

FIRST REGULAR SESSION

HOUSE BILL NO. 738

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RONE.

1239H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.013, 115.045, 115.051, 115.065, 115.077, 115.107, 115.225, 115.227, 115.229, 115.233, 115.235, 115.237, 115.249, 115.255, 115.257, 115.259, 115.261, 115.263, 115.265, 115.267, 115.269, 115.271, 115.273, 115.299, 115.302, 115.417, 115.421, 115.427, 115.447, 115.467, 115.469, 115.471, 115.473, 115.475, 115.477, 115.479, 115.481, 115.483, 115.495, 115.503, 115.541, 115.585, 115.633, and 115.655, RSMo, and to enact in lieu thereof twenty new sections relating to elections, with a delayed effective date and penalty provisions.

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

Section A. Sections 115.013, 115.045, 115.051, 115.065, 115.077, 115.107, 115.225, 115.227, 115.229, 115.233, 115.235, 115.237, 115.249, 115.255, 115.257, 115.259, 115.261, 115.263, 115.265, 115.267, 115.269, 115.271, 115.273, 115.299, 115.302, 115.417, 115.421, 115.427, 115.447, 115.467, 115.469, 115.471, 115.473, 115.475, 115.477, 115.479, 115.481, 115.483, 115.495, 115.503, 115.541, 115.585, 115.633, and 115.655, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 115.004, 115.013, 115.045, 115.051, 115.065, 115.077, 115.107, 115.225, 115.237, 115.299, 115.417, 115.421, 115.427, 115.447, 115.458, 115.476, 115.541, 115.585, 115.633, and 115.655, to read as follows:

115.004. The sections of this chapter and all related rules and regulations shall not be amended or modified in any manner in the six months preceding a presidential election.

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

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.

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

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

9 ~~[(3) "Ballot card", a ballot which is voted by making a mark which can be tabulated by~~
10 ~~automatic tabulating equipment;~~

11 ~~——(4) (2) "Ballot label", the card, paper, booklet, page, or other material containing the~~
12 names of all offices and candidates and statements of all questions to be voted on;

13 ~~[(5) (3) "Counting location", a location selected by the election authority for the~~
14 automatic processing or counting, or both, of ballots;

15 ~~[(6) (4) "County", any county in this state or any city not within a county;~~

16 ~~[(7) (5) "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) (6) "District", an area within the state or within a political subdivision of the state~~
21 from which a person is elected to represent the area on a policy-making body with
22 representatives of other areas in the state or political subdivision;

23 ~~[(9) "Electronic voting machine", any part of an electronic voting system on which a~~
24 ~~voter is able to cast a ballot under this chapter;~~

25 ~~——(10) "Electronic voting system", a system of casting votes by use of marking devices, and~~
26 ~~counting votes by use of automatic tabulating or data processing equipment, including~~
27 ~~computerized voting systems;]~~

28 ~~[(11) (7) "Established political party" for the state, a political party which, at either of~~
29 the last two general elections, polled for its candidate for any statewide office more than two
30 percent of the entire vote cast for the office. "Established political party" for any district or
31 political subdivision shall mean a political party which polled more than two percent of the entire
32 vote cast at either of the last two elections in which the district or political subdivision voted as
33 a unit for the election of officers or representatives to serve its area;

34 ~~[(12) (8) "Federal office", the office of presidential elector, United States senator, or~~
35 representative in Congress;

36 ~~[(13) (9) "Independent", a candidate who is not a candidate of any political party and~~
37 who is running for an office for which political party candidates may run;

38 [(14)] **(10)** "Major political party", the political party whose candidates received the
39 highest or second highest number of votes at the last general election;

40 ~~[(15)] "Marking device", any approved device which will enable the votes to be counted~~
41 ~~by automatic tabulating equipment;~~

42 ~~[(16)]~~ **(11)** "Municipal" or "municipality", a city, village, or incorporated town of this
43 state;

44 [(17)] **(12)** "New party", any political group which has filed a valid petition and is
45 entitled to place its list of candidates on the ballot at the next general or special election;

46 [(18)] **(13)** "Nonpartisan", a candidate who is not a candidate of any political party and
47 who is running for an office for which party candidates may not run;

48 [(19)] **(14)** "Political party", any established political party and any new party;

49 [(20)] **(15)** "Political subdivision", a county, city, town, village, or township of a
50 township organization county;

51 [(21)] **(16)** "Polling place", the voting place designated for all voters residing in one or
52 more precincts for any election;

53 [(22)] **(17)** "Precincts", the geographical areas into which the election authority divides
54 its jurisdiction for the purpose of conducting elections;

55 [(23)] **(18)** "Public office", any office established by constitution, statute or charter and
56 any employment under the United States, the state of Missouri, or any political subdivision or
57 special district thereof, but does not include any office in the Missouri state defense force or the
58 National Guard or the office of notary public or city attorney in cities of the third classification
59 or cities of the fourth classification;

60 [(24)] **(19)** "Question", any measure on the ballot which can be voted "YES" or "NO";

61 [(25)] **(20)** "Relative within the second degree by consanguinity or affinity", a spouse,
62 parent, child, grandparent, brother, sister, grandchild, mother-in-law, father-in-law,
63 daughter-in-law, or son-in-law;

64 [(26)] **(21)** "Special district", any school district, water district, fire protection district,
65 hospital district, health center, nursing district, or other districts with taxing authority, or other
66 district formed pursuant to the laws of Missouri to provide limited, specific services;

67 [(27)] **(22)** "Special election", elections called by any school district, water district, fire
68 protection district, or other district formed pursuant to the laws of Missouri to provide limited,
69 specific services; and

70 [(28)] **(23)** "Voting district", the one or more precincts within which all voters vote at
71 a single polling place for any election.

 115.045. Each election authority shall have the authority to employ such attorneys and
2 other employees as may be necessary to promptly and correctly perform the duties of the election

3 authority. ~~[Where an electronic voting system or voting machines are used, the election authority~~
4 ~~shall designate competent employees to have custody of and supervise maintenance of the voting~~
5 ~~equipment.]~~ Board of election commissioners' employees shall be subject to the same
6 restrictions and subscribe the same oath as members of the board of election commissioners,
7 except that no employee of a board of election commissioners shall be required to post bond
8 unless directed to do so by the board. Employee oaths and any bonds shall be filed and preserved
9 in the office of the board.

115.051. 1. In each county which does not have a board of election commissioners, the
2 county clerk shall have the right to employ such deputies and assistants as are necessary to
3 promptly and correctly register voters and conduct elections. ~~[Where an electronic voting system~~
4 ~~or voting machines are used, the county clerk shall designate competent employees to have~~
5 ~~custody of and supervise maintenance of the voting equipment.]~~ Each deputy shall be subject
6 to the same restrictions and subscribe the same oath as the county clerk, except that no employee
7 shall be required to post bond unless directed to do so by the clerk. Employee oaths and any
8 bonds shall be filed and preserved in the office of the county clerk.

9 2. Within the total amount for deputies and assistants approved by the county
10 commission, the salary of each deputy and assistant shall be set by the county clerk.

115.065. 1. Except as provided in sections 115.069, 115.071, 115.073 and 115.077,
2 when any question or candidate is submitted to a vote by two or more political subdivisions or
3 special districts, or by the state and one or more political subdivisions or special districts at the
4 same election, all costs of the election shall be paid proportionally from the general revenues of
5 the state and all political subdivisions and special districts submitting a question or candidate at
6 the election, except that costs of publications of legal notice of elections shall not be paid
7 proportionally. The state and each political subdivision and each special district shall pay for
8 publication of its legal notice of election. At the discretion of the election authority, ballot
9 printing costs, if any, may be paid proportionally or the state and each political subdivision and
10 each special district may pay for such ballot printing costs, if any.

2. Except as provided in sections 115.069, 115.071 and 115.073, when any question or
12 candidate is submitted to a vote by two or more political subdivisions or special districts at the
13 same election, all costs of the election shall be paid proportionally from the general revenues of
14 all political subdivisions and special districts submitting a question or candidate at the election.

3. Proportional election costs paid under the provisions of subsection 2 of this section
16 shall be assessed by charging each political subdivision and special district the same percentage
17 of the total cost of the election as the number of registered voters of the political subdivision or
18 special district on the day of the election is to the total number of registered voters on the day of

19 the election, derived by adding together the number of registered voters in each political
20 subdivision and special district submitting a question or candidate at the election.

21 4. "Proportional costs" and "election costs", as used in this chapter, are defined as those
22 costs that require additional out-of-pocket expense by the election authority in conducting an
23 election. It may include reimbursement to county general revenue for the salaries of employees
24 of the election authority for the hours worked to conduct an election, ~~[the rental of any electronic~~
25 ~~voting machine or electronic poll book,]~~ any indirect expenses identified under an independent
26 cost allocation study and an amount not to exceed five percent of the total cost of election to be
27 credited to the election services fund of the county. The election services fund shall be budgeted
28 and expended at the direction of the election authority and shall not be used to substitute for or
29 subsidize any allocation of general revenue for the operation of the election authority's office
30 without the express consent of the election authority. The election services fund may be audited
31 by the appropriate auditing agency, and any unexpended balance shall be left in the fund to
32 accumulate from year to year with interest. The election services fund shall be used by the
33 election authority for training programs and purchase of additional supplies or equipment to
34 improve the conduct of elections, including anything necessarily pertaining thereto. In addition
35 to these costs, the state shall, subject to appropriation, compensate the election services fund for
36 transactions submitted pursuant to the provisions of section 115.157.

115.077. 1. Special districts, cities, townships in township organization counties,
2 villages and the state shall pay the election costs required by sections 115.063 to 115.077 to each
3 election authority conducting its elections.

4 2. If the state is required to pay election costs pursuant to sections 115.063 to 115.065,
5 the state shall, not later than the seventh Tuesday prior to any such election, pay each election
6 authority conducting its elections an amount determined by the office of the secretary of state,
7 in consultation with the election authority, to be a reasonable estimate of the cost of conducting
8 such election, using a method developed by the secretary of state, in consultation with ~~the~~
9 election authority, that is reviewed at least every two years.

10 3. Not later than the fifth Tuesday prior to any election to be conducted for a special
11 district or political subdivision, the election authority shall submit the estimated cost of
12 conducting the election for each political subdivision and special district submitting a candidate
13 or question at the election. Not later than the third Tuesday prior to the election, each special
14 district and political subdivision submitting a candidate or question at the election, except the
15 county, shall deposit with the election authority an amount equal to the estimated cost of
16 conducting the election for the political subdivision or special district.

17 4. All payments of election costs received by an election authority under the provisions
18 of this section shall be placed by the election authority in a special account and used by the

19 election authority only to pay the costs incurred in conducting the election. Not later than the
20 tenth Tuesday following an election, if the amount paid to an election authority by the state or
21 any political subdivision or special district exceeds the cost of conducting the election for the
22 state, political subdivision or special district, the election authority shall refund to the state,
23 political subdivision or special district the difference between the amount deposited with it and
24 the cost of conducting the election. Not later than the tenth Tuesday following an election, if the
25 amount deposited with an election authority by the state or any political subdivision or special
26 district is less than the cost of conducting the election, the election authority shall submit a
27 request to the state and each political subdivision and special district for the difference between
28 the amount deposited and the cost of conducting the election.

29 5. (1) Within two weeks of receipt of actual cost and required documentation of actual
30 expenses from the election authority, the state, political subdivision, or special district shall
31 approve for payment the difference between the amount deposited and the cost of conducting the
32 election.

33 (2) For the purposes of this section, the term "required documentation" shall mean a
34 detailed list of expenses that the secretary of state intends to reimburse the election authority for
35 and a detailed description of the documentation that the election authority shall produce
36 following the election. For any election in which the state is required to pay all or a proportion
37 of the cost, the secretary of state shall, not later than the eleventh Tuesday prior to the election
38 or, in case of a special election, no later than five business days following the issuance of a writ
39 of election by the governor, transmit to the election authority the detailed list and description
40 described above.

41 6. Except as provided in sections 115.063 to 115.072, all payments of election costs
42 received by an election authority under the provisions of this section shall be placed by the
43 election authority in a special account and used by the election authority only to pay the costs
44 incurred in conducting elections.

45 7. When the state or any political subdivision or special district willfully fails to make
46 payment of an election cost required by this subchapter by the time provided in this subchapter,
47 it shall pay a penalty of fifty dollars for each day after the time provided in this subchapter proper
48 payment is not made. Any such penalty shall be payable to the election authority authorized to
49 receive payment of the election cost and shall be deposited in the general revenue fund of such
50 election authority's city or county. For purposes of this subsection, the state shall not be
51 considered to have willfully failed to make payment of an election cost if there is not sufficient
52 cash or appropriation authority to make such a payment.

53 8. (1) There is hereby created the "State Election Subsidy Fund" in the state treasury.

54 (2) All unobligated funds in the state election subsidy fund on January 1, 2019, shall be
55 transferred to the elections administration improvements fund authorized pursuant to section
56 115.078. To meet the state's funding obligation to maintain expenditures pursuant to Section
57 254(a)(7) of the Help America Vote Act of 2002, the commissioner of the office of
58 administration shall annually transfer from general revenue to the election administration
59 improvements fund, established pursuant to section 115.078, an amount not less than the amount
60 expended in the fiscal year that ended June 30, 2000. Any other law to the contrary
61 notwithstanding, the funds received pursuant to Sections 251 and 252 of the Help America Vote
62 Act of 2002 shall be expended according to the state plan developed pursuant to the provisions
63 of Section 254 of said act. The secretary of state shall develop the state plan through the
64 committee appointed by the secretary of state under the provisions of Section 255 of the Help
65 America Vote Act of 2002.

66 ~~[9. An election authority may rent or lease out any electronic voting machine purchased~~
67 ~~by such election authority.]~~

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

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

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

14 5. All persons selected as watchers shall have the same qualifications required by section
15 115.085 for election judges, except that such watcher shall be a registered voter in the
16 jurisdiction of the election authority for which the watcher is designated as a watcher.

17 **6. A candidate may select his or her own poll watchers at his or her own expense,**
18 **provided that the poll watchers meet the other requirements of this section.**

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]~~ **used to cast ballots** and may promulgate rules and regulations to implement the intent
4 of sections 115.225 to ~~[115.235]~~ **115.230**.

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 a voter is~~
8 ~~lawfully entitled to vote for;~~
9 ~~(3) Permits each voter to vote for or against as many questions as 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 a~~
12 ~~voter is lawfully entitled to cast;~~
13 ~~(5) Permits each voter in a primary election to vote for the candidates of only one party~~
14 ~~announced by the voter in advance;~~
15 ~~(6) Permits each voter at a presidential election to vote by use of a single mark for the~~
16 ~~candidates of one party or group of petitioners for president, vice president and their presidential~~
17 ~~electors;~~
18 ~~(7) Accurately counts all proper votes cast for each candidate and for and against each~~
19 ~~question;~~
20 ~~(8) Is set to reject all votes, except write-in votes, for any office and on any question~~
21 ~~when the number of votes exceeds the number a voter is lawfully entitled to cast;~~
22 ~~(9) Permits each voter, while voting, to clearly see the ballot label;~~
23 ~~(10) Has been tested and is certified by an independent authority that meets the voting~~
24 ~~system standards developed by the Federal Election Commission or its successor agency. The~~
25 ~~provisions of this subdivision shall not be required for any system purchased prior to August 28,~~
26 ~~2002.~~
27 ~~3. The secretary of state shall promulgate rules and regulations to allow the use of a~~
28 ~~computerized voting system. The procedures shall provide for the use of a computerized voting~~
29 ~~system with the ability to provide a paper audit trail. Notwithstanding any provisions of this~~
30 ~~chapter to the contrary, such a system may allow for the storage of processed ballot materials in~~
31 ~~an electronic form.] **If any election authority uses any touchscreen direct-recording**~~
32 ~~**electronic vote-counting machine, the election authority may continue to use such machine.**~~
33 ~~**Upon the removal of such voting machine from the election authority's inventory because**~~
34 ~~**of mechanical malfunction, wear and tear, or any other reason, the machine shall not be**~~
35 ~~**replaced and no additional direct-recording electronic voting machine shall be added to**~~
36 ~~**the election authority's inventory. Such machines shall not be used beginning January 1,**~~
37 ~~**2022, except that election authorities may allow the machines to be used by voters who are**~~
38 ~~**disabled as long as the machines are functional. Replacement of equipment for use by**~~
39 ~~**voters who are disabled shall be with paper ballot marking devices designed to assist**~~
40 ~~**voters.**~~

41 [4-] 3. Any rule or portion of a rule, as that term is defined in section 536.010, that is
42 created under the authority delegated in this section shall become effective only if it complies
43 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
44 This section and chapter 536 are nonseverable and if any of the powers vested with the general
45 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
46 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
47 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

48 **4. Beginning January 1, 2022, no electronic voting systems or automatic tabulating**
49 **equipment shall be used. All elections in this state shall use paper ballots, which shall be**
50 **counted by hand.**

115.237. 1. ~~[Each ballot printed or designed for use with an electronic voting system for~~
2 ~~any election pursuant to this chapter shall contain all questions and the names of all offices and~~
3 ~~candidates certified or filed pursuant to this chapter and no other.] **Beginning January 1, 2022,**~~
4 ~~the official ballot shall be a paper ballot that is hand-marked by the voter, or in the case~~
5 ~~of voters with disabilities who need assistance, by a paper ballot marking device designed~~
6 ~~to assist voters, except as provided in subsection 3 of section 115.225.~~ As far as practicable,
7 all questions and the names of all offices and candidates for which each voter is entitled to vote
8 shall be printed on one page ~~[except for the ballot for political party committee persons in polling~~
9 ~~places not utilizing an electronic voting system which may be printed separately and in~~
10 ~~conformity with the requirements contained in this section].~~ As far as practicable, ballots
11 containing only questions and the names of nonpartisan offices and candidates shall be printed
12 in accordance with the provisions of this section, except that the ballot information may be listed
13 in vertical or horizontal rows. The names of candidates for each office shall be listed in the order
14 in which they are filed.

15 2. ~~[In polling places using electronic voting systems, the ballot information may be~~
16 ~~arranged in vertical or horizontal rows or on a number of separate pages or screens. In any event,~~
17 ~~the name of each candidate, the candidate's party, the office for which he or she is a candidate,~~
18 ~~and each question shall be indicated clearly on the ballot.~~

19 ~~3. Nothing in this subchapter shall be construed as prohibiting the use of a separate paper~~
20 ~~ballot for questions or for the presidential preference primary in any polling place using an~~
21 ~~electronic voting system.~~

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

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

31 ~~6.]~~ The secretary of state shall promulgate rules that specify uniform standards for ballot
32 layout for each electronic or computerized ballot counting system approved under the provisions
33 of section 115.225 so that the ballot used with any counting system is, where possible, consistent
34 with the intent of this section. Nothing in this section shall be construed to require the format
35 specified in this section if it does not meet the requirements of the ballot counting system used
36 by the election authority.

37 [7.] 3. Any rule or portion of a rule, as that term is defined in section 536.010, that is
38 created under the authority delegated in this section shall become effective only if it complies
39 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
40 This section and chapter 536 are nonseverable and if any of the powers vested with the general
41 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
42 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
43 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

115.299. 1. To count absentee votes on election day, the election authority shall appoint
2 a sufficient number of teams of election judges comprised of an equal number of judges from
3 each major political party.

4 2. The teams so appointed shall meet on election day after the time fixed by law for the
5 ~~opening~~ **closing** of the polls at a central location designated by the election authority. The
6 election authority shall deliver the absentee ballots to the teams, and shall maintain a record of
7 the delivery. The record shall include the number of ballots delivered to each team and shall
8 include a signed receipt from two judges, one from each major political party. The election
9 authority shall provide each team with a ballot box, tally sheets and statements of returns as are
10 provided to a polling place.

11 3. Each team shall count votes on all absentee ballots designated by the election
12 authority.

13 4. To process absentee ballots in envelopes, one member of each team, closely observed
14 by another member of the team from a different political party, shall open each envelope and call
15 the voter's name in a clear voice. Without unfolding the ballot, two team members, one from
16 each major political party, shall initial the ballot, and an election judge shall place the ballot, still
17 folded, in a ballot box. No ballot box shall be opened until all of the ballots a team is counting
18 have been placed in the box. The votes shall be tallied and the returns made as provided in

19 sections 115.447 to 115.525 for paper ballots. After the votes on all ballots assigned to a team
20 have been counted, the ballots and ballot envelopes shall be enclosed in sealed containers marked
21 "voted absentee ballots and ballot envelopes from the election held ____, 20 ____". All rejected
22 absentee ballots and envelopes shall be enclosed and sealed in a separate container marked
23 "rejected absentee ballots and envelopes from the election held ____, 20 ____". On the outside
24 of each voted ballot and rejected ballot container, each member of the team shall write his or her
25 name, and all such containers shall be returned to the election authority. Upon receipt of the
26 returns and ballots, the election authority shall tabulate the absentee vote along with the votes
27 certified from each polling place in its jurisdiction.

28 **5. No absentee ballots shall be counted until all votes cast on election day have been**
29 **counted.**

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: ~~[if paper ballots or an electronic voting system is used, the~~
4 ~~instructions shall inform the voter on]~~ how to obtain a ballot for voting, how to vote and prepare
5 the ballot for deposit in the ballot box, and how to obtain a new ballot to replace one accidentally
6 spoiled.

7 2. The election authority at each polling place shall post in a conspicuous place voting
8 instructions on a poster no smaller than twenty-four inches by thirty inches. Such instructions
9 shall also inform the voter that the electronic voting equipment can be demonstrated upon
10 request of the voter. The election authority shall also publicly post during the period of time in
11 which a person may cast an absentee ballot and on election day a sample version of the ballot
12 that will be used for that election, the date of the election, the hours during which the polling
13 place will be open, instructions for mail-in registrants and first-time voters, general information
14 on voting rights in accordance with the state plan filed by the secretary of state pursuant to the
15 Help America Vote Act of 2002, general information on the right to cast a provisional ballot and
16 instructions for provisional ballots, how to contact appropriate authorities if voting rights have
17 been violated, and general information on federal and Missouri law regarding prohibitions on
18 acts of fraud and misrepresentation. The secretary of state may promulgate rules to execute this
19 section. No rule or portion of a rule promulgated pursuant to the authority of this section shall
20 become effective unless it has been promulgated pursuant to chapter 536.

21 3. The secretary of state may develop multilingual voting instructions to be made
22 available to election authorities.

115.421. Before the time fixed by law for the opening of the polls, the election judges
2 shall:

3 (1) Set up the voting equipment, arrange the furniture, supplies and records and make
4 all other arrangements necessary to open the polls at the time fixed by law;

5 (2) Post a voter instruction card in each voting booth or machine and in at least one other
6 conspicuous place within the polling place and post a sample ballot in a conspicuous place near
7 the voting booths;

8 (3) Certify the number of ballots received at each polling place. In each polling place
9 using voting machines, the election judges shall, in lieu of certifying the number of ballots
10 received, certify the number on each voting machine received at the polling place, the number
11 on the seal of each voting machine, the number on the protective counter of each voting machine
12 and that all recording counters on all voting machines at the polling place are set at zero. If a
13 recording counter on any voting machine is not set at zero, the election judges shall immediately
14 notify the election authority and proceed as it directs;

15 (4) Compare the ballot, ballot label or ballot card and ballot label with the sample
16 ballots, see that the names, numbers and letters agree and certify thereto in the tally book. If the
17 names, numbers or letters do not agree, the election judges shall immediately notify the election
18 authority and proceed as it directs; and

19 (5) Sign the tally book in the manner provided in the form for tally books in section
20 115.461 ~~or 115.473~~. If any election judge, challenger or watcher has not been previously sworn
21 as the law directs, he or she shall take and subscribe the oath of his or her office as provided in
22 section 115.091 or 115.109, and the oath shall be returned to the election authority with the tally
23 book.

115.427. 1. Persons seeking to vote in a public election shall establish their identity and
2 eligibility to vote at the polling place **or, if voting absentee in person under section 115.257,**
3 **at the office of the election authority** by presenting a form of personal identification to election
4 officials. No form of personal identification other than the forms listed in this section shall be
5 accepted to establish a voter's qualifications to vote. Forms of personal identification that satisfy
6 the requirements of this section are any one of the following:

7 (1) Nonexpired Missouri driver's license;

8 (2) Nonexpired or nonexpiring Missouri nondriver's license;

9 (3) A document that satisfies all of the following requirements:

10 (a) The document contains the name of the individual to whom the document was issued,
11 and the name substantially conforms to the most recent signature in the individual's voter
12 registration record;

13 (b) The document shows a photograph of the individual;

14 (c) The document includes an expiration date, and the document is not expired, or, if
15 expired, the document expired after the date of the most recent general election; and

16 (d) The document was issued by the United States or the state of Missouri; or

17 (4) Any identification containing a photograph of the individual which is issued by the
18 Missouri National Guard, the United States Armed Forces, or the United States Department of
19 Veteran Affairs to a member or former member of the Missouri National Guard or the United
20 States Armed Forces and that is not expired or does not have an expiration date.

21 2. (1) An individual who appears at a polling place without a form of personal
22 identification described in subsection 1 of this section and who is otherwise qualified to vote at
23 that polling place ~~[may execute a statement, under penalty of perjury, averring that the individual~~
24 ~~is the person listed in the precinct register, averring that the individual does not possess a form~~
25 ~~of personal identification described in subsection 1 of this section, acknowledging that the~~
26 ~~individual is eligible to receive a Missouri nondriver's license free of charge if desiring it in order~~
27 ~~to vote; and acknowledging that the individual is required to present a form of personal~~
28 ~~identification, as described in subsection 1 of this section, in order to vote. Such statement shall~~
29 ~~be executed and sworn to before the election official receiving the statement. Upon executing~~
30 ~~such statement, the individual may cast a regular ballot, provided such individual presents one~~
31 ~~of the following forms of identification:~~

32 ~~—— (a) Identification issued by the state of Missouri, an agency of the state, or a local~~
33 ~~election authority of the state;~~

34 ~~—— (b) Identification issued by the United States government or agency thereof;~~

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

37 ~~—— (d) A copy of a current utility bill, bank statement, government check, paycheck, or other~~
38 ~~government document that contains the name and address of the individual;~~

39 ~~—— (e) Other identification approved by the secretary of state under rules promulgated~~
40 ~~pursuant to this section:~~

41 ~~—— (2) For any individual who appears at a polling place without a form of personal~~
42 ~~identification described in subsection 1 of this section and who is otherwise qualified to vote at~~
43 ~~that polling place, the election authority may take a picture of such individual and keep it as part~~
44 ~~of that individual's voter registration file at the election authority.~~

45 ~~—— (3) Any individual who chooses not to execute the statement described in subdivision~~
46 ~~(1) of this subsection may cast a provisional ballot. Such provisional ballot shall be counted;~~
47 ~~provided that it meets the requirements of subsection 4 of this section.~~

48 ~~—— (4) For the purposes of this section, the term "election official" shall include any person~~
49 ~~working under the authority of the election authority.~~

50 ~~—— 3. The statement to be used for voting under subdivision (1) of subsection 2 of this~~
51 ~~section shall be substantially in the following form:~~

52 -

53 "State of _____

54 County of _____

55 I do solemnly swear (or affirm) that my name is _____; that I reside at _____; that I am the
56 person listed in the precinct register under this name and at this address; and that, under penalty
57 of perjury, I do not possess a form of personal identification approved for voting. As a person
58 who does not possess a form of personal identification approved for voting, I acknowledge that
59 I am eligible to receive free of charge a Missouri nondriver's license at any fee office if desiring
60 it in order to vote. I furthermore acknowledge that I am required to present a form of personal
61 identification, as prescribed by law, in order to vote. _____

62 I understand that knowingly providing false information is a violation of law and subjects me to
63 possible criminal prosecution. _____

64 _____

65 Signature of voter _____

66 Subscribed and affirmed before me this _____ day of _____, 20 _____

67 _____

68 Signature of election official" _____

69

70 _____ 4. A voter] shall be allowed to cast a provisional ballot [~~under section 115.430 even if~~
71 ~~the election judges cannot establish the voter's identity under this section].~~ The election judges
72 shall make a notation on the provisional ballot envelope to indicate that the voter's identity was
73 not verified.

74 **(2) No person shall be entitled to receive a provisional ballot until such person has**
75 **completed a provisional ballot affidavit on the provisional ballot envelope. All provisional**
76 **ballots shall be marked with a conspicuous stamp or mark that distinguishes the**
77 **provisional ballots from other ballots.**

78 **(3) The provisional ballot envelope shall be completed by the voter for use in**
79 **determining the voter's eligibility to cast a ballot.**

80 **3. The provisional ballot envelope shall provide a place for the voter's name,**
81 **address, date of birth, and the last four digits of his or her Social Security number,**
82 **followed by a certificate in substantially the following form:**

83

84 **I do solemnly swear that I am the person identified above and the**
85 **information provided is correct. I understand that my vote will not be**
86 **counted unless:**

87 (1) I return to this polling place today between 6:00 a.m. and 7:00 p.m. and
88 provide one of the following forms of identification:

89 (a) A nonexpired Missouri driver's license;

90 (b) A nonexpired or nonexpiring Missouri nondriver's license;

91 (c) A document that satisfies all of the following requirements:

92 (i) The document contains my name, in substantially the same form as the
93 most recent signature on my voter registration record;

94 (ii) The document contains my photograph;

95 (iii) The document contains an expiration date and the document is not
96 expired, or if expired, the document expired after the date of the most recent
97 general election; and

98 (iv) The document was issued by the United States or the state of Missouri;
99 or

100 (d) Identification containing my photograph issued to me by the Missouri
101 National Guard, the United States Armed Forces, or the United States
102 Department of Veteran Affairs as a member or former member of the
103 Missouri National Guard or the United States Armed Forces and is not
104 expired or does not have an expiration date;

105 (2) The election authority verifies my identity by comparing my signature
106 on this envelope to the signature on file with the election authority and
107 determines that I am eligible to cast a ballot at this polling place; and

108 (3) This provisional ballot otherwise qualifies to be counted under the laws
109 of the state of Missouri.

110

111

Signature of Voter

Date

112

113

114

Signatures of Election Officials

115

116

117 Once voted, the provisional ballot shall be sealed in the provisional ballot envelope and
118 deposited in the ballot box.

119 4. The provisional ballot cast by such voter shall not be counted unless:

120 (1) (a) The voter returns to the polling place during the uniform polling hours
121 established by section 115.407 and provides a form of personal identification that allows the
122 election judges to verify the voter's identity as provided in subsection 1 of this section; or

123 (b) The election authority verifies the identity of the individual by comparing that
124 individual's signature to the signature on file with the election authority and determines that the
125 individual was eligible to cast a ballot at the polling place where the ballot was cast; and

126 (2) The provisional ballot otherwise qualifies to be counted under section 115.430.

127 5. ~~The secretary of state shall provide advance notice of the personal identification~~
128 ~~requirements of subsection 1 of this section in a manner calculated to inform the public generally~~
129 ~~of the requirement for forms of personal identification as provided in this section. Such advance~~
130 ~~notice shall include, at a minimum, the use of advertisements and public service announcements~~
131 ~~in print, broadcast television, radio, and cable television media, as well as the posting of~~
132 ~~information on the opening pages of the official state internet websites of the secretary of state~~
133 ~~and governor.~~

134 ~~6.]~~ (1) Notwithstanding the provisions of section 136.055 and section 302.181 to the
135 contrary, the state and all fee offices shall provide one nondriver's license at no cost to any
136 otherwise qualified voter who does not already possess such identification and who desires the
137 identification ~~[in order to vote]~~ **for voting**.

138 (2) This state and its agencies shall provide one copy of each of the following, free of
139 charge, if needed by an individual seeking to obtain a form of personal identification described
140 in subsection 1 of this section ~~[in order to vote]~~ **for voting**:

141 (a) A birth certificate;

142 (b) A marriage license or certificate;

143 (c) A divorce decree;

144 (d) A certificate of decree of adoption;

145 (e) A court order changing the person's name;

146 (f) A Social Security card reflecting an updated name; and

147 (g) Naturalization papers or other documents from the United States Department of State
148 proving citizenship.

149

150 Any individual seeking one of the above documents in order to obtain a form of personal
151 identification described in subsection 1 of this section ~~[in order to vote]~~ **for voting** may request
152 the secretary of state to facilitate the acquisition of such documents. The secretary of state shall
153 pay any fee or fees charged by another state or its agencies, or any court of competent jurisdiction
154 in this state or any other state, or the federal government or its agencies, in order to obtain any
155 of the above documents from such state or the federal government.

156 (3) ~~All costs associated with the implementation of this section shall be reimbursed from~~
157 ~~the general revenue of this state by an appropriation for that purpose. If there is not a sufficient~~

158 ~~appropriation of state funds, then the personal identification requirements of subsection 1 of this~~
 159 ~~section shall not be enforced.~~

160 ~~——(4) Any applicant who requests a nondriver's license for [the purpose of] voting shall~~
 161 ~~not be required to pay a fee [if the applicant executes a statement, under penalty of perjury,~~
 162 ~~averring that the applicant does not have any other form of personal identification that meets the~~
 163 ~~requirements of this section]. The state of Missouri shall pay the legally required fees for any~~
 164 ~~such applicant. [The director of the department of revenue shall design a statement to be used~~
 165 ~~for this purpose. The total cost associated with nondriver's license photo identification under this~~
 166 ~~subsection shall be borne by the state of Missouri from funds appropriated to the department of~~
 167 ~~revenue for that specific purpose.] The department of revenue and a local election authority may~~
 168 ~~enter into a contract that allows the local election authority to assist the department in issuing~~
 169 ~~nondriver's license photo identifications.~~

170 ~~[7.] 6.~~ The director of the department of revenue shall, by January first of each year,
 171 prepare and deliver to each member of the general assembly a report documenting the number
 172 of individuals who have requested and received a nondriver's license photo identification for the
 173 purposes of voting under this section. The report shall also include the number of persons
 174 requesting a nondriver's license for purposes of voting under this section, but not receiving such
 175 license, and the reason for the denial of the nondriver's license.

176 ~~[8.] 7.~~ The precinct register shall serve as the voter identification certificate. The
 177 following form shall be printed at the top of each page of the precinct register:

178 VOTER'S IDENTIFICATION CERTIFICATE

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

181 PRECINCT _____

182 WARD OR TOWNSHIP _____

183 GENERAL (SPECIAL, PRIMARY) ELECTION Held _____, 20____Date

184 I hereby certify that I am qualified to vote at this election by signing my name and
 185 verifying my address by signing my initials next to my address.

186 ~~[9.] 8.~~ The secretary of state shall promulgate rules to effectuate the provisions of this
 187 section.

188 ~~[10.] 9.~~ Any rule or portion of a rule, as that term is defined in section 536.010, that is
 189 created under the authority delegated in this section shall become effective only if it complies
 190 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
 191 This section and chapter 536 are nonseverable and if any of the powers vested with the general
 192 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and

193 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
 194 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

195 [11.] 10. If any voter is unable to sign his name at the appropriate place on the certificate
 196 or computer printout, an election judge shall print the name and address of the voter in the
 197 appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and
 198 the voter's mark shall be witnessed by the signature of an election judge.

199 [12.] 11. This section shall become effective only upon the passage and approval by the
 200 voters of a constitutional amendment submitted to them by the general assembly regarding the
 201 authorization of photo identification requirements for elections by general law. If such
 202 constitutional amendment is approved by the voters, this section shall become effective June 1,
 203 2017.

115.447. 1. As used in this subchapter, unless the context clearly implies otherwise, the
 2 following terms shall mean:

3 (1) "Counting judges" are the two judges, one from each major political party, who read
 4 each vote received by all candidates and each vote for and against all questions at a polling place;

5 (2) "Receiving judges" are the two judges, one from each major political party, who
 6 initial each voter's ballot at a polling place;

7 (3) "Recording judges" are the two judges, one from each major political party, who tally
 8 the votes received by each candidate and for and against each question at a polling place. These
 9 terms describe functions rather than individuals, and any election judge may perform more than
 10 one function at a polling place on election day.

11 2. As used in this subchapter, unless the context clearly implies otherwise, the following
 12 terms shall mean:

13 (1) "Defective ballot" is any ballot [eard] on which the number of write-in votes and
 14 votes cast on the ballot [eard] for any office exceed the number allowed by law[~~and any ballot~~
 15 ~~card which is bent or damaged so that it cannot be properly counted by automatic tabulating~~
 16 ~~equipment~~];

17 (2) "Rejected ballot" is any ballot on which no votes are counted because the ballot fails
 18 to have the initials of the proper election judges, because the number of votes for all offices and
 19 on all questions exceeds the number authorized by law, because the voter is deemed by the
 20 election judges to be unqualified, because it is an absentee ballot not accompanied by a
 21 completed and signed affidavit, or because the ballot was voted with unlawful assistance;

22 (3) "Spoiled ballot" is any ballot accidentally spoiled by a voter and replaced by election
 23 judges in the manner provided in subsection 2 of section 115.439.

**115.458. 1. This section shall apply to all votes counted under sections 115.447 to
 2 115.525.**

3 **2. All votes cast in any election governed by this chapter shall be counted by hand.**
4 **No electronic voting machines or automatic tabulating equipment shall be used.**

5 **3. No election authority shall begin counting ballots until each polling place has**
6 **returned its ballot box to the election authority.**

7 **4. No absentee ballots shall be counted until all votes cast on election day are**
8 **counted by the election authority.**

115.476. As soon as practicable after the election, the election authority shall count
2 **all ballots cast, unused ballots, spoiled ballots, and provisional ballots to ensure the same**
3 **number of ballots that the election authority sent to each precinct were returned to the**
4 **election authority at the close of the polls.**

 115.541. 1. Whenever a recount is ordered pursuant to section 115.539, the court shall
2 order all materials and records relating to the contest brought before it, so that the court has the
3 same materials and records as the election judges had while making the count and statements of
4 returns. The court shall have authority to pass upon the form and determine the legality of the
5 votes brought into question and to determine the qualifications of any voter whose vote is
6 brought into question, provided that the name of a voter upon a precinct register for the polling
7 place shall be prima facie evidence of the proper qualifications of the voter. A comparison may
8 be made between the signatures on the identification certificates and those which appear in the
9 precinct registers, and no votes shall be counted except the votes of registered voters and those
10 entitled to vote as provided in section 115.277 without being registered. No votes of any person
11 found by the court to be unqualified to vote at the primary election shall be counted.

12 2. Whenever a recount of votes cast on paper ballots is ordered pursuant to section
13 115.539 or 115.601, the court shall proceed to open and count the votes and, after the count has
14 been completed, shall tabulate by voting district the votes cast for the contestant and the
15 contestee.

16 3. Whenever a recount of votes cast on any voting machine is ordered pursuant to section
17 115.539 or 115.601, the court shall make visible the registering counters of the machine and,
18 without unlocking the machine against voting, shall record the votes cast on the machine.

19 ~~[4. Whenever a recount of votes cast on ballot cards is ordered pursuant to section~~
20 ~~115.539 or 115.601, the court shall supervise a test of the automatic tabulating equipment~~
21 ~~conducted in the manner provided in section 115.233 and shall cause the votes to be recounted~~
22 ~~automatically or may order a hand count of the votes. In its discretion, the court may order a new~~
23 ~~computer program to be made, which shall be tested in the manner provided in section 115.233~~
24 ~~before the votes in question are recounted automatically.]~~

 115.585. 1. Whenever a recount is ordered pursuant to section 115.583 or 115.601, the
2 court or legislative body trying the contest shall issue a writ to each election authority responsible

3 for conducting the election in any area in which an alleged irregularity occurred, commanding
4 the election authority to prepare its office and all records and materials relating to the contested
5 election for the recount. Such writ shall be served immediately on the election authority by the
6 sheriff of the county. Upon receipt of a writ, each election authority shall set a day, not more
7 than twenty days after receiving the writ, on which it will have its office and all records and
8 materials relating to the contested election prepared. Immediately upon setting the day, the
9 election authority shall send by certified or registered mail a notice to the court or legislative
10 body issuing the writ. The notice shall set forth the day selected by the election authority for the
11 recount.

12 2. Whenever a recount is ordered pursuant to section 115.583, the court or legislative
13 body shall have authority to pass upon the form and determine the legality of the votes brought
14 into question and to determine the qualifications of any voter whose vote is brought into
15 question, provided that the name of a voter upon a precinct register for the polling place shall be
16 prima facie evidence of the proper qualifications of the voter. A comparison may be made
17 between the signatures on the identification certificates and those which appear in the precinct
18 registers, and no votes shall be counted except the votes of registered voters and those entitled
19 to vote as provided in subsection 2 of section 115.137 and section 115.277 without being
20 registered. No votes of any person found by the court to be unqualified to vote at the election
21 shall be counted.

22 3. Whenever a recount of votes cast on paper ballots is ordered pursuant to section
23 115.583 or 115.601, the court or legislative body shall proceed to open and count the votes and,
24 after the count has been completed, shall tabulate by voting district the votes cast for the
25 contestant and the contestee.

26 4. Whenever a recount of votes cast on any voting machine is ordered pursuant to section
27 115.583 or 115.601, the court or legislative body shall make visible the registering counters of
28 the machine and, without unlocking the machine against voting, shall record the votes cast on
29 the machine.

30 ~~[5. Whenever a recount of votes cast on ballot cards is ordered pursuant to section
31 115.583 or 115.601, the court or legislative body shall supervise a test of the automatic
32 tabulating equipment conducted in the manner provided in section 115.233 and shall cause the
33 votes to be recounted automatically, or may order a hand count of the votes. In its discretion, the
34 court or legislative body may order a new computer program to be made, which shall be tested
35 in the manner provided in section 115.233 before the votes in question are recounted
36 automatically.]~~

115.633. The following ~~[offenses]~~ **offense**, and any others specifically so described by
2 law, shall be class two election offenses and are deemed felonies not connected with the exercise

3 of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment
 4 of not more than five years or by fine of not less than two thousand five hundred dollars but not
 5 more than ten thousand dollars or by both such imprisonment and fine:

6 ~~[(4)]~~ On the day of election or before the counting of votes is completed, willfully
 7 concealing, breaking, or destroying any ballot box used or intended to be used at such election
 8 or willfully or fraudulently concealing or removing any ballot box from the custody of the
 9 election judges[;

10 ~~— (2) Willfully tampering with, disarranging, defacing, materially altering, impairing, or~~
 11 ~~destroying any voting machine or automatic tabulating equipment owned or leased by or loaned~~
 12 ~~to an election authority].~~

115.655. 1. The election authority shall provide for the delivery of official ballots to
 2 each qualified voter:

3 (1) By first class mail to the mailing address of each voter as it appears on the
 4 registration records of the election authority on the deadline specified in subsection 1 of section
 5 115.135 for registration. Each ballot so mailed shall be placed by the election authority in an
 6 envelope which is prominently marked "Do Not Forward" and mailed not later than the tenth day
 7 prior to the election; or

8 (2) By delivering the ballot to the residential address of the voter as it appears on the
 9 registration records of the election authority on the deadline specified in subsection 1 of section
 10 115.135 for registration. Such delivery shall be made by a bi-partisan team appointed by the
 11 election authority from lists submitted under the provisions of section 115.087.

12
 13 Voters shall also be provided with a return identification envelope, a secrecy envelope, and
 14 instructions sufficient to describe the voting process.

15 2. Upon receipt of the ballot, the voter shall mark it, place and seal the marked ballot in
 16 the secrecy envelope supplied with the ballot, place and seal the sealed secrecy envelope
 17 containing the marked ballot in the return identification envelope supplied with the ballot which
 18 has been signed by the voter and then return the marked ballot to the election authority by either:

- 19 (1) United States mail; or
- 20 (2) Personally delivering the ballot to the office of the election authority.

21 3. The election authority may provide additional sites for return delivery of ballots. The
 22 election authority may provide for the payment of postage on the return of ballots.

23 4. The return identification envelope shall be in substantially the following form:

24
 25 PLEASE PRINT:
 26 NAME _____

27 I declare under penalty of perjury, a felony, that I am a resident and a qualified voter for
 28 this election as shown on voter registration records and that I have voted the enclosed ballot and
 29 am returning it in compliance with sections 115.650 to 115.660, RSMo, and have not and will
 30 not vote more than one ballot in this election.

31 I also understand that failure to complete the information below will invalidate my ballot.

32 _____
 33 Signature

34 _____
 35 Residence Address

36 _____
 37 Mailing Address (if different)

38

39 5. If the ballot is destroyed, spoiled, lost or not received by the voter, the voter may
 40 obtain a replacement ballot from the election authority as provided in this subsection. A voter
 41 seeking a replacement ballot shall sign a statement verified on oath or affirmation, on a form
 42 prescribed by the election authority that the ballot was destroyed, spoiled, lost or not received.
 43 The applicant shall deliver the statement to the election authority before noon on the date of the
 44 election. The applicant may mail the statement to the election authority; but, no election
 45 authority shall transmit a ballot by mail under this subsection unless the application is received
 46 prior to the close of business on the fifth day prior to the election. When an application is timely
 47 received under this subsection, the election authority shall deliver the ballot to the voter if the
 48 voter is present in the office of the election authority, or promptly transmit the ballot by mail to
 49 the voter at the address contained in the application, except when prohibited in this subsection.
 50 The election authority shall keep a record of each replacement ballot provided under this
 51 subsection.

52 6. A ballot must be returned by mail or received in the office of the election authority
 53 or at a site provided for receipt of ballots by the election authority no later than 7:00 p.m. on
 54 election day. The election authority shall transmit all return identification envelopes to a team
 55 or teams of judges of not less than four, with an equal number from each major political party.
 56 The judges shall be selected by the election authority from lists submitted under the provisions
 57 of section 115.087, and subscribe to the oath provided in section 115.091. Upon receipt of such
 58 envelopes the judges shall verify the signature of each voter on the return identification envelope
 59 with the signature of the voter on the voter registration records. Such verification may
 60 commence at time prior to the day of the election. The election authority shall adopt procedures
 61 for securing and accounting for all verified return identification envelopes. The secrecy envelope
 62 shall not be separated from the return identification envelope before ballots are counted. Ballots

63 may be counted at any time on election day provided the results are not released before 7:00 p.m.
 64 on that day. Counting of ballots ~~[may]~~ **shall** be done by hand ~~[or through the utilization of~~
 65 ~~automatic tabulating equipment]~~ and shall be governed by the applicable sections of this chapter.

~~[115.227. All provisions of law not inconsistent with sections 115.225
 2 to 115.235 shall apply with full force and effect to elections in each jurisdiction
 3 using an electronic voting system.]~~

~~[115.229. 1. An electronic voting system may be used at any primary
 2 election if it has been approved by the secretary of state, complies with the
 3 provisions of section 115.225, and if the automatic tabulating equipment will
 4 reject each vote on which a voter has voted for candidates of more than one party.~~

~~————— 2. An electronic voting system may be used at any other election if it has
 5 been approved by the secretary of state and complies with the provisions of
 6 section 115.225.]~~

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

~~[115.235. In jurisdictions where electronic voting systems are used, the
 2 election authority shall cause the marking devices to be put in order, set, adjusted
 3 and made ready for voting, before they are delivered to polling places on election
 4 day.]~~

~~[115.249. No voting machine shall be used unless it:~~

- ~~————— (1) Permits voting in absolute secrecy;~~
- ~~————— (2) Permits each voter to vote for as many candidates for each office as
 4 he is lawfully entitled to vote for, and no other;~~
- ~~————— (3) Permits each voter to vote for or against as many questions as he is
 5 lawfully entitled to vote on, and no more;~~
- ~~————— (4) Provides facilities for each voter to cast as many write-in votes for
 6 each office as he is lawfully entitled to cast;~~

- 9 ~~_____ (5) Permits each voter in a primary election to vote for the candidates of~~
 10 ~~only one party announced by the voter in advance;~~
- 11 ~~_____ (6) Correctly registers or records and accurately counts all votes cast for~~
 12 ~~each candidate and for and against each question;~~
- 13 ~~_____ (7) Is provided with a lock or locks which prevent any movement of the~~
 14 ~~voting or registering mechanism and any tampering with the mechanism;~~
- 15 ~~_____ (8) Is provided with a protective counter or other device whereby any~~
 16 ~~operation of the machine before or after an election will be detected;~~
- 17 ~~_____ (9) Is provided with a counter which shows at all times during the~~
 18 ~~election how many people have voted on the machine;~~
- 19 ~~_____ (10) Is provided with a proper light which enables each voter, while~~
 20 ~~voting, to clearly see the ballot labels.]~~
- 21

2 ~~[115.255. The use of separate paper ballots for questions and candidates~~
 3 ~~in polling places shall not be prohibited where electronic voting machines are~~
 4 ~~used.]~~

2 ~~[115.257. 1. In jurisdictions where electronic voting machines are used,~~
 3 ~~the election authority shall cause the voting machines to be put in order, set,~~
 4 ~~adjusted and made ready for voting before they are delivered to polling places:~~

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

12 ~~_____ 3. When an electronic voting machine has been examined by such~~
 13 ~~observers and shown to be in good working order, the machine shall be locked~~
 14 ~~against voting. The observers shall certify the vote count on each machine is set~~
 15 ~~at zero:~~

16 ~~_____ 4. After an electronic voting machine has been properly prepared and~~
 17 ~~locked, its keys shall be retained by the election authority and delivered to the~~
 18 ~~election judges along with the other election supplies:~~

19 ~~_____ 5. For the purpose of processing absentee ballots, cast by voters in person~~
 20 ~~in the office of the election authority, the election authority may cause voting~~
 21 ~~machines to be put in order, set, adjusted, tested, and made ready for voting~~
 22 ~~within one business day of the printing of absentee ballots as provided in section~~
 23 ~~115.281. The election authority shall have the recording counter except for the~~
 24 ~~protective counter on the voting machine set to zero (000). After the voting~~
 25 ~~machines have been made ready for voting, the election authority shall not permit~~
 26 ~~any person to handle any voting machine, except voters while they are voting and~~
 others expressly authorized by the election authority. The election authority shall

27 ~~neither be nor permit any other person to be in any position or near any position~~
28 ~~that enables the authority or person to see how any absentee voter votes or has~~
29 ~~voted.~~

30 ~~6. Nothing in this section shall prohibit the on-site storage of electronic~~
31 ~~voting machines and the preparation of the electronic machines for voting,~~
32 ~~provided the electronic voting machines are put in order, set, adjusted and made~~
33 ~~ready for voting as provided in subsections 1, 2, 3, 4, and 5 of this section.]~~
34

2 ~~[115.259. At each polling place using voting machines, the exterior of the~~
3 ~~voting machines shall be in plain view of the election judges. The election~~
4 ~~judges shall not be nor permit any other person to be in any position, or near any~~
5 ~~position, that enables them to see how any voter votes or has voted. The election~~
6 ~~judges may inspect any machine as necessary to make sure the ballot label is in~~
7 ~~its proper place and that the machine has not been damaged.]~~

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

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

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

~~[115.267. Any election authority may adopt, experiment with or abandon any electronic voting system approved for use in the state, or may lease one or more electronic voting machines or other equipment, either with or without option to purchase, and may use any authorized electronic voting equipment at any polling place in its jurisdiction.]~~

~~[115.269. For the purpose of giving instructions on their use, any election authority may designate suitable times and places for the exhibition and demonstration of its electronic voting machines. During such instructions, the electronic voting machines may contain sample ballot labels which show the names of offices and fictitious candidates. No electronic voting machine shall be used for instruction after it has been prepared for use at an election, unless it is prepared again prior to the election.]~~

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

~~2. Any election authority may rent its electronic voting machines to any other group for use in its elections.~~

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

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

~~[115.302. 1. Any registered voter of this state may cast a mail-in ballot as provided in this section. Nothing in this section shall prevent a voter from casting an absentee ballot, provided such person has not cast a ballot pursuant to this section. Application for a mail-in ballot may be made by the applicant in person, or by United States mail, or on behalf of the applicant by his or her guardian or relative within the second degree of consanguinity or affinity.~~

~~2. Each application for a mail-in ballot shall be made to the election authority of the jurisdiction in which the person is registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is registered, the address to which the ballot is to be mailed.~~

~~3. All applications for mail-in ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed under section 115.281. No application for~~

14 a mail-in ballot received in the office of the election authority after 5:00 p.m. on
15 the second Wednesday immediately prior to the election shall be accepted by any
16 election authority.

17 ~~4. Each application for a mail-in ballot shall be signed by the applicant~~
18 ~~or, if the application is made by a guardian or relative under this section, the~~
19 ~~application shall be signed by the guardian or relative, who shall note on the~~
20 ~~application his or her relationship to the applicant. If an applicant, guardian, or~~
21 ~~relative is blind, unable to read or write the English language, or physically~~
22 ~~incapable of signing the application, he or she shall sign by mark that is~~
23 ~~witnessed by the signature of an election official or person of his or her choice.~~
24 ~~Knowingly making, delivering, or mailing a fraudulent mail-in-ballot application~~
25 ~~is a class one election offense.~~

26 ~~5. Not later than the sixth Tuesday prior to each election, or within~~
27 ~~fourteen days after candidate names or questions are certified under section~~
28 ~~115.125, the election authority shall cause to have printed and made available a~~
29 ~~sufficient quantity of ballots, ballot envelopes, and mailing envelopes. As soon~~
30 ~~as possible after a proper official calls a special state or county election, the~~
31 ~~election authority shall cause to have printed and made available a sufficient~~
32 ~~quantity of mail-in ballots, ballot envelopes, and mailing envelopes.~~

33 ~~6. Each ballot envelope shall bear a statement in substantially the same~~
34 ~~form described in subsection 9 of this section. In addition, any person providing~~
35 ~~assistance to the mail-in voter shall include a signature on the envelope~~
36 ~~identifying the person providing such assistance under penalties of perjury.~~
37 ~~Persons authorized to vote only for federal and statewide offices shall also state~~
38 ~~their former Missouri residence.~~

39 ~~7. The statement for persons voting mail-in ballots who are registered~~
40 ~~voters shall be in substantially the following form:~~

41
42 ~~State of Missouri~~
43 ~~County (City) of _____?~~
44 ~~I, _____? (print name), a registered voter of~~
45 ~~_____? County (City of St. Louis, Kansas City), declare~~
46 ~~under the penalties of perjury that: I am qualified to vote at this~~
47 ~~election; I have not voted and will not vote other than by this~~
48 ~~ballot at this election. I further state that I marked the enclosed~~
49 ~~ballot in secret or that I am blind, unable to read or write English,~~
50 ~~or physically incapable of marking the ballot, and the person of~~
51 ~~my choosing indicated below marked the ballot at my direction;~~
52 ~~all of the information on this statement is, to the best of my~~
53 ~~knowledge and belief, true.~~

54 ~~_____?~~
55 ~~_____?~~
56 ~~Signature of Voter Signature of Person~~

57 _____ Assisting Voter
 58 _____ (if applicable)
 59 _____ Subscribed and sworn to before me this _____ day
 60 of _____, _____?
 61 _____?
 62 _____ Signature of notary or other officer authorized to
 63 administer oaths:
 64 _____?
 65 _____?
 66 _____ Mailing addresses
 67 _____ (if different)

69 ~~8. Upon receipt of a signed application for a mail-in ballot and if satisfied~~
 70 ~~that the applicant is entitled to vote by mail-in ballot, the election authority shall,~~
 71 ~~within three working days after receiving the application, or, if mail-in ballots are~~
 72 ~~not available at the time the application is received, within five working days~~
 73 ~~after such ballots become available, deliver to the voter a mail-in ballot, ballot~~
 74 ~~envelope and such instructions as are necessary for the applicant to vote. If the~~
 75 ~~election authority is not satisfied that any applicant is entitled to vote by mail-in~~
 76 ~~ballot, the authority shall not deliver a mail-in ballot to the applicant. Within~~
 77 ~~three working days of receiving such an application, the election authority shall~~
 78 ~~notify the applicant and state the reason he or she is not entitled to vote by~~
 79 ~~mail-in ballot. The applicant may file a complaint with the elections division of~~
 80 ~~the secretary of state's office under section 115.219.~~

81 ~~9. On the mailing and ballot envelopes for each covered voter, the~~
 82 ~~election authority shall stamp the words "ELECTION BALLOT, STATE OF~~
 83 ~~MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".~~

84 ~~10. No information which encourages a vote for or against a candidate~~
 85 ~~or issue shall be provided to any voter with a mail-in ballot.~~

86 ~~11. Upon receiving a mail-in ballot by mail, the voter shall mark the~~
 87 ~~ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill~~
 88 ~~out the statement on the ballot envelope. The statement required under~~
 89 ~~subsection 7 of this section shall be subscribed and sworn to before a notary~~
 90 ~~public or other officer authorized by law to administer oaths. If the voter is blind,~~
 91 ~~unable to read or write the English language, or physically incapable of voting the~~
 92 ~~ballot, the voter may be assisted by a person of the voter's own choosing. Any~~
 93 ~~person who assists a voter and in any manner coerces or initiates a request or~~
 94 ~~suggestion that the voter vote for or against, or refrain from voting on, any~~
 95 ~~question or candidate, shall be guilty of a class one election offense. If, upon~~
 96 ~~counting, challenge, or election contest, it is ascertained that any mail-in ballot~~
 97 ~~was voted with unlawful assistance, the ballot shall be rejected.~~

98 ~~12. Each mail-in ballot shall be returned to the election authority in the~~
 99 ~~ballot envelope and shall only be returned by the voter by United States mail.~~

100 ~~13. The secretary of state may prescribe uniform regulations with respect~~
 101 ~~to the printing of ballot envelopes and mailing envelopes, which shall comply~~
 102 ~~with standards established by federal law or postal regulations. Mailing~~
 103 ~~envelopes for use in returning ballots shall be printed with business reply permits~~
 104 ~~so that any ballot returned by mail does not require postage. All fees and costs~~
 105 ~~for establishing and maintaining the business reply and postage-free mail for all~~
 106 ~~ballots cast shall be paid by the secretary of state through state appropriations.~~

107 ~~14. All votes on each mail-in ballot received by an election authority at~~
 108 ~~or before the time fixed by law for the closing of the polls on election day shall~~
 109 ~~be counted. No votes on any mail-in ballot received by an election authority after~~
 110 ~~the time fixed by law for the closing of the polls on election day shall be counted.~~

111 ~~15. If sufficient evidence is shown to an election authority that any~~
 112 ~~mail-in voter has died prior to the opening of the polls on election day, the ballot~~
 113 ~~of the deceased voter shall be rejected if it is still sealed in the ballot envelope.~~
 114 ~~Any such rejected ballot, still sealed in its ballot envelope, shall be sealed with~~
 115 ~~the application and any other papers connected therewith in an envelope marked~~
 116 ~~"Rejected ballot of _____?, a mail-in voter of _____? voting district".~~
 117 ~~The reason for rejection shall be noted on the envelope, which shall be kept by~~
 118 ~~the election authority with the other ballots from the election until the ballots are~~
 119 ~~destroyed according to law.~~

120 ~~16. As each mail-in ballot is received by the election authority, the~~
 121 ~~election authority shall indicate its receipt on the list.~~

122 ~~17. All mail-in ballot envelopes received by the election authority shall~~
 123 ~~be kept together in a safe place and shall not be opened except as provided under~~
 124 ~~this chapter.~~

125 ~~18. Mail-in ballots shall be counted using the procedures set out in~~
 126 ~~sections 115.297, 115.299, 115.300, and 115.303.~~

127 ~~19. The false execution of a mail-in ballot is a class one election offense.~~
 128 ~~The attorney general or any prosecuting or circuit attorney shall have the~~
 129 ~~authority to prosecute such offense either in the county of residence of the person~~
 130 ~~or in the circuit court of Cole County.~~

131 ~~20. The provisions of this section shall apply only to an election that~~
 132 ~~occurs during the year 2020, to avoid the risk of contracting or transmitting~~
 133 ~~severe acute respiratory syndrome coronavirus 2.~~

134 ~~21. The provisions of this section terminate and shall be repealed on~~
 135 ~~December 31, 2020, and shall not apply to any election conducted after that date.]~~
 136

2 ~~[115.467. 1. As soon as the polls close in each polling place using an~~
 3 ~~electronic voting system, the election judges shall secure the marking devices~~
 4 ~~against further voting and begin to count the write-in votes. If earlier counting~~
 5 ~~of write-in votes is begun pursuant to section 115.469, the election judges shall~~
 complete the count in the manner provided in this section. Once begun, the count

6 shall not be adjourned or postponed until all proper write-in votes in the ballot
7 box have been counted.

8 ~~2. The election judges shall remove the ballot cards from the ballot box
9 and separate the ballots with write-in votes from those without write-in votes.
10 If there is a separate form for write-in votes, all forms on which write-in votes
11 have been recorded shall be consecutively numbered, starting with the number
12 one, and the same number shall be placed on the ballot card of the voter. Where
13 tallying of write-in votes is to be done at the polling place, the election judges
14 shall compare the write-in votes with the votes cast on the ballot card. If the total
15 number of votes including write-in votes for any office exceeds the number
16 allowed by law, or if a voter has voted more than once for the same person for the
17 same office at the same election, a notation of the fact shall be noted on the back
18 of the ballot card, and it shall be returned with the write-in form, if any, to the
19 counting location in an envelope marked "DEFECTIVE BALLOTS".~~

20 ~~3. All proper write-in votes shall be read, recorded and counted as
21 provided in sections 115.449 and 115.453. No write-in vote shall be counted for
22 any candidate for any office whose name appears on the ballot label as a
23 candidate for the office, except when more than one person is to be nominated
24 or elected to an office. When more than one person is to be nominated or elected
25 to an office, the voter may write in the names of one or more persons whose
26 names do not appear on the ballot label with or without the names of one or more
27 persons whose names do appear.~~

28 ~~4. If any ballot card is damaged so that it cannot properly be counted by
29 the automatic tabulating equipment, the fact shall be noted on the back of the
30 ballot card and it shall be returned to the counting location in the envelope
31 marked "DEFECTIVE BALLOTS".]~~

32
[115.469. 1. If authorized by the election authority, the election judges
2 at any polling place using an electronic voting system may read and record
3 write-in votes before the close of the polls and may send other voted ballots to
4 the counting place. If so authorized, the election judges shall use one ballot box
5 for the deposit of ballots during the first five hours of voting. Between eleven
6 o'clock in the morning and twelve noon, the receiving judges shall deliver the
7 ballot box to the counting and recording judges, who shall give the receiving
8 judges a second empty ballot box. The second ballot box shall be shown to be
9 empty and locked in the manner provided in section 115.423. The second ballot
10 box shall not be opened or removed from public view from the time it is shown
11 to be empty until the time the polls close. The ballot box containing the voted
12 ballots shall be taken to a private area within the polling place, and the write-in
13 votes shall be read and recorded in the manner provided in section 115.467.

14 ~~2. If early counting of write-in votes is begun pursuant to this section, the
15 election judges shall, after counting and recording all proper write-in votes,
16 separate all ballot cards, except defective ballot cards, from the write-in forms if~~

17 any. The ballots which do not have write-in votes shall then be sent to the
 18 counting place in the same manner as ballots are sent upon the close of the polls.
 19 The election judges shall enclose the ballot cards, the envelope marked
 20 "DEFECTIVE BALLOTS", and all write-in forms containing proper votes, in a
 21 container designated by the election authority. The container shall be securely
 22 sealed in such a manner that if the container is opened, the seal will be broken
 23 beyond repair. On the outside of the container, the location of the polling place
 24 and the date of the election shall be printed. After sealing, the container shall be
 25 closely watched by the election judges until it is delivered to the counting
 26 location.

27 ~~3. If early counting of write-in votes is begun pursuant to this section, the~~
 28 ~~election authority shall appoint a team of employees or election judges who shall,~~
 29 ~~between the hours of eleven o'clock in the morning and three o'clock in the~~
 30 ~~afternoon, receive the ballot container from the election judges at the polling~~
 31 ~~place and immediately deliver it to the counting location. Each team appointed~~
 32 ~~pursuant to this subsection shall consist of two members, one from each major~~
 33 ~~political party. If any ballot container is not sealed when it is delivered to the~~
 34 ~~counting location, the election official receiving the container shall make a~~
 35 ~~statement of the fact which includes the location of the polling place and the date~~
 36 ~~of the election printed on the container and the reason the container is not sealed,~~
 37 ~~if known.~~

38 ~~4. After delivery to the counting location, any ballot which is damaged~~
 39 ~~and cannot be properly counted by the automatic tabulating equipment may be~~
 40 ~~handcounted or duplicated in the manner provided in subsection 3 of section~~
 41 ~~115.477.~~

42 ~~5. After delivery to the counting location, the proper votes on each ballot~~
 43 ~~card may be transferred to magnetic tapes. Under no circumstances shall any~~
 44 ~~such tape be read or interpreted until after the time fixed by law for the close of~~
 45 ~~the polls and then only in the manner provided in section 115.477.~~

46 ~~6. Write-in ballots may also be counted as provided in section 115.451.]~~
 47

[115.471. At each polling place using an electronic voting system, after
 the polling place is closed, the election judges shall

2
 3 ~~(1) Certify in the tally book: the number of ballots cast by reconciling~~
 4 ~~the ballot stubs against the number of identification certificates signed; the~~
 5 ~~number of defective and spoiled ballots; the number of ballots with write-in~~
 6 ~~votes; and the number of ballots received at the polling place which were not cast~~
 7 ~~at the election. If the number of signed identification certificates is not the same~~
 8 ~~as the number of ballots cast, the judges shall make a signed statement of the fact~~
 9 ~~and the reasons therefor, if known, and shall return the statement with the~~
 10 ~~statements of returns;~~

11 ~~(2) Where tallying of write-in votes is to be done at the polling place,~~
 12 ~~certify on two statements of returns the number of write-in votes received by each~~

13 candidate. No returns shall be signed in blank or before the polls have closed and
14 all proper write-in votes cast at the polling place have been counted;

15 ~~_____ (3) Certify that each statement made in the tally book and on each
16 statement of returns is correct. If any judge declines to certify that all such
17 statements are correct, he shall state his reasons in writing, which shall be
18 attached to each statement of returns and returned with the statement to the
19 election authority.]~~
20

2 ~~[115.473. 1. The tally book for each polling place using an electronic
3 voting system shall be in substantially the following form:~~

4 ~~_____ Tally book for _____ precincts, at the general (special, primary) election
5 held on the _____ day of _____, 20_____ AB, CD, EF, and XP judges; and
6 ZR and LT, watchers; and BH and SP, challengers, at this polling place, were
7 sworn as the law directs before beginning their duties.~~

8 ~~_____ We hereby certify:~~

9 ~~_____ The number of ballots received at this polling place is _____;~~

10 ~~_____ The information on the ballot cards and ballot labels received at
11 this polling place is the same as the information on the sample ballots received
12 at this polling place.~~

13 ~~_____ AB~~

14 ~~_____ CD Election Judges~~

15 ~~_____ EF~~

16 ~~_____ XP~~

17 ~~_____ We hereby certify:~~

18 ~~_____ The number of ballots cast at this polling place is _____;~~

19 ~~_____ The number of identification certificates signed at this polling
20 place is _____;~~

21 ~~_____ The number of defective ballots at this polling place is _____;~~

22 ~~_____ The number of spoiled ballots at this polling place is _____;~~

23 ~~_____ The number of voters casting proper write-in votes at this polling
24 place is _____;~~

25 ~~_____ The number of ballots received at this polling place which were
26 not cast at this election is _____;~~

27 ~~_____ AB~~

28 ~~_____ CD Election Judges~~

29 ~~_____ EF~~

30 ~~_____ XP~~

31
32 ~~_____ 2. Where tallying of write-in votes is to be done at the polling place, at
33 each polling place using an electronic voting system, two tally sheets shall be
34 included in each tally book. The tally sheets shall be used to record the proper~~

35 ~~write-in votes and shall be in substantially the same form provided in subsection~~
36 ~~2 of section 115.461.~~

37 ~~3. Where tallying of write-in votes is to be done at the polling place, at~~
38 ~~each polling place using an electronic voting system, two statements of returns~~
39 ~~shall be provided to the election judges. The statements of returns shall be in~~
40 ~~substantially the following form:~~

41
42 ~~_____ We hereby certify that BK had _____ write-in votes for governor, and~~
43 ~~SF had _____ write-in votes for governor, that JH had _____ write-in votes for~~
44 ~~representative in Congress, etc. We, the duly qualified and acting judges of the~~
45 ~~polling place for _____ precincts, at the general (special, primary) election held~~
46 ~~on the _____ day of _____, 20_____, in _____ County (City of St. Louis,~~
47 ~~Kansas City), Missouri, do hereby certify that the foregoing is a full and accurate~~
48 ~~return of all write-in votes cast at this polling place for all candidates.~~

49 ~~_____ AB~~
50 ~~_____ CD Election Judges~~
51 ~~_____ EF~~
52 ~~_____ XP]~~

53
2 ~~[115.475. 1. As soon as possible after signing the statements of returns,~~
3 ~~the election judges shall seal and enclose the ballots, electronic voting machine~~
4 ~~memory cards, write-in forms containing no votes, the unused ballots and other~~
5 ~~election supplies in containers designated by the election authority.~~

6 ~~2. Immediately after the election materials have been placed in the proper~~
7 ~~containers, the two supervisory judges shall together deliver the containers to the~~
8 ~~counting location or other place designated by the election authority. If any~~
9 ~~container is not sealed when it is delivered to the counting location or other place~~
10 ~~designated by the election authority, the election official receiving the container~~
11 ~~shall make a statement of the fact which includes the location of the polling place~~
12 ~~and the date of the election printed on the container and the reason the container~~
13 ~~is not sealed, if known.~~

14 ~~3. If the election authority has directed the supervisory judges to deliver~~
15 ~~election materials to a place other than the counting location, the election~~
16 ~~authority shall appoint at least one team of election judges who shall receive the~~
17 ~~containers from the supervisory judges and immediately deliver them to the~~
18 ~~counting location. Each team appointed pursuant to this subsection shall consist~~
19 ~~of two election judges or employees of the election authority, one from each~~
20 ~~major political party.]~~

2 ~~[115.477. 1. In each jurisdiction using an electronic voting system, all~~
3 ~~proceedings at the counting location shall be under the direction of the election~~
4 ~~authority. The election authority shall appoint two judges, one from each major~~
5 ~~political party, to be present and observe the count. The counting shall be open~~

5 to the public, but no persons, except those employed and authorized for the
 6 purpose, shall touch any ballot, ballot container or return.
 7 ~~2. The automatic tabulating equipment shall produce a return showing the~~
 8 ~~total number of votes cast for each candidate and on each question at each polling~~
 9 ~~place and in the jurisdiction as a whole.~~
 10 ~~3. If any ballot is damaged and cannot be properly counted by the~~
 11 ~~automatic tabulating equipment, it may be handcounted in the manner provided~~
 12 ~~for absentee ballots, or a true duplicate copy may be made of the defective ballot.~~
 13 ~~If any ballot contains a number of votes and write-in votes for any office which~~
 14 ~~exceeds the number allowed by law, it may be handcounted in the manner~~
 15 ~~provided for absentee ballots, a true duplicate copy be made which does not~~
 16 ~~include the invalid votes or, at the discretion of the election judges, a~~
 17 ~~self-adhesive removable label, sensitized, may be placed over any mark to allow~~
 18 ~~the ballot to be processed through the automatic tabulating equipment. The~~
 19 ~~duplication of each ballot shall be closely observed by two election judges or~~
 20 ~~employees of the election authority, one from each major political party. Each~~
 21 ~~duplicate ballot shall be clearly labeled "duplicate", shall bear a serial number~~
 22 ~~which shall be recorded on the defective ballot, and shall be counted in lieu of the~~
 23 ~~defective ballot.]~~
 24

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

2 ~~[115.481. The final and correct return printed by the automatic tabulating~~
 3 ~~equipment added to the write-in, absentee and handcounted votes shall be the~~
 4 ~~official return of each polling place and the jurisdiction.]~~

2 ~~[115.483. 1. As soon as the polls close in each polling place using~~
 3 ~~electronic voting machines, the election judges shall secure each voting machine~~
 4 ~~against further voting and proceed to count the votes. Once begun, the count~~
 5 ~~shall not be adjourned or postponed until all proper votes have been counted.~~
 6 ~~2. The election judges shall open the counting compartment on each~~
 7 ~~voting machine or, if a machine is equipped with a device for printing, embossing~~

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

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

23 ~~4. If more than one voting machine is used in a polling place, the election~~
 24 ~~judges shall read, verify and record all the totals from the first machine before~~
 25 ~~proceeding to the second, and so on, until all of the totals on each machine in the~~
 26 ~~polling place have been read, verified and recorded. The total number of votes~~
 27 ~~from each machine shall be added to the write-in votes to determine the total vote~~
 28 ~~for each candidate and for and against each question.]~~

29
 2 ~~[115.495. 1. After being secured against further voting by the election~~
 3 ~~judges, electronic voting machines shall remain secured for the period provided~~
 4 ~~by law for filing an election contest and as much longer as may be necessary or~~
 5 ~~advisable because of any threatened or pending contest, grand jury investigation,~~
 6 ~~or civil or criminal case relating to the election. During this time, the electronic~~
 7 ~~voting machines shall not be unsecured, except upon order of a court, grand jury~~
 8 ~~or legislative body trying an election contest.~~

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

1 ~~[115.503. 1. As soon as possible after an election in which electronic~~
 2 ~~voting machines are used, the verification board, or a bipartisan committee~~
 3 ~~appointed by the verification board, shall inspect each secured electronic voting~~
 4 ~~machine and record the votes cast on the machine. In precincts where electronic~~
 5 ~~voting machines equipped with printed election returns mechanisms are used, the~~
 6 ~~counter compartment shall not be opened and the original and duplicate originals~~

7 of the printed return sheets of the votes cast on questions and for candidates
8 regularly nominated, or who have duly filed, together with the tabulation and
9 inclusion of any votes written in on the paper roll for those not regularly
10 nominated, or who have not filed, shall constitute the official return sheet for the
11 votes cast on that machine, when properly certified by the precinct election
12 officers. One copy of such printed return sheet shall be returned to the election
13 authority and retained by it for not less than one year. Any bipartisan committee
14 appointed pursuant to this subsection shall consist of at least two people, one
15 from each major political party, who shall be appointed in the same manner and
16 possess the same qualifications as election judges.

17 ~~2. After the verification board or committee has completed its inspection~~
18 ~~and record, it shall compare the record with the returns made by the election~~
19 ~~judges on election day. If there is a discrepancy between the returns of the~~
20 ~~election judges and the record of the verification board or committee, the~~
21 ~~verification board shall correct the returns made by the judges to conform to its~~
22 ~~record. The corrected returns shall supersede the returns made by the election~~
23 ~~judges on election day. Both the record and the returns shall be retained by the~~
24 ~~election authority as provided in section 115.493.]~~
25

Section B. The provisions of this act shall become effective on January 1, 2022.

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