

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILLS NOS. 476, 427 & 62**  
**91ST GENERAL ASSEMBLY**

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Reported from the Committee on Elections, May 9, 2001, with recommendation that the House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 & 62 Do Pass.

TED WEDEL, Chief Clerk

1893L.05C

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**AN ACT**

To repeal sections 28.160, 115.013, 115.081, 115.083, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.133, 115.135, 115.137, 115.151, 115.155, 115.157, 115.160, 115.162, 115.163, 115.179, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.291, 115.349, 115.409, 115.417, 115.419, 115.429, 115.433, 115.439, 115.453, 115.493, 115.613, 115.619, 162.481, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508 and 417.018, RSMo 2000, relating to elections, and to enact in lieu thereof fifty-four new sections relating to the same subject.

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

Section A. Sections 28.160, 115.013, 115.081, 115.083, 115.087, 115.089, 115.095, 2 115.097, 115.099, 115.101, 115.133, 115.135, 115.137, 115.151, 115.155, 115.157, 115.160, 3 115.162, 115.163, 115.179, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.291, 4 115.349, 115.409, 115.417, 115.419, 115.429, 115.433, 115.439, 115.453, 115.493, 115.613, 5 115.619, 162.481, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508 and 417.018, RSMo 6 2000, are repealed and fifty-four new sections enacted in lieu thereof, to be known as sections 7 28.160, 71.005, 115.013, 115.074, 115.081, 115.087, 115.089, 115.095, 115.097, 115.099, 8 115.101, 115.102, 115.126, 115.133, 115.135, 115.137, 115.151, 115.155, 115.157, 115.160, 9 115.162, 115.163, 115.179, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.291, 10 115.349, 115.409, 115.417, 115.419, 115.420, 115.429, 115.433, 115.439, 115.450, 115.453,

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

11 115.493, 115.613, 115.619, 115.645, 115.825, 115.826, 162.481, 347.740, 351.127, 355.023,  
12 356.233, 359.653, 400.9-508 and 417.018, to read as follows:

28.160. 1. The state shall be entitled to fees for services to be rendered by the secretary  
2 of state as follows:

3

4 For issuing commission to notary public \$15.00

5 For countersigning and sealing certificates of official character 1000

6 For all other certificates 5.00

7 For copying archive and state library records, papers or documents, for each page

8 8 1/2 x 14 inches and smaller, not [more than .10]

9 **to exceed the actual cost of document search and duplication.**

10 For duplicating microfilm, for each roll, [15.00]

11 **not to exceed the actual cost of staff time required for searches**  
12 **and duplications.**

13 For copying all other records, papers or documents,

14 for each page 8 1/2 x 14 inches and smaller, not[ more than. .10]

15 **to exceed the actual cost of document search and duplication.**

16 For certifying copies of records and papers or documents 5.00

17 For causing service of process to be made 10.00

18 For electronic telephone transmittal, per page 2.00

19 2. There is hereby established the "Secretary of State's Technology Trust Fund Account"  
20 which shall be administered by the state treasurer. All yield, interest, income, increment, or gain  
21 received from time deposit of moneys in the state treasury to the credit of the secretary of state's  
22 technology trust fund account shall be credited by the state treasurer to the account. The  
23 provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the fund shall  
24 not be transferred and placed to the credit of general revenue until the amount in the fund at the  
25 end of a biennium exceeds five million dollars. In any such biennium the amount in the fund in  
26 excess of five million dollars shall be transferred to general revenue.

27 3. The secretary of state may collect an additional fee of ten dollars for the issuance of  
28 new and renewal notary commissions which shall be deposited in the state treasury and credited  
29 to the secretary of state's technology trust fund account.

30 4. The secretary of state may ask the general assembly to appropriate funds from the  
31 technology trust fund for the purposes of establishing, procuring, developing, modernizing and  
32 maintaining:

33 (1) An electronic data processing system and programs capable of maintaining a  
34 centralized database of all registered voters in the state;

- 35 (2) Library services offered to the citizens of this state;
- 36 (3) Administrative rules services, equipment and functions;
- 37 (4) Services, equipment and functions relating to securities;
- 38 (5) Services, equipment and functions relating to corporations and business
- 39 organizations;
- 40 (6) Services, equipment and functions relating to the Uniform Commercial Code;
- 41 (7) Services, equipment and functions relating to archives; [and]
- 42 (8) Services, equipment and functions relating to record services; **and**
- 43 **(9) Services, equipment and functions relating to elections.**

**71.005. No person shall be a candidate for municipal office unless such person**  
2 **complies with the provisions of section 115.346, RSMo, regarding payment of municipal**  
3 **taxes or user fees.**

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 [or], paper ballot **or ballot designed for use with an**
- 7 **electronic voting system** on which each voter may cast all votes to which he or she is entitled
- 8 at an election;
- 9 (3) "Ballot card", a ballot which is voted by making a punch or sensor mark which can
- 10 be tabulated by automatic tabulating equipment;
- 11 (4) "Ballot label", the card, paper, booklet, page or other material containing the names
- 12 of all offices and candidates and statements of all questions to be voted on;
- 13 (5) "Counting location", a location selected by the election authority for the automatic
- 14 processing or counting, or both, of ballots;
- 15 (6) "County", any one of the several counties of this state or the city of St. Louis;
- 16 (7) "Disqualified", a determination made by a court of competent jurisdiction, the
- 17 Missouri ethics commission, an election authority or any other body authorized by law to make
- 18 such a determination that a candidate is ineligible to hold office or not entitled to be voted on for
- 19 office;
- 20 (8) "District", an area within the state or within a political subdivision of the state from
- 21 which a person is elected to represent the area on a policy-making body with representatives of
- 22 other areas in the state or political subdivision;
- 23 (9) "Electronic voting system", a system of casting votes by use of marking devices, and
- 24 counting votes by use of automatic tabulating or data processing equipment, **and includes**

25 **computerized voting systems;**

26 (10) "Established political party" for the state, a political party which, at either of the last  
27 two general elections, polled for its candidate for any statewide office, more than two percent  
28 of the entire vote cast for the office. "Established political party" for any district or political  
29 subdivision shall mean a political party which polled more than two percent of the entire vote  
30 cast at either of the last two elections in which the district or political subdivision voted as a unit  
31 for the election of officers or representatives to serve its area;

32 (11) "Federal office", the office of presidential elector, United States senator, or  
33 representative in Congress;

34 (12) "Independent", a candidate who is not a candidate of any political party and who  
35 is running for an office for which party candidates may run;

36 (13) "Major political party", the political party whose candidates received the highest or  
37 second highest number of votes at the last general election;

38 (14) "Marking device", either an apparatus in which ballots are inserted and voted by use  
39 of a punch apparatus, or any approved device for marking paper ballots with ink or other  
40 substance which will enable the votes to be counted by automatic tabulating equipment;

41 (15) "New party", any political group which has filed a valid petition and is entitled to  
42 place its list of candidates on the ballot at the next general or special election;

43 (16) "Nonpartisan", a candidate who is not a candidate of any political party and who is  
44 running for an office for which party candidates may not run;

45 (17) "Political party", any established political party and any new party;

46 (18) "Political subdivision", a county, city, town, village, or township of a township  
47 organization county;

48 (19) "Polling place", the voting place designated for all voters residing in one or more  
49 precincts for any election;

50 (20) "Precincts", the geographical areas into which the election authority divides its  
51 jurisdiction for the purpose of conducting elections;

52 (21) "Public office", any office established by constitution, statute or charter and any  
53 employment under the United States, the state of Missouri, or any political subdivision or special  
54 district, but does not include any office in the reserve forces or the national guard or the office  
55 of notary public;

56 (22) "Question", any measure on the ballot which can be voted "YES" or "NO";

57 (23) "Relative within the second degree by consanguinity or affinity", a spouse, each  
58 grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child and grandchild of a person;

59 (24) "Special district", any school district, water district, fire protection district, hospital  
60 district, health center, nursing district, or other districts with taxing authority, or other district

61 formed pursuant to the laws of Missouri to provide limited, specific services;

62 (25) "Special election", elections called by any school district, water district, fire  
63 protection district, or other district formed pursuant to the laws of Missouri to provide limited,  
64 specific services; and

65 (26) "Voting district", the one or more precincts within which all voters vote at a single  
66 polling place for any election.

**115.074. 1. Subject to appropriation from general revenue funds, the secretary of  
2 state shall administer a grant program in an amount not to exceed five million dollars  
3 annually for the purposes of providing funds to election authorities to upgrade or improve  
4 the voting process or equipment. Such funding shall be in the form of matching grants.  
5 The secretary of state may promulgate rules to effectuate the provisions of this section.**

**6 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
7 that is created under the authority delegated in this section shall become effective only if  
8 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if  
9 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
10 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,  
11 to review, to delay the effective date or to disapprove and annul a rule are subsequently  
12 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
13 adopted after August 28, 2001, shall be invalid and void.**

115.081. 1. Each election authority shall appoint [at least four] election judges for each  
2 polling place within its jurisdiction **in accordance with the provisions of this section.** [If the  
3 expected voter turnout at a polling place indicates that four judges may be insufficient, the  
4 election authority may appoint an even number of additional judges for the polling place.  
5 One-half of the judges at each polling place shall be members of one major political party, and  
6 one-half of the judges at each polling place shall be members of the other major political party.]

**7 2. In all elections, the election authority shall appoint at least two judges from each  
8 major political party to serve at each polling place. No major political party shall have a  
9 majority of the judges at any polling place. No established party or judges who do not  
10 claim a political affiliation shall have a greater number of judges at any polling place than  
11 any major political party.**

**12 3. In any election that is not a primary or general election, the election authority  
13 shall appoint at least one judge from each major political party to serve at each polling  
14 place. No major political party shall have a majority of the judges at any polling place.  
15 No established party or judges who do not claim a political affiliation shall have a greater  
16 number of judges at any polling place than any major political party.**

**17 4. The election authority shall designate two of the judges appointed for each polling**

18 place, one from each major political party, as supervisory judges. Supervisory judges shall be  
19 responsible for the return of election supplies from the polling place to the election authority and  
20 shall have any additional duties prescribed by the election authority.

21 [3.] **5.** Election judges may be employed to serve for the first half or last half of any  
22 election day. Such judges shall be paid one-half the regular rate of pay. If part-time judges are  
23 employed, the election authority shall employ such judges and shall see that a sufficient number  
24 for each period are present at all times so as to have the proper total number of judges present  
25 at each polling place throughout each election day. The election authority shall require that at  
26 each polling place at least one election judge from each political party serve a full day and that  
27 at all times during the day there be an equal number of election judges from each political party.

28 **6. An election authority may appoint additional election judges representing other**  
29 **established political parties and additional election judges who do not claim a political**  
30 **affiliation. Any question which requires a decision by the majority of judges shall only be**  
31 **made by the judges from the major political parties.**

2 [115.083. Any election authority may appoint an even number of additional  
3 judges for use as needed on election day. One-half of such judges shall be members  
4 of one major political party, and one-half of such judges shall be members of the  
5 other major political party.]

115.087. **1.** In each county which does not have a board of election commissioners, the  
2 election judges shall be selected from lists provided by the county committee of each major  
3 political party. Not later than December tenth in each year in which county committeemen are  
4 elected, the county committee of each major political party shall submit to the county clerk a list  
5 of persons qualified to serve as election judges in double the number required to hold a general  
6 election in the county. Not later than February tenth in each year immediately following the year  
7 in which county committeemen are elected, each county clerk shall select and appoint the  
8 number of judges required to hold a general election in his county, taking one-half of the judges  
9 from each of the lists. If a county committee fails to present the prescribed number of names of  
10 qualified persons by the time prescribed, the county clerk may select and appoint the number of  
11 judges provided by law for the county committee's party. If the county clerk deems any person  
12 on a list to be unqualified, he may request the county committee which submitted the list to  
13 furnish another name. The election judges shall be appointed for a term ending on February  
14 tenth in the year immediately following the year in which county committeemen are next elected  
15 and until their successors are appointed and qualified.

16 **2. County clerks may compile a list of persons who claim no political affiliation and**  
17 **who volunteer to be election judges. A county clerk may select and appoint additional**  
18 **judges from such list pursuant to section 115.081.**

115.089. Each board of election commissioners shall have authority to appoint election

2 judges for individual elections, or for a term coincident with the term of the board and until the  
3 judges' successors are appointed and qualified. The board may ask the county committee of each  
4 major political party to submit a list of persons qualified to serve as election judges and may  
5 select and appoint judges from the lists. **The board may compile a list of persons who claim  
6 no political affiliation and who volunteer to be election judges and may select and appoint  
7 judges from the list.**

115.095. If any judge fails to act or to appear by the time fixed by law for the opening  
2 of the polls, the election authority shall be notified immediately by an election judge. The  
3 election authority or the election judges present in the polling place shall appoint another judge  
4 from the same political party as the judge failing to act or to appear. If the election judges elect  
5 a qualified temporary judge, he shall have full authority to act as judge for the election, except  
6 that he may be removed at any time by the election authority and replaced with another qualified  
7 judge from the same political party as the removed judge. **Any judge selected pursuant to this  
8 section shall be selected to ensure that no political party shall have a majority of judges at  
9 any polling place and that each major political party has at least one judge serving at the  
10 polling place.**

115.097. No election judge shall be absent from the polls for more than one hour during  
2 the hours the polls are open on election day. No election judge shall be absent from the polls  
3 before 9:00 a.m. or after 5:00 p.m. on election day. No more than one judge from the same  
4 **major** political party shall be absent from the polls at the same time on election day.

115.099. Each election authority shall have authority to direct judges in their duties and  
2 to compel compliance with the law. Each election authority may substitute judges at his  
3 discretion on election day. Each election authority shall also have authority at any time to  
4 remove any judge for good cause and to replace him with a qualified person from the same  
5 political party as the removed judge. **Any judge selected pursuant to this section shall be  
6 selected to ensure that no political party shall have a majority of judges at any polling place  
7 and that each major political party has at least one judge serving at the polling place.**

115.101. For service in conducting elections and house-to-house canvasses, each election  
2 judge shall be paid [a specific dollar amount which shall be set by the legislative authority of  
3 each county and by any city not within a county] **an amount established by the election  
4 authority.** Election judges appointed by the election authority shall not be considered  
5 employees of the election authority.

**115.102. 1. Subject to appropriation from general revenue funds, the secretary of  
2 state shall administer a grant program for the purpose of increasing the compensation of  
3 election judges. Such funding shall be in the form of matching grants, and shall be made  
4 available to election authorities contingent upon the election authority increasing the**

5 compensation of election judges to an amount not less than seven dollars per hour. The  
6 secretary of state may promulgate rules to effectuate the provisions of this section.

7       **2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
8 **that is created under the authority delegated in this section shall become effective only if**  
9 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
10 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
11 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
12 **to review, to delay the effective date or to disapprove and annul a rule are subsequently**  
13 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
14 **adopted after August 28, 2001, shall be invalid and void.**

**115.126. 1. Notwithstanding any provision of this chapter to the contrary, election**  
2 **authorities shall establish an advance voting period when eligible registered voters may**  
3 **vote before any general election in even-numbered years at the office of the election**  
4 **authority and up to four other polling places designated by and under the control of the**  
5 **election authority. The permissible advance voting period shall begin fourteen days prior**  
6 **to such election and end at 5:00 p.m. on the Wednesday before the day of such election.**

7       **2. Election authorities shall, pursuant to subsection 1 of this section, establish the**  
8 **hours and locations for advance voting and shall post this information at the election**  
9 **authority's office and in such other locations as the election authority may select.**

10       **3. Except as provided in this section, advance voting procedures shall be conducted**  
11 **pursuant to sections 115.407 to 115.445. The secretary of state shall design the necessary**  
12 **application for use in an advance voting program pursuant to this section. Not later than**  
13 **August first of each year each election authority shall submit to the secretary of state a**  
14 **plan and funding request to implement the provisions of this section. The secretary of state**  
15 **shall submit a request for funding to the governor based on such plans approved by the**  
16 **secretary of state and funding requests submitted. If a sufficient sum is appropriated to**  
17 **finance the plan and to pay the state's other financial obligations to the election authorities**  
18 **pursuant to this chapter, including its proportional share of costs for primary and general**  
19 **elections, an advance voting program shall be implemented for the state at the elections**  
20 **held during that fiscal year. No advance voting or other absentee voting program**  
21 **authorized pursuant to this section shall occur when the state has failed to appropriate**  
22 **funds to pay its obligations. The secretary of state shall assist election authorities in**  
23 **developing a plan for the implementation of an advance voting program.**

24       **4. Before the precinct registers are delivered to the polling places for an election,**  
25 **the election authority shall record in the precinct registers the names of all voters who have**  
26 **submitted an advance voting ballot. The election judge shall not allow any person who has**

27 **voted an advance voting ballot in the election to vote at the polls on election day. If it is**  
28 **determined that any voter submitted an advance voting ballot and voted at the polls on**  
29 **election day:**

30 **(1) Such person, having voted more than once, is guilty of a class one election**  
31 **offense pursuant to subdivision (2) of section 115.631;**

32 **(2) The election authority shall certify that fact and the name of the voter to the**  
33 **verification board. Such certificate shall be included with the abstracts drawn by the**  
34 **verification board. The provisions of this section shall terminate August 28, 2006.**

115.133. 1. Except as provided in subsection 2 of this section, any citizen of the United  
2 States who is a resident of the state of Missouri and seventeen years and six months of age or  
3 older shall be entitled to register and to vote in any election which is held on or after his  
4 eighteenth birthday.

5 2. No person who is adjudged incapacitated shall be entitled to register or vote. No  
6 person shall be entitled to **register or** vote:

7 (1) While confined under a sentence of imprisonment;

8 (2) While on probation or parole after conviction of a felony, until finally discharged  
9 from such probation or parole; or

10 (3) After conviction of a felony or misdemeanor connected with the right of suffrage.

11 **3. No person shall be entitled to vote if the person has not registered to vote in the**  
12 **jurisdiction of his or her residence prior to the deadline to register to vote.**

115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote  
2 on or before the day of election, shall be entitled to register in the jurisdiction within which he  
3 or she resides. In order to vote in any election for which registration is required, a person must  
4 be registered **to vote in the jurisdiction of his or her residence** no later than 5:00 p.m., or the  
5 normal closing time of any public building where the registration is being held if such time is  
6 later than 5:00 p.m., on the fourth Wednesday prior to the election. In no case shall registration  
7 for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any  
8 person registering after such date shall be eligible to vote in subsequent elections.

9 2. A person applying to register with an election authority or a deputy registration official  
10 shall present a valid Missouri drivers license or other form of personal identification at the time  
11 of registration.

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

5 2. Any person who and only persons who fulfill the ownership requirements shall be

6 entitled to vote in elections for which ownership of real property is required by law for voting.

115.151. 1. Each qualified applicant who appears before the election authority shall be  
2 deemed registered as of the time the applicant's completed, signed and sworn registration  
3 application is witnessed by the election authority or deputy registration official.

4 2. Each applicant who registers by mail shall be deemed to be registered as of the date  
5 the application is postmarked, if such application is accepted and not rejected by the election  
6 authority and the verification notice required pursuant to section 115.155 is not returned as  
7 undeliverable by the postal service.

8 3. Each applicant who registers at a voter registration agency or the division of motor  
9 vehicle and drivers licensing of the department of revenue shall be deemed to be registered as  
10 of the date the application is signed by the applicant, if such application is accepted and not  
11 rejected by the election authority and the verification notice required pursuant to section 115.155  
12 is not returned as undeliverable by the postal service. **Voter registration agencies and the  
13 division of motor vehicle and driver licensing of the department of revenue shall transmit  
14 voter registration application forms to the appropriate election authority not later than five  
15 business days after the form is completed by the applicant.**

115.155. 1. The election authority shall provide for the registration of each voter. Each  
2 application shall be in substantially the following form:

3 APPLICATION FOR REGISTRATION

4	.....	.....
5		Township (or Ward)
6	.....	.....
7	Name	Precinct
8	.....	.....
9	Home Address	Required Personal
10		Identification Information
11	.....	.....
12	City	ZIP
13	.....	.....
14	Date of Birth	Place of Birth (Optional)
15	.....	.....
16	Telephone Number	Mother's Maiden Name
17	(Optional)	(Optional)
18	.....	.....
19	Occupation (Optional)	Last Place Previously
20		Registered

21 .....  
 22 Last four digits of ..... Under What Name  
 23 Social Security Number  
 24 (Required for registration  
 25 unless no Social Security  
 26 number exists for Applicant)

27 Remarks: .....  
 28 ..... When  
 29

30 I am a citizen of the United States and a resident of the state of Missouri. I have not been  
 31 adjudged incapacitated by any court of law. If I have been convicted of a felony or of a  
 32 misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting  
 33 from such conviction removed pursuant to law. I do solemnly swear that all statements made  
 34 on this card are true to the best of my knowledge and belief.

35 .....  
 36 Signature of Voter ..... Date  
 37 .....

38 Signature of Election Official

39 2. After supplying all information necessary for the registration records, each applicant  
 40 who appears in person before the election authority shall swear or affirm the statements on the  
 41 registration application by signing his or her full name, witnessed by the signature of the election  
 42 authority or such authority's deputy registration official. Each applicant who applies to register  
 43 by mail pursuant to section 115.159, or pursuant to the provisions of section 115.160 or 115.162,  
 44 shall attest to the statements on the application by his or her signature.

45 3. Upon receipt by mail of a completed and signed voter registration application, a voter  
 46 registration application forwarded by the division of motor vehicle and drivers licensing of the  
 47 department of revenue pursuant to section 115.160, or a voter registration agency pursuant to  
 48 section 115.162, the election authority shall, if satisfied that the applicant is entitled to register,  
 49 transfer all data necessary for the registration records from the application to its registration  
 50 system. Within seven business days after receiving the application, the election authority shall  
 51 send the applicant a verification notice. If such notice is returned as undeliverable by the postal  
 52 service within the time established by the election authority, the election authority shall not place  
 53 the applicant's name on the voter registration file.

54 4. If, upon receipt by mail of a voter registration application or a voter registration  
 55 application forwarded pursuant to section 115.160 or 115.162, the election authority determines  
 56 that the applicant is not entitled to register, such authority shall, within seven business days after

57 receiving the application, so notify the applicant by mail and state the reason such authority has  
58 determined the applicant is not qualified. The applicant may have such determination reviewed  
59 pursuant to the provisions of section 115.223.

60 5. It shall be the responsibility of the secretary of state to prescribe specifications for  
61 voter registration documents so that they are uniform throughout the state of Missouri and  
62 comply with the National Voter Registration Act of 1993, including the reporting requirements,  
63 and so that registrations, name changes and transfers of registrations within the state may take  
64 place as allowed by law. **The secretary of state shall design numbered voter registration**  
65 **documents and a distribution system so that each application to register to vote can be**  
66 **traced to the person originally receiving the application from the secretary of state or**  
67 **election authority. The secretary of state shall ensure that each application to register to**  
68 **vote contains a form that can be detached from the application to register to vote, and**  
69 **provided to the voter registration applicant by the person providing the application, which**  
70 **indicates:**

71 (1) **That the applicant is not registered to vote until he or she receives notice from**  
72 **the election authority;**

73 (2) **The procedures to follow if the applicant does not receive a notification that the**  
74 **application has been accepted;**

75 (3) **The number of the application that has been assigned pursuant to this**  
76 **subsection;**

77 (4) **Information on application procedures for an absentee ballot; and**

78 (5) **Pollworker recruitment information.**

79

80 **The secretary of state shall design a request form for any person who requests from the**  
81 **secretary of state or election authority voter registration applications for distribution.**  
82 **Such request form shall include the requester's name, address and telephone number.**

83 6. All voter registration applications shall be preserved in the office of the election  
84 authority.

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

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

28

29 All election authorities shall enter voter history in their computerized registration systems and  
30 shall, not more than six months after the election, forward such data to the centralized voter  
31 registration system established in section 115.158. **Except as provided in subsection 2 of this**  
32 **section**, the election authority shall also furnish, for a fee, electronic media or a printout showing  
33 the names, dates of birth and addresses of voters, or any part thereof, within the jurisdiction of  
34 the election authority who voted in any specific election, including primary elections, by  
35 township, ward or precinct, provided that nothing in this chapter shall require such voter  
36 information to be released to the public over the Internet. The amount of fees charged for  
37 information provided in this section shall be established pursuant to chapter 610, RSMo. All  
38 revenues collected by the secretary of state pursuant to this section shall be deposited in the state  
39 treasury and credited to the secretary of state's technology trust fund account established pursuant  
40 to section 28.160, RSMo. In even-numbered years, each election authority shall, upon request,  
41 supply the voter registration list for its jurisdiction to all candidates and party committees for a  
42 charge established pursuant to chapter 610, RSMo. **Except as provided in subsection 2 of this**  
43 **section**, all election authorities shall make the information described in this section available  
44 pursuant to chapter 610, RSMo. Any election authority who fails to comply with the

45 requirements of this section shall be subject to the provisions of chapter 610, RSMo.

46 **2. Any peace officer as defined in subsection 4 of section 590.100, RSMo, any**  
47 **person working as an undercover officer of a law enforcement agency of this state, agents**  
48 **of a federal law enforcement agency, persons in witness protection programs and victims**  
49 **of domestic violence and abuse who have received orders of protection pursuant to chapter**  
50 **455, RSMo, shall be entitled to apply to the circuit court having jurisdiction in his or her**  
51 **county of residence to have the residential address on his or her voter registration records**  
52 **closed to the public if the release of such information could endanger the safety of the**  
53 **person. Any person working as an undercover agent or in a witness protection program**  
54 **shall also submit a statement from the chief executive officer, as defined in subsection 2 of**  
55 **section 590.100, RSMo, of the agency under whose direction he or she is serving. The**  
56 **petition to close the residential address shall be incorporated into any petition for**  
57 **protective order provided by circuit clerks pursuant to chapter 455, RSMo. If satisfied**  
58 **that the person filing the petition meets the qualifications of this subsection, the circuit**  
59 **court shall issue an order to the election authority to keep the residential address of the**  
60 **voter a closed record and the address may be used only for the purposes of administering**  
61 **elections pursuant to this chapter. The election authority may require the voter who has**  
62 **a closed residential address record to verify that his or her residential address has not**  
63 **changed or to file a change of address and to affirm that the reasons contained in the**  
64 **original petition are still accurate prior to receiving a ballot. A change of address within**  
65 **an election authority's jurisdiction shall not require that the voter file a new petition. Any**  
66 **voter who no longer qualifies pursuant to this subsection to have his or her residential**  
67 **address as a closed record shall notify the circuit court. Upon such notification, the circuit**  
68 **court shall void the order closing the residential address and so notify the election**  
69 **authority.**

115.160. 1. All Missouri driver's license applicants shall receive a voter registration  
2 application form as a simultaneous part of the application for a driver's license, renewal of  
3 driver's license, change of address, duplicate request and a nondriver's license.

4 2. If a single application form is used, the voter registration application portion of any  
5 application described in subsection 1 of this section may not require any information that  
6 duplicates information required in the driver's license portion of the form, except a second  
7 signature or other information required by law.

8 3. After conferring with the secretary of state as the chief state election official  
9 responsible for overseeing of the voter registration process, the director of revenue shall adopt  
10 rules and regulations pertaining to the format of the voter registration application used by the  
11 department.

12 4. No information relating to the failure of an applicant for a driver's license or  
13 nondriver's license to sign a voter registration application may be used for any purpose other than  
14 voter registration.

15 5. Any voter registration application received pursuant to the provisions of this section  
16 shall be forwarded to the election authority located within that county or any city not within a  
17 county, or if there is more than one election authority within the county, then to the election  
18 authority located nearest to the location where the driver's license application was received. The  
19 election authority receiving the application forms shall review the applications and forward any  
20 applications pertaining to a different election authority to that election authority.

21 6. A completed voter registration application accepted in the driver's licensing process  
22 shall be transmitted to the election authority described in subsection 5 of this section [not later  
23 than ten days after the date of acceptance or if the voter registration application is accepted  
24 within five days before the last day for registration to vote in an election, the application shall  
25 be transmitted to the election authority described in subsection 5 of this section] not later than  
26 five **business** days after the [date of acceptance] **form is completed by the applicant.**

115.162. 1. A voter registration application shall be provided by the secretary of state  
2 in all offices of the state that provide public assistance, all offices that provide state-funded  
3 programs primarily engaged in providing services to persons with disabilities, and other offices  
4 as directed by the governor. In addition all armed forces recruitment offices shall be considered  
5 a voter registration agency.

6 2. At each voter registration agency, the following services shall be made available:

7 (1) Assistance to applicants in completing voter registration application forms, unless  
8 the applicant refuses such assistance;

9 (2) Acceptance of completed voter registration application forms for transmittal to the  
10 election authority located in the same county or any city not within a county, or if there is more  
11 than one election authority within the county, to the election authority nearest to the office of the  
12 agency. The election authority receiving the application forms shall review the applications and  
13 forward any applications pertaining to a different election authority to that election authority[.  
14 Forms shall be transmitted as soon as possible and according to dates established by the state  
15 election authority];

16 (3) **Voter registration sites shall transmit voter registration application forms to the**  
17 **appropriate election authority not later than five business days after the form is completed**  
18 **by the applicant.**

19 (4) If a voter registration agency provides services to a person with a disability at the  
20 person's home, the agency shall provide the services provided in this section at the person's  
21 home.

22           3. An applicant declining to register in any agency shall be noted in a declination section  
23 incorporated into the voter registration form used by the agency. No information relating to a  
24 declination to register to vote in connection with an application made at a voter registration  
25 agency may be used for any purpose other than voter registration.

26           [4. Subject to the approval of the secretary of state, the voter registration agency shall  
27 adopt rules and regulations pertaining to the format of a voter registration application to be used  
28 by that agency.]

          115.163. 1. Each election authority shall arrange one set of registration cards into  
2 permanent binders for each precinct, or it may authorize the creation of computerized lists for  
3 each precinct. The computerized lists or binder shall be arranged alphabetically or by street  
4 address as the election authority determines and shall be known as the "precinct register". At  
5 least one set of registration cards shall be arranged in a central file in such a manner as the  
6 election authority determines, and shall be known as the "headquarters register". The election  
7 authority shall be the custodian of the registration records, and no cards or records shall be  
8 removed or handled except at its direction and under its supervision. The precinct registers shall  
9 be kept by the election authority in a secure place, except when given to election judges for use  
10 at an election. **Except as provided in subsection 2 of section 115.157**, all registration records  
11 shall be open to inspection by the public at all reasonable times.

12           2. In counties using computer printouts as precinct registers, a new computer printout  
13 shall be printed prior to each election.

14           3. In those counties using computer printouts as precinct registers, the election authority  
15 shall send to each voter a voter identification card not less than ninety days prior to the primary  
16 election in each year in which a primary and general election will be held, unless the voter has  
17 received such a card during the preceding six months **or unless the election authority, in the**  
18 **year preceding the election of state auditor, has canvassed the voter registration records**  
19 **through the use of postal service contractors under the federal National Change of Address**  
20 **program.** The voter identification card shall contain the voter's name, address, precinct and a  
21 signature line. The card may also contain other voting information at the discretion of the  
22 election authority. The voter shall be instructed to sign the card for use as identification at the  
23 polls. The voter identification card shall be sent to a voter after a new registration or a change  
24 of address. If any voter shall lose his voter identification card he may request a new one from  
25 the election authority. The voter identification card authorized pursuant to this section may be  
26 used as a canvass of voters in lieu of the provisions set out in sections 115.179 to 115.193.  
27 **Except as provided in subsection 2 of section 115.157**, anyone, upon request and payment of  
28 a reasonable fee, may obtain a printout, list and/or computer tape of those newly registered voters  
29 or voters deleted from the voting rolls, since the last canvass or updating of the rolls. **The**

30 **election authority may authorize the use of the postal service contractors under the federal**  
31 **National Change of Address program to identify those voters whose address is not correct**  
32 **on the voter registration records. The election authority shall not be required to mail a**  
33 **voter registration card to those voters whose addresses are incorrect.**

115.179. 1. [In each jurisdiction with a board of election commissioners, the board of  
2 election commissioners] **The election authority** shall have the registration records of all  
3 precincts in its jurisdiction canvassed every four years and that it be completed no later than  
4 ninety days prior to the date of a primary or general election for federal office. **The election**  
5 **authority may utilize postal service contractors under the federal National Change of**  
6 **Address program to canvass the records.**

7 2. In each jurisdiction without a board of election commissioners, the county clerk shall  
8 have the registration records of all precincts in its jurisdiction canvassed every four years and that  
9 it be completed no later than ninety days prior to the date of a primary or general election for  
10 federal office.

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

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

6 (1) Permits voting in absolute secrecy;

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

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

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

13 (5) Permits each voter at a general election to vote for all candidates of one party by one  
14 punch or mark or to vote a split ticket, as he desires;

15 (6) Permits each voter in a primary election to vote for the candidates of only one party  
16 announced by the voter in advance;

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

20 (8) Accurately counts all proper votes cast for each candidate and for and against each  
21 question;

22 (9) Is set to reject all votes, except write-in votes, for any office and on any question

23 when the number of votes exceeds the number a voter is lawfully entitled to cast;

24 (10) Permits each voter, while voting, to clearly see the ballot label.

25 3. [No rule or portion of a rule promulgated under the authority of this section shall  
26 become effective unless it has been promulgated pursuant to the provisions of section 536.024,  
27 RSMo.] **The secretary of state shall promulgate rules and regulations to allow the use of a  
28 computerized voting system. The procedures shall provide for the use of a computerized  
29 voting system with:**

30 (1) **Multiple voting terminals for the input of vote selections on the ballot presented  
31 by a main computer;**

32 (2) **A main computer to coordinate ballot presentation, vote selection, ballot image  
33 storage, and result tabulation; and**

34 (3) **Ability to provide a paper audit trail.**

35

36 **Notwithstanding any provisions of this chapter to the contrary, such a system may allow  
37 for the storage of processed ballot materials in an electronic form on the main computer.**

38 **4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
39 that is created under the authority delegated in this section shall become effective only if  
40 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if  
41 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
42 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,  
43 to review, to delay the effective date or to disapprove and annul a rule are subsequently  
44 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
45 adopted after August 28, 2001, shall be invalid and void.**

115.233. 1. Within five days prior to an election at which an electronic voting system  
2 is to be used, the election authority shall have the automatic tabulating equipment tested to  
3 ascertain that the equipment is in compliance with the law and that it will correctly count the  
4 votes cast for all offices and on all questions. At least forty-eight hours prior to the test, notice  
5 of the time and place of the test shall be mailed to each independent and new party candidate and  
6 the chairman of the county committee of each established political party named on the ballot.  
7 The test shall be observed by at least two persons designated by the election authority, one from  
8 each major political party, and shall be open to representatives of the political parties, candidates,  
9 the news media and the public. The test shall be conducted by processing a preaudited group of  
10 ballots. If any error is detected, the cause shall be ascertained and corrected, and an errorless  
11 count shall be made before the tabulating equipment is approved.

12 **2. The secretary of state may promulgate rules and regulations that specify any  
13 additional testing procedures to effectuate the provisions of this section.**

14           **3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
15 **that is created under the authority delegated in this section shall become effective only if**  
16 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
17 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
18 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
19 **to review, to delay the effective date or to disapprove and annul a rule are subsequently**  
20 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
21 **adopted after August 28, 2001, shall be invalid and void.**

          115.237. 1. Each ballot printed or designed for use with an electronic voting system  
2 for any election under the provisions of sections 115.001 to 115.641 shall contain all questions  
3 and the names of all offices and candidates certified or filed pursuant to sections 115.001 to  
4 115.641 and no other. As far as practicable, all questions and the names of all offices and  
5 candidates for which each voter is entitled to vote shall be printed on one page except for the  
6 ballot for political party committee persons in polling places not utilizing an electronic voting  
7 system which may be printed separately and in conformity with the requirements contained in  
8 this section. As far as practicable, ballots containing only questions and the names of  
9 nonpartisan offices and candidates shall be printed in accordance with the provisions of this  
10 section, except that the ballot information may be listed in vertical or horizontal rows. The  
11 names of candidates for each office shall be listed in the order in which they are filed.

12           2. Each ballot shall be plain paper, through which printing or writing cannot be read, or  
13 **electronically designed for use with an electronic voting system,** and shall have:

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

15           (2) A circle one-half inch in diameter immediately below each party name;

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

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

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

20 When write-in votes are authorized and no candidate's name is to be printed under the name of  
21 an office in a party or nonpartisan column, under the name of the office in the column shall be  
22 printed a square. Directly to the right of the square shall be printed a horizontal line on which  
23 the voter may vote for a person whose name does not appear on the ballot. When more than one  
24 position is to be filled for an office, and the number of candidates' names under the office in a  
25 column is less than the number of positions to be filled, the number of squares and write-in lines  
26 printed in the column shall equal the difference between the number of candidates' names and  
27 the number of positions to be filled;

28           (6) The list of candidates of each party and all nonpartisan candidates placed in separate

29 columns with a heavy vertical line between each list;

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

35 (8) In a separate column or beneath a heavy horizontal line under all names and write-in  
36 lines, all questions;

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

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

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

44 OFFICIAL BALLOT				DATE .....
45 REPUBLICAN	DEMOCRATIC	THIRD PARTY	INDEPENDENT	
46 O	O	O	O	
47 For President	For President	For President	For President	
48 and	and	and	and	
49 Vice President	Vice President	Vice President	Vice President	
50 <input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	
51 For	For	For	For	
52 United States	United States	United States	United States	
53 Senator	Senator	Senator	Senator	
54 <input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	
55 For Governor	For Governor	For Governor	For Governor	
56 <input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	
57 For Lieutenant	For Lieutenant	For Lieutenant	For Lieutenant	
58 Governor	Governor	Governor	Governor	
59 <input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	
60 For Secretary	For Secretary	For Secretary	For Secretary	
61 of State	of State	of State	of State	
62 <input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	
63 For Treasurer	For Treasurer	For Treasurer	For Treasurer	
64 <input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	

65	For Attorney	For Attorney	For Attorney	For Attorney
66	General	General	General	General
67	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
68	For	For	For	For
69	United States	United States	United States	United States
70	Representative	Representative	Representative	Representative
71	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
72	For State	For State	For State	For State
73	Senator	Senator	Senator	Senator
74	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
75	For State	For State	For State	For State
76	Representative	Representative	Representative	Representative
77	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....
78	For Circuit	For Circuit	For Circuit	For Circuit
79	Judge	Judge	Judge	Judge
80	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....	<input type="checkbox"/> .....

115.277. 1. Except as provided in subsections 3, 4 and 5 of this section, any registered voter of this state may vote by absentee ballot for all candidates and issues for which such voter would be eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day due to:

- (1) Absence on election day from the jurisdiction of the election authority in which such voter is registered to vote;
- (2) Incapacity or confinement due to illness or physical disability;
- (3) Religious belief or practice;
- (4) Employment as an election authority, as a member of an election authority, or by an election authority at a location other than such voter's polling place;
- (5) Incarceration, provided all qualifications for voting are retained; or
- (6) A person who is primarily responsible for the physical care of a person who is incapacitated or confined due to illness or disability.**

2. Any person in federal service, as defined in section 115.275, who is eligible to register and vote in any election in this state may vote in the election even if the person is not registered. Each person in federal service may vote by absentee ballot or, upon submitting an affidavit that the person is qualified to vote in the election, may vote at the person's polling place.

3. Any interstate former resident, as defined in section 115.275, may vote by absentee ballot for presidential and vice presidential electors.

4. Any intrastate new resident, as defined in section 115.275, may vote by absentee ballot

21 at the election for presidential and vice presidential electors, United States senator, representative  
22 in Congress, statewide elected officials and statewide questions, propositions and amendments  
23 from such resident's new jurisdiction of residence after registering to vote in such resident's new  
24 jurisdiction of residence.

25 5. Any new resident, as defined in section 115.275, may vote by absentee ballot for  
26 presidential and vice presidential electors after registering to vote in such resident's new  
27 jurisdiction of residence.

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

6 2. Each application shall be made to the election authority of the jurisdiction in which  
7 the person is or would be registered. Each application shall be in writing and shall state the  
8 applicant's name, address at which he or she is or would be registered, his or her reason for  
9 voting an absentee ballot and the address to which the ballot is to be mailed, if mailing is  
10 requested. Each application to vote in a primary election shall also state which ballot the  
11 applicant wishes to receive. If any application fails to designate a ballot, the election authority  
12 shall, within three working days after receiving the application, notify the applicant by mail that  
13 it will be unable to deliver an absentee ballot until the applicant designates which political party  
14 ballot he or she wishes to receive. If the applicant does not respond to the request for political  
15 party designation, the election authority is authorized to provide the voter with that part of the  
16 ballot for which no political party designation is required.

17 3. All applications for absentee ballots received prior to the sixth Tuesday before an  
18 election shall be stored at the office of the election authority until such time as the applications  
19 are processed in accordance with section 115.281. No application for an absentee ballot received  
20 in the office of the election authority by mail, by facsimile transmission or by a guardian or  
21 relative after 5:00 p.m. on the Wednesday immediately prior to the election shall be accepted by  
22 any election authority. No application for an absentee ballot submitted by the applicant in person  
23 after 5:00 p.m. on the day before the election shall be accepted by any election authority, except  
24 as provided in subsections 6, 8 and 9 of this section.

25 4. Each application for an absentee ballot shall be signed by the applicant or, if the  
26 application is made by a guardian or relative pursuant to the provisions of this section, the  
27 application shall be signed by the guardian or relative, who shall note on the application his or  
28 her relationship to the applicant. If an applicant, guardian or relative is blind, unable to read or  
29 write the English language or physically incapable of signing the application, he or she shall sign

30 by mark, witnessed by the signature of an election official or person of his or her own choosing.  
31 Any person who knowingly makes, delivers or mails a fraudulent absentee ballot application  
32 shall be guilty of a class one election offense.

33 5. Notwithstanding any law to the contrary, any resident of the state of Missouri who  
34 resides outside the boundaries of the United States or who is on active duty with the armed forces  
35 of the United States or members of their immediate family living with them may request an  
36 absentee ballot for both the primary and subsequent general election with one application.

37 6. An application for an absentee ballot by a new resident, as defined in section 115.275,  
38 shall be submitted in person by the applicant in the office of the election authority in the election  
39 jurisdiction in which such applicant resides. The application shall be received by the election  
40 authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form  
41 of an affidavit, executed in duplicate in the presence of the election authority or any authorized  
42 officer of the election authority, and in substantially the following form:

43 "STATE OF .....

44 COUNTY OF ....., ss.

45 I, ....., do solemnly swear that:

46 (1) Before becoming a resident of this state, I resided at ..... (residence address)  
47 in ..... (town, township, village or city) of ..... County in the state  
48 of .....

49 (2) I moved to this state after the last day to register to vote in such general presidential  
50 election and I am now residing in the county of ....., state of Missouri;

51 (3) I believe I am entitled pursuant to the laws of this state to vote in the presidential  
52 election to be held November ....., ..... (year);

53 (4) I hereby make application for a presidential and vice presidential ballot. I have not  
54 voted and shall not vote other than by this ballot at such election.

55 Signed .....

56 (Applicant)

57 .....

58 (Residence Address)

59 Subscribed and sworn to before me this ..... day of ....., .....

60 Signed .....

61 (Title and name of officer authorized to administer oaths)"

62 7. The election authority in whose office an application is filed pursuant to subsection  
63 6 of this section shall immediately send a duplicate of such application to the appropriate official  
64 of the state in which the new resident applicant last resided and shall file the original of such  
65 application in its office.

66 8. An application for an absentee ballot by an intrastate new resident, as defined in  
 67 section 115.275, shall be made in person by the applicant in the office of the election authority  
 68 in the election jurisdiction in which such applicant resides. The application shall be received by  
 69 the election authority no later than 7:00 p.m. on the day of the election. Such application shall  
 70 be in the form of an affidavit, executed in duplicate in the presence of the election authority or  
 71 an authorized officer of the election authority, and in substantially the following form:

72 "STATE OF .....

73 COUNTY OF ....., ss.

74 I, ....., do solemnly swear that:

75 (1) Before becoming a resident of this election jurisdiction, I resided at .....  
 76 (residence address) in ..... (town, township, village or city) of ..... county in the  
 77 state of .....

78 (2) I moved to this election jurisdiction after the last day to register to vote in such  
 79 election;

80 (3) I believe I am entitled pursuant to the laws of this state to vote in the election to be  
 81 held ..... (date);

82 (4) I hereby make application for an absentee ballot for candidates and issues on which  
 83 I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other  
 84 than by this ballot at such election.

85 Signed .....

86 (Applicant)

87 .....

88 (Residence Address)

89 Subscribed and sworn to before me this ..... day of ....., .....

90 Signed .....

91 (Title and name of officer authorized to administer oaths)"

92 9. An application for an absentee ballot by an interstate former resident, as defined in  
 93 section 115.275, shall be received in the office of the election authority where the applicant was  
 94 formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the  
 95 application is made in person by the applicant in the office of the election authority, in which  
 96 case, such application shall be made no later than 7:00 p.m. on the day of the election.

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state  
 2 the voter's name, the voter's voting address, the voter's mailing address and the voter's reason for  
 3 voting an absentee ballot. On the form, the voter shall also state, under penalties of perjury that  
 4 the voter is qualified to vote in the election, that the voter has not previously voted and will not  
 5 vote again in the election, that the voter has personally marked the voter's ballot in secret or

6 supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has  
7 been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the  
8 voter is unable to seal it, and that all information contained in the statement is true. In addition,  
9 any person providing assistance to the absentee voter shall include a statement on the envelope  
10 identifying the person providing assistance under penalties of perjury. Persons authorized to vote  
11 only for federal and statewide officers shall also state their former Missouri residence.

12 2. The statement for persons voting absentee ballots who are registered voters shall be  
13 in substantially the following form:

14 State of Missouri

15 County (City) of .....

16 I, ..... (print name), a registered voter of ..... County  
17 (City of St. Louis, Kansas City), declare under the penalties of perjury that I expect to be  
18 prevented from going to the polls on election day due to (check one):

19 ..... absence on election day from the jurisdiction of the election authority in which I am  
20 registered;

21 ..... incapacity or confinement due to illness or physical disability;

22 ..... religious belief or practice;

23 ..... employment as an election authority or by an election authority at a location other than  
24 my polling place;

25 ..... incarceration, although I have retained all the necessary qualifications for voting;

26 ..... **caring for a person who is incapacitated or confined due to illness or disability.**

27 I hereby state under penalties of perjury that I am qualified to vote at this election; I have not  
28 voted and will not vote other than by this ballot at this election. I further state that I marked the  
29 enclosed ballot in secret or that I am blind, unable to read or write English, or physically  
30 incapable of marking the ballot, and the person of my choosing indicated below marked the  
31 ballot at my direction; all of the information on this statement is, to the best of my knowledge  
32 and belief, true.

33 .....

34 Signature of Voter

35

36

37 .....

38 .....

39 Address of Voter

40 .....

41 .....

.....

Signature of Person

Assisting Voter

(if applicable)

Subscribed and sworn to

before me this ..... day

of ....., .....

.....

.....

42 Mailing addresses  
43 (if different)

Signature of notary or  
other officer authorized  
to administer oaths

44  
45 3. The statement for persons voting absentee ballots pursuant to the provisions of  
46 subsection 2, 3, 4 [or], 5 or 6 of section 115.277 without being registered shall be in substantially  
47 the following form:

48 State of Missouri  
49 County (City) of.....

50 I, ..... (print name), declare under the penalties of perjury that I am a citizen of the  
51 United States and eighteen years of age or older. I am not adjudged incapacitated by any court  
52 of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of  
53 suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to  
54 law. I hereby state under penalties of perjury that I am qualified to vote at this election.

55 (1) I am a resident of the state of Missouri and (check one):

- 56 ..... am a member of the U.S. armed forces in active service;
- 57 ..... am an active member of the U.S. merchant marine;
- 58 ..... am a civilian employee of the U.S. government working outside the United States;
- 59 ..... am an active member of a religious or welfare organization assisting servicemen;
- 60 ..... have been honorably discharged or terminated my service in one of the groups mentioned  
61 above within sixty days of this election;
- 62 ..... am a spouse or dependent of one of the above;
- 63 ..... am a registered voter in ..... County and moved from that county to .....  
64 County, Missouri, after the last day to register to vote in this election.

65 OR (check if applicable)

66 (2) ..... I am an interstate former resident of Missouri and authorized to vote  
67 for presidential and vice presidential electors. I further state under penalties of perjury that I  
68 have not voted and will not vote other than by this ballot at this election; I marked the enclosed  
69 ballot in secret or am blind, unable to read or write English, or physically incapable of marking  
70 the ballot, and the person of my choosing indicated below marked the ballot at my direction; all  
71 of the information on this statement is, to the best of my knowledge and belief, true.

72 .....  
73 Signature of Voter  
74 .....  
75 .....  
76 .....

Subscribed to and sworn  
before me this ..... day  
of ....., .....

77 Address of Voter

Signature of notary or

78 other officer authorized  
 79 to administer oaths  
 80 .....  
 81 .....

82 Mailing Address  
 83 (if different) .....  
 84 .....

85 Signature of Person Address of Last Missouri  
 86 Assisting Voter Residence(if applicable)

87 4. The statement for persons voting absentee ballots who are entitled to vote at the  
 88 election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially  
 89 the following form:

90 State of Missouri  
 91 County (City) of .....

92 I, ..... (print name), declare under the penalties of perjury that I expect to  
 93 be prevented from going to the polls on election day due to (check one):

94 ..... absence on election day from the jurisdiction of the election authority in which I am  
 95 directed to vote;

96 ..... incapacity or confinement due to illness or physical disability;

97 ..... religious belief or practice;

98 ..... employment as an election authority or by an election authority at a location other than  
 99 my polling place;

100 ..... incarceration, although I have retained all the necessary qualifications of voting;

101 ..... **caring for a person who is incapacitated or confined due to illness or disability.**

102

103 I hereby state under penalties of perjury that I own property in the ..... district and am  
 104 qualified to vote at this election; I have not voted and will not vote other than by this ballot at  
 105 this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable  
 106 to read and write English, or physically incapable of marking the ballot, and the person of my  
 107 choosing indicated below marked the ballot at my direction; all of the information on this  
 108 statement is, to the best of my knowledge and belief, true.

109 ..... Subscribed and sworn to  
 110 Signature of Voter before me this .....  
 111 day of ....., .....

112 .....  
 113 .....

114 Address

Signature of notary or  
other officer authorized  
to administer oaths

115

116

117 .....

118 Signature of Person

119 Assisting Voter

120 (if applicable)

121 5. The statement for persons providing assistance to absentee voters shall be in  
122 substantially the following form:

123 The voter needed assistance in marking the ballot and signing above, because of blindness, other  
124 physical disability, or inability to read or to read English. I marked the ballot enclosed in this  
125 envelope at the voter's direction, when I was alone with the voter, and I had no other  
126 communication with the voter as to how he or she was to vote. The voter swore or affirmed the  
127 voter affidavit above and I then signed the voter's name and completed the other voter  
128 information above. Signed under the penalties of perjury.

129

130 Reason why voter needed assistance: .....

131 ASSISTING PERSON SIGN HERE

- 132 1. .... (signature of assisting person)
- 133 2. .... (assisting person's name printed)
- 134 3. .... (assisting person's residence)
- 135 4. .... (assisting person's home city or town).

136 6. Notwithstanding any other provision of this section, any resident of the state of  
137 Missouri who resides outside the boundaries of the United States or who is on active duty with  
138 the armed forces of the United States or members of their immediate family living with them or  
139 persons who have declared themselves to be permanently disabled pursuant to section 115.284,  
140 otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his or her  
141 absentee ballot.

142 7. Notwithstanding any other provision of this section or section 115.291 to the contrary,  
143 the subscription, signature and seal of a notary or other officer authorized to administer oaths  
144 shall not be required on any ballot, ballot envelope, or statement required by this section if the  
145 reason for the voter voting absentee is due to [illness or physical disability] **the reasons**  
146 **established pursuant to subdivisions (2) and (6) of subsection 1 of section 115.277.**

115.291. 1. Upon receiving an absentee ballot, the voter shall mark his ballot in secret,  
2 place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot  
3 envelope. The affidavit of each person voting an absentee ballot shall be subscribed and sworn

4 to before the election official receiving the ballot, a notary public or other officer authorized by  
 5 law to administer oaths, unless the voter is voting absentee due to incapacity or confinement due  
 6 to the provisions of section 115.284, illness or physical disability. If the voter is blind, unable  
 7 to read or write the English language, or physically incapable of voting his ballot, he may be  
 8 assisted by a person of his own choosing. Any person assisting a voter who is not entitled to  
 9 such assistance, and any person who assists a voter and in any manner coerces or initiates a  
 10 request or a suggestion that the voter vote for or against or refrain from voting on any question,  
 11 ticket or candidate, shall be guilty of a class one election offense. If, upon counting, challenge  
 12 or election contest, it is ascertained that any absentee ballot was voted with unlawful assistance,  
 13 the ballot shall be rejected.

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

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

115.349. 1. Except as otherwise provided in sections 115.361 to 115.383 or sections  
 2 115.755 to 115.785, no candidate's name shall be printed on any official primary ballot unless  
 3 the candidate has filed a written declaration of candidacy in the office of the appropriate election  
 4 official by 5:00 p.m. on the last Tuesday in March immediately preceding the primary election.

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

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

12 I, ....., a resident and registered voter of the county of ..... and the state of  
 13 Missouri, residing at ....., do announce myself a candidate for the office of .....

14 on the ..... party ticket, to be voted for at the primary election to be held on the ..... day  
15 of ....., ....., and I further declare that if nominated and elected to such office I will qualify.

16 ..... Subscribed and sworn to  
17 Signature of candidate before me this ..... day  
18 of ....., .....

19 .....  
20 Residence address Signature of election  
21 official or other officer  
22 authorized to administer oaths

23 .....

24 Mailing address (if different)  
25 .....

26 Telephone Number (Optional)

27

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

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

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 he may vote as he wishes.

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

13 **3.** If marking devices or voting machines are used, the election authority shall also  
14 provide to each polling place a model of a marking device or portion of the face of a voting  
15 machine. If requested to do so by a voter, the election judges shall give instructions on operation  
16 of the marking device or voting machine by use of the model.

17 **4. The secretary of state may develop multi-lingual voting instructions to be made**  
18 **available to election authorities.**

115.419. Before the time fixed by law for the opening of the polls, the election authority  
2 shall deliver to each polling place a sufficient number of sample ballots, ballot cards or ballot  
3 labels which shall be a different color but otherwise exact copies of the official ballot. The  
4 samples shall be printed in the form of a diagram, showing the form of the ballot or the front of  
5 the marking device or voting machine as it will appear on election day. **The secretary of state**  
6 **may develop multi-lingual sample ballots to be made available to election authorities.**

**115.420. 1. An election authority operating a voting system that uses ballot cards**  
2 **shall not use a butterfly ballot unless the secretary of state provides written approval to the**  
3 **election 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**  
5 **pages are used side by side and where voters must vote on candidates or issues on both**  
6 **sides of the pages.**

7 **3. The secretary of state may approve the use of a butterfly ballot in a particular**  
8 **election when a large number of candidates and issues are to be decided, no alternative**  
9 **ballot is reasonable under the circumstances, and the election authority submits to the**  
10 **secretary of state a written explanation of the need for using a butterfly ballot.**

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

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

7           3. Any question of doubt concerning the identity or qualifications of a voter shall be  
8 decided by a majority of the judges **from the major political parties**. If [the] **such** election  
9 judges decide not to permit a person to vote because of doubt as to his identity or qualifications,  
10 the person may apply to the election authority or to the circuit court as provided in sections  
11 115.193 and 115.223. **The election authority and the circuit court shall not allow a person**  
12 **to vote unless the person provides sufficient evidence that he or she has complied with the**  
13 **voter registration requirements in this chapter.**

14           4. If the election judges cannot reach a decision on the identity or qualifications of any  
15 person, the question shall be decided by the election authority, subject to appeal to the circuit  
16 court as provided in section 115.223. **The election authority and the circuit court shall not**  
17 **allow a person to vote unless the person provides sufficient evidence that he or she has**  
18 **complied with the voter registration requirements in this chapter. The supreme court shall**  
19 **provide forms for petitions and written instructions on filling out all forms and pleadings**  
20 **necessary for the presentation of an appeal to the circuit court and shall adopt such rules**  
21 **as are necessary to ensure that voter appeals to the circuit court filed pursuant to this**  
22 **chapter are processed uniformly in this state.**

23           5. The election judges or the election authority may require any person whose right to  
24 vote is challenged to execute an affidavit affirming his qualifications. The election authority  
25 shall furnish to the election judges a sufficient number of blank affidavits of qualification, and  
26 the election judges shall enter any appropriate information or comments under the title  
27 "Remarks" which shall appear at the bottom of the affidavit. All executed affidavits of  
28 qualification shall be returned to the election authority with the other election supplies. Any  
29 person who makes a false affidavit of qualification shall be guilty of a class one election offense.  
30 **The election authority may require that the affidavit of qualification be in the form of an**  
31 **envelope in which the ballot is placed and that the ballot not be counted and certified until**  
32 **the qualifications of the voter are confirmed by the election authority.**

          115.433. After the voter's identification certificate has been initialed, two judges of  
2 different political parties, **or one judge from a political party and one judge with no political**  
3 **affiliation**, shall, where paper ballots or ballot cards are used, initial the voter's ballot or ballot  
4 card.

          115.439. 1. If paper ballots or ballot cards are used, the voter shall, immediately upon  
2 receiving his ballot, go alone to a voting booth and vote his ballot in the following manner:

3           (1) If the voter desires to vote a straight party ticket, he may place a cross (X) mark in  
4 the circle directly below the party name at the head of the column, or he may place cross (X)  
5 marks in the squares directly to the left of the names of candidates on one party ticket;

6           (2) If the voter desires to vote a split party ticket, he may place a cross (X) mark in the

7 circle directly below one party name at the head of the column and cross (X) marks in the squares  
8 directly to the left of the names of candidates on other party tickets, or he may place cross (X)  
9 marks in the squares directly to the left of the names of candidates on different party tickets;

10 (3) If the voter desires to vote for a person whose name does not appear on the ballot,  
11 he may cross out a name which appears on the ballot for the office and write the name of the  
12 person for whom he wishes to vote above or below the crossed-out name and place a cross (X)  
13 mark in the square directly to the left of the crossed-out name. If a write-in line appears on the  
14 ballot, he may write the name of the person for whom he wishes to vote on the line and place a  
15 cross (X) mark in the square directly to the left of the name;

16 (4) If the ballot does not contain any party designations, the voter shall place a cross (X)  
17 mark in the squares directly to the left of the names of the candidates for whom he desires to  
18 vote;

19 (5) If the ballot is one which contains no candidates, the voter shall place a cross (X)  
20 mark in the square directly to the left of each "yes" or "no" he desires to vote. No voter shall  
21 vote for the same person more than once for the same office at the same election.

22 2. For purposes of this section, a punch or sensor mark or any other mark clearly  
23 indicating that the voter intends to mark that particular square shall be equivalent to a cross (X)  
24 mark.

25 3. If voting machines are used, the voter shall, immediately upon direction by the judges,  
26 go alone to a voting machine, close the curtain and vote in substantially the same manner  
27 provided in subsection 1 of this section. Rather than placing cross (X) marks on the ballot,  
28 however, the voter shall cause the designations to appear on the face of the voting machine, cast  
29 any write-in votes and register his votes as directed in the instructions for use of the machine.

30 4. If the voter accidentally spoils his ballot or ballot card or makes an error, he may  
31 return it to an election judge and receive another. The election judge shall mark "SPOILED"  
32 across the ballot or ballot card and place it in an envelope marked "SPOILED BALLOTS". After  
33 another ballot has been prepared in the manner provided in section 115.433, the ballot shall be  
34 given to the voter for voting.

35 5. [If any] **The election authority may authorize the use of a sticker or other item**  
36 **containing a write-in candidate's name, in lieu of a handwritten name[, is present on the ballot,].**  
37 **Before use by election authorities in this state, the secretary of state shall approve the form**  
38 **of such sticker or item, and the secretary of state shall promulgate rules and regulations**  
39 **to prescribe uniform specifications for such stickers and items. If authorized,** such sticker  
40 or item shall contain a cross (X) mark, or other mark as described in subsection 2 of this section,  
41 in the square directly left of the candidate's name and the office for which the candidate is a  
42 write-in candidate. A write-in vote that does not meet the requirements of this subsection which

43 appears on a ballot shall not be counted under sections 115.447 to 115.525. In those jurisdictions  
44 using an electronic voting system which utilizes mark sense or optical scan technology **and if**  
45 **the election authority authorizes the use of stickers for write-ins**, such system shall be  
46 programmed to identify and separate those ballots which contain an office in which write-in  
47 candidates are eligible to receive votes, and which contain less votes than a voter is entitled to  
48 cast. In addition, such sticker shall be considered "printed matter" as defined in subsection 8 of  
49 section 130.031, RSMo, and as such shall contain the designation required by subsection 8 of  
50 section 130.031, RSMo.

**115.450. 1. The secretary of state shall promulgate rules that specify uniform  
2 counting standards that all election authorities shall use when counting ballots of all types,  
3 including the hand counting of any ballots.**

4 **2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
5 that is created under the authority delegated in this section shall become effective only if  
6 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if  
7 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
8 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,  
9 to review, to delay the effective date or to disapprove and annul a rule are subsequently  
10 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
11 adopted after August 28, 2001, shall be invalid and void.**

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

2 (1) If a cross (X) mark appears in the circle immediately below a party name at the head  
3 of a column, each candidate of the party shall be counted as voted for. If a cross (X) mark  
4 appears in the circle immediately below more than one party name, no candidate shall be counted  
5 as voted for, except a candidate before whose name a cross (X) mark appears in the square  
6 preceding the name and a cross (X) mark does not appear in the square preceding the name of  
7 any candidate for the same office in another column. If a cross (X) mark appears in the circle  
8 immediately below a party name at the head of a column, and a cross (X) mark appears in the  
9 square next to the name of any candidate in another column, each candidate of the party whose  
10 circle is marked shall be counted as voted for, except where a cross (X) mark appears in the  
11 square preceding the name of any candidate in another column. Except as provided in this  
12 subdivision and subdivision (2) of this section, each candidate with a cross (X) mark in the  
13 square preceding his or her name shall be counted as voted for.

14 (2) If no cross (X) mark appears in the circle immediately below any party name, but a  
15 cross (X) mark does appear in the square next to any candidate's name, the name of each  
16 candidate next to which a cross (X) mark appears shall be counted as voted for, and no other  
17 name shall be counted as voted for. If cross (X) marks appear next to the names of more

18 candidates for an office than are entitled to fill the office, no candidate for the office shall be  
19 counted as voted for. If more than one candidate is to be nominated or elected to an office, and  
20 any voter has voted for the same candidate more than once for the same office at the same  
21 election, no votes cast by the voter for the candidate shall be counted.

22 (3) No vote shall be counted for any candidate that is not marked substantially in  
23 accordance with the provisions of this section. [The judges shall count votes marked  
24 substantially in accordance with this section when the intent of the voter seems clear.] No ballot  
25 containing any proper votes shall be rejected for containing fewer marks than are authorized by  
26 law.

27 (4) Write-in votes shall be counted only for candidates for election to office who have  
28 filed a declaration of intent to be a write-in candidate for election to office with the proper  
29 election authority, who shall then notify the proper filing officer of the write-in candidate prior  
30 to 5:00 p.m. on the second Friday immediately preceding the election day; except that, write-in  
31 votes shall be counted only for candidates for election to state or federal office who have filed  
32 a declaration of intent to be a write-in candidate for election to state or federal office with the  
33 secretary of state pursuant to section 115.353 prior to 5:00 p.m. on the second Friday  
34 immediately preceding the election day. No person who filed as a party or independent candidate  
35 for nomination or election to an office may, without withdrawing as provided by law, file as a  
36 write-in candidate for election to the same office for the same term. No candidate who files for  
37 nomination to an office and is not nominated at a primary election may file a declaration of intent  
38 to be a write-in candidate for the same office at the general election. When declarations are  
39 properly filed with the secretary of state, the secretary of state shall promptly transmit copies of  
40 all such declarations to the proper election authorities for further action pursuant to this section.  
41 The election authority shall furnish a list to the election judges and counting teams prior to  
42 election day of all write-in candidates who have filed such declaration. This subdivision shall  
43 not apply to elections wherein candidates are being elected to an office for which no candidate  
44 has filed.

45 (5) Write-in votes shall be cast and counted for a candidate without party designation.  
46 Write-in votes for a person cast with a party designation shall not be counted. Except for  
47 candidates for political party committees, no candidate shall be elected as a write-in candidate  
48 unless such candidate receives a separate plurality of the votes without party designation  
49 regardless of whether or not the total write-in votes for such candidate under all party and  
50 without party designations totals a majority of the votes cast.

51 (6) When submitted to the election authority, each declaration of intent to be a write-in  
52 candidate for the office of United States president shall include the name of a candidate for vice  
53 president and the name of nominees for presidential elector equal to the number to which the

54 state is entitled. At least one qualified resident of each congressional district shall be nominated  
55 as presidential elector. Each such declaration of intent to be a write-in candidate shall be  
56 accompanied by a declaration of candidacy for each presidential elector in substantially the form  
57 set forth in subsection 3 of section 115.399. Each declaration of candidacy for the office of  
58 presidential elector shall be subscribed and sworn to by the candidate before the election official  
59 receiving the declaration of intent to be a write-in, notary public or other officer authorized by  
60 law to administer oaths.

115.493. The election authority shall keep all voted ballots, ballot cards, **processed**  
2 **ballot materials in electronic form** and write-in forms, and all applications, statements,  
3 certificates, affidavits and computer programs relating to each election for twelve months after  
4 the date of the election. During the time that voted ballots, ballot cards, **processed ballot**  
5 **materials in electronic form** and write-in forms are kept by the election authority, it shall not  
6 open or inspect them or allow anyone else to do so, except upon order of a legislative body trying  
7 an election contest, a court or a grand jury. After twelve months, the ballots, ballot cards,  
8 **processed ballot materials in electronic form**, write-in forms, applications, statements,  
9 certificates, affidavits and computer programs relating to each election may be destroyed. If an  
10 election contest, grand jury investigation or civil or criminal case relating to the election is  
11 pending at the time, however, the materials shall not be destroyed until the contest, investigation  
12 or case is finally determined.

115.613. 1. Except as provided in subsection 4 of this section, the qualified man and  
2 woman receiving the highest number of votes from each committee district for committeeman  
3 and committeewoman of a party shall be members of the county committee of the party.

4 2. If two or more qualified persons receive an equal number of votes for county  
5 committeeman or committeewoman of a party and a higher number of votes than any other  
6 qualified person from the party, a vacancy shall exist on the county committee which shall be  
7 filled by a majority of the committee in the manner provided in section 115.617.

8 3. If no qualified person is elected county committeeman or committeewoman from a  
9 committee district for a party, a vacancy shall exist on the county committee which shall be filled  
10 by a majority of the committee in the manner provided in section 115.617.

11 4. The provisions of this subsection shall apply only in any county where no filing fee  
12 is required for filing a declaration of candidacy for committeeman or committeewoman in a  
13 committee district. **If only one qualified candidate has filed a declaration of candidacy for**  
14 **committeeman or committeewoman in a committee district for a party prior to the deadline**  
15 **established by law, no election shall be held for committeeman or committeewoman in the**  
16 **committee district for that party and the election authority shall certify the qualified**  
17 **candidate in the same manner and at the same time as candidates elected pursuant to**

18 **subsection 1 of this section are certified.** If no qualified candidate files for committeeman or  
19 committeewoman in a committee district for a party, no election shall be held and a vacancy shall  
20 exist on the county committee which shall be filled by a majority of the committee in the manner  
21 provided in section 115.617. [The state shall pay the cost of producing ballots for any election  
22 held for the purposes of this subsection. The election authority shall pay all public notice costs  
23 for any election held pursuant to this subsection.]

115.619. 1. The membership of a legislative district committee shall consist of all  
2 county committee members within the legislative district, except as provided in subsections 4  
3 and 5 of this section. In all counties of this state which are wholly contained within a legislative  
4 district, or in which there are two or more whole legislative districts, or one whole legislative  
5 district and part of another legislative district, or parts of two or more legislative districts, there  
6 shall be elected from the membership of each legislative district committee a chairman and a vice  
7 chairman, one of whom shall be a woman and one of whom shall be a man[, and]. Each  
8 legislative district at the same time shall elect a secretary and a treasurer, one of whom shall be  
9 a woman and one of whom shall be a man, but who may or may not be members of the  
10 legislative district committee. Party state committees may provide for voting by proxy and for  
11 weighted or fractional voting.

12 2. If a legislative district and a county are coextensive, the chairman, vice chairman,  
13 secretary and treasurer of the county committee shall be the chairman, vice chairman, secretary  
14 and treasurer of the legislative committee.

15 3. Except as provided in subsections 4 and 5 of this section, the congressional, senatorial  
16 or judicial district committee shall consist of the chairman and vice chairman of each of the  
17 legislative districts in the congressional, senatorial[,] or judicial districts and the chairman and  
18 vice chairman of each of the county committees within the districts. Party state committees may  
19 provide for voting by proxy and may provide for weighted or fractional voting.

20 4. The congressional, senatorial or judicial district committee of a district coextensive  
21 with one county shall be the county committee.

22 5. The congressional, senatorial or judicial district committee of a district which is  
23 composed in whole or in part of a part of a city or part of a county shall consist of the ward or  
24 township committeemen and committeewomen from such wards or townships included in whole  
25 or in part in such part of a city or part of a county forming the whole or a part of such district.  
26 Party state committees may provide for voting by proxy and may provide for weighted or  
27 fractional voting.

**115.645. 1. For purposes of enforcing the provisions of this chapter, the secretary  
2 of state shall investigate all violations of any provisions of this chapter in cases where:**

3 **(1) The secretary of state determines a matter of statewide interest is adversely**

4 affected; or

5 (2) The secretary of state determines local law enforcement authorities are  
6 unwilling or unable to investigate the matter; or

7 (3) The local election authority requests the secretary of state to investigate.

8 2. The secretary of state shall promulgate rules to effectuate the provisions of this  
9 section.

10 3. The secretary of state shall ensure the confidentiality of all reports, records,  
11 working papers, recorded information, documents and copies thereof produced by,  
12 obtained by or disclosed to the secretary of state or any person in the course of an  
13 investigation made pursuant to this section. Only the following persons shall have access  
14 to such records maintained by the secretary of state:

15 (1) Appropriate staff of the secretary of state authorized to investigate allegations  
16 of election law violations pursuant to subsection 1 of this section; and

17 (2) A grand jury, prosecuting attorney, law enforcement officer, or other  
18 appropriate federal, state or local criminal justice agency personnel, with a need for such  
19 information under the law to investigate or prosecute state or federal election law  
20 violations.

115.825. The secretary of state shall administer a grant program for the purpose  
2 of allowing election authorities to receive grants from the federal government for the  
3 purpose of improving the election process in federal elections. The secretary of state may  
4 promulgate rules to effectuate the provisions of this section.

115.826. Any rule or portion of a rule, as that term is defined in section 536.010,  
2 RSMo, that is created under the authority delegated in sections 115.645, 115.801 and  
3 115.825 shall become effective only if it complies with and is subject to all of the provisions  
4 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter  
5 536, RSMo, are nonseverable and if any of the powers vested with the general assembly  
6 pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and  
7 annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
8 authority and any rule proposed or adopted after August 28, 2001, shall be invalid and  
9 void.

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 subsection 4 of this section,** hereafter when a  
16 seven-director district becomes an urban district, the directors of the prior seven-director district  
17 shall continue as directors of the urban district until the expiration of the terms for which they  
18 were elected and until their successors are elected as provided in this subsection. The first  
19 biennial school election for directors shall be held in the urban district at the time provided in  
20 subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors  
21 of the prior district which are first to expire, and directors shall be elected to succeed the  
22 directors of the prior district whose terms have expired. If the terms of two directors only have  
23 expired, the directors elected at the first biennial school election in the urban district shall be  
24 elected for terms of six years. If the terms of four directors have expired, two directors shall be  
25 elected for terms of six years and two shall be elected for terms of four years. At the next  
26 succeeding biennial election held in the urban district, successors for the remaining directors of  
27 the prior seven-director district shall be elected. If only two directors are to be elected they shall  
28 be elected for terms of six years each. If four directors are to be elected, two shall be elected for  
29 terms of six years and two shall be elected for terms of two years. After seven directors of the  
30 urban district have been elected under this subsection, their successors shall be elected for terms  
31 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**  
35 **reason of the 2000 federal decennial census,** elections shall be held annually at the same times  
36 and places as general municipal elections for all years where one or more terms expire, and the  
37 terms shall be for three years and until their successors are duly elected and qualified for all  
38 directors elected on and after August 28, 1998.

347.740. The secretary of state may collect an additional fee of five dollars on each and  
2 every fee required in this chapter. All fees collected as provided in this section shall be deposited  
3 in the state treasury and credited to the secretary of state's technology trust fund account. **The**  
4 **provisions of this section shall expire on December 31, 2009.**

351.127. The secretary of state may collect an additional fee of five dollars on each and  
2 every fee required in this chapter. All fees collected as provided in this section shall be deposited  
3 in the state treasury and credited to the secretary of state's technology trust fund account. **The**  
4 **provisions of this section shall expire on December 31, 2009.**

355.023. The secretary of state may collect an additional fee of five dollars on each and  
2 every fee required in this chapter. All fees collected as provided in this section shall be deposited  
3 in the state treasury and credited to the secretary of state's technology trust fund account. **The**  
4 **provisions of this section shall expire on December 31, 2009.**

356.233. The secretary of state may collect an additional fee of five dollars on each and  
2 every fee required in this chapter. All fees collected as provided in this section shall be deposited  
3 in the state treasury and credited to the secretary of state's technology trust fund account. **The**  
4 **provisions of this section shall expire on December 31, 2009.**

359.653. The secretary of state may collect an additional fee of five dollars on each and  
2 every fee required in this chapter. All fees collected as provided in this section shall be deposited  
3 in the state treasury and credited to the secretary of state's technology trust fund account. **The**  
4 **provisions of this section shall expire on December 31, 2009.**

400.9-508. The secretary of state may collect an additional fee of five dollars on each  
2 and every fee paid to the secretary of state as required in chapter 400.9. All fees collected as  
3 provided in this section shall be deposited in the state treasury and credited to the secretary of  
4 state's technology trust fund account. **The provisions of this section shall expire on December**  
5 **31, 2009.**

417.018. The secretary of state may collect an additional fee of five dollars on each and  
2 every fee required in this chapter. All fees collected as provided in this section shall be deposited  
3 in the state treasury and credited to the secretary of state's technology trust fund account. **The**  
4 **provisions of this section shall expire on December 31, 2009.**