

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 925**  
**101ST GENERAL ASSEMBLY**

2071H.02C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 115.225, 115.237, 115.306, 115.357, and 115.761, RSMo, and to enact in lieu thereof seven new sections relating to elections.

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

Section A. Sections 115.225, 115.237, 115.306, 115.357, and 115.761, RSMo, are  
2 repealed and seven new sections enacted in lieu thereof, to be known as sections 115.006,  
3 115.225, 115.237, 115.306, 115.357, 115.761, and 115.1200, to read as follows:

**115.006. The secretary of state, as chief election officer, under Article IV, Section  
2 14 of the Constitution of Missouri, shall have the authority to prosecute or defend any laws  
3 contrary to this chapter.**

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

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

6 (1) Permits voting in absolute secrecy;

7 (2) Permits each voter to vote for as many candidates for each office as 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;

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.

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) **Produces the election results from paper ballots that voters have marked by**  
23 **hand or, in the case of voters who are disabled and need assistance, from paper ballots that**  
24 **have been marked by paper ballot marking machines designed to assist voters who are**  
25 **disabled;**

26 (10) Permits each voter, while voting, to clearly see the ballot label; **and**

27 [~~40~~] (11) Has been tested and is certified by an independent authority that meets the  
28 voting system standards developed by the Federal Election Commission or its successor agency.  
29 The provisions of this subdivision shall not be required for any system purchased prior to August  
30 28, 2002.

31 3. **Until January 1, 2024, if any election authority uses direct-record electronic**  
32 **touchscreen vote counting machines, the election authority may continue to use such**  
33 **machines solely for voters who are disabled and desire to use them. When the machines**  
34 **require replacement due to wear and tear, malfunction, or any other reason, they shall be**  
35 **replaced with a paper ballot marking machine designed to assist voters who are disabled.**  
36 **Under no circumstances shall direct-record electronic touchscreen vote counting machines**  
37 **be used after January 1, 2024.**

38 4. The secretary of state shall promulgate rules and regulations to allow the use of a  
39 computerized voting system. The procedures shall provide for the use of a computerized voting  
40 system with the ability to provide a paper audit trail. Notwithstanding any provisions of this  
41 chapter to the contrary, such a system may allow for the storage of processed ballot materials in  
42 an electronic form.

43 [4.] 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
44 created under the authority delegated in this section shall become effective only if it complies  
45 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
46 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
47 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and  
48 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
49 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

115.237. 1. **Beginning January 1, 2022, the official ballot shall be a paper ballot that is hand-marked by the voter or, in the case of voters who are disabled and need assistance, by a paper ballot marking device designed to assist voters who are disabled as provided in subsection 3 of section 115.225.**

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

~~[2-]~~ 3. In polling places using electronic voting systems, the ballot information may be arranged in vertical or horizontal rows or on a number of separate pages or screens. In any event, the name of each candidate, the candidate's party, the office for which he or she is a candidate, and each question shall be indicated clearly on the ballot.

~~[3-]~~ 4. Nothing in this subchapter shall be construed as prohibiting the use of a separate paper ballot for questions or for the presidential preference primary in any polling place using an electronic voting system.

~~[4-]~~ 5. Where electronic voting systems are used and when write-in votes are authorized by law, a write-in ballot, which may be in the form of a separate paper ballot, card, or envelope, may be provided by the election authority to permit each voter to write in the names of persons whose names do not appear on the ballot.

~~[5-]~~ 6. No ballot printed or designed for use with an electronic voting system for any partisan election held under this chapter shall allow a person to vote a straight political party ticket. For purposes of this subsection, a "straight political party ticket" means voting for all of the candidates for elective office who are on the ballot representing a single political party by a single selection on the ballot.

~~[6-]~~ 7. The secretary of state shall promulgate rules that specify uniform standards for ballot layout for each electronic or computerized ballot counting system approved under the provisions of section 115.225 so that the ballot used with any counting system is, where possible, consistent with the intent of this section. Nothing in this section shall be construed to require

36 the format specified in this section if it does not meet the requirements of the ballot counting  
37 system used by the election authority.

38 ~~[7.]~~ **8.** Any rule or portion of a rule, as that term is defined in section 536.010, that is  
39 created under the authority delegated in this section shall become effective only if it complies  
40 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
41 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
42 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and  
43 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
44 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

115.306. 1. No person shall qualify as a candidate for elective public office in the state  
2 of Missouri who has been found guilty of or pled guilty to a felony under the federal laws of the  
3 United States of America or to a felony under the laws of this state or an offense committed in  
4 another state that would be considered a felony in this state.

5 2. (1) Any person who files as a candidate for election to a public office shall be  
6 disqualified from participation in the election for which the candidate has filed if such person  
7 is delinquent in the payment of any state income taxes, personal property taxes, municipal taxes,  
8 real property taxes on the place of residence, as stated on the declaration of candidacy, or if the  
9 person is a past or present corporate officer of any fee office that owes any taxes to the state.

10 (2) Each potential candidate for election to a public office, except candidates for a county  
11 or city committee of a political party, shall file an affidavit with the department of revenue and  
12 include a copy of the affidavit with the declaration of candidacy required under section 115.349.  
13 Such affidavit shall be in substantially the following form:

14 **AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:**

15 I hereby declare under penalties of perjury that I am not currently aware of any  
16 delinquency in the filing or payment of any state income taxes, personal property taxes,  
17 municipal taxes, real property taxes on the place of residence, as stated on the declaration of  
18 candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes  
19 to the state, other than those taxes which may be in dispute. I declare under penalties of perjury  
20 that I am not aware of any information that would prohibit me from fulfilling any bonding  
21 requirements for the office for which I am filing.

22 Candidate's Signature

23 Printed Name of Candidate

24 (3) Upon receipt of a complaint alleging a delinquency of the candidate in the filing or  
25 payment of any state income taxes, personal property taxes, municipal taxes, real property taxes  
26 on the place of residence, as stated on the declaration of candidacy, or if the person is a past or  
27 present corporate officer of any fee office that owes any taxes to the state, the department of

28 revenue shall investigate such potential candidate to verify the claim contained in the complaint.  
 29 If the department of revenue finds a positive affirmation to be false, the department shall contact  
 30 the secretary of state, or the election official who accepted such candidate's declaration of  
 31 candidacy, and the potential candidate. The department shall notify the candidate of the  
 32 outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed  
 33 which are not the subject of dispute between the department and the candidate. If the candidate  
 34 fails to remit such amounts in full within thirty days, the candidate shall be disqualified from  
 35 participating in the current election and barred from refiling for an entire election cycle even if  
 36 the individual pays all of the outstanding taxes that were the subject of the complaint.

37 **(4) Any person who files as a candidate for election to a public office that performs**  
 38 **county functions in a city not within a county shall provide appropriate copies of paid tax**  
 39 **receipts or no tax due statements for each tax listed in subdivision (1) of this subsection**  
 40 **that indicate the person has paid all taxes due and is not delinquent in any tax. If**  
 41 **available, the election authority shall utilize online databases to verify the candidate's taxes**  
 42 **instead of the paper copies provided by the candidate. The election authority shall review**  
 43 **such documentation and the affirmation of tax payments required under subdivision (2)**  
 44 **of this subsection. The election authority may file a complaint with the department of**  
 45 **revenue if there appears to be any delinquency. In addition to the above review, the**  
 46 **election authority shall verify there is no ethics complaint filed under section 105.472 with**  
 47 **the Missouri ethics commission for this person. If such a complaint has been filed against**  
 48 **the person, the election authority shall not allow the person's name to be placed on a ballot**  
 49 **until the ethics complaint has been resolved. This subdivision shall apply only to a city not**  
 50 **within a county's offices that perform county functions.**

115.357. 1. Except as provided in subsections 3 and 4 of this section, each candidate for  
 2 federal, state or county office shall, before filing his or her declaration of candidacy, pay to the  
 3 treasurer of the state or county committee of the political party upon whose ticket he or she seeks  
 4 nomination a certain sum of money as follows:

5 (1) To the treasurer of the state central committee, five ~~hundred~~ **thousand** dollars if  
 6 he or she is a candidate for statewide office, **ten thousand dollars if he or she is a candidate**  
 7 ~~[or]~~ for United States senator, ~~three hundred~~ **seven thousand five hundred** dollars if he or she  
 8 is a candidate for representative in Congress, **three hundred dollars if he or she is a candidate**  
 9 **for** circuit judge or state senator, and one hundred fifty dollars if he or she is a candidate for state  
 10 representative;

11 (2) To the treasurer of the county central committee, one hundred dollars if he or she is  
 12 a candidate for county office.



49 candidate for any other office, the petition shall be signed by the number of registered voters in  
50 the district or political subdivision which is equal to at least one percent of the total number of  
51 votes cast for the office at the last election in which a candidate ran for the office. The  
52 candidate's declaration of inability to pay and the petition shall be filed at the same time and in  
53 the same manner as his declaration of candidacy is filed. The petition shall be checked and its  
54 sufficiency determined in the same manner as new party and independent candidate petitions.

55 4. No filing fee shall be required of any person who proposes to be an independent  
56 candidate, the candidate of a new party or a candidate for presidential elector.

57 5. Except as provided in subsections 3 and 4 of this section, no candidate's name shall  
58 be printed on any official ballot until the required fee has been paid.

115.761. 1. The official list of presidential candidates for each established political party  
2 shall include the names of all constitutionally qualified candidates for whom, on or after 8:00  
3 a.m. on the fifteenth Tuesday prior to the presidential primary, and on or before 5:00 p.m., on  
4 the eleventh Tuesday prior to the presidential primary, a written request to be included on the  
5 presidential primary ballot is filed with the secretary of state along with:

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

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

16

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

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

24 3. Any candidate or such candidate's authorized representative may have such candidate's  
25 name stricken from the presidential primary ballot by filing with the secretary of state on or  
26 before 5:00 p.m. on the eleventh Tuesday prior to the presidential primary election a written

27 statement, sworn to before an officer authorized by law to administer oaths, requesting that such  
28 candidate's name not be printed on the official primary ballot. Thereafter, the secretary of state  
29 shall not include the name of that candidate in the official list announced pursuant to section  
30 115.758 or in the certified list of candidates transmitted pursuant to section 115.765.

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

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

3 **2. The state of Missouri reserves authority to regulate both voter qualifications and**  
4 **the time, place, and manner for state and local elections to the maximal extent authorized**  
5 **by the Constitution of the United States.**

6 **3. The state of Missouri shall comply with and implement federal laws governing**  
7 **the time, place, and manner of federal elections to the extent necessary to preserve the**  
8 **federal system of government and comply with the Constitution of the United States, but**  
9 **shall reserve the right to protect, preserve, and defend the integrity of state and local**  
10 **elections through lawful regulation of voter qualifications for such state and local elections.**

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