

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 675**  
**91ST GENERAL ASSEMBLY**

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Reported from the Committee on Elections, April 30, 2002, with recommendation that the House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 675 Do Pass.

TED WEDEL, Chief Clerk

3197L.14C

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**AN ACT**

To repeal sections 28.160, 115.013, 115.081, 115.083, 115.085, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.122, 115.123, 115.127, 115.137, 115.151, 115.157, 115.159, 115.160, 115.162, 115.163, 115.179, 115.195, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.287, 115.291, 115.409, 115.417, 115.419, 115.427, 115.429, 115.433, 115.439, 115.453, 115.493 and 115.613, RSMo, relating to elections, and to enact in lieu thereof fifty new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

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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, 115.085, 115.087, 115.089, 2 115.095, 115.097, 115.099, 115.101, 115.122, 115.123, 115.127, 115.137, 115.151, 115.157, 3 115.159, 115.160, 115.162, 115.163, 115.179, 115.195, 115.225, 115.233, 115.237, 115.277, 4 115.279, 115.283, 115.287, 115.291, 115.409, 115.417, 115.419, 115.427, 115.429, 115.433, 5 115.439, 115.453, 115.493 and 115.613, RSMo, are repealed and fifty new sections enacted in 6 lieu thereof, to be known as sections 28.160, 71.005, 115.013, 115.074, 115.076, 115.081, 7 115.085, 115.087, 115.089, 115.095, 115.097, 115.098, 115.099, 115.101, 115.102, 115.123, 8 115.126, 115.127, 115.137, 115.151, 115.157, 115.159, 115.160, 115.162, 115.163, 115.179, 9 115.195, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.287, 115.291, 115.409, 10 115.417, 115.419, 115.420, 115.427, 115.429, 115.433, 115.439, 115.453, 115.493, 115.613,

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

11 115.801, 115.803, 115.806 and 1, 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	For issuing commission to notary public	\$15.00
4	For countersigning and sealing certificates of	
5	official character	10.00
6	For all other certificates	5.00
7	For copying archive and state library records,	
8	papers or documents, for each page 8 ½ x 14	
9	inches and smaller, not [more than	.10]
10	<b>to exceed the actual cost of document search</b>	
11	<b>and duplication</b>	
12	For duplicating microfilm,for each roll	[15.00],
13	<b>not to exceed the actual cost of staff</b>	
14	<b>time required for searches and duplication</b>	
15	For copying all other records, papers or documents,	
16	for each page 8 ½ x 14 inches and	
17	smaller, not [more than	.10]
18	<b>to exceed the actual cost of document</b>	
19	<b>search and duplication</b>	
20	For certifying copies of records and papers or	
21	documents	5.00
22	For causing service of process to be made	10.00
23	For electronic telephone transmittal, per page	2.00

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

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

35 4. The secretary of state may ask the general assembly to appropriate funds from the

36 technology trust fund for the purposes of establishing, procuring, developing, modernizing and  
37 maintaining:

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

40 (2) Library services offered to the citizens of this state;

41 (3) Administrative rules services, equipment and functions;

42 (4) Services, equipment and functions relating to securities;

43 (5) Services, equipment and functions relating to corporations and business  
44 organizations;

45 (6) Services, equipment and functions relating to the Uniform Commercial Code;

46 (7) Services, equipment and functions relating to archives; [and]

47 (8) Services, equipment and functions relating to record services; **and**

48 **(9) Services, equipment and functions relating to state and local elections.**

49 **5. Notwithstanding any provision of this section to the contrary, the secretary of**  
50 **state shall not collect fees, for processing apostilles, certifications and authentications prior**  
51 **to the placement of a child for adoption, in excess of one hundred dollars per child per**  
52 **adoption, or per multiple children to be adopted at the same time.**

**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) "**Municipal**" or "**municipality**", a city, village, or incorporated town of this  
42 state;

43 [(15)] (16) "New party", any political group which has filed a valid petition and is  
44 entitled to place its list of candidates on the ballot at the next general or special election;

45 [(16)] (17) "Nonpartisan", a candidate who is not a candidate of any political party and  
46 who is running for an office for which party candidates may not run;

47 [(17)] (18) "Political party", any established political party and any new party;

48 [(18)] (19) "Political subdivision", a county, city, town, village, or township of a  
49 township organization county;

50 [(19)] (20) "Polling place", the voting place designated for all voters residing in one or  
51 more precincts for any election;

52 [(20)] (21) "Precincts", the geographical areas into which the election authority divides

53 its jurisdiction for the purpose of conducting elections;

54 [(21)] (22) "Public office", any office established by constitution, statute or charter and  
55 any employment under the United States, the state of Missouri, or any political subdivision or  
56 special district, but does not include any office in the reserve forces or the national guard or the  
57 office of notary public;

58 [(22)] (23) "Question", any measure on the ballot which can be voted "YES" or "NO";

59 [(23)] (24) "Relative within the [second] first degree by consanguinity or affinity", a  
60 spouse, [each grandparent,] parent, [brother, sister, niece, nephew, aunt, uncle], or child [and  
61 grandchild] of a person;

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

65 [(24)] (26) "Special district", any school district, water district, fire protection district,  
66 hospital district, health center, nursing district, or other districts with taxing authority, or other  
67 district formed pursuant to the laws of Missouri to provide limited, specific services;

68 [(25)] (27) "Special election", elections called by any school district, water district, fire  
69 protection district, or other district formed pursuant to the laws of Missouri to provide limited,  
70 specific services; and

71 [(26)] (28) "Voting district", the one or more precincts within which all voters vote at  
72 a single polling place for any election.

**115.074. 1. Subject to appropriation from federal funds, the secretary of state shall**  
2 **administer a grant program annually for the purposes of providing funds to election**  
3 **authorities to upgrade or improve the voting process or equipment. The secretary of state**  
4 **shall distribute the funds according to the provisions established for the grants by federal**  
5 **law and regulation. The secretary of state may promulgate rules to effectuate the**  
6 **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, 2002, shall be invalid and void.**

**115.076. 1. Subject to appropriation of federal funds, the secretary of state shall**  
2 **administer a grant program annually for the purpose of providing funds to election**

3 **authorities:**

4 (1) **To purchase electronic voting machines that are accessible to all individuals**  
5 **with disabilities, including people who are blind or visually impaired;**

6 (2) **To make polling places, including path of travel, entrances, exits and voting**  
7 **areas of each polling facility accessible to individuals with disabilities, including the blind**  
8 **and visually impaired, in a manner that provides the same opportunity for access and**  
9 **secret, independent and verifiable participation, including privacy and independence, as**  
10 **for other voters;**

11 (3) **To provide individuals with disabilities and individuals who are blind and**  
12 **visually impaired with information about the accessibility of polling places, including**  
13 **outreach programs to inform individuals about the availability of accessible polling places**  
14 **and to train election officials, poll workers, and election volunteers on how to best promote**  
15 **the access and participation of individuals in elections, and to provide assistance in all**  
16 **accommodations needed by voters with disabilities.**

17

18 **The secretary of state shall distribute the funds according to the provisions established for**  
19 **the grants by federal law and regulation. The secretary of state may promulgate rules to**  
20 **effectuate the provisions of this section.**

21 **2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
22 **that is created under the authority delegated in this section shall become effective only if**  
23 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
24 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
25 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
26 **to review, to delay the effective date or to disapprove and annul a rule are subsequently**  
27 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
28 **adopted after August 28, 2002, 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 primary and general elections, the election authority shall appoint at least**  
8 **two judges from each major political party to serve at each polling place. No major**  
9 **political party shall have a majority of the judges at any polling place. No established**  
10 **party shall have a greater number of judges at any polling place than any major political**

11 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 shall have a greater number of judges at any polling place than any**  
16 **major political party.**

17 [2.] **4.** The election authority shall designate two of the judges appointed for each  
18 polling place, one from each major political party, as supervisory judges. Supervisory judges  
19 shall be responsible for the return of election supplies from the polling place to the election  
20 authority and 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.**

115.085. No person shall be appointed to serve as an election judge who is not a  
2 registered voter in the jurisdiction of the election authority for which he or she is appointed.  
3 Each election judge shall be a person of good repute and character who can speak, read and write  
4 the English language. No person shall serve as an election judge at any polling place in which  
5 his or her name or the name of a relative within the second degree, by consanguinity or affinity,  
6 appears on the ballot. However, no relative of any unopposed candidate shall be disqualified  
7 from serving as an election judge in any election jurisdiction of the state. No election judge  
8 shall, during his or her term of office, hold any other public office, other than as a member of a  
9 political party committee or township office, except any person who is an employee of the state  
10 of Missouri or who is appointed to or employed by **or elected to** a board or commission of a  
11 political subdivision or special district may serve as an election judge except at a polling place  
12 where such political subdivision or special district has an issue or candidate on the ballot. In any  
13 county having a population of less than two hundred fifty thousand inhabitants, any candidate  
14 for the county committee of a political party who is not a candidate for any other office and who  
15 is unopposed for election as a member of the committee shall not be disqualified from serving

16 as an election judge.

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 **or as authorized pursuant to section 115.081.** Not later than December tenth  
4 in each year in which county committeemen are elected, the county committee of each major  
5 political party shall submit to the [county clerk] **election authority** a list of persons qualified to  
6 serve as election judges in double the number required to hold a general election in the county.  
7 [Not later than February tenth in each year immediately following the year in which county  
8 committeemen are elected, each county clerk] **For each election, the election authority** shall  
9 select and appoint the number of judges required to hold [a general] **the** election [in his county,  
10 taking one-half of the judges from each of the lists]. If a county committee fails to present the  
11 prescribed number of names of qualified persons by the time prescribed, the [county clerk]  
12 **election authority** may select and appoint the number of judges provided by law for the county  
13 committee's party. If the [county clerk] **election authority** deems any person on a list to be  
14 unqualified, [he] **the election authority** may request the county committee which submitted the  
15 list to furnish another name. [The election judges shall be appointed for a term ending on  
16 February tenth in the year immediately following the year in which county committeemen are  
17 next elected and until their successors are appointed and qualified.]

18 **2. The state chairperson of each established political party may, in jurisdictions**  
19 **where no county committee exists and where the county clerk is the election authority,**  
20 **submit a list of persons qualified to serve as election judges to the county clerk. The county**  
21 **clerk may select and appoint additional judges from such list pursuant to section 115.081.**

22 **3. County clerks may compile a list of persons who claim no political affiliation and**  
23 **who volunteer to be election judges. A county clerk may select and appoint additional**  
24 **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] **such judge** shall have full authority to act as judge for the  
6 election, except that [he] **such judge** may be removed at any time by the election authority and  
7 replaced with another qualified judge from the same political party as the removed judge. **Any**  
8 **judge selected pursuant to this section shall be selected to ensure that no political party**  
9 **shall have a majority of judges at any polling place and that each major political party has**  
10 **at least one judge serving at the 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.

**115.098. 1. Subject to appropriation from federal funds, the secretary of state shall**  
2 **administer a grant program for the purpose of increasing the compensation of election**  
3 **judges. Such funding shall be made available to election authorities contingent upon the**  
4 **election authority increasing the compensation of election judges to an amount not less**  
5 **than seven dollars per hour. The secretary of state shall distribute the funds according to**  
6 **the provisions established for the grants by federal law and regulation. The secretary of**  
7 **state may promulgate rules to effectuate the provisions of this section.**

8 **2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
9 **that is created under the authority delegated in this section shall become effective only if**  
10 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
11 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
12 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
13 **to review, to delay the effective date or to disapprove and annul a rule are subsequently**  
14 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
15 **adopted after August 28, 2002, shall be invalid and void.**

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] **the judge** with a qualified person from  
5 the same political party as the removed judge. **Any judge selected pursuant to this section**  
6 **shall be selected to ensure that no political party shall have a majority of judges at any**  
7 **polling place and that each major political party has at least one judge serving at the**  
8 **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.** For purposes of this section, and the Constitution of Missouri, election judges  
5 appointed by the election authority shall not be considered employees of the election authority.

2 **115.102. 1. An employer shall not terminate, discipline, threaten or take adverse**  
3 **actions against an employee based on the employee's service as an election judge.**

4 **2. An employee who is appointed to serve as an election judge may, on election day,**  
5 **be absent from his or her employment for the period of time that the election authority**  
6 **requires the employee to serve as election judge. Employees must notify employers at least**  
7 **seven days prior to an election that they will be absent from work on election day due to**  
8 **service as an election judge.**

9 **3. An employee discharged in violation of this section may bring a civil action**  
10 **against the employer within ninety days of discharge for recovery of lost wages and other**  
11 **damages caused by the violation and for an order directing reinstatement of the employee.**  
12 **If the employee prevails, the employee shall be entitled to receive reasonable attorney's fees**  
13 **and costs.**

14 115.123. 1. All public elections shall be held on Tuesday. Except as provided in  
15 subsections 2, 3, **and 4** [and 5] of this section, and section 247.180, RSMo, all public elections  
16 shall be held on the general election day, the primary election day, the general municipal election  
17 day, the first Tuesday after the first Monday in February or November, or on another day  
18 expressly provided by city or county charter, **the first Tuesday after the first Monday in June**  
19 **and in nonprimary years on the first Tuesday after the first Monday in August.**

20 2. Notwithstanding the provisions of subsection 1 of this section, an election for a  
21 presidential primary held pursuant to sections 115.755 to 115.785 shall be held on the first  
22 Tuesday after the first Monday in March of each presidential election year.

1 3. [Notwithstanding the provisions of subsection 1 of this section, school districts may  
2 hold elections on the first Tuesday after the first Monday in June and in nonprimary years on the  
3 first Tuesday after the first Monday in August, and municipalities may hold elections in  
4 nonprimary years on the first Tuesday after the first Monday in August.

5 4.] The following elections shall be exempt from the provisions of subsection 1 of this  
6 section:

- 7 (1) Bond elections necessitated by fire, vandalism or natural disaster;
- 8 (2) Elections for which ownership of real property is required by law for voting; and
- 9 (3) Special elections to fill vacancies and to decide tie votes or election contests.

10 [5.] **4.** No city or county shall adopt a charter or charter amendment which calls for  
11 elections to be held on dates other than those established in subsection 1 of this section.

12 [6.] **5.** Nothing in this section prohibits a charter city or county from having its primary  
13 election in March if the charter provided for a March primary before August 28, 1999.

23 [7.] 6. Nothing in this section shall prohibit elections held pursuant to section 65.600,  
24 RSMo, but no other issues shall be on the March ballot except pursuant to this chapter.

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

7 **to such election and end at 5:00 p.m. on the Wednesday before the day of such election.**  
8 **2. Election authorities shall, pursuant to subsection 1 of this section, establish the**  
9 **hours and locations for advance voting and shall post this information at the election**  
10 **authority's office and in such other locations as the election authority may select. The**  
11 **election authority shall have all advance voting locations open on all business days during**  
12 **the advance voting period, and may have all advance voting locations open on Saturdays,**

13 **3. Except as provided in this section, advance voting procedures shall be conducted**  
14 **pursuant to sections 115.407 to 115.445. The secretary of state shall design the necessary**  
15 **application for use in an advance voting program pursuant to this section. Not later than**  
16 **August first of each year each election authority shall submit to the secretary of state a**  
17 **plan and funding request to implement the provisions of this section. The secretary of state**  
18 **shall submit a request for funding to the governor based on such plans approved by the**  
19 **secretary of state and funding requests submitted. If a sufficient sum is appropriated to**  
20 **finance the plan pursuant to this chapter, an advance voting program shall be implemented**  
21 **for the state at the elections held during that fiscal year. The secretary of state shall assist**  
22 **election authorities in developing a plan for the implementation of an advance voting**  
23 **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, such person, having voted more than once, is guilty of a class one election**  
30 **offense pursuant to subdivision (2) of section 115.631.**

31 **5. The secretary of state may promulgate rules to effectuate the provisions of this**  
32 **section.**

33 **6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
34 **that is created under the authority delegated in this section shall become effective only if**

35 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
36 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
37 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
38 **to review, to delay the effective date or to disapprove and annul a rule are subsequently**  
39 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
40 **adopted after August 28, 2002, shall be invalid and void.**

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

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

29 3. The election authority shall print the official ballot as the same appears on the sample  
30 ballot, and no candidate's name or ballot issue which appears on the sample ballot or official

31 printed ballot shall be stricken or removed from the ballot except on death of a candidate or by  
32 court order.

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

40 5. If the opening date for filing a declaration of candidacy for any office in a political  
41 subdivision or special district is not required by law or charter, the opening filing date shall be  
42 8:00 a.m., the fifteenth Tuesday prior to the election. If the closing date for filing a declaration  
43 of candidacy for any office in a political subdivision or special district is not required by law or  
44 charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to the election. The  
45 political subdivision or special district calling an election shall, before the fifteenth Tuesday prior  
46 to any election at which offices are to be filled, notify the general public of the opening filing  
47 date, the office or offices to be filled, the proper place for filing and the closing filing date of the  
48 election. Such notification may be accomplished by legal notice published in at least one  
49 newspaper of general circulation in the political subdivision or special district.

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

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 drivers 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.**

115.157. 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 person working as an undercover officer of a law enforcement agency,**  
47 **persons in witness protection programs, and victims of domestic violence and abuse who**  
48 **have received orders of protection pursuant to chapter 455, RSMo, shall be entitled to**  
49 **apply to the circuit court having jurisdiction in his or her county of residence to have the**  
50 **residential address on his or her voter registration records closed to the public if the release**  
51 **of such information could endanger the safety of the person. Any person working as an**  
52 **undercover agent or in a witness protection program shall also submit a statement from**  
53 **the chief executive officer, as defined in subsection 2 of section 590.100, RSMo, of the**  
54 **agency under whose direction he or she is serving. The petition to close the residential**  
55 **address shall be incorporated into any petition for protective order provided by circuit**  
56 **clerks pursuant to chapter 455, RSMo. If satisfied that the person filing the petition meets**  
57 **the qualifications of this subsection, the circuit court shall issue an order to the election**  
58 **authority to keep the residential address of the voter a closed record and the address may**  
59 **be used only for the purposes of administering elections pursuant to this chapter. The**  
60 **election authority may require the voter who has a closed residential address record to**  
61 **verify that his or her residential address has not changed or to file a change of address and**

62 **to affirm that the reasons contained in the original petition are still accurate prior to**  
63 **receiving a ballot. A change of address within an election authority's jurisdiction shall not**  
64 **require that the voter file a new petition. Any voter who no longer qualifies pursuant to**  
65 **this subsection to have his or her residential address as a closed record shall notify the**  
66 **circuit court. Upon such notification, the circuit court shall void the order closing the**  
67 **residential address and so notify the election authority.**

115.159. 1. Any person who is qualified to register in Missouri shall, upon application,  
2 be entitled to register by mail. Upon request, application forms shall be furnished by the election  
3 authority or the secretary of state.

4 2. Notwithstanding any provision of law to the contrary, the election authority shall not  
5 deliver any voter identification card to any person who registers to vote by mail until after such  
6 person has voted, in person, after presentation of a proper form of identification, for the first time  
7 following registration at his new polling place designated by the election authority.

8 **3. Notwithstanding any provision of law to the contrary, the election authority shall**  
9 **not deliver any absentee ballot to any person who registers to vote by mail until after such**  
10 **person has:**

11 **(a) Voted, in person, after presentation of a proper form of identification set out**  
12 **in section 115.427, for the first time following registration; or**

13 **(b) Provided a copy of identification set out in section 115.247 to the election**  
14 **authority.**

15

16 **This subsection shall not apply to those persons identified in section 115.283 who are**  
17 **exempted from obtaining a notary seal or signature on their absentee ballots.**

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           [(3)] (4) If a voter registration agency provides services to a person with a disability at  
20 the 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] **no later** than ninety days prior to  
16 the **date of a primary** [election in each year in which a primary and] **or** general election [will be  
17 held] **for federal office**, unless the voter has received such a card during the preceding six  
18 months. The voter identification card shall contain the voter's name, address, precinct and a  
19 signature line. The card may also contain other voting information at the discretion of the  
20 election authority. The voter shall be instructed to sign the card for use as identification at the  
21 polls. The voter identification card shall be sent to a voter after a new registration or a change  
22 of address. If any voter shall lose his voter identification card he may request a new one from  
23 the election authority. The voter identification card authorized pursuant to this section may be  
24 used as a canvass of voters in lieu of the provisions set out in sections 115.179 to 115.193.  
25 **Except as provided in subsection 2 of section 115.157**, anyone, upon request and payment of  
26 a reasonable fee, may obtain a printout, list and/or computer tape of those newly registered voters  
27 or voters deleted from the voting rolls, since the last canvass or updating of the rolls. **The**  
28 **election authority may authorize the use of the postal service contractors under the federal**  
29 **National Change of Address program to identify those voters whose address is not correct**  
30 **on the voter registration records. The election authority shall not be required to mail a**  
31 **voter registration card to those voters whose addresses are incorrect. Confirmation notices**

32 **to such voters required by section 115.193 shall be sent to the corrected address provided**  
33 **by the National Change of Address program.**

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] **two years in accordance with subsection 3**  
4 **of section 115.163** and that it be completed no later than ninety days prior to the date of a  
5 primary or general election for federal office. **The election authority may utilize postal service**  
6 **contractors under the federal National Change of 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] **two years**  
9 **in accordance with subsection 3 of section 115.163** and that it be completed no later than  
10 ninety days prior to the date of a primary or general election for federal office.

115.195. 1. At least once each month, the [election authority shall obtain from the] state  
2 or local registrar of vital statistics[,] **shall provide to the election authority** a list of the name  
3 and address, if known, of each person over eighteen years of age in its jurisdiction whose death  
4 has been reported to him or her **and provide a copy of the list of any death reported in the**  
5 **state to the secretary of state. The secretary of state shall notify the election authority of**  
6 **the jurisdiction in which the deceased resided of the information received pursuant to this**  
7 **subsection.**

8 2. At least once each month, the [election authority shall obtain from the] clerk of the  
9 circuit court **of each county and city not within a county shall provide to the election**  
10 **authority a list of the name and address, if known, of each person over eighteen years of age in**  
11 **[its] the court's jurisdiction who has been convicted of any felony, or of a misdemeanor**  
12 **connected with the right of suffrage. A copy of the list shall also be submitted to the secretary**  
13 **of state. The secretary of state shall notify the election authority of the jurisdiction in**  
14 **which an offender resides of the information received pursuant to this subsection.**

15 3. At least once each month, the [election authority shall obtain from the] clerk of the  
16 probate division of the circuit court **of each county and city not within a county shall provide**  
17 **to the election authority a list of the name and address, if known, of each person over eighteen**  
18 **years of age in [its] the court's jurisdiction who has been adjudged incapacitated and has not**  
19 **been restored to capacity. A copy of the list shall also be submitted to the secretary of state.**  
20 **The secretary of state shall notify the election authority of the jurisdiction in which such**  
21 **person resides of the information received pursuant to this subsection.**

22 4. All state and local registrars and all clerks of probate divisions of the circuit courts and  
23 circuit courts shall provide the information specified in this section, without charge, [when  
24 requested by an] **to the election authority or the secretary of state.**

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] a voter is  
8 lawfully entitled to vote for;

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

11 (4) Provides facilities for each voter to cast as many write-in votes for each office as [he]  
12 a voter 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] a voter 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 (11) **Has been tested and is certified by an independent authority that meets the**  
26 **voting system standards developed by the Federal Election Commission or its successor**  
27 **agency. The provisions of this subdivision shall not be required for any system purchased**  
28 **prior to August 28, 2002.**

29 3. [No rule or portion of a rule promulgated under the authority of this section shall  
30 become effective unless it has been promulgated pursuant to the provisions of section 536.024,  
31 RSMo.] **The secretary of state shall promulgate rules and regulations to allow the use of**  
32 **a computerized voting system. The procedures shall provide for the use of a computerized**  
33 **voting system with the ability to provide a paper audit trail.**

34

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

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

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

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

13           **2. Except as provided in subsection 4 of this section,** each ballot shall [be plain  
14 paper, through which printing or writing cannot be read, and shall] have:

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

- 16 (2) A circle one-half inch in diameter immediately below each party name;
- 17 (3) The name of each office printed in capital letters not less than eight point in size;
- 18 (4) The name of each candidate printed in capital letters not less than ten point in size;
- 19 (5) A small square, the sides of which shall not be less than one-fourth inch in length,
- 20 printed directly to the left of each candidate's name and on the same line as the candidate's
- 21 name. When write-in votes are authorized and no candidate's name is to be printed under the
- 22 name of an office in a party or nonpartisan column, under the name of the office in the
- 23 column shall be printed a square. Directly to the right of the square shall be printed a
- 24 horizontal line on which the voter may vote for a person whose name does not appear on the
- 25 ballot. When more than one position is to be filled for an office, and the number of
- 26 candidates' names under the office in a column is less than the number of positions to be
- 27 filled, the number of squares and write-in lines printed in the column shall equal the difference
- 28 between the number of candidates' names and the number of positions to be filled;
- 29 (6) The list of candidates of each party and all nonpartisan candidates placed in
- 30 separate columns with a heavy vertical line between each list;
- 31 (7) A horizontal line extending across the ballot three-eighths of an inch below the
- 32 last name or write-in line under each office in such a manner that the names of all candidates
- 33 and all write-in lines for the same office appear between the same horizontal lines. If write-in
- 34 votes are not authorized, the horizontal line shall extend across the ballot three-eighths of an
- 35 inch below the name of the last candidate under each office;
- 36 (8) In a separate column or beneath a heavy horizontal line under all names and
- 37 write-in lines, all questions;
- 38 (9) At least three-eighths of an inch below all other matter on the ballot, printed in
- 39 ten point Gothic type, the words "Instructions to Voters" followed by directions to the voter
- 40 on marking [his] **the** ballot as provided in section 115.439;
- 41 (10) Printed at the top on the face of the ballot the words "Official Ballot" followed by
- 42 the date of the election and the statement "Instruction to Voters: Place an X in the square
- 43 opposite the name of the person for whom you wish to vote."

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

45 OFFICIAL BALLOT

DATE .....

46 47 48 49 50 51	REPUBLICAN <input type="radio"/> For President and Vice President <input type="checkbox"/> .....	DEMOCRATIC <input type="radio"/> For President and Vice President <input type="checkbox"/> .....	THIRD PARTY <input type="radio"/> For President and Vice President <input type="checkbox"/> .....	INDEPENDENT <input type="radio"/> For President and Vice President <input type="checkbox"/> .....
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52	For United States Senator <input type="checkbox"/> .....			
56	For Governor <input type="checkbox"/> .....			
58	For Lieutenant Governor <input type="checkbox"/> .....			
61	For Secretary of State <input type="checkbox"/> .....			
64	For Treasurer <input type="checkbox"/> .....			
66	For Attorney General <input type="checkbox"/> .....			
69	For United States Representative <input type="checkbox"/> .....			
73	For State Senator <input type="checkbox"/> .....			
76	For State Representative <input type="checkbox"/> .....			
79	For Circuit Judge <input type="checkbox"/> .....			

82 **4. The secretary of state shall promulgate rules that specify uniform standards for**  
 83 **ballot layout for each electronic or computerized ballot county system approved under the**  
 84 **provisions of 115.225 so that the ballot used with any counting system is, where possible,**

85 consistent with the intent of this section. Nothing in this section shall be construed to  
86 require the format specified in this section if it does not meet the requirements of the ballot  
87 counting system used by the election authority.

88 **5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
89 **that is created under the authority delegated in this section shall become effective only if**  
90 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
91 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
92 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
93 **to review, to delay the effective date or to disapprove and annul a rule are subsequently**  
94 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
95 **adopted after August 28, 2002, shall be invalid and void.**

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

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

7 (2) Incapacity or confinement due to illness or physical disability, **including a person**  
8 **who is primarily responsible for the physical care of a person who is incapacitated or**  
9 **confined due to illness or disability;**

10 (3) Religious belief or practice;

11 (4) Employment as an election authority, as a member of an election authority, or by an  
12 election authority at a location other than such voter's polling place;

13 (5) Incarceration, provided all qualifications for voting are retained.

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

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

20 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 degree by consanguinity or affinity. The election authority [may] **shall** accept applications by  
4 facsimile transmission [at its discretion and] within the limits of its telecommunications capacity.

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

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

24 4. Each application for an absentee ballot shall be signed by the applicant or, if the  
25 application is made by a guardian or relative pursuant to the provisions of this section, the  
26 application shall be signed by the guardian or relative, who shall note on the application his or  
27 her relationship to the applicant. If an applicant, guardian or relative is blind, unable to read or  
28 write the English language or physically incapable of signing the application, he or she shall sign  
29 by mark, witnessed by the signature of an election official or person of his or her own choosing.  
30 Any person who knowingly makes, delivers or mails a fraudulent absentee ballot application  
31 shall be guilty of a class one election offense.

32 5. Notwithstanding any law to the contrary, any resident of the state of Missouri who  
33 resides outside the boundaries of the United States or who is on active duty with the armed forces  
34 of the United States or members of their immediate family living with them may request an

35 absentee ballot for both the primary and subsequent general election with one application.

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

42 "STATE OF .....

43 COUNTY OF ....., ss.

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

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

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

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

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

54 Signed .....

55 (Applicant)

56 .....

57 (Residence Address)

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

59 Signed .....

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

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

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

71 "STATE OF .....

72 COUNTY OF ....., ss.

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

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

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

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

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

84 Signed .....

85 (Applicant)

86 .....

87 (Residence Address)

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

89 Signed .....

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

91 9. An application for an absentee ballot by an interstate former resident, as defined in  
92 section 115.275, shall be received in the office of the election authority where the applicant was  
93 formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the  
94 application is made in person by the applicant in the office of the election authority, in which  
95 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, **including caring for a  
22 person who is incapacitated or confined due to illness or disability;**

23 ..... religious belief or practice;

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

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

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 .....

42 Mailing addresses

43 (if different)

44

.....

Signature of Person

Assisting Voter

(if applicable)

Subscribed and sworn to

before me this ..... day

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

.....

.....

Signature of notary or

other officer authorized

to administer oaths

45 3. The statement for persons voting absentee ballots pursuant to the provisions of  
46 subsection 2, 3, 4 or 5 of section 115.277 without being registered shall be in substantially the  
47 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 ..... Subscribed to and sworn

73 Signature of Voter before me this ..... day

74 of ....., .....

75 .....

76 ..... .....

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

87 (if applicable)

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

91 State of Missouri

92 County (City) of .....

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

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

97 ..... incapacity or confinement due to illness or physical disability, **including caring for a  
98 person who is incapacitated or confined due to illness or disability;**

99 ..... religious belief or practice;

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

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

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

115

other officer authorized

116

to administer oaths

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 Reason why voter needed assistance:

130 .....

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 subdivision (2) of subsection 1 of section 115.277.**

115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied  
2 the applicant is entitled to vote by absentee ballot, the election authority shall, within three  
3 working days after receiving the application, or if absentee ballots are not available at the time  
4 the application is received, within five working days after they become available, deliver to the  
5 voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant  
6 to vote. Delivery shall be made to the voter personally in the office of the election authority or  
7 by bipartisan teams appointed by the election authority, or by first class, registered, or certified  
8 mail at the discretion of the election authority. Where the election authority is a county clerk,  
9 the members of bipartisan teams representing the political party other than that of county clerk

10 shall be selected from a list of persons submitted to the county clerk by the county chairman of  
11 that party. If no list is provided by the time that absentee ballots are to be made available, the  
12 county clerk may select a person or persons from lists provided in accordance with section  
13 115.087. If the election authority is not satisfied that any applicant is entitled to vote by absentee  
14 ballot, it shall not deliver an absentee ballot to the applicant. Within three working days of  
15 receiving such an application, the election authority shall notify the applicant and state the reason  
16 he or she is not entitled to vote by absentee ballot. The applicant may appeal the decision of the  
17 election authority to the circuit court in the manner provided in section 115.223.

18         2. If any voter from the jurisdiction has become hospitalized in the county in which the  
19 jurisdiction is located or in any county or in the jurisdiction of an adjoining election authority  
20 within the same county after 5:00 p.m. on the Wednesday before an election, if any voter from  
21 the jurisdiction has become confined due to illness or injury after 5:00 p.m. on the Wednesday  
22 before an election or if any voter from the jurisdiction is confined in an adult boarding facility,  
23 intermediate care facility, residential care facility, or skilled nursing facility, as defined in section  
24 198.006, RSMo, in the jurisdiction, the election authority [may] **shall** appoint a team to deliver,  
25 witness the signing of and return the voter's application and deliver, witness the voting of and  
26 return the voter's absentee ballot; **except that, the election authority may allow a relative**  
27 **within the first degree of consanguinity or affinity to perform the same duties as a team for**  
28 **such confined voter.** In counties of the first class with a charter form of government and in  
29 cities not within a county, and in each city which has over three hundred thousand inhabitants,  
30 and is situated in more than one county, if the election authority receives ten or more applications  
31 for absentee ballots from the same address it may appoint a team to deliver and witness the  
32 voting and return of absentee ballots by voters residing at that address, except when such  
33 addresses are for an apartment building or other structure wherein individual living units are  
34 located, each of which has its own separate cooking facilities. Each team appointed under the  
35 provisions of this subsection shall consist of two registered voters, one from each major political  
36 party. Both members of any team appointed pursuant to this subsection shall be present during  
37 the delivery, signing or voting and return of any application or absentee ballot signed or voted  
38 pursuant to this subsection.

39         3. On the mailing and ballot envelopes for each applicant in federal service, the election  
40 authority shall stamp prominently in red the words "FEDERAL BALLOT, STATE OF  
41 MISSOURI" and "U.S. Postage Paid, 42 U.S.C., 1973 DD".

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

115.291. 1. Upon receiving an absentee ballot, the voter shall mark [his] **the** ballot in  
2 secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the

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

115.409. 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] **the voter's**  
10 ballot on any question or candidate or in the case of a primary election on which party ballot they  
11 voted or does not interfere with the general conduct of the election as determined by the election  
12 judges or election authority, and registered voters who are eligible to vote at the polling place,

13 no person 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] **the voter** may vote as [he] **the voter** 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 [2.] **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. The**  
11 **secretary of state shall respond to such written request within two business days.**

115.427. 1. [In counties using binders as precinct registers,] Before receiving a ballot, [each voter] voters shall identify [himself] themselves by presenting a form of personal identification from the following list:

(1) Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;

(2) Identification issued by the United States government or agency thereof;

(3) Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;

(4) Driver's license or state identification card issued by another state; or

(5) Other identification approved by the secretary of state under rules promulgated pursuant to subsection 3 of this section. Personal knowledge of the voter by two supervising election judges, one from each major political party, shall be acceptable voter identification upon the completion of a secretary of state-approved affidavit that is signed by both supervisory election judges and the voter that attests to the personal knowledge of the voter by the two supervisory election judges. The secretary of state may provide by rule for a sample affidavit to be used for such purpose. [and write his address and sign his name on a certificate furnished to the election judges by the election authority. Each certificate shall be in substantially the following form:

VOTER'S IDENTIFICATION CERTIFICATE

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

PRECINCT WARD OR TOWNSHIP .....

GENERAL (SPECIAL, PRIMARY) ELECTION

Held ....., 20....

Date

I hereby certify that I am qualified to vote at this election.

.....

Sign Name

(Do Not Print)

.....

Initials of two judges from Address different political parties]

2. [In counties using computer printouts as the precinct register, before receiving a ballot, each voter shall present his voter identification card as provided in section 115.163.] The [computer printout] precinct register shall serve as the voter identification certificate. The following form shall be printed at the top of each page of the [computer printout] precinct

37 **register:**

38 VOTER'S IDENTIFICATION CERTIFICATE

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

41 PRECINCT

42 WARD OR TOWNSHIP .....

43 GENERAL (SPECIAL, PRIMARY) ELECTION

44 Held ....., 20....

45 Date

46 I hereby certify that I am qualified to vote at this election **by signing my name and verifying**  
47 **my address by signing my initials next to my address.** [The voter shall sign his name and  
48 verify his address by his initials.]

49 **3. The secretary of state shall promulgate rules to effectuate the provisions of this**  
50 **section.**

51 **4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
52 **that is created under the authority delegated in this section shall become effective only if**  
53 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
54 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
55 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
56 **to review, to delay the effective date or to disapprove and annul a rule are subsequently**  
57 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
58 **adopted after August 28, 2002, shall be invalid and void.**

59 [3.] **5.** If any voter is unable to sign his name at the appropriate place on the certificate  
60 or computer printout, an election judge shall print the name and address of the voter in the  
61 appropriate place on the [certificate or printout] **precinct register**, the voter shall make his mark  
62 in lieu of signature, and the voter's mark shall be witnessed by the signature of an election judge.

63 [4. In counties using binders as the precinct register, two election judges, one from each  
64 major political party, shall compare the signature on the identification certificate with the  
65 signature on the precinct register.

66 5. In counties using printouts as the precinct register, two election judges, one from each  
67 major political party, shall compare the signature on the voter identification card with the  
68 signature on the computer printout. If the voter does not have his voter identification card, the  
69 judges shall require identification acceptable to the election authority. Personal knowledge of  
70 the voter by two election judges, one from each major political party, shall be acceptable  
71 identification to the election authority.]

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.

12         4. If the election judges cannot reach a decision on the identity or qualifications of any  
13 person, the question shall be decided by the election authority, subject to appeal to the circuit  
14 court as provided in section 115.223.

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

115.433. After the voter's identification certificate has been initialed, two judges of  
2 different political parties, **or one judge from a major political party and one judge with no**  
3 **political affiliation**, shall, where paper ballots or ballot cards are used, initial the voter's ballot  
4 or ballot 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 **All such stickers and items used by election authorities shall conform to rules and**  
38 **regulations promulgated by the secretary of state regarding the form of such stickers and**  
39 **items. The secretary of state shall promulgate rules and regulations to prescribe uniform**  
40 **specifications for the form of such stickers and items. If authorized,** such sticker or item  
41 shall contain a cross (X) mark, or other mark as described in subsection 2 of this section, in the  
42 square directly left of the candidate's name and the office for which the candidate is a write-in  
43 candidate. A write-in vote that does not meet the requirements of this subsection which appears  
44 on a ballot shall not be counted [under] **pursuant to** sections 115.447 to 115.525. In those  
45 jurisdictions using an electronic voting system which utilizes mark sense or optical scan  
46 technology **and if the election authority authorizes the use of stickers for write-ins,** such  
47 system shall be programmed to identify and separate those ballots which contain an office in  
48 which write-in candidates are eligible to receive votes, and which contain less votes than a voter

49 is entitled to cast. In addition, such sticker shall be considered "printed matter" as defined in  
50 subsection 8 of section 130.031, RSMo, and as such shall contain the designation required by  
51 subsection 8 of section 130.031, RSMo.

52 **6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
53 **that is created under the authority delegated in this section shall become effective only if**  
54 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
55 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
56 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
57 **to review, to delay the effective date or to disapprove and annul a rule are subsequently**  
58 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
59 **adopted after August 28, 2002, 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 substantially  
24 in accordance with this section when the intent of the voter seems clear. **Regulations**  
25 **promulgated by the secretary of state shall be used by the judges to determine voter intent.**

26 No ballot containing any proper votes shall be rejected for containing fewer marks than are  
27 authorized by law.

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

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

52 (6) When submitted to the election authority, each declaration of intent to be a write-in  
53 candidate for the office of United States president shall include the name of a candidate for vice  
54 president and the name of nominees for presidential elector equal to the number to which the  
55 state is entitled. At least one qualified resident of each congressional district shall be nominated  
56 as presidential elector. Each such declaration of intent to be a write-in candidate shall be  
57 accompanied by a declaration of candidacy for each presidential elector in substantially the form  
58 set forth in subsection 3 of section 115.399. Each declaration of candidacy for the office of  
59 presidential elector shall be subscribed and sworn to by the candidate before the election official  
60 receiving the declaration of intent to be a write-in, notary public or other officer authorized by  
61 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.]

**115.801. Subject to appropriation from federal funds, the secretary of state shall**

2 administer a grant program annually for the purpose of involving youth in youth voting  
3 programs. The secretary of state may promulgate rules to effectuate the provisions of this  
4 section.

115.803. 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.

115.806. 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 115.801 and 115.803 shall  
3 become effective only if it complies with and is subject to all of the provisions of chapter  
4 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,  
5 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, 2002, shall be invalid and  
9 void.

Section 1. 1. The provisions of this section shall apply to primary and general  
2 elections where candidates or federal or statewide offices are nominated or elected and any  
3 election where statewide issue or issues are submitted to the voters.

4 2. A voter claiming to be properly registered in the jurisdiction of the election  
5 authority and eligible to vote in an election, but whose eligibility cannot be immediately  
6 established upon examination of the precinct register or upon examination of the records  
7 on file with the election authority, shall be entitled to vote a provisional ballot after  
8 providing a form of personal identification required pursuant to section 115.427, RSMo.  
9 The provisional ballot contained in this section shall contain the statewide candidates and  
10 issues, and federal candidates. The congressional district on the provisional ballot shall  
11 be for the address contained on the affidavit provided for in this section.

12 3. Once voted, the provisional ballot shall be placed and sealed in a provisional  
13 ballot envelope. The provisional ballot in its envelope shall be deposited in the ballot box.  
14 The provisional ballot envelope shall be completed by the voter for use in determining  
15 eligibility. The provisional ballot envelope specified in this section shall contain a voter's  
16 certificate which shall be in substantially the following form:

17 STATE OF .....

18 COUNTY OF .....

19 I do solemnly swear (or affirm) that my name is .....; that my date of birth  
20 is .....; that the last four digits of my Social Security Number are .....; that I am

21 registered to vote in ..... County or City (if a City not within a County), Missouri;  
22 that I am a qualified voter of said County (or City not within a County); that I am eligible  
23 to vote at this polling place; and that I have not voted in this election.

24 I understand that if the above-provided information is not correct and the election  
25 authority determines that I am not registered and eligible to vote, my vote will not be  
26 counted. I further understand that knowingly providing false information is a violation  
27 of law and subjects me to possible criminal prosecution.

28 .....

29 (Signature of Voter)

30 .....

31 (Current Address)

32 Subscribed and affirmed before me this ..... day of ....., 20....

33 .....

34 (Signature of Election Official)

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

37 4. Prior to certification of the election, the election authority shall determine if the  
38 voter is registered and entitled to vote and if the vote was properly cast. The provisional  
39 ballot shall be counted only if the election authority determines that the voter is registered  
40 and entitled to vote. If the voter is not registered but is qualified to register for future  
41 elections, the affidavit shall be considered a mail application to register to vote under the  
42 provisions of this chapter.

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

45 6. The secretary of state may promulgate rules for purposes of ensuring the  
46 uniform application of this section.

47 7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
48 that is created under the authority delegated in this section shall become effective only if  
49 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if  
50 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
51 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,  
52 to review, to delay the effective date or to disapprove and annul a rule are subsequently  
53 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
54 adopted after August 28, 2002, shall be invalid and void.

55 8. The secretary of state shall design and provide to the election authorities the  
56 envelopes and forms necessary to carry out the provisions of this section.

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  
other major political party.]

2 [115.122. The provisions of section 115.123, to the contrary notwithstanding,  
3 any county, city, town or village may hold an election on the first Tuesday after the  
first Monday in August, 1997.]

Section B. Because immediate action is necessary to ensure the efficient operation of  
2 elections in this state, the repeal and reenactment of section 115.613 of this act is deemed  
3 necessary for the immediate preservation of the public health, welfare, peace and safety, and is  
4 hereby declared to be an emergency act within the meaning of the constitution, and the repeal and  
5 reenactment of section 115.613 of this act shall be in full force and effect upon its passage and  
6 approval, or July 1, 2002, whichever later occurs.