

SECOND REGULAR SESSION

HOUSE BILL NO. 2521

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ENGLISH.

6445H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.105 and 115.107, RSMo, and to enact in lieu thereof two new sections relating to election challengers and watchers.

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

Section A. Sections 115.105 and 115.107, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 115.105 and 115.107, to read as follows:

115.105. 1. The chair of the county committee of each political party named on the ballot shall have the right to designate a challenger for each polling place, who may be present [during the hours of voting] **until all ballots are cast on the day of election**, and a challenger for each location at which absentee ballots are counted, who may be present while the ballots are being prepared for counting and counted. No later than four business days before the election, the chair of each county committee of each political party named on the ballot shall provide signed official designation forms with the names of the designated challengers and substitutes to the local election authority for confirmation of eligibility to serve as a challenger. The local election authority, after verifying the eligibility of each designated and substitute challenger, shall sign off on the official designation forms, unless the challenger is found not to have the qualifications established by subsection 5 of this section. If the election authority determines that a challenger does not meet the qualifications of subsection 5 of this section, the designating party chair may designate a replacement challenger and provide the local election authority with the name of the replacement challenger before 5:00 p.m. of the Monday preceding the election. The designating chair may substitute challengers at his or her discretion during such hours.

2. Challenges may only be made when the challenger believes the election laws of this state have been or will be violated, and each challenger shall report any such belief to the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 election judges, or to the election authority if not satisfied with the decision of the election
19 judges.

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

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

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

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

115.107. 1. At every election, the chairman of the county committee of each political
2 party named on the ballot shall have the right to designate a watcher for each place votes are
3 counted.

4 2. Watchers are to observe the counting of the votes and present any complaint of
5 irregularity or law violation to the election judges, or to the election authority if not satisfied with
6 the decision of the election judges.

7 No watcher may be substituted for another on election day.

8 3. No watcher shall report to anyone the name of any person who has or has not voted.

9 4. **A watcher may remain present until all closing certification forms are completed,**
10 **all equipment is closed and taken down, the transportation case for the ballots is sealed,**
11 **election materials are returned to the election authority or to the designated collection**
12 **place for a polling place, and any other duties or procedures required under sections**
13 **115.447 to 115.491 are completed. A watcher may also remain present at each location at**
14 **which absentee ballots are counted and may remain present while such ballots are being**
15 **prepared for counting and counted.**

16 5. All persons selected as watchers shall have the same qualifications required by section
17 115.085 for election judges, except that such watcher shall be a registered voter in the
18 jurisdiction of the election authority for which the watcher is designated as a watcher.

✓