

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2895
102ND GENERAL ASSEMBLY

5635H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.105, 115.123, 115.125, 115.127, 115.277, 115.284, 115.295, 115.351, 115.430, 115.635, 115.637, 115.642, 115.776, and 115.904, RSMo, and to enact in lieu thereof twenty-four new sections relating to elections, with penalty provisions.

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

Section A. Sections 115.105, 115.123, 115.125, 115.127, 115.277, 115.284, 115.295, 2 115.351, 115.430, 115.635, 115.637, 115.642, 115.776, and 115.904, RSMo, are repealed and 3 twenty-four new sections enacted in lieu thereof, to be known as sections 115.105, 115.123, 4 115.125, 115.127, 115.240, 115.277, 115.284, 115.295, 115.351, 115.430, 115.635, 115.637, 5 115.642, 115.755, 115.758, 115.761, 115.765, 115.767, 115.770, 115.773, 115.776, 115.785, 6 115.904, and 115.1200, to read as follows:

115.105. 1. The chair of the county committee of each political party named on the 2 ballot shall have the right to designate a challenger for each polling place, who may be 3 present until all ballots are cast on the day of election, and a challenger for each location at 4 which absentee ballots are counted, who may be present while the ballots are being prepared 5 for counting and counted. No later than four business days before the election, the chair of 6 each county committee of each political party named on the ballot shall provide signed 7 official designation forms with the names of the designated challengers and substitutes to the 8 local election authority for confirmation of eligibility to serve as a challenger. The local 9 election authority, after verifying the eligibility of each designated and substitute challenger, 10 shall sign off on the official designation forms, unless the challenger is found not to have the 11 qualifications established by subsection 4 of this section. If the election authority determines 12 that a challenger does not meet the qualifications of subsection 4 of this section, the 13 designating party chair may designate a replacement challenger and provide the local election

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.

14 authority with the name of the replacement challenger before 5:00 p.m. of the Monday
15 preceding the election. The designating chair may substitute challengers at his or her
16 discretion during such hours.

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

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

24 4. **In a presidential primary election, challengers may collect information about**
25 **the party ballot selected by the voter and may disclose party affiliation information after**
26 **the polls close.**

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

30 ~~5-~~ 6. Any challenge by a challenger to a voter's identification for validity shall be
31 made only to the election judges or other election authority. If the poll challenger is not
32 satisfied with the decision of the election judges, then he or she may report his or her belief
33 that the election laws of this state have been or will be violated to the election authority as
34 allowed under this section.

115.123. 1. All public elections shall be held on Tuesday. Except as provided in
2 subsection 2 **and 3** of this section, and section 247.180, all public elections shall be held on
3 the 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
7 other 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 under sections 115.755 to 115.785 shall be held on the first**
10 **Tuesday after the first Monday in April 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 ~~[3-]~~ 4. Nothing in this section prohibits a charter city or county from having its
19 primary election in March if the charter provided for a March primary before August 28,
20 1999.

21 ~~[4-]~~ 5. Nothing in this section shall prohibit elections held pursuant to section 65.600,
22 but no other issues shall be on the March ballot except pursuant to this chapter.

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

14 2. In lieu of a certified copy of the legal notice to be published pursuant to subsection
15 2 of section 115.127, each notice of a special election to fill a vacancy shall include the name
16 of the office to be filled, the date of the election and the date by which candidates must be
17 selected or filed for the office. Not later than the sixth Tuesday prior to any special election to
18 fill a vacancy called by a political subdivision or special district, the officer or agency calling
19 the election shall certify a sample ballot to the election authorities responsible for conducting
20 the election.

21 3. Except as provided for in sections 115.247 and 115.359, if there is no additional
22 cost for the printing or reprinting of ballots or if the political subdivision or special district
23 calling for the election agrees to pay any printing or reprinting costs, a political subdivision or
24 special district may, at any time after certification of the notice of election required in
25 subsection 1 of this section, but no later than 5:00 p.m. on the eighth Tuesday before the
26 election, be permitted to make late notification to the election authority pursuant to court
27 order, which, except for good cause shown by the election authority in opposition thereto,
28 shall be freely given upon application by the political subdivision or special district to the
29 circuit court of the area of such subdivision or district. No court shall have the authority to

30 order an individual or issue be placed on the ballot less than eight weeks before the date of the
31 election.

115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice
2 of a special election to fill a vacancy submitted pursuant to subsection 2 of section 115.125,
3 the election authority shall cause legal notice of the special election to be published in a
4 newspaper of general circulation in its jurisdiction. The notice shall include the name of the
5 officer or agency calling the election, the date and time of the election, the name of the office
6 to be filled and the date by which candidates must be selected or filed for the office. Within
7 one week prior to each special election to fill a vacancy held in its jurisdiction, the election
8 authority shall cause legal notice of the election to be published in two newspapers of
9 different political faith and general circulation in the jurisdiction. The legal notice shall
10 include the date and time of the election, the name of the officer or agency calling the election
11 and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction,
12 the notice shall be published in the newspaper within one week prior to the election. If there
13 are two or more newspapers of general circulation in the jurisdiction, but no two of opposite
14 political faith, the notice shall be published in any two of the newspapers within one week
15 prior to the election.

16 2. Except as provided in subsections 1 and 4 of this section and in sections 115.521,
17 115.549 and 115.593, the election authority shall cause legal notice of each election held in its
18 jurisdiction to be published. The notice shall be published in two newspapers of different
19 political faith and qualified pursuant to chapter 493 which are published within the bounds of
20 the area holding the election. If there is only one so-qualified newspaper, then notice shall be
21 published in only one newspaper. If there is no newspaper published within the bounds of the
22 election area, then the notice shall be published in two qualified newspapers of different
23 political faith serving the area. Notice shall be published twice, the first publication occurring
24 in the second week prior to the election, and the second publication occurring within one
25 week prior to the election. Each such legal notice shall include the date and time of the
26 election, the name of the officer or agency calling the election and a sample ballot; and, unless
27 notice has been given as provided by section 115.129, the second publication of notice of the
28 election shall include the location of polling places. The election authority may provide any
29 additional notice of the election it deems desirable.

30 3. The election authority shall print the official ballot as the same appears on the
31 sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or
32 official printed ballot shall be stricken or removed from the ballot except on death of a
33 candidate or by court order, but in no event shall a candidate or issue be stricken or removed
34 from the ballot less than eight weeks before the date of the election.

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

42 5. If the opening date for filing a declaration of candidacy for any office in a political
43 subdivision or special district is not required by law or charter, the opening filing date shall be
44 8:00 a.m., the ~~[seventeenth]~~ **sixteenth** Tuesday prior to the election. If the closing date for
45 filing a declaration of candidacy for any office in a political subdivision or special district is
46 not required by law or charter, the closing filing date shall be 5:00 p.m., the ~~[fourteenth]~~
47 **thirteenth** Tuesday prior to the election, **or if the thirteenth Tuesday prior to the election**
48 **is a state or federal holiday, the closing filing date shall be 5:00 p.m. on the next day that**
49 **is not a state or federal holiday.** The political subdivision or special district calling an
50 election shall, before the ~~[seventeenth]~~ **sixteenth** Tuesday, prior to any election at which
51 offices are to be filled, notify the general public of the opening filing date, the office or offices
52 to be filled, the proper place for filing and the closing filing date of the election. Such
53 notification may be accomplished by legal notice published in at least one newspaper of
54 general circulation in the political subdivision or special district.

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

115.240. The election authority for any political subdivision or special district
2 **shall label ballot measures relating to taxation that are submitted by such political**
3 **subdivision or special district to a vote of the people numerically or alphabetically in the**
4 **order in which they are submitted. No such ballot measure shall be labeled in a**
5 **descriptive manner aside from its numerical or alphabetical designation. Election**
6 **authorities may coordinate with each other, or with the secretary of state, to maintain a**
7 **database or other record to facilitate numerical or alphabetical assignment.**

115.277. 1. A registered voter of this state may cast an absentee ballot in person at a
2 location designated by the election authority for all candidates and issues for which such voter

3 is eligible to vote at the polling place if such voter expects to be prevented from going to the
4 polls to vote on election day due to one of the reasons listed in subsection 3 of this section. A
5 registered voter casting a ballot under the provisions of this subsection shall provide a form of
6 personal photo identification that is consistent with subsection 1 of section 115.427.
7 Beginning on the second Tuesday prior to an election, a reason listed under subsection 3 of
8 this section shall not be required, provided that, the provisions of section 1.140 to the contrary
9 notwithstanding, this sentence and section 115.427 shall be nonseverable, and if any
10 provision of section 115.427 is for any reason held to be invalid, such decision shall
11 invalidate this sentence.

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

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

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

26 (2) Incapacity or confinement due to illness or physical disability on election day,
27 including a person who is primarily responsible for the physical care of a person who is
28 incapacitated or confined due to illness or disability and resides at the same address;

29 (3) Religious belief or practice;

30 (4) Employment as:

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

33 (b) A first responder;

34 (c) A health care worker; or

35 (d) A member of law enforcement;

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

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

39 4. Any covered voter who is eligible to register and vote in this state may vote in any
 40 election for federal office, statewide office, state legislative office, or statewide ballot
 41 initiatives by submitting a federal postcard application to apply to vote by absentee ballot or
 42 by submitting a federal postcard application at the ~~[polling place]~~ **office of the election**
 43 **authority on election day** even though the person is not registered. A federal postcard
 44 application submitted by a covered voter pursuant to this subsection shall also serve as a voter
 45 registration application under section 115.908 and the election authority shall, if satisfied that
 46 the applicant is entitled to register, place the voter's name on the voter registration file. Each
 47 covered voter may vote by absentee ballot or, upon submitting an affidavit that the person is
 48 qualified to vote in the election, may vote at the person's polling place.

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

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

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

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

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

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

11 State of _____

12 County (City) of _____

13 I, _____ (print applicant's name), declare that I am a resident and
 14 registered voter of _____ County, Missouri, and am permanently
 15 disabled. I hereby request that my name be placed on the election
 16 authority's list of voters qualified to participate as absentee voters
 17 pursuant to section 115.284, and that I be delivered an absentee ballot
 18 application for each election in which I am eligible to vote.

19 _____
 20 Signature of Voter

21 _____

22 _____

23 Voter's Address

24 5. Not earlier than ten weeks before an election but prior to the fourth Tuesday prior
25 to an election, the election authority shall deliver to each voter qualified to participate as
26 absentee voters pursuant to this section an absentee ballot application if the voter is eligible to
27 vote in that election. If the voter returns the absentee request application to the election
28 authority not later than 5:00 p.m. on the second Wednesday before an election and has
29 retained the necessary qualifications to vote, the election authority shall provide the voter
30 with an absentee ballot pursuant to this chapter.

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

- 33 (1) Asks to be removed from the list;
34 (2) Dies;
35 (3) Becomes disqualified from voting pursuant to this chapter; or
36 (4) No longer resides at the address of his or her voter registration.

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

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

3 2. If the statements on any ballot envelope have not been completed, the absentee
4 ballot in the envelope shall be rejected.

5 **3. The election authority shall compare the signature on the ballot envelope with**
6 **the signature of the voter on the voter's registration record. If the signature is**
7 **inconsistent with the voter's signature on the voter's registration record, the envelope**
8 **shall be rejected.**

9 4. All ballot envelopes received by the election authority shall be kept together in a
10 safe place and shall not be opened except as provided in this subchapter.

115.351. No person who files as a party candidate for nomination or election to an
2 office shall, without withdrawing, file as another party's candidate or an independent
3 candidate for nomination or election to the office for the same term. No person who files as
4 an independent candidate for election to an office shall, without withdrawing, file as a party
5 candidate for nomination or election to the office for the same term. No person shall file for
6 one office and, without withdrawing, file for another office to be filled at the same election.
7 **A person who files a request to be included on the presidential primary ballot is not**
8 **prohibited by this section from filing or appearing on any ballot as a party candidate for**
9 **nomination to another office.** Receipt by the secretary of state of proper certification of

10 nomination pursuant to subsection 1 of section 115.399 constitutes withdrawal by operation
11 of law pursuant to subsection 1 of section 115.359 of any presidential or vice presidential
12 nominee from any other office for which such nominee is a candidate at the same election.
13 Any person violating any provision of this section shall be disqualified from running for
14 nomination or election to any office at the primary and general election next succeeding the
15 violation.

115.430. 1. This section shall apply to ~~[primary and general elections where~~
2 ~~candidates for federal or statewide offices are nominated or elected and any election where~~
3 ~~statewide issue or issues are submitted to the voters]~~ **any public election.**

4 2. (1) A voter claiming to be properly registered in the jurisdiction of the election
5 authority and eligible to vote in an election, but whose eligibility at that precinct cannot be
6 immediately established upon examination of the precinct register, shall be entitled to vote a
7 provisional ballot after providing a form of personal identification required pursuant to
8 section 115.427 or upon executing an affidavit under section 115.427, or may vote at a central
9 polling place as established in section 115.115 where the voter may vote his or her
10 appropriate ballot for his or her precinct of residence upon verification of eligibility or vote a
11 provisional ballot if eligibility cannot be determined. The provisional ballot provided to a
12 voter under this section shall be the ballot provided to a resident of the voter's precinct
13 determined by reference to the affidavit provided for in this section. If the voter declares that
14 the voter is eligible to vote and the election authority determines that the voter is eligible to
15 vote at another polling place, the voter shall be directed to the correct polling place or a
16 central polling place as established by the election authority pursuant to subsection 5 of
17 section 115.115. If the voter refuses to go to the correct polling place or a central polling
18 place, the voter shall be permitted to vote a provisional ballot at the incorrect polling place,
19 but such ballot shall not be counted if the voter was not eligible to vote at that polling place.

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

22 (a) The election judge shall examine the precinct register as provided in section
23 115.425. If the voter is registered and eligible to vote at the polling place, the voter shall
24 receive a regular ballot;

25 (b) If the voter's eligibility cannot be immediately established by examining the
26 precinct register, the election judge shall contact the election authority. If the election
27 authority cannot immediately establish that the voter is registered and eligible to vote at the
28 polling place upon examination of the Missouri voter registration system, or if the election
29 judge is unable to make contact with the election authority immediately, the voter shall be
30 notified that the voter is entitled to a provisional ballot.

31 (3) The voter shall have the duty to appear and vote at the correct polling place. If an
32 election judge determines that the voter is not eligible to vote at the polling place at which a
33 voter presents himself or herself, and if the voter appears to be eligible to vote at another
34 polling place, the voter shall be informed that he or she may cast a provisional ballot at the
35 current polling place or may travel to the correct polling place or a central polling place, as
36 established by the election authority under subsection 5 of section 115.115, where the voter
37 may cast a regular ballot or provisional ballot if the voter's eligibility still cannot be
38 determined. Provisional ballots cast at a polling place shall be counted only if the voter was
39 eligible to vote at such polling place as provided in subsection 5 of this section.

40 (4) For a voter requesting an absentee ballot in person, such voter shall be entitled to
41 cast a provisional ballot when the voter's eligibility cannot be immediately established upon
42 examination of the precinct registers or the Missouri voter registration system.

43 (5) Prior to accepting any provisional ballot at the polling place, the election judges
44 shall determine that the information provided on the provisional ballot envelope by the
45 provisional voter is consistent with the identification provided by such person under section
46 115.427.

47 3. (1) No person shall be entitled to receive a provisional ballot until such person has
48 completed a provisional ballot affidavit on the provisional ballot envelope.

49 (2) The secretary of state shall produce appropriate sizes of provisional ballot
50 envelopes and distribute them to each election authority according to their tabulating system.
51 All provisional ballot envelopes shall be printed on a distinguishable color of paper that is
52 different from the color of the regular ballot. The provisional ballot envelope shall be in the
53 form required by subsection 4 of this section. All provisional ballots shall be marked with a
54 conspicuous stamp or other distinguishing mark that makes them readily distinguishable from
55 the regular ballots.

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

58 4. The provisional ballot in its envelope shall be deposited in the ballot box. The
59 provisional ballot envelope shall be completed by the voter for use in determining eligibility.
60 The provisional ballot envelope specified in this section shall contain a voter's certificate
61 which shall be in substantially the following form:

62 STATE OF _____

63 COUNTY OF _____

64 I do solemnly swear (or affirm) that my name is _____; that my date
65 of birth is _____; that the last four digits of my Social Security
66 Number are _____; that I am registered to vote in _____ County or
67 City (if a City not within a County), Missouri; that I am a qualified

68 voter of said County (or City not within a County); that I am eligible
 69 to vote at this polling place; and that I have not voted in this election.
 70 I understand that if the above-provided information is not correct and
 71 the election authority determines that I am not registered and eligible
 72 to vote, my vote will not be counted. I further understand that
 73 knowingly providing false information is a violation of law and
 74 subjects me to possible criminal prosecution.

75 _____
 76 (Signature of Voter)

77 _____
 78 (Current Address)

79 Subscribed and affirmed before me this _____ day of _____, 20____

80 _____
 81 _____
 82 (Signature of Election Official)

83
 84 The voter may provide additional information to further assist the election authority in
 85 determining eligibility, including the place and date the voter registered to vote, if known.

86 5. (1) Prior to counting any provisional ballot, the election authority shall determine
 87 if the voter is registered and eligible to vote and if the vote was properly cast. The eligibility
 88 of provisional votes shall be determined according to the requirements for a voter to cast a
 89 ballot in the election as set forth in sections 115.133 and 115.135. A provisional [~~voter~~] ballot
 90 shall not be eligible to be counted until the election authority has determined that:

91 (a) The voter cast such provisional ballot at a polling place established for the voter or
 92 the central polling place established by the election authority under subsection 5 of section
 93 115.115;

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

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

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

100 (2) When the ballot boxes are delivered to the election authority from the polling
 101 places, the receiving teams shall separate the provisional ballots from the rest of the ballots
 102 and place the sealed provisional ballot envelopes in a separate container. Teams of election
 103 authority employees or teams of election judges with each team consisting of one member of

104 each major political party shall photocopy each provisional ballot envelope, such photocopy
105 to be used by the election authority to determine provisional voter eligibility. The sealed
106 provisional ballot envelopes shall be placed by the team in a sealed container and shall remain
107 therein until tabulation.

108 (3) To determine whether a provisional ballot is valid and entitled to be counted, the
109 election authority shall examine its records and verify that the provisional voter is properly
110 registered and eligible to vote in the election. If the provisional voter has provided
111 information regarding the registration agency where the provisional voter registered to vote,
112 the election authority shall make an inquiry of the registration agency to determine whether
113 the provisional voter is properly registered and eligible to vote in the election.

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

118 (a) The name of the provisional voter;

119 (b) The name of the reviewer;

120 (c) The date and time; and

121 (d) A description of evidence found that supports the voter's eligibility.

122 (5) The local election authority shall record on a provisional ballot acceptance/
123 rejection list the provisional ballot identification number and a notation marking it as
124 accepted.

125 (6) If the election authority determines that the provisional voter is not registered or
126 eligible to vote in the election, the election authority shall provide documentation verifying
127 the voter's ineligibility. Such documentation shall be noted on the copy of the provisional
128 ballot envelope and shall contain substantially the following information:

129 (a) The name of the provisional voter;

130 (b) The name of the reviewer;

131 (c) The date and time;

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

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

135 (8) If rejected, a photocopy of the envelope shall be made and used by the election
136 authority as a mail-in voter registration. The actual provisional ballot envelope shall be kept
137 as ballot material, and the copy of the envelope shall be used by the election authority for
138 registration record keeping.

139 6. All provisional ballots cast by voters whose eligibility has been verified as
140 provided in this section shall be counted in accordance with the rules governing ballot

141 tabulation. Provisional ballots shall not be counted until all provisional ballots are determined
142 either eligible or ineligible and all provisional ballots must be processed before the election is
143 certified. The provisional ballot shall be counted only if the election authority determines that
144 the voter is registered and eligible to vote. Provisional ballots voted in the wrong polling
145 place shall not be counted. If the voter is not registered but is qualified to register for future
146 elections, the affidavit shall be considered a mail-in application to register to vote pursuant to
147 this chapter.

148 7. (1) After the election authority completes its review of the provisional voter's
149 eligibility under subsection 5 of this section, the election authority shall deliver the
150 provisional ballots and copies of the provisional ballot envelopes that include eligibility
151 information to bipartisan counting teams, which may be the board of verification, for review
152 and tabulation. The election authority shall maintain a record of such delivery. The record
153 shall include the number of ballots delivered to each team and shall include a signed receipt
154 from two judges, one from each major political party. The election authority shall provide
155 each team with a ballot box and material necessary for tabulation.

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

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

166 (4) The votes shall be tallied and the returns made as provided in sections 115.447 to
167 115.525 for paper ballots. After the vote on all ballots assigned to a team have been counted,
168 the ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information
169 provided by the election authority shall be enclosed in sealed containers marked "Voted
170 provisional ballots and ballot envelopes from the election held _____, 20____". All
171 rejected provisional ballots, ballot envelopes, and copies of ballot envelopes with the
172 eligibility information provided by the election authority shall be enclosed in sealed
173 containers marked "Rejected provisional ballots and ballot envelopes from the election held _
174 _____, 20____". On the outside of each voted ballot and rejected ballot container, each
175 member of the team shall write their name and all such containers shall be returned to the
176 election authority. Upon receipt of the returns and ballots, the election authority shall tabulate
177 the provisional votes.

178 8. Challengers and watchers, as provided by sections 115.105 and 115.107, may be
179 present during all times that the bipartisan counting teams are reviewing or counting the
180 provisional ballots, the provisional ballot envelopes, or copies of the provisional ballot
181 envelopes that include eligibility information provided by the election authority. Challengers
182 and watchers shall be permitted to observe the determination of the eligibility of all
183 provisional ballots. The election authority shall notify the county chair of each major
184 political party of the time and location when bipartisan counting teams will be reviewing or
185 counting the provisional ballots, the provisional ballot envelopes, or the copies of the
186 provisional ballot envelopes that include the eligibility information provided by the election
187 authority.

188 9. The certificate of ballot cards shall:

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

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

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

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

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

199 13. Pursuant to the Help America Vote Act of 2002, the secretary of state shall ensure
200 a free access system is established, such as a toll-free number or an internet website, that any
201 individual who casts a provisional ballot may access to discover whether the vote of that
202 individual was counted, and, if the vote was not counted, the reason that the vote was not
203 counted. At the time an individual casts a provisional ballot, the election authority shall give
204 the voter written information that states that any individual who casts a provisional ballot will
205 be able to ascertain under such free access system whether the vote was counted, and if the
206 vote was not counted, the reason that the vote was not counted.

207 14. In accordance with the Help America Vote Act of 2002, any individual who votes
208 in an election as a result of a court order or any other order extending the time established for
209 closing the polls in section 115.407 may vote only by using a provisional ballot, and such
210 provisional ballot shall be separated and held apart from other provisional ballots cast by
211 those not affected by the order. Such ballots shall not be counted until such time as the ballots
212 are determined to be valid. No state court shall have jurisdiction to extend the polling hours
213 established by law, including section 115.407.

115.635. 1. The following offenses, and any others specifically so described by law, shall be class three election offenses and are deemed misdemeanors connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than one year or by fine of not more than two thousand five hundred dollars, or by both such imprisonment and fine:

(1) Giving, lending, agreeing to give or lend, offering, promising, or endeavoring to procure, any money or valuable consideration, office, or place of employment, to or for any voter, to or for any person on behalf of any voter, or to or for any person, in order to induce any voter to vote or refrain from voting or corruptly doing any such act on account of such voter having already voted or refrained from voting at any election;

(2) Making use of, or threatening to make use of, any force, violence, or restraint, or inflicting or threatening to inflict any injury, damage, harm or loss upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election;

(3) Impeding or preventing, or attempting to impede or prevent, by abduction, duress or any fraudulent device or contrivance, the free exercise of the franchise of any voter or, by abduction, duress, or any fraudulent device, compelling, inducing, or prevailing upon any voter to vote or refrain from voting at any election;

(4) Giving, or making an agreement to give, any money, property, right in action, or other gratuity or reward, in consideration of any grant or deputation of office;

(5) Bringing into this state any nonresident person with intent that such person shall vote at an election without possessing the requisite qualifications;

(6) Asking for, receiving, or taking any money or other reward by way of gift, loan, or other device or agreeing or contracting for any money, gift, office, employment, or other reward, for giving, or refraining from giving, his or her vote in any election;

(7) Removing, destroying or altering any supplies or information placed in or near a voting booth for the purpose of enabling a voter to prepare his or her ballot;

(8) Entering a voting booth or compartment except as specifically authorized by law;

(9) On the part of any election official, challenger, watcher or person assisting a person to vote, revealing or disclosing any information as to how any voter may have voted, indicated that the person had voted except as authorized by this chapter, indicated an intent to vote or offered to vote, except to a grand jury or pursuant to a lawful subpoena in a court proceeding relating to an election offense;

(10) On the part of any registration or election official, refusing to permit any person to register to vote or to vote when such official knows the person is legally entitled to register or legally entitled to vote;

37 (11) Attempting to commit or participating in an attempt to commit any class one or
38 class two election offense;

39 (12) **Threatening to harm or engaging in conduct reasonably calculated to harass**
40 **or alarm, including stalking under section 565.227, an election judge, challenger,**
41 **watcher, or employee or volunteer of an election authority, or a member of such person's**
42 **family;**

43 (13) **Attempting to induce, influence, deceive, or pressure an election official or**
44 **member of an election official's family to violate any provision of this chapter;**

45 (14) **Disseminating, through any means, including by posting on the internet, the**
46 **home address, home telephone number, mobile telephone number, personal email**
47 **address, social security number, federal tax identification number, checking account**
48 **number, savings account number, credit card number, marital status, or identity of a**
49 **child under eighteen years of age, of an election judge, challenger, watcher, or employee**
50 **or volunteer of an election authority, or a member of such person's family, for the**
51 **purposes listed in subdivisions (12) and (13) of this section.**

52 2. **For the purposes of this section, the term “election official” includes the**
53 **election authority for the county, election judges, and other volunteers or employees of**
54 **an election authority. If a violation of subdivisions (12), (13), or (14) results in death or**
55 **bodily injury to an election official or a member of the official’s family, the offense shall**
56 **be a class B felony.**

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

6 (1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample
7 ballots that may be furnished by an organization or individual at or near any voting place on
8 election day, except that this subdivision shall not be construed so as to interfere with the right
9 of an individual voter to erase or cause to be erased on a sample ballot the name of any
10 candidate and substituting the name of the person for whom he or she intends to vote; or to
11 dispose of the received sample ballot;

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

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

16 (4) On the part of any candidate for election to any office of honor, trust, or profit,
17 offering or promising to discharge the duties of such office for a less sum than the salary, fees,

18 or emoluments as fixed by law or promising to pay back or donate to any public or private
19 interest any portion of such salary, fees, or emolument as an inducement to voters;

20 (5) On the part of any canvasser appointed to canvass any registration list, willfully
21 failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to
22 perform his duties in making such canvass or willfully neglecting any duties lawfully
23 assigned to him or her;

24 (6) On the part of any employer, making, enforcing, or attempting to enforce any
25 order, rule, or regulation or adopting any other device or method to prevent an employee from
26 engaging in political activities, accepting candidacy for nomination to, election to, or the
27 holding of, political office, holding a position as a member of a political committee, soliciting
28 or receiving funds for political purpose, acting as chairman or participating in a political
29 convention, assuming the conduct of any political campaign, signing, or subscribing his or her
30 name to any initiative, referendum, or recall petition, or any other petition circulated pursuant
31 to law;

32 (7) On the part of any person authorized or employed to print official ballots, or any
33 person employed in printing ballots, giving, delivering, or knowingly permitting to be taken
34 any ballot to or by any person other than the official under whose direction the ballots are
35 being printed, any ballot in any form other than that prescribed by law, or with unauthorized
36 names, with names misspelled, or with the names of candidates arranged in any way other
37 than that authorized by law;

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

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

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

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

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

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

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

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

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

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

68 (18) Exit polling, surveying, sampling, **circulating initiative or referendum**
69 **petitions**, electioneering, distributing election literature, posting signs or placing vehicles
70 bearing signs with respect to any candidate or question to be voted on at an election [~~on~~
71 ~~election day~~] inside the building in which a polling place is located **on election day or**
72 **during the absentee voting period** or within twenty-five feet of the building's outer door
73 closest to the polling place **on election day or during the absentee voting period**, or, on the
74 part of any person, refusing to remove or permit removal from property owned or controlled
75 by such person, any such election sign or literature located within such distance on such day
76 after request for removal by any person;

77 (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign
78 on private property, except that this subdivision shall not be construed to interfere with the
79 right of any private property owner to take any action with regard to campaign yard signs on
80 the owner's property and this subdivision shall not be construed to interfere with the right of
81 any candidate, or the candidate's designee, to remove the candidate's campaign yard sign from
82 the owner's private property after the election day.

115.642. 1. Any person may file a complaint with the secretary of state stating the
2 name of any person who has violated any of the provisions of sections 115.629 to 115.646 and
3 stating the facts of the alleged offense, sworn to, under penalty of perjury.

4 2. Within thirty days of receiving a complaint, the secretary of state shall notify the
5 person filing the complaint whether or not the secretary has dismissed the complaint or will
6 commence an investigation. The secretary of state shall dismiss frivolous complaints. For
7 purposes of this subsection, "frivolous complaint" shall mean an allegation clearly lacking
8 any basis in fact or law. Any person who makes a frivolous complaint pursuant to this section

9 shall be liable for actual and compensatory damages to the alleged violator for holding the
10 alleged violator before the public in a false light. If reasonable grounds appear that the
11 alleged offense was committed, the secretary of state may issue a probable cause statement.
12 If the secretary of state issues a probable cause statement, he or she may refer the offense to
13 the appropriate prosecuting attorney.

14 3. Notwithstanding the provisions of section 27.060, 56.060, or 56.430 to the
15 contrary, when requested by the prosecuting attorney or circuit attorney, the secretary of state
16 or his or her authorized representatives may aid any prosecuting attorney or circuit attorney in
17 the commencement and prosecution of election offenses as provided in sections 115.629 to
18 115.646.

19 4. (1) The secretary of state may investigate any suspected violation of any of the
20 provisions of sections 115.629 to 115.646.

21 (2) (a) The secretary of state or an authorized representative of the secretary of state
22 shall have the power to require the production of books, papers, correspondence, memoranda,
23 contracts, agreements, and other records by subpoena or otherwise when necessary to conduct
24 an investigation under this section. Such powers shall be exercised only at the specific
25 written direction of the secretary of state or his or her chief deputy.

26 (b) If any person refuses to comply with a subpoena issued under this ~~[subsection]~~
27 **subdivision**, the secretary of state may seek to enforce the subpoena before a court of
28 competent jurisdiction to require the production of books, papers, correspondence,
29 memoranda, contracts, agreements, and other records. The court may issue an order
30 requiring the person to produce records relating to the matter under investigation or in
31 question. Any person who fails to comply with the order may be held in contempt of court.

32 ~~[(c) The provisions of this subdivision shall expire on August 28, 2025.]~~

**115.755. A statewide presidential preference primary shall be held on the first
2 Tuesday after the first Monday in April of each presidential election year. The results of
3 the presidential preference primary shall be binding on the state convention of each
4 established political party, with all delegates at each such state convention being
5 awarded to the winner of the presidential preference primary election.**

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

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

5 written request to be included on the presidential primary ballot is filed with the
6 secretary of state along with:

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

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

17 I (We) the undersigned, do hereby request that the name of _____
18 be placed upon the March _____, _____, presidential primary
19 ballot as candidate for nomination as the nominee for President of
20 the United States on the _____ party ticket.

21 2. The state or national party organization of an established political party that
22 adopts rules imposing signature requirements to be met before a candidate can be listed
23 as an official candidate shall notify the secretary of state by October first of the year
24 preceding the presidential primary.

25 3. Any candidate or such candidate's authorized representative may have such
26 candidate's name stricken from the presidential primary ballot by filing with the
27 secretary of state on or before 5:00 p.m. on the eleventh Tuesday prior to the
28 presidential primary election a written statement, sworn to before an officer authorized
29 by law to administer oaths, requesting that such candidate's name not be printed on the
30 official primary ballot. Thereafter, the secretary of state shall not include the name of
31 that candidate in the official list announced pursuant to section 115.758 or in the
32 certified list of candidates transmitted pursuant to section 115.765.

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

115.765. On or before the tenth Tuesday prior to a presidential preference
2 primary, the secretary of state shall transmit to each election authority a certified list
3 containing the names of all candidates whose names shall appear on the presidential
4 preference primary ballot of each party. The names of the candidates shall appear in
5 the order in which their request to be included on the presidential primary ballot was
6 received in the office of the secretary of state, except that, in the case of candidates who
7 file a request to be included on the presidential primary ballot with the secretary of state

8 prior to 5:00 p.m. on the first day for filing, the secretary of state shall determine by
9 random drawing the order in which such candidates' names shall appear on the ballot.
10 The drawing shall be conducted so that each candidate, or candidate's representative,
11 may draw a number at random at the time of filing. The secretary of state shall record
12 the number drawn with the candidate's request to be included on the presidential
13 primary ballot. The names of candidates filing on the first day for filing on each party
14 ballot shall be listed in ascending order of the numbers so drawn.

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

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

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

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

115.785. All costs of a presidential preference primary shall be paid by the state,
2 except that, pursuant to section 115.065, costs shall be shared proportionately by the
3 state and any political subdivisions and special districts holding an election on the same

4 **day as any such primary. For any county with more than five hundred polling places,**
5 **the state shall assist in assuring adequate poll workers and equipment.**

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

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

3 (2) A general, special, or primary election for statewide or state legislative office or
4 state ballot measure; or

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

115.1200. 1. This section shall be known as the "Missouri Elections Sovereignty
2 **Act".**

3 **2. The general assembly finds that regulations placed by Congress on the times,**
4 **places, and manner of holding elections for representatives and the times and manner of**
5 **holding elections for senators are limited only to those respective offices and do not**
6 **extend to state and local elections.**

7 **3. The general assembly of the state of Missouri reserves authority to regulate**
8 **both voter qualifications and the time, place, and manner for state and local elections to**
9 **the maximum extent authorized by the Constitution of the United States.**

10 **4. The state of Missouri shall comply with and implement federal laws governing**
11 **the time, place, and manner of United States representative elections and federal laws**
12 **governing the time and manner of United States senate elections to the extent necessary**
13 **to preserve the federal system of government and comply with the Constitution of the**
14 **United States, but shall reserve the right to protect, preserve, and defend the integrity of**
15 **state and local elections through lawful regulation of voter qualifications for such state**
16 **and local elections.**

17 **5. Any differences in the regulations for time, place, and manner of holding**
18 **elections for federal representatives, the time and manner for the senate elections, and**
19 **state and local elections shall result in separate election procedures to ensure the**
20 **sovereignty of the state of Missouri to conduct elections in the manner in which the**
21 **general assembly shall deem necessary.**

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