absentee ballot received by an election authority after the time fixed by law for
4 the closing of the polls on election day shall be counted.

5 [2. If sufficient evidence is shown to an election authority that any absentee voter has
6 died prior to the opening of the polls on election day, the ballot of the deceased voter shall be
7 rejected. Any ballot so rejected, still sealed in its ballot envelope, shall be sealed with the
8 application and any other papers connected therewith in an envelope marked "Rejected ballot of
9, an absentee voter of voting district". The reason for
10 rejection shall be noted on the envelope, which shall be kept by the election authority with the
11 other ballots from the election until the ballots are destroyed according to law.]

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

6 2. Each potential candidate for election to a public office shall file an affidavit with the
7 department of revenue and include a copy of the affidavit with the declaration of candidacy
8 required under section 115.349. Such affidavit shall be in substantially the following form:

9 **AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:**

10 I hereby declare under penalties of perjury that I am not currently aware of any
11 delinquency in the filing or payment of any state income taxes, personal property taxes,
12 **municipal taxes**, real property taxes on the place of residence, as stated on the declaration of
13 candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes
14 to the state, other than those taxes which may be in dispute. I declare under penalties of perjury
15 that I am not aware of any information that would prohibit me from fulfilling any bonding
16 requirements for the office for which I am filing.

17 Candidate's Signature

18 Printed Name of Candidate.

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

32 **4. Notwithstanding any other provision of law to the contrary, no person shall be**
33 **appointed to any public office if the person is delinquent in the payment of any state**
34 **income taxes, personal property taxes, real property taxes on the place of residence, or any**
35 **county or municipal taxes or user fees.**

 115.395. 1. At each primary election, there shall be as many separate ballots as there are
2 parties entitled to participate in the election.

3 2. The names of the candidates for each office on each party ballot shall be listed in the
4 order in which they are filed, except that, in the case of candidates who file a declaration of
5 candidacy with the secretary of state prior to 5:00 p.m. on the first day for filing, the secretary
6 of state shall determine by random drawing the order in which such candidates' names shall

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

25 3. Insofar as applicable, the provisions of sections 115.237[, 115.241] and 115.245 shall
26 apply to each ballot prepared for a primary election, except that the ballot information may be
27 placed in vertical or horizontal rows, no circle shall appear under any party name and no write-in
28 lines shall appear under the name of any office for which a candidate is to be nominated at the
29 primary. At a primary election, write-in votes shall be counted only for persons who can be
30 elected to an office at the primary.

115.417. 1. Before the time fixed by law for the opening of the polls, the election
2 authority shall deliver to each polling place a sufficient number of voter instruction cards which
3 include the following information:

4 (1) If paper ballots or an electronic voting system is used, the instructions shall inform
5 the voter on how to obtain a ballot for voting, how to vote and prepare the ballot for deposit in
6 the ballot box and how to obtain a new ballot to replace one accidentally spoiled[;

7 (2) If voting machines are used, the instructions shall inform the voter how to operate
8 the machine in such a manner that the voter may vote as the voter wishes].

9 2. The election authority at each polling place shall post in a conspicuous place voting
10 instructions on a poster no smaller than twenty-four inches by thirty inches. Such instructions
11 shall also inform the voter that the **electronic** voting equipment can be demonstrated upon
12 request of the voter. The election authority shall also publicly post during the period of time in

13 which a person may cast an absentee ballot and on election day a sample version of the ballot
14 that will be used for that election, the date of the election, the hours during which the polling
15 place will be open, instructions for mail-in registrants and first-time voters, general information
16 on voting rights in accordance with the state plan filed by the secretary of state pursuant to the
17 Help America Vote Act of 2002, general information on the right to cast a provisional ballot and
18 instructions for provisional ballots, how to contact appropriate authorities if voting rights have
19 been violated, and general information on federal and Missouri law regarding prohibitions on
20 acts of fraud and misrepresentation. The secretary of state may promulgate rules to execute this
21 section. No rule or portion of a rule promulgated pursuant to the authority of this section shall
22 become effective unless it has been promulgated pursuant to chapter 536.

23 3. [If marking devices or voting machines are used, the election authority shall also
24 provide to each polling place a model of a marking device or portion of the face of a voting
25 machine. If requested to do so by a voter, the election judges shall give instructions on operation
26 of the marking device or voting machine by use of the model.

27 4. [The secretary of state may develop multilingual voting instructions to be made
28 available to election authorities.

115.420. 1. An election authority [operating a voting system that uses ballot cards] shall
2 not use a butterfly ballot unless the secretary of state provides written approval to the election
3 authority for the use of a butterfly ballot in the particular election.

4 2. For purposes of this section, "butterfly ballot" means a ballot where two ballot pages
5 are used side by side and where voters must vote on candidates or issues on both sides of the
6 pages.

7 [3. The secretary of state may approve the use of a butterfly ballot in a particular election
8 when a large number of candidates and issues are to be decided, no alternative ballot is
9 reasonable under the circumstances, and the election authority submits to the secretary of state
10 a written explanation of the need for using a butterfly ballot. The secretary of state shall respond
11 to such written request within two business days.]

115.431. Upon satisfactory identification of the voter, two judges of different political
2 parties shall place their initials on the line where the voter signed the precinct register **or, if**
3 **electronic pollbooks are used, two judges of different political parties shall make the**
4 **appropriate mark on the pollbook.** [All voters' names on the precinct register shall be
5 numbered consecutively in the order in which they have signed, starting with the number "1".]
6 The [computer] **computerized or paper** precinct register shall then constitute the poll list.

115.443. 1. Where paper ballots are used, the voter shall, before leaving the voting
2 booth, fold his ballot so that the [cross (X)] **distinguishing** marks are concealed. The voter shall
3 place his ballot in the ballot box and leave the polling place immediately.

4 2. [Where ballot cards with envelopes are used, the voter shall, immediately before
5 leaving the voting booth, place his ballot card in the ballot envelope. Where ballot cards with
6 stubs are used, the voter shall, immediately after leaving the voting booth, hand his ballot card
7 or envelope containing his ballot card to an election judge. The election judge shall remove the
8 stub from the ballot card and, where ballot envelopes are used, replace the ballot card in the
9 envelope and return the ballot card or envelope containing the ballot card to the voter. The voter
10 shall place the ballot card or envelope containing the ballot card in the ballot box and leave the
11 polling place immediately. Where ballot cards without stubs are used, the voter shall,
12 immediately after leaving the voting booth, place the ballot card or ballot envelope containing
13 the ballot card in the ballot box and leave the polling place immediately.

14 3.] Where **electronic** voting machines are used, the voter shall register his vote as
15 directed in the instructions for use of the machine and leave the polling place immediately.

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

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

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

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

19 (4) Write-in votes shall be counted only for candidates for election to office who have
20 filed a declaration of intent to be a write-in candidate for election to office with the proper
21 election authority, who shall then notify the proper filing officer of the write-in candidate prior
22 to 5:00 p.m. on the second Friday immediately preceding the election day; except that, write-in
23 votes shall be counted only for candidates for election to state or federal office who have filed
24 a declaration of intent to be a write-in candidate for election to state or federal office with the

25 secretary of state pursuant to section 115.353 prior to 5:00 p.m. on the second Friday
26 immediately preceding the election day. No person who filed as a party or independent candidate
27 for nomination or election to an office may, without withdrawing as provided by law, file as a
28 write-in candidate for election to the same office for the same term. No candidate who files for
29 nomination to an office and is not nominated at a primary election may file a declaration of intent
30 to be a write-in candidate for the same office at the general election. When declarations are
31 properly filed with the secretary of state, the secretary of state shall promptly transmit copies of
32 all such declarations to the proper election authorities for further action pursuant to this section.
33 The election authority shall furnish a list to the election judges and counting teams prior to
34 election day of all write-in candidates who have filed such declaration. This subdivision shall
35 not apply to elections wherein candidates are being elected to an office for which no candidate
36 has filed. No person shall file a declaration of intent to be a write-in candidate for election to any
37 municipal office unless such person is qualified to be certified as a candidate under section
38 115.346;

39 (5) Write-in votes shall be cast and counted for a candidate without party designation.
40 Write-in votes for a person cast with a party designation shall not be counted. Except for
41 candidates for political party committees, no candidate shall be elected as a write-in candidate
42 unless such candidate receives a separate plurality of the votes without party designation
43 regardless of whether or not the total write-in votes for such candidate under all party and
44 without party designations totals a majority of the votes cast;

45 (6) When submitted to the election authority, each declaration of intent to be a write-in
46 candidate for the office of United States president shall include the name of a candidate for vice
47 president and the name of nominees for presidential elector equal to the number to which the
48 state is entitled. At least one qualified resident of each congressional district shall be nominated
49 as presidential elector. Each such declaration of intent to be a write-in candidate shall be
50 accompanied by a declaration of candidacy for each presidential elector in substantially the form
51 set forth in subsection 3 of section 115.399. Each declaration of candidacy for the office of
52 presidential elector shall be subscribed and sworn to by the candidate before the election official
53 receiving the declaration of intent to be a write-in, notary public or other officer authorized by
54 law to administer oaths.

115.475. 1. [Immediately after signing the statements of returns, or earlier if convenient,
2 the election judges shall separate all ballot cards, except defective ballot cards, from the write-in
3 forms if any. As soon as possible after signing the statements of returns, the election judges shall
4 enclose the ballot cards, the envelope marked "DEFECTIVE BALLOTS", all write-in forms
5 containing proper votes, and the tally book, tally sheets and statements of returns in a container
6 designated by the election authority. The container shall be securely sealed in such a manner that

7 if the container is opened, the seal will be broken beyond repair. On the outside of the container,
8 the location of the polling place and date of the election shall be printed.

9 2.] As soon as possible after signing the statements of returns, the election judges shall
10 **seal and** enclose the **ballots, electronic voting machine memory cards**, write-in forms
11 containing no votes, the unused ballots and other election supplies in containers designated by
12 the election authority.

13 [3.] **2.** Immediately after the [ballot cards and other] election materials have been placed
14 in the proper containers, the two supervisory judges shall together deliver the containers to the
15 counting location or other place designated by the election authority. If any [ballot card]
16 container is not sealed when it is delivered to the counting location or other place designated by
17 the election authority, the election official receiving the container shall make a statement of the
18 fact which includes the location of the polling place and the date of the election printed on the
19 container and the reason the container is not sealed, if known.

20 [4.] **3.** If the election authority has directed the supervisory judges to deliver election
21 materials to a place other than the counting location, the election authority shall appoint at least
22 one team of election judges who shall receive the [ballot] containers from the supervisory judges
23 and immediately deliver them to the counting location. Each team appointed pursuant to this
24 subsection shall consist of two election judges or employees of the election authority, one from
25 each major political party.

26 [5. The election authority may authorize the delivery of ballots voted prior to 11:00 a.m.
27 to the counting location prior to the closing of the polls.]

115.477. 1. In each jurisdiction using an electronic voting system, all proceedings at the
2 counting location shall be under the direction of the election authority. The election authority
3 shall appoint two judges, one from each major political party, to be present and observe the
4 count. The counting shall be open to the public, but no persons, except those employed and
5 authorized for the purpose, shall touch any ballot, ballot container or return.

6 2. [All ballot cards shall be counted in order by polling place.] The automatic tabulating
7 equipment shall produce a return showing the total number of votes cast for each candidate and
8 on each question at each polling place and in the jurisdiction as a whole.

9 3. If any ballot is damaged and cannot be properly counted by the automatic tabulating
10 equipment, it may be handcounted in the manner provided for absentee ballots, or a true
11 duplicate copy may be made of the defective ballot. If any ballot contains a number of votes and
12 write-in votes for any office which exceeds the number allowed by law, it may be handcounted
13 in the manner provided for absentee ballots, a true duplicate copy be made which does not
14 include the invalid votes or, at the discretion of the election judges, a self-adhesive removable
15 label, sensitized, may be placed over any mark to allow the ballot to be processed through the

16 automatic tabulating equipment. The duplication of each ballot shall be closely observed by two
17 election judges or employees of the election authority, one from each major political party. Each
18 duplicate ballot shall be clearly labeled "duplicate", shall bear a serial number which shall be
19 recorded on the defective ballot, and shall be counted in lieu of the defective ballot.

115.479. In each jurisdiction using an electronic voting system, the election authority
2 shall, after the count has been completed and the results received, have the automatic tabulating
3 equipment tested to ascertain that the equipment has correctly counted the votes for all offices
4 and on all questions. The test shall be observed by at least two persons designated by the
5 election authority, one from each major political party, and shall be open to the public. The test
6 shall be conducted by processing the same preaudited group of [ballot cards] **ballots** used in the
7 preelection test provided for in section 115.233. If any error is detected, the cause shall be
8 ascertained and corrected, and an errorless count shall be made before the final results are
9 announced. After the completion of an errorless count, the programs and the [ballot cards]
10 **ballots** shall be sealed, retained and disposed of as provided for paper ballots.

115.483. 1. As soon as the polls close in each polling place using **electronic** voting
2 machines, the election judges shall [lock and seal] **secure** each voting machine against further
3 voting and proceed to count the votes. Once begun, the count shall not be adjourned or
4 postponed until all proper votes have been counted.

2. The election judges shall open the counting compartment on each voting machine or,
6 if a machine is equipped with a device for printing, embossing or photographing the registering
7 counters, the judges shall operate the machine to produce a record of the counters. One counting
8 judge shall read the total vote cast for each candidate and for and against each question on each
9 machine. The other counting judge shall watch and verify each total as it is being read from the
10 recording counters or from the record of the counters. The two recording judges shall each
11 record the votes cast for each candidate and for and against each question as they are called out
12 and verified by the counting judges.

3. All proper write-in votes shall be read, recorded and counted as provided in sections
14 115.449 and 115.453. No write-in vote shall be counted for any candidate for any office whose
15 name appears on the ballot label as a candidate for the office, except when more than one person
16 is to be nominated or elected to an office. When more than one person is to be nominated or
17 elected to an office, the voter may write in the names of one or more persons whose names do
18 not appear on the ballot label with or without the names of one or more persons whose names
19 do appear. No write-in vote shall be counted unless it is cast in the appropriate place on the
20 machine.

4. If more than one voting machine is used in a polling place, the election judges shall
22 read, verify and record all the totals from the first machine before proceeding to the second, and

23 so on, until all of the totals on each machine in the polling place have been read, verified and
24 recorded. The total number of votes from each machine shall be added to the write-in votes to
25 determine the total vote for each candidate and for and against each question.

115.495. 1. After being [locked and sealed] **secured** against further voting by the
2 election judges, **electronic** voting machines shall remain [locked] **secured** for the period
3 provided by law for filing an election contest and as much longer as may be necessary or
4 advisable because of any threatened or pending contest, grand jury investigation, or civil or
5 criminal case relating to the election. During this time, the **electronic** voting machines shall not
6 be [unlocked] **unsecured**, except upon order of a court, grand jury or legislative body trying an
7 election contest.

8 **2. Notwithstanding the provisions of subsection 1 of this section to the contrary,**
9 **when an election is required by law to be held after an election during any period of time**
10 **described in subsection 1 of this section, the data of the electronic voting machine relating**
11 **to the initial election shall be removed and secured and such machine shall be made**
12 **available for use in the subsequent election.**

115.503. 1. As soon as possible after an election in which **electronic** voting machines
2 are used, the verification board, or a bipartisan committee appointed by the verification board,
3 shall inspect each **secured electronic** voting machine [not equipped with printed election return
4 mechanisms used at the election and shall make a record of the number on the seal and protective
5 counter of each machine, open the counter compartment of the machine] and [, without
6 unlocking the machine against voting,] record the votes cast on the machine. In precincts where
7 **electronic** voting machines equipped with printed election returns mechanisms are used, the
8 counter compartment shall not be opened and the original and duplicate originals of the printed
9 return sheets of the votes cast on questions and for candidates regularly nominated, or who have
10 duly filed, together with the tabulation and inclusion of any votes written in on the paper roll for
11 those not regularly nominated, or who have not filed, shall constitute the official return sheet for
12 the votes cast on that machine, when properly certified by the precinct election officers. [One
13 copy of such printed return sheet shall be posted on the outside of the polling place for the
14 information of the public.] One copy of **such printed return sheet** shall be returned to the
15 election authority and retained by it for not less than one year. Any bipartisan committee
16 appointed pursuant to this subsection shall consist of at least two people, one from each major
17 political party, who shall be appointed in the same manner and possess the same qualifications
18 as election judges.

19 2. After the verification board or committee has completed its inspection and record, it
20 shall compare the record with the returns made by the election judges on election day. If there
21 is a discrepancy between the returns of the election judges and the record of the verification

22 board or committee, the verification board shall correct the returns made by the judges to
23 conform to its record. The corrected returns shall supersede the returns made by the election
24 judges on election day. Both the record and the returns shall be retained by the election authority
25 as provided in section 115.493.

115.607. 1. No person shall be elected or shall serve as a member of a county committee
2 who is not, for one year next before the person's election, both a registered voter of and a resident
3 of the county and the committee district from which the person is elected if such district shall
4 have been so long established, and if not, then of the district or districts from which the same
5 shall have been taken. Except as provided in subsections 2, 3, 4, 5, and 6 of this section, the
6 membership of a county committee of each established political party shall consist of a man and
7 a woman elected from each township or ward in the county.

8 2. In each county of the first classification containing the major portion of a city which
9 has over three hundred thousand inhabitants, [two members of the committee, a man and a
10 woman, shall be elected from each ward in the city. Any township entirely contained in the city
11 shall have no additional representation on the county committee. The election authority for the
12 county shall, not later than six months after the decennial census has been reported to the
13 President of the United States, divide the most populous township outside the city into eight
14 subdistricts of contiguous and compact territory and as nearly equal in population as practicable.
15 The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar
16 as practicable, be retained upon reapportionment. Two members of the county committee, a man
17 and a woman, shall be elected from each such subdistrict. Six members of the committee, three
18 men and three women, shall be elected from the second and third most populous townships
19 outside the city. Four members of the committee, two men and two women, shall be elected
20 from the other townships outside the city] **members of the committee shall be elected from the**
21 **districts of each state representative that are in any way contained in the county in the**
22 **following manner: within six months after each legislative reapportionment, each portion**
23 **of a legislative district contained in the county shall constitute a single committee district.**
24 **Two men and two women shall be elected from each committee district formed from a**
25 **legislative district that is wholly contained in the county as members of the committee, two**
26 **men and two women shall be elected from each committee district formed from a legislative**
27 **district that is predominantly contained in the county as members of the committee, and**
28 **one man and one woman shall be elected from each committee district formed from a**
29 **legislative district that is partially but not predominantly contained in the county as**
30 **members of the committee.**

31 3. [In any city which has over three hundred thousand inhabitants, the major portion of
32 which is located in a county with a charter form of government, for the portion of the city located

33 within such county and notwithstanding section 82.110, it shall be the duty of the election
34 authority, not later than six months after the decennial census has been reported to the President
35 of the United States, to divide such cities into not less than twenty-four nor more than
36 twenty-five wards after each decennial census. Wards shall be so divided that the number of
37 inhabitants in any ward shall not exceed any other ward of the city and within the same county,
38 by more than five percent, measured by the number of the inhabitants determined at the
39 preceding decennial census.

40 4.] In each county of the first classification containing a portion, but not the major
41 portion, of a city which has over three hundred thousand inhabitants, ten members of the
42 committee, five men and five women, shall be elected from the district of each state
43 representative wholly contained in the county in the following manner: within six months after
44 each legislative reapportionment, the election authority shall divide each legislative district
45 wholly contained in the county into five committee districts of contiguous territory as compact
46 and as nearly equal in population as may be; two members of the committee, a man and a
47 woman, shall be elected from each committee district. The election authority shall divide the
48 area of the county located within legislative districts not wholly contained in the county into
49 similar committee districts; two members of the committee, a man and a woman, shall be elected
50 from each committee district.

51 [5.] 4. In each city not situated in a county, two members of the committee, a man and
52 a woman, shall be elected from each ward.

53 [6.] 5. In all counties with a charter form of government and a population of over nine
54 hundred thousand inhabitants, the county committee persons shall be elected from each
55 township. Within ninety days after August 28, 2002, and within six months after each decennial
56 census has been reported to the President of the United States, the election authority shall divide
57 the county into twenty-eight compact and contiguous townships containing populations as nearly
58 equal in population to each other as is practical.

59 [7.] 6. If any election authority has failed to adopt a reapportionment plan by the deadline
60 set forth in this section, the county commission, sitting as a reapportionment commission, shall
61 within sixty days after the deadline, adopt a reapportionment plan. Changes of township, ward,
62 or precinct lines shall not affect the terms of office of incumbent party committee members
63 elected from districts as constituted at the time of their election.

115.755. A statewide presidential preference primary shall be held on the [first] **second**
2 Tuesday after the first Monday in [February] **March** of each presidential election year.

115.960. 1. An election authority is authorized to accept voter registration
2 **applications with a signature submitted to the election authority under the provisions of**
3 **sections 432.200 to 432.295 as provided in this section:**

4 **(1) Sections 432.200 to 432.295 shall only apply to transactions between parties that**
5 **have agreed to conduct transactions by electronic means;**

6 **(2) Except as provided in subsection 2 of this section, as used in this section and**
7 **section 432.200, the parties who agree to conduct voter registration transactions by**
8 **electronic means shall be the local election authority who is required to accept or reject a**
9 **voter registration application and the prospective voter submitting the application;**

10 **(3) A local election authority is authorized to develop, maintain, and approve**
11 **systems that transmit voter registration applications electronically under section 432.200**
12 **to 432.295;**

13 **(4) Except as provided in subsection 2 of this section, no officer, agency, or**
14 **organization shall collect or submit a voter registration application with an electronic**
15 **signature to an election authority without first obtaining approval of the data and**
16 **signature format from the local election authority and the approval of the voter to collect**
17 **and store the signature and data; and**

18 **(5) Local election authorities who maintain a voter registration application system**
19 **shall direct voter registration applicants from other jurisdictions to the system used by the**
20 **local election authority for that jurisdiction to accept voter registration applications**
21 **electronically.**

22 **2. A system maintained by the secretary of state's office shall be used to accept**
23 **voter registration applications electronically subsequent to approval from the committee**
24 **formed as set forth in this subsection.**

25 **(1) Within thirty days of the effective date of this section, the president of the**
26 **Missouri association of county clerks and election authorities shall appoint fourteen of its**
27 **members to serve on a committee to approve and develop uniform standards, systems, and**
28 **modifications that shall be used by the secretary of state in any electronic voter registration**
29 **application system offered by that office. The committee shall have fourteen local election**
30 **authorities, including representatives of each classification of counties, a representative**
31 **from an election board, and at least one member who has experience processing online**
32 **voter registration transactions. In addition, one representative appointed by the secretary**
33 **of state's office shall serve on the committee.**

34 **(2) The committee shall immediately meet to approve electronic signature formats**
35 **and a minimum set of data collection standards for use in a voter registration application**
36 **system maintained by the secretary of state;**

37 **(3) Once the format and data collection standards are approved by the committee**
38 **and implemented for the system maintained by the secretary of state, local election**

39 **authorities shall accept the transmission of voter registration applications submitted to the**
40 **approved system under the provisions of section 432.200;**

41 **(4) The secretary of state's office shall direct eligible voters to a local election**
42 **authority's system to accept voter registration applications electronically if the local**
43 **election authority has a system in place as of the effective date of this section or implements**
44 **a system that meets the same standards and format that has been approved by the**
45 **committee for the secretary of state's system;**

46 **(5) The committee shall meet not less than semi-annually through June 30, 2017,**
47 **to recommend and approve changes and enhancements proposed by the secretary of state**
48 **or election authorities to the electronic voter registration application system. Vacancies**
49 **that occur on the committee shall be filled by the president of the Missouri association of**
50 **county clerks and election authorities at the time of the vacancy;**

51 **(6) To improve the accuracy of voter registration application data and reduce costs**
52 **for local election authorities, the system maintained by the secretary of state shall, as soon**
53 **as is practical, provide a method where the data entered by the voter registration applicant**
54 **does not have to be re-entered by the election authority to the state voter registration**
55 **database.**

56 **3. Each applicant who registers using an approved electronic voter registration**
57 **application system shall be deemed to be registered as of the date the signed application**
58 **is submitted to the system, if such application is accepted and not rejected by the election**
59 **authority and the verification notice required under section 115.155 is not returned as**
60 **undeliverable by the postal service.**

61 **4. This section shall not apply to voter registration and absentee records submitted**
62 **by voters authorized under federal law, section 115.291, or sections 115.900 to 115.940 to**
63 **submit electronic records and signatures.**

64 **5. High quality copies, including electronic copies, of signatures made on paper**
65 **documents may be used for petition signature verification purposes and retained as**
66 **records.**

67 **6. Any signature required for petition submission under chapter 116 shall be**
68 **handwritten on a paper document.**

69 **7. Notwithstanding the provisions of section 432.230, nothing in this section shall**
70 **require the election authority to accept voter registration records or signatures created,**
71 **generated, sent, communicated, received, stored, or otherwise processed, or used by**
72 **electronic means or in electronic form from any officer, agency, or organization not**
73 **authorized under subsection 2 of this section without prior approval from the election**
74 **authority. Except as provided in subsection 2 of this section, no officer, agency, or**

75 organization shall give the voter the opportunity to submit a voter registration application
76 with an electronic signature without first obtaining the approval of the local election
77 authority.

78 **8. An election authority that agrees to conduct a transaction by electronic means**
79 **may refuse to conduct other transactions by electronic means.**

80 **9. No election authority or the secretary of state shall furnish to any member of the**
81 **public any data collected under a voter registration application system except as**
82 **authorized in subsection 1 of section 115.157.**

83 **10. Nothing in this section shall be construed to require the secretary of state to**
84 **cease operating a voter registration application in place as of the effective date of this act.**

130.026. 1. For the purpose of this section, the term "election authority" or "local
2 election authority" means the county clerk, except that in a city or county having a board of
3 election commissioners the board of election commissioners shall be the election authority. For
4 any political subdivision or other district which is situated within the jurisdiction of more than
5 one election authority, as defined herein, the election authority is the one in whose jurisdiction
6 the candidate resides or, in the case of ballot measures, the one in whose jurisdiction the most
7 populous portion of the political subdivision or district for which an election is held is situated,
8 except that a county clerk or a county board of election commissioners shall be the election
9 authority for all candidates for elective county offices other than county clerk and for any
10 countywide ballot measures.

11 2. The appropriate officer or officers for candidates and ballot measures shall be as
12 follows:

13 (1) In the case of candidates for the offices of governor, lieutenant governor, secretary
14 of state, state treasurer, state auditor, attorney general, judges of the supreme court and appellate
15 court judges, the appropriate officer shall be the Missouri ethics commission;

16 (2) Notwithstanding the provisions of subsection 1 of this section, in the case of
17 candidates for the offices of state senator, state representative, county clerk, and associate circuit
18 court judges and circuit court judges, the appropriate officers shall be the Missouri ethics
19 commission and the election authority for the place of residence of the candidate;

20 (3) **With the exception of candidates for elective county offices in any county with**
21 **a charter form of government and with more than six hundred thousand but fewer than**
22 **seven hundred thousand inhabitants, in which case the appropriate officer shall be the**
23 **Missouri ethics commission,** in the case of candidates for elective municipal offices in
24 municipalities of more than one hundred thousand inhabitants and elective county offices in
25 counties of more than one hundred thousand inhabitants, the appropriate officers shall be the

26 Missouri ethics commission and the election authority of the municipality or county in which the
27 candidate seeks office;

28 (4) In the case of all other offices, the appropriate officer shall be the election authority
29 of the district or political subdivision for which the candidate seeks office;

30 (5) In the case of ballot measures, the appropriate officer or officers shall be:

31 (a) The Missouri ethics commission for a statewide measure;

32 (b) The local election authority for any political subdivision or district as determined by
33 the provisions of subsection 1 of this section for any measure, other than a statewide measure,
34 to be voted on in that political subdivision or district.

35 3. The appropriate officer or officers for candidate committees and campaign committees
36 shall be the same as designated in subsection 2 of this section for the candidates or ballot
37 measures supported or opposed as indicated in the statement of organization required to be filed
38 by any such committee.

39 4. The appropriate officer for political party committees shall be as follows:

40 (1) In the case of state party committees, the appropriate officer shall be the Missouri
41 ethics commission;

42 (2) In the case of any district, county or city political party committee, the appropriate
43 officer shall be the Missouri ethics commission and the election authority for that district, county
44 or city.

45 5. The appropriate officers for a political action committee and for any other committee
46 not named in subsections 3, 4 and 5 of this section shall be as follows:

47 (1) The Missouri ethics commission and the election authority for the county in which
48 the committee is domiciled; and

49 (2) If the committee makes or anticipates making expenditures other than direct
50 contributions which aggregate more than five hundred dollars to support or oppose one or more
51 candidates or ballot measures in the same political subdivision or district for which the
52 appropriate officer is an election authority other than the one for the county in which the
53 committee is domiciled, the appropriate officers for that committee shall include such other
54 election authority or authorities, except that committees covered by this subsection need not file
55 statements required by section 130.021 and reports required by subsections 6, 7 and 8 of section
56 130.046 with any appropriate officer other than those set forth in subdivision (1) of this
57 subsection.

58 6. The term "domicile" or "domiciled" means the address of the committee listed on the
59 statement of organization required to be filed by that committee in accordance with the
60 provisions of section 130.021.

162.481. 1. Except as otherwise provided in this section, all elections of school directors
2 in urban districts shall be held biennially at the same times and places as municipal elections.

3 2. In any urban district which includes all or the major part of a city which first obtained
4 a population of more than seventy-five thousand inhabitants by reason of the 1960 federal
5 decennial census, elections of directors shall be held on municipal election days of
6 even-numbered years. The directors of the prior district shall continue as directors of the urban
7 district until their successors are elected as herein provided. On the first Tuesday in April, 1964,
8 four directors shall be elected, two for terms of two years to succeed the two directors of the prior
9 district who were elected in 1960 and two for terms of six years to succeed the two directors of
10 the prior district who were elected in 1961. The successors of these directors shall be elected for
11 terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms
12 to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when
13 their successors shall be elected for terms of six years. No director shall serve more than two
14 consecutive six-year terms after October 13, 1963.

15 3. Except as otherwise provided in subsections 4 [and] , 5, 6, and 7 of this section,
16 hereafter when a seven-director district becomes an urban district, the directors of the prior
17 seven-director district shall continue as directors of the urban district until the expiration of the
18 terms for which they were elected and until their successors are elected as provided in this
19 subsection. The first biennial school election for directors shall be held in the urban district at
20 the time provided in subsection 1 which is on the date of or subsequent to the expiration of the
21 terms of the directors of the prior district which are first to expire, and directors shall be elected
22 to succeed the directors of the prior district whose terms have expired. If the terms of two
23 directors only have expired, the directors elected at the first biennial school election in the urban
24 district shall be elected for terms of six years. If the terms of four directors have expired, two
25 directors shall be elected for terms of six years and two shall be elected for terms of four years.
26 At the next succeeding biennial election held in the urban district, successors for the remaining
27 directors of the prior seven-director district shall be elected. If only two directors are to be
28 elected they shall be elected for terms of six years each. If four directors are to be elected, two
29 shall be elected for terms of six years and two shall be elected for terms of two years. After
30 seven directors of the urban district have been elected under this subsection, their successors
31 shall be elected for terms of six years.

32 4. In any school district in any city with a population of one hundred thousand or more
33 inhabitants which is located within a county of the first classification that adjoins no other county
34 of the first classification, or any school district which becomes an urban school district by reason
35 of the 2000 federal decennial census, elections shall be held annually at the same times and
36 places as general municipal elections for all years where one or more terms expire, and the terms

37 shall be for three years and until their successors are duly elected and qualified for all directors
38 elected on and after August 28, 1998.

39 5. In any school district in any county with a charter form of government and with more
40 than three hundred thousand but fewer than four hundred fifty thousand inhabitants which
41 becomes an urban school district by reason of the 2010 federal decennial census, elections shall
42 be held annually at the same times and places as general municipal elections for all years where
43 one or more terms expire, and the terms shall be for three years and until their successors are
44 duly elected and qualified for all directors elected on and after April 2, 2012.

45 **6. In any school district in a county of any classification where the term of office**
46 **for directors is set at three years, which becomes an urban school district by reason of any**
47 **federal decennial census, the school board of such county may by majority vote, at any time**
48 **twelve or more weeks prior to an election where one or more seats expire, vote to continue**
49 **elections for three year terms in office for directors. Elections shall be held annually at the**
50 **same times and places as general municipal elections for all years where one or more terms**
51 **expire, and the terms shall be for three years and until their successors are duly elected and**
52 **qualified.**

53 **7. If a school district of any classification has changed at any time to an urban**
54 **school district by reason of any federal decennial census and such district has followed the**
55 **procedures of subsection 4 of this section through an entire election cycle such that all**
56 **seven directors of such district currently serve six year terms in office with biennial**
57 **elections, then the directors may by majority vote, conducted at least twelve weeks prior**
58 **to any election where one or more director terms in office expire, vote to reinstate three**
59 **year terms in office for all directors of such district. At the first election held after such**
60 **vote, the term in office for any new directors to replace those whose seats shall expire shall**
61 **be four years, at the second election held after such vote, the term in office for any new**
62 **directors to replace those whose seats shall expire shall be two years. For the third election**
63 **held after such vote, at which time the seats of all six year term directors shall have**
64 **expired, the school board shall choose three of the director seats for election to a two year**
65 **term and four of the director seats for election to a three year term. Thereafter, the term**
66 **in office for all directors shall be for three years and until their successors are duly elected**
67 **and qualified.**

190.336. 1. Each member of an emergency services board established under section
2 **190.335 shall be subject to recall from office by the registered voters of the election district**
3 **from which he or she was elected. Proceedings may be commenced for the recall of any**
4 **such member by the filing of a notice of intention to circulate a recall petition under this**
5 **section.**

6 **2. Proceedings shall not be commenced against any member if, at the time of**
7 **commencement, such member:**

8 **(1) Has not held office during his or her current term for a period of more than one**
9 **hundred eighty days;**

10 **(2) Has one hundred eighty days or less remaining in his or her term; or**

11 **(3) Has had a recall election determined in his or her favor within the current term**
12 **of office.**

13 **3. The notice of intention to circulate a recall petition shall be served personally,**
14 **or by certified mail, on the board member sought to be recalled. A copy thereof shall be**
15 **filed, along with an affidavit of the time and manner of service, with the election authority,**
16 **as defined in chapter 115. A separate notice shall be filed for each board member sought**
17 **to be recalled and shall contain all of the following:**

18 **(1) The name of the board member sought to be recalled;**

19 **(2) A statement, not exceeding two hundred words in length, of the reasons for the**
20 **proposed recall; and**

21 **(3) The names and business or residential addresses of at least one but not more**
22 **than five proponents of the recall.**

23 **4. Within seven days after the filing of the notice of intention, the board member**
24 **may file with the election authority a statement, not exceeding two hundred words in**
25 **length, in answer to the statement of the proponents. If an answer is filed, the board**
26 **member shall also serve a copy of it, personally or by certified mail, on one of the**
27 **proponents named in the notice of intention. The statement and answer are intended solely**
28 **to be used for the information of the voters. No insufficiency in form or substance of such**
29 **statements shall affect the validity of the election proceedings.**

30 **5. Before any signature may be affixed to a recall petition, the petition is required**
31 **to bear all of the following:**

32 **(1) A request that an election be called to elect a successor to the board member;**

33 **(2) A copy of the notice of intention, including the statement of grounds for recall;**

34 **(3) The answer of the board member sought to be recalled, if any exists. If the**
35 **board member has not answered, the petition shall so state; and**

36 **(4) A place for each signer to affix his or her signature, printed name, and**
37 **residential address, including any address in a city, town, village, or unincorporated**
38 **community.**

39 **6. Each section of the petition, when submitted to the election authority, shall have**
40 **attached to it an affidavit signed by the person circulating such section, setting forth all of**
41 **the following:**

- 42 **(1) The printed name of the affiant;**
43 **(2) The residential address of the affiant;**
44 **(3) That the affiant circulated that section and saw the appended signatures be**
45 **written;**
46 **(4) That according to the best information and belief of the affiant, each signature**
47 **is the genuine signature of the person whose name it purports to be;**
48 **(5) That the affiant is a registered voter of the election district of the board member**
49 **sought to be recalled; and**
50 **(6) The dates between which all the signatures to the petition were obtained.**
51 **7. A recall petition shall be filed with the election authority not more than one**
52 **hundred eighty days after the filing of the notice of intention.**
53 **8. The number of qualified signatures required in order to recall a board member**
54 **shall be equal in number to at least twenty-five percent of the number of voters who voted**
55 **in the most recent gubernatorial election in such election district.**
56 **9. Within twenty days from the filing of the recall petition the election authority**
57 **shall determine whether the petition was signed by the required number of qualified**
58 **signatures. The election authority shall file with the petition a certificate showing the**
59 **results of the examination. The election authority shall give the proponents a copy of the**
60 **certificate upon their request.**
61 **10. If the election authority certifies the petition to be insufficient, it may be**
62 **supplemented within ten days of the date of certification by filing additional petition**
63 **sections containing all of the information required by this section. Within ten days after**
64 **the supplemental copies are filed, the election authority shall file with them a certificate**
65 **stating whether or not the petition as supplemented is sufficient.**
66 **11. If the certificate shows that the petition as supplemented is insufficient, no**
67 **action shall be taken on it; however, the petition shall remain on file.**
68 **12. If the election authority finds the signatures on the petition, together with the**
69 **supplementary petition sections, if any, to be sufficient, it shall submit its certificate as to**
70 **the sufficiency of the petition to the emergency services board prior to its next meeting.**
71 **The certificate shall contain:**
72 **(1) The name of the member whose recall is sought;**
73 **(2) The number of signatures required by law;**
74 **(3) The total number of signatures on the petition; and**
75 **(4) The number of valid signatures on the petition.**
76 **13. Following the emergency services board's receipt of the certificate, the election**
77 **authority shall order an election to be held on one of the election days specified in section**

78 **115.123. The election shall be held not less than forty-five days but not more than one**
79 **hundred twenty days from the date the emergency services board receives the petition.**
80 **Nominations for board membership openings under this section shall be made by filing a**
81 **statement of candidacy with the election authority.**

82 **14. At any time prior to forty-two days before the election, the member sought to**
83 **be recalled may offer his or her resignation. If his or her resignation is offered, the recall**
84 **question shall be removed from the ballot and the office declared vacant. The member**
85 **who resigned shall not fill the vacancy, which shall be filled as otherwise provided by law.**

86 **15. The provisions of chapter 115 governing the conduct of elections shall apply,**
87 **where appropriate, to recall elections held under this section. The costs of the election shall**
88 **be paid as provided in chapter 115.**

2 [115.231. 1. In polling places using electronic voting systems, the ballot
3 information, whether placed on the ballot card or on the marking device, may be
4 arranged in vertical or horizontal rows, or on a number of separate pages. In any
5 event, the name of each candidate, the candidate's party, the office for which he
6 or she is a candidate and each question shall be indicated clearly on the ballot
7 card or marking device.

8 2. Nothing in this subchapter shall be construed as prohibiting the use of
9 a separate paper ballot for questions or for the presidential preference primary in
10 any polling place using an electronic voting system.

11 3. Where electronic voting systems are used and when write-in votes are
12 authorized by law, a write-in ballot, which may be in the form of a separate paper
13 ballot, card or envelope shall be provided to permit each voter to write in the
14 names of persons whose names do not appear on the ballot.]

2 [115.251. Any voting machine may be provided with a device for
3 printing, embossing or photographing the recording counters before the polls
4 open and after the polls close. "Recording counters" are the counters which show
5 the total number of votes cast for each candidate and for and against each
6 question at any particular time.]

2 [115.253. Prior to every election at which voting machines are used, the
3 election authority shall insert ballot labels into the voting machines. The ballot
4 labels shall be printed in black on white material of uniform size and shall fit the
5 ballot frames of the machines. In its discretion, the election authority may print
6 the names of the offices in red. The part of the ballot labels pertaining only to
7 questions may be printed in black upon material tinted red. After the ballot labels
8 have been inserted into the machines, the face of each ballot label shall be
9 completely covered with a protective covering of smooth, hard, transparent
10 material so that it is impossible to alter the face of the ballot label without
removing or breaking the covering.]

2 [115.301. If ballot cards are used as absentee ballots, the teams shall meet
3 on election day at a time and place designated by the election authority and shall
4 proceed to separate the ballot cards from the write-in forms and to count the
5 write-in votes as provided in section 115.467. The returns shall be made as
6 provided in sections 115.471 and 115.473, and the ballot cards and other
7 designated election materials shall be delivered to the counting location and
8 tabulated in the manner provided in section 115.475, but no ballot card shall be
9 tabulated before the time fixed by law for the closing of the polls.]

2 [115.305. This subchapter shall not apply to candidates for special
3 district offices, township offices in township organization counties, or city, town
4 and village offices; provided that, cities of the fourth class, except those in a
5 county of the first class with a charter form of government and which adjoins a
6 city not within a county, may elect, only by ordinance, to hold primary elections
7 in accordance with the provisions of sections 115.305 to 115.405 or in
8 accordance with the provisions of sections 78.470, 78.480 and 78.510, and the
9 ordinance shall state which of these provisions of law are being adopted.]

2 [115.346. Notwithstanding any other provisions of law to the contrary,
3 no person shall be certified as a candidate for a municipal office, nor shall such
4 person's name appear on the ballot as a candidate for such office, who shall be in
5 arrears for any unpaid city taxes or municipal user fees on the last day to file a
6 declaration of candidacy for the office.]

2 [115.485. At each polling place using voting machines, after the polling
3 place is closed, the judges shall

4 (1) Certify in the tally book the number on the protective counter of each
5 machine, the number of identification certificates signed and the number of
6 proper write-in votes cast at the polling place. If the number of signed
7 identification certificates is not the same as the number of votes cast as registered
8 on the protective counters, the judges shall make a signed statement of the fact
9 and the reasons therefor if known and shall return the statement with the
10 statements of returns;

11 (2) Certify on two statements of returns the total number of votes cast for
12 each candidate and for and against each question at the polling place;

13 (3) Certify that each statement made in the tally book and on each
14 statement of returns is correct. If any judge declines to certify that all such
15 statements are correct, he shall state his reasons in writing, which shall be
16 attached to each statement of returns and returned to the election authority.]

2 [115.487. 1. The tally book for each polling place using voting machines
3 shall be in substantially the following form: Tally book for precincts, at the
general (special, primary) election held on the day of, 20.... AB, CD, EF,

4 and XP judges, and ZR and LT, watchers and BH and SP challengers at this
 5 polling place, were sworn as the law directs before beginning their duties. We
 6 hereby certify: This polling place received voting machines numbered and
 7; The number on the seal of voting machine number is; the number on
 8 its protective counter is; The number on the seal of voting machine number
 9 is; the number on its protective counter is; All recording counters on
 10 all voting machines received at this polling place are set at zero; The information
 11 on the ballot labels on all voting machines received at this polling place is the
 12 same as the information on the sample ballots received at this polling place.

13 AB
 14 CD
 15 EF Election Judges
 16 XP

17 We hereby certify: The number on the protective counter of voting machine
 18 number is;
 19 The number on the protective counter of voting machine number is;
 20 The number of identification certificates signed at this polling place is;
 21 The number of proper write-in votes cast at this polling place is

22 AB
 23 CD
 24 EF
 25 XP

26 2. At each polling place using voting machines, two tally sheets shall be included
 27 in each tally book. The tally sheets shall be used to record the votes cast for each
 28 candidate and for and against each question as they are called out and verified by the
 29 counting judges. The tally sheets shall be in substantially the following form:

30 NAMES OF PERSONS VOTED FOR AND FOR WHAT OFFICE AND THE

31 NUMBER OF VOTES CAST FOR EACH PERSON

32 Office	33 Candidates	34 Voting Machine Number__	35 Voting Machine Number__	36 Voting Write-in Votes	37 Total Votes
38 Governor	39 MC HK EH				

42 Represen- tative in 44 Congress	43 SS RK CB				
--	-------------------	--	--	--	--

45
 46 VOTES FOR AND AGAINST EACH QUESTION

47	Voting Machine		Voting Machine		Total	Total
48	Number _____		Number _____		Number	Number
49	Question				of	of
50	Votes	Votes	Votes	Votes	Votes	Votes
51	FOR	AGAINST	FOR	AGAINST	FOR	AGAINST

52 1. To _____

53 2. To _____

54

55 3. At each polling place using voting machines, two statements of returns shall
56 be provided to the election judges. The statements of returns shall be in substantially the
57 form provided in subsection 3 of section 115.461.]

58

2 [115.489. 1. Immediately after signing the statements of returns, the
3 election judges shall enclose the write-in votes, tally books, statements of returns
4 and other election supplies in containers designated by the election authority.

5 2. In each jurisdiction using voting machines, the election authority may
6 direct the supervisory judges to place the precinct registers, identification
7 certificates and other election supplies inside the voting machines and lock them
for return to the election authority.]

