

SECOND REGULAR SESSION

# HOUSE BILL NO. 2158

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE COOPER (158).

Read 1st time March 31, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5726L.011

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### AN ACT

To repeal sections 115.126, 115.159, 115.163, 115.223, 115.427, 115.430, 115.431, 115.631, and 115.637, RSMo, and to enact in lieu thereof twelve new sections relating to election administration, with penalty provisions.

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

Section A. Sections 115.126, 115.159, 115.163, 115.223, 115.427, 115.430, 115.431, 115.631, and 115.637, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 115.002, 115.159, 115.163, 115.203, 115.205, 115.219, 115.427, 115.430, 115.431, 115.456, 115.631, and 115.637, to read as follows:

**115.002. Sections 115.002, 115.159, 115.163, 115.203, 115.205, 115.219, 115.427, 115.430, 115.431, 115.456, 115.631, and 115.637 may be cited as the "Missouri Voter Protection Act".**

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

2. [Notwithstanding any provision of law to the contrary, the election authority shall not deliver any voter identification card to any person who registers to vote by mail until after such person has voted, in person, after presentation of a proper form of identification, for the first time following registration at the new polling place designated by the election authority. An individual who has registered to vote by mail and who desires to vote in person, but who does not present a proper form of identification for the first time following registration, may cast a

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.

10 provisional ballot. Such provisional ballot shall not be counted pursuant to this chapter, and the  
11 individual shall be notified of the reason for not counting the ballot.

12 3.] Notwithstanding any provision of law to the contrary, the election authority shall not  
13 deliver any absentee ballot to any person who registers to vote by mail until after such person  
14 has:

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

17 (2) Provided a copy of identification set out in section 115.427 to the election authority.

18

19 This subsection shall not apply to those persons identified in section 115.283 who are exempted  
20 from obtaining a notary seal or signature on their absentee ballots. An individual who has  
21 registered to vote by mail but who does not meet the requirements of this subsection may cast  
22 a provisional ballot by mail. Such ballot shall not be counted pursuant to this chapter, and the  
23 individual shall be notified of the reason for not counting the ballot.

24 [4. Subsections 2 and 3] 3. **Subsection 2** of this section shall not apply in the case of  
25 a person:

26 (1) Who registers to vote by mail pursuant to Section 6 of the National Voter  
27 Registration Act of 1993 and submits **a copy of a current and valid photo identification** as  
28 part of such registration [either:

29 (a) A copy of a current and valid photo identification; or

30 (b) A copy of a current utility bill, bank statement, government check, paycheck, or  
31 government document that shows the name and address of the voter];

32 (2) Who registers to vote by mail pursuant to Section 6 of the National Voter  
33 Registration Act of 1993 and:

34 (a) Submits with such registration either a driver's license number, or at least the last four  
35 digits of the individual's Social Security number; and

36 (b) With respect to whom the secretary of state matches the information submitted  
37 pursuant to paragraph (a) of this subdivision with an existing state identification record bearing  
38 the same number, name, and date of birth as provided in such registration;

39 (3) Who is:

40 (a) Entitled to vote by absentee ballot pursuant to the Uniformed and Overseas Citizens  
41 Absentee Voting Act;

42 (b) Provided the right to vote otherwise than in person pursuant to Section 3(b)(2)(B)(ii)  
43 of the Voting Accessibility for the Elderly and Handicapped Act; or

44 (c) Entitled to vote otherwise than in person pursuant to any other federal law.

115.163. 1. Each election authority shall [arrange one set of registration cards into  
2 permanent binders] use the **"Missouri Voter Registration System"** established by section

3 **115.158 to prepare a list of legally registered voters** for each precinct[, or it may authorize the  
4 creation of computerized lists for each precinct]. The [computerized lists or binder] **list** shall be  
5 arranged alphabetically or by street address as the election authority determines and shall be  
6 known as the "precinct register". [At least one set of registration cards shall be arranged in a  
7 central file in such a manner as the election authority determines, and shall be known as the  
8 "headquarters register". The election authority shall be the custodian of the registration records,  
9 and no cards or records shall be removed or handled except at its direction and under its  
10 supervision.] The precinct registers shall be kept by the election authority in a secure place,  
11 except when given to election judges for use at an election. Except as provided in subsection 2  
12 of section 115.157, all registration records shall be open to inspection by the public at all  
13 reasonable times.

14 2. [In counties using computer printouts as precinct registers,] A new [computer printout]  
15 **precinct register** shall be [printed] **prepared by the election authority** prior to each election.

16 3. [In those counties using computer printouts as precinct registers,] The election  
17 authority shall send to each voter a voter [identification] **notification** card no later than ninety  
18 days prior to the date of a primary or general election for federal office, unless the voter has  
19 received such a card during the preceding six months. The voter [identification] **notification**  
20 card shall contain the voter's name, address, **and** precinct [and a signature line]. The card **shall**  
21 **also inform the voter of the personal identification requirement in section 115.427, and** may  
22 also contain other voting information at the discretion of the election authority. [The voter shall  
23 be instructed to sign the card for use as identification at the polls.] The voter [identification]  
24 **notification** card shall be sent to a voter after a new registration or a change of address. If any  
25 voter shall lose his voter [identification] **notification** card he may request a new one from the  
26 election authority. The voter [identification] **notification** card authorized pursuant to this section  
27 may be used as a canvass of voters in lieu of the provisions set out in sections 115.179 to  
28 115.193. Except as provided in subsection 2 of section 115.157, anyone, upon request and  
29 payment of a reasonable fee, may obtain a printout, list and/or computer tape of those newly  
30 registered voters or voters deleted from the voting rolls, since the last canvass or updating of the  
31 rolls. The election authority may authorize the use of the postal service contractors under the  
32 federal National Change of Address program to identify those voters whose address is not correct  
33 on the voter registration records. The election authority shall not be required to mail a voter  
34 registration card to those voters whose addresses are incorrect. Confirmation notices to such  
35 voters required by section 115.193 shall be sent to the corrected address provided by the National  
36 Change of Address program.

2 **115.203. 1. No person shall pay or otherwise compensate any other person for**  
3 **registering voters based on the number of:**

3 (1) **Voters registered by the other person;**

- 4           (2) Voter registration applications collected by the other person; or  
5           (3) Voter registration applications submitted to election officials by the other  
6 person.

7           2. No person shall receive or accept payment or any other compensation from any  
8 other person for registering voters based on the number of:

9           (1) Voters registered by the person receiving or accepting payment or other  
10 compensation;

11           (2) Voter registration applications collected by the person receiving or accepting  
12 payment or other compensation;

13           (3) Voter registration applications submitted to election officials by the person  
14 receiving or accepting payment or other compensation.

15           3. No person who agrees or offers to submit a voter registration application for  
16 another person shall knowingly destroy, deface, or conceal such voter registration  
17 application.

18           4. Any person who accepts or receives a voter registration application from another  
19 person and agrees or offers to submit such application to the election authority for the  
20 registrant shall deliver the application to the election authority within seven days of  
21 accepting or receiving the application.

22           5. A violation of this section is a class four election offense.

115.205. 1. Any person who is paid or otherwise compensated for soliciting more  
2 than ten voter registration applications, other than a governmental entity or a person who  
3 is paid or compensated by a governmental entity for such solicitation, shall be registered  
4 with the secretary of state as a voter registration solicitor. A voter registration solicitor  
5 shall register for every election cycle that begins on the day after the general election and  
6 ends on the day of the general election two years later. A voter registration solicitor shall  
7 be at least eighteen years of age and shall be a registered voter in the state of Missouri.

8           2. Each voter registration solicitor shall provide the following information in  
9 writing to the secretary of state's office:

10           (1) The name of the voter registration solicitor;

11           (2) The residential address, including street number, city, state, and zip code;

12           (3) The mailing address, if different from the residential address;

13           (4) Whether the voter registration solicitor expects to be paid for soliciting voter  
14 registrations;

15           (5) If the voter registration solicitor expects to be paid, the identity of the payor;  
16 or

17           (6) The signature of the voter registration solicitor.

18           **3. The solicitor information required in subsection 2 of this section shall be**  
19 **submitted to the secretary of state's office with the following oath and affirmation:**

20 **"I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL**  
21 **STATEMENTS MADE BY ME ARE TRUE AND CORRECT.".**

22           **4. Any voter registration solicitor who knowingly fails to register with the secretary**  
23 **of state is guilty of a class three election offense. Voter registration applications shall be**  
24 **accepted by the election authority if such applications are otherwise valid, even if the voter**  
25 **registration solicitor who procured the applications fails to register with or submits false**  
26 **information to the secretary of state.**

**115.219. 1. Any person who believes a violation of any provision of Title III of the**  
2 **Help America Vote Act of 2002 (HAVA), 42 U.S.C. Sections 15481 to 15485, has occurred,**  
3 **is occurring, or is about to occur may file a complaint with the elections division of the**  
4 **secretary of state's office.**

5           **2. Any complaint filed under this section shall:**

6           **(1) Be in writing, signed, and sworn to before a notary public commissioned by the**  
7 **state of Missouri;**

8           **(2) Be filed within thirty days of the certification of the election in which the**  
9 **violation is alleged to have occurred and state the following:**

10           **(a) The name and mailing address of the person or persons alleged to have**  
11 **committed the violation of Title III of HAVA described in the complaint;**

12           **(b) A description of the act or acts that the person filing the complaint believes is**  
13 **a violation of Title III of HAVA; and**

14           **(c) The nature of the injury suffered or about to be suffered by the person filing the**  
15 **complaint.**

16           **3. The elections division shall promptly provide a copy of the complaint by certified**  
17 **mail to:**

18           **(1) All persons identified in the complaint as possible violators of Title III of**  
19 **HAVA; and**

20           **(2) The election authority in whose jurisdiction the violation is alleged to have**  
21 **occurred or is about to occur.**

22           **4. The elections division may consolidate complaints filed under this section.**

23           **5. Upon the proper filing of a complaint under this section, the secretary of state**  
24 **shall appoint a presiding officer who shall conduct an investigation of the complaint.**

25           **6. At the request of the person filing the complaint or if the presiding officer**  
26 **believes that the circumstances so dictate, the presiding officer shall conduct a hearing on**  
27 **the complaint and prepare a record on the hearing, such hearing to be conducted within**  
28 **ten days of the request of the person filing the complaint.**

29           **7. Upon completion of the investigation, the presiding officer shall submit the**  
30 **results to the elections division, which shall then issue a written report. The elections**  
31 **division shall provide a copy of the report by certified mail to:**

- 32           **(1) The person who filed the complaint;**  
33           **(2) The person or persons alleged to have committed the violation; and**  
34           **(3) The election authority in whose jurisdiction the violation is alleged to have**  
35 **occurred.**

36           **8. The report described in subsection 7 of this section shall:**

- 37           **(1) Indicate the date when the complaint was received by the elections division;**  
38           **(2) Contain findings of fact regarding the alleged violation and state whether a**  
39 **violation of Title III of HAVA has occurred;**  
40           **(3) State what steps, if any, the person or persons alleged to have committed a**  
41 **violation have taken to correct or prevent any recurrence;**  
42           **(4) Suggest any additional measures that could be taken to correct the violation;**  
43           **(5) Indicate the date a violation was corrected or is expected to be corrected;**  
44           **(6) Provide any additional information or recommendations useful in resolving the**  
45 **complaint.**

46           **9. If the elections division determines that there is a violation of Title III of HAVA,**  
47 **the elections division shall determine and provide the appropriate remedy, as authorized**  
48 **by law to do so. If the elections division determines that it is not authorized by law to**  
49 **provide an appropriate remedy, the elections division shall, if possible, refer the matter to**  
50 **the appropriate agency or office that has jurisdiction.**

          115.427. 1. Before receiving a ballot, voters shall [identify themselves] **establish their**  
2 **identity and eligibility to vote at the polling place** by presenting a form of personal  
3 identification [from the following list:

- 4           (1) Identification issued by the state of Missouri, an agency of the state, or a local  
5 election authority of the state;  
6           (2) Identification issued by the United States government or agency thereof;  
7           (3) Identification issued by an institution of higher education, including a university,  
8 college, vocational and technical school, located within the state of Missouri;  
9           (4) A copy of a current utility bill, bank statement, government check, paycheck or other  
10 government document that contains the name and address of the voter;  
11           (5) Driver's license or state identification card issued by another state; or  
12           (6) Other identification approved by the secretary of state under rules promulgated  
13 pursuant to subsection 3 of this section other identification approved by federal law.

14

15 Personal knowledge of the voter by two supervising election judges, one from each major  
16 political party, shall be acceptable voter identification upon the completion of a secretary of  
17 state-approved affidavit that is signed by both supervisory election judges and the voter that  
18 attests to the personal knowledge of the voter by the two supervisory election judges. The  
19 secretary of state may provide by rule for a sample affidavit to be used for such purpose].  
20 **"Personal identification" shall only mean one of the following:**

21       **(1) Non-expired Missouri driver's license showing the name and a photograph or**  
22 **digital image of the individual; or**

23       **(2) Non-expired or non-expiring Missouri nondriver's license showing the name**  
24 **and a photographic or digital image of the individual; or**

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

26       **(a) The document contains the name of the individual to whom the document was**  
27 **issued, and the name conforms to the name in the individual's voter registration record;**

28       **(b) The document shows a photographic or digital image of the individual;**

29       **(c) The document includes an expiration date, and the document is not expired, or**  
30 **if expired, expired not before the date of the most recent general election; and**

31       **(d) The document was issued by the United States or the state of Missouri.**

32       **2. The election judges shall notify a voter who presents at the polling place without**  
33 **a form of personal identification that satisfies the requirements of subsection 1 of this**  
34 **section that the voter may return to the polling place with a proper form of personal**  
35 **identification and vote a regular ballot after election judges have verified the voter's**  
36 **identity and eligibility under subsection 1 of this section. Voters who return to the polling**  
37 **place during the uniform polling hours established by section 115.407 with a current and**  
38 **valid form of personal identification shall be given priority in any voting lines.**

39       **3. An individual who appears at a polling place without identification in the form**  
40 **described in subsection 1 of this section and who is otherwise qualified to vote at that**  
41 **polling place may execute an affidavit averring that the voter is the person listed in the**  
42 **precinct register and that the voter does not possess a form of identification specified in**  
43 **this section and is unable to obtain a current and valid form of personal identification**  
44 **because of:**

45       **(1) A physical or mental disability or handicap of the voter, if the voter is otherwise**  
46 **competent to vote under Missouri law;**

47       **(2) A sincerely held religious belief against the forms of personal identification**  
48 **described in subsection 1 of this section;**

49       **(3) A voter being sixty-five years of age or older.**  
50

51 Upon executing such affidavit, the individual may cast a provisional ballot. Such  
52 provisional ballot shall be entitled to be counted, provided the election authority verifies  
53 the identity of the individual and determines that the individual was eligible to cast a ballot  
54 at the polling place where the ballot was cast.

55 4. The affidavit to be used for voting under subsection 3 of this section shall be  
56 substantially in the following form:

57 "State of .....

58 County of .....

59 I do solemnly swear (or affirm) that my name is .....; that I reside at .....; and  
60 that I am the person listed in the precinct register under this name and at this address. I  
61 further swear (or affirm) that I am unable to obtain a current and valid form of personal  
62 identification because of:

63 ☐ A physical or mental disability or handicap;

64 ☐ A sincerely held religious belief;

65 ☐ My being sixty-five years of age or older.

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

68 .....

69 Signature of voter

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

71 .....

72 Signature of election official"

73 5. A voter shall be allowed to cast a provisional ballot under section 115.430 even  
74 if the election judges cannot establish the voter's identity under subsection 1 of this section.  
75 The election judges shall make a notation on the provisional ballot to indicate that the  
76 voter's identity was not verified. The provisional ballot cast by such voter shall not be  
77 counted unless:

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

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

83 6. The secretary of state shall provide advance notice of the personal identification  
84 requirements of subsection 1 of this section in a manner calculated to inform the public  
85 generally of the requirement for photographic personal identification as provided in this  
86 section.



7. The provisions of section 136.055, RSMo, and section 302.181, RSMo, notwithstanding, any applicant who requests a nondriver's license with a photograph or digital image for the purpose of voting shall not be required to pay a fee if the applicant executes an affidavit averring that the applicant does not have any other form of photographic personal identification that meets the requirements of subsection 1 of section 115.427. The state of Missouri shall pay the legally required fees for any such applicant. The director shall design an affidavit to be used for this purpose. However, any person residing in a facility licensed under chapter 198, RSMo, otherwise competent to vote, shall be issued a nondriver's license photo identification through a mobile processing system operated by the Missouri department of revenue upon request if the resident is physically unable to otherwise obtain a nondriver's license photo identification. The total cost associated with nondriver's license photo identification under this subsection shall be borne by the state of Missouri from funds appropriated to the department of revenue for that specific purpose. The department of revenue and a local election authority may enter into a contract that allows the local election authority to assist the department in issuing nondriver's license photo identifications.

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

VOTER'S IDENTIFICATION CERTIFICATE

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

PRECINCT

WARD OR TOWNSHIP .....

GENERAL (SPECIAL, PRIMARY) ELECTION

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

Date

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

[3.] 9. The secretary of state shall promulgate rules to effectuate the provisions of this section.

[4.] 10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then

123 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall  
124 be invalid and void.

125 [5.] **11.** If any voter is unable to sign his name at the appropriate place on the certificate  
126 or computer printout, an election judge shall print the name and address of the voter in the  
127 appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and  
128 the voter's mark shall be witnessed by the signature of an election judge.

115.430. 1. This section shall apply to primary and general elections where candidates  
2 for federal or statewide offices are nominated or elected and any election where statewide issue  
3 or issues are submitted to the voters.

4 2. **(1)** A voter claiming to be properly registered in the jurisdiction of the election  
5 authority and eligible to vote in an election, but whose eligibility **at that precinct** cannot be  
6 immediately established upon examination of the precinct register [or upon examination of the  
7 records on file with the election authority], shall be entitled to vote a provisional ballot after  
8 providing a form of personal identification required pursuant to section 115.427, or may vote at  
9 a central polling place as established in section 115.115 where they may vote their appropriate  
10 ballot **for their precinct of residence** upon verification of eligibility or vote a provisional ballot  
11 if eligibility cannot be determined. The provisional ballot [contained in] **provided to a voter**  
12 **under** this section shall [contain the statewide candidates and issues, and federal candidates.  
13 The congressional district on the provisional ballot shall be for the address contained on] **be the**  
14 **ballot provided to a resident of the voter's precinct determined by reference to** the affidavit  
15 provided for in this section. If the voter declares that the voter is eligible to vote and the election  
16 authority determines that the voter is eligible to vote at another polling place, the voter shall be  
17 directed to the correct polling place or a central polling place as established by the election  
18 authority pursuant to subsection 5 of section 115.115. If the voter refuses to go to the correct  
19 polling place or a central polling place, the voter shall be permitted to vote a provisional ballot  
20 at the incorrect polling place, but such ballot shall not be counted **if the voter was not eligible**  
21 **to vote at that polling place.**

22 **(2) The following steps shall be taken to establish a voter's eligibility to vote at a**  
23 **polling place:**

24 **(a) The election judge shall examine the precinct register as provided in section**  
25 **115.425. If the voter is registered and eligible to vote at the polling place, the voter shall**  
26 **receive a regular ballot;**

27 **(b) If the voter's eligibility cannot be immediately established by examining the**  
28 **precinct register, the election judge shall contact the election authority. If the election**  
29 **authority cannot immediately establish that the voter is registered and eligible to vote at**  
30 **the polling place upon examination of the Missouri voter registration system, or if the**

31 election judge is unable to make contact with the election authority immediately, the voter  
32 shall be notified that the voter is entitled to a provisional ballot.

33 (3) The voter shall have the duty to appear and vote at the correct polling place.  
34 If an election judge determines that the voter is not eligible to vote at the polling place at  
35 which a voter presents himself or herself, and if the voter appears to be eligible to vote at  
36 another polling place, the voter shall be informed that he or she may cast a provisional  
37 ballot at the current polling place or may travel to the correct polling place or a central  
38 polling place, as established by the election authority under subsection 5 of section 115.115,  
39 where the voter may cast a regular ballot or provisional ballot if the voter's eligibility still  
40 cannot be determined. Provisional ballots cast at a polling place shall be counted only if  
41 the voter was eligible to vote at such polling place as provided in subsection 5 of this  
42 section.

43 (4) For a voter requesting an absentee ballot in person, such voter shall be entitled  
44 to cast a provisional ballot when the voter's eligibility cannot be immediately established  
45 upon examination of the precinct registers or the Missouri voter registration system.

46 (5) Prior to accepting any provisional ballot at the polling place, the election judges  
47 shall determine that the information provided on the provisional ballot envelope by the  
48 provisional voter is consistent with the identification provided by such person under  
49 section 115.427.

50 3. (1) No person shall be entitled to receive a provisional ballot until such person  
51 has completed a provisional ballot affidavit on the provisional ballot envelope.

52 (2) The secretary of state shall produce appropriate sizes of provisional ballot  
53 envelopes and distribute them to each election authority according to their tabulating  
54 system. All provisional ballot envelopes shall be printed on a distinguishable color of paper  
55 that is different from the color of the regular ballot. The provisional ballot envelope shall  
56 be in the form required by subsection 4 of this section. All provisional ballots shall be  
57 marked with a conspicuous stamp or other distinguishing mark that makes them readily  
58 distinguishable from the regular ballots.

59 (3) Once voted, the provisional ballot shall be placed and sealed in a provisional ballot  
60 envelope.

61 4. The provisional ballot in its envelope shall be deposited in the ballot box. The  
62 provisional ballot envelope shall be completed by the voter for use in determining eligibility.  
63 The provisional ballot envelope specified in this section shall contain a voter's certificate which  
64 shall be in substantially the following form:

65 STATE OF .....

66 COUNTY OF .....

67 I do solemnly swear (or affirm) that my name is .....; that my date of birth is  
68 .....; that the last four digits of my Social Security Number are .....; that I am  
69 registered to vote in ..... County or City (if a City not within a County), Missouri; that I  
70 am a qualified voter of said County (or City not within a County); that I am eligible to vote at  
71 this polling place; and that I have not voted in this election.

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

76 .....

77 (Signature of Voter)

78 .....

79 (Current Address)

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

81 .....

82 (Signature of Election Official)

83

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

86 [4.] **5. (1) Prior to [certification of the election] counting any provisional ballot, the**  
87 **election authority shall determine if the voter is registered and [entitled] eligible to vote and if**  
88 **the vote was properly cast. The eligibility of provisional votes shall be determined according**  
89 **to the requirements for a voter to cast a ballot in the election as set forth in sections 115.133**  
90 **and 115.135. A provisional voter ballot shall not be eligible to be counted until the election**  
91 **authority has determined that:**

92 (a) **The voter cast such provisional ballot at a polling place established for the voter**  
93 **or the central polling place established by the election authority under subsection 5 of**  
94 **section 115.115;**

95 (b) **The individual who cast the provisional ballot is an individual registered to vote**  
96 **in the respective election at the polling place where the ballot was cast;**

97 (c) **The voter did not otherwise vote in the same election by regular ballot, absentee**  
98 **ballot, or otherwise; and**

99 (d) **The information on the provisional ballot envelope is found to be correct,**  
100 **complete, and accurate.**

101 (2) **When the ballot boxes are delivered to the election authority from the polling**  
102 **places, the receiving teams shall separate the provisional ballots from the rest of the ballots**  
103 **and place the sealed provisional ballot envelopes in a separate container. Teams of election**

authority employees or teams of election judges with each team consisting of one member of each major political party shall photocopy each provisional ballot envelope, such photocopy to be used by the election authority to determine provisional voter eligibility. The sealed provisional ballot envelopes shall be placed by the team in a sealed container and shall remain therein until tabulation.

(3) To determine whether a provisional ballot is valid and entitled to be counted, the election authority shall examine its records and verify that the provisional voter is properly registered and eligible to vote in the election. If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the election authority shall make an inquiry of the registration agency to determine whether the provisional voter is properly registered and eligible to vote in the election.

(4) If the election authority determines that the provisional voter is registered and eligible to vote in the election, the election authority shall provide documentation verifying the voter's eligibility. Such documentation shall be noted on the copy of the provisional ballot envelope and shall contain substantially the following information:

- (a) The name of the provisional voter;
- (b) The name of the reviewer;
- (c) The date and time; and
- (d) A description of evidence found that supports the voter's eligibility.

(5) The local election authority shall record on a provisional ballot acceptance/rejection list the provisional ballot identification number and a notation marking it as accepted.

(6) If the election authority determines that the provisional voter is not registered or eligible to vote in the election, the election authority shall provide documentation verifying the voter's ineligibility. Such documentation shall be noted on the copy of the provisional ballot envelope and shall contain substantially the following information:

- (a) The name of the provisional voter;
- (b) The name of the reviewer;
- (c) The date and time;
- (d) A description of why the voter is ineligible.

(7) The local election authority shall record on a provisional ballot acceptance/rejection list the provisional ballot identification number and notation marking it as rejected.

(8) If rejected, a photocopy of the envelope shall be made and used by the election authority as a mail-in voter registration. The actual provisional ballot envelope shall be

140 kept as ballot material, and the copy of the envelope shall be used by the election authority  
141 for registration record keeping.

142       **6. All provisional ballots cast by voters whose eligibility has been verified as**  
143 **provided in this section shall be counted in accordance with the rules governing ballot**  
144 **tabulation. Provisional ballots shall not be counted until all provisional ballots are**  
145 **determined either eligible or ineligible.** The provisional ballot shall be counted only if the  
146 election authority determines that the voter is registered and [entitled] **eligible** to vote.  
147 Provisional ballots voted in the wrong polling place shall not be counted. If the voter is not  
148 registered but is qualified to register for future elections, the affidavit shall be considered a [mail]  
149 **mail-in** application to register to vote pursuant to this chapter.

150       **7. (1) After the election authority completes its review of the provisional voter's**  
151 **eligibility under subsection 5 of this section, the election authority shall deliver the**  
152 **provisional ballots and copies of the provisional ballot envelopes that include eligibility**  
153 **information to bipartisan counting teams, which may be the board of verification, for**  
154 **review and tabulation. The election authority shall maintain a record of such delivery.**  
155 **The record shall include the number of ballots delivered to each team and shall include a**  
156 **signed receipt from two judges, one from each major political party. The election authority**  
157 **shall provide each team with a ballot box and material necessary for tabulation.**

158       **(2) If the person named on the provisional ballot affidavit is found to have been**  
159 **properly qualified and registered to cast a ballot in the election and the provisional ballot**  
160 **otherwise qualifies to be counted under the provisions of this section, the envelope shall be**  
161 **opened, and the ballot shall be placed in a ballot box to be counted.**

162       **(3) If the person named on the provisional ballot affidavit is found not to have been**  
163 **properly qualified and registered to cast a ballot in the election or if the election authority**  
164 **is unable to determine such person's right to vote, the envelope containing the provisional**  
165 **ballot shall not be opened, and the person's vote shall not be counted. The members of the**  
166 **team shall follow the procedures set forth in subsection 5 of this section for rejected**  
167 **provisional ballots.**

168       **(4) The votes shall be tallied and the returns made as provided in sections 115.447**  
169 **to 115.525 for paper ballots. After the vote on all ballots assigned to a team have been**  
170 **counted, the ballots, ballot envelopes, and copies of ballot envelopes with the eligibility**  
171 **information provided by the election authority shall be enclosed in sealed containers**  
172 **marked "Voted provisional ballots and ballot envelopes from the election held ....., 20...".**  
173 **All rejected provisional ballots, ballot envelopes, and copies of ballot envelopes with the**  
174 **eligibility information provided by the election authority shall be enclosed in sealed**  
175 **containers marked "Rejected provisional ballots and ballot envelopes from the election**  
176 **held ....., 20...". On the outside of each voted ballot and rejected ballot container, each**

member of the team shall write their name and all such containers shall be returned to the election authority. Upon receipt of the returns and ballots, the election authority shall tabulate the provisional votes.

**8. Challengers and watchers, as provided by sections 115.105 and 115.107, may be present during all times that the bipartisan counting teams are reviewing or counting the provisional ballots, the provisional ballot envelopes, or copies of the provisional ballot envelopes that include eligibility information provided by the election authority. Challengers and watchers shall be permitted to observe the determination of the eligibility of all provisional ballots. The election authority shall notify the county chair of each major political party of the time and location when bipartisan counting teams will be reviewing or counting the provisional ballots, the provisional ballot envelopes, or the copies of the provisional ballot envelopes that include the eligibility information provided by the election authority.**

**9. The certificate of ballot cards shall:**

**(1) Reflect the number of provisional envelopes delivered; and**

**(2) Reflect the number of sealed provisional envelopes with voted ballots deposited in the ballot box.**

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

[6.] **11.** The secretary of state may promulgate rules for purposes of ensuring the uniform application of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

[7.] **12.** The secretary of state shall design and provide to the election authorities the envelopes and forms necessary to carry out the provisions of this section.

[8.] **13.** Pursuant to the Help America Vote Act of 2002, the secretary of state shall ensure a free access system is established, such as a toll-free number or an Internet web site, that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted. At the time an individual casts a provisional ballot, the election authority shall give the voter written information that states that any individual who casts a provisional ballot will be able to ascertain under such free access system whether the vote was counted, and if the vote was not counted, the reason that the vote was not counted.

[9.] **14.** In accordance with the Help America Vote Act of 2002, any individual who votes in an election as a result of a court order or any other order extending the time established for closing the polls in section 115.407 may vote only by using a provisional ballot, and such provisional ballot shall be separated and held apart from other provisional ballots cast by those

214 not affected by the order. Such ballots shall not be counted until such time as the ballots are  
215 determined to be valid. **No state court shall have jurisdiction to extend the polling hours**  
216 **established by law, including section 115.407.**

115.431. [1. In counties using binders as the precinct register, upon satisfactory  
2 identification of the voter, two judges of different political parties shall initial the voter's  
3 identification certificate. All identification certificates shall be numbered consecutively by an  
4 election judge in the order received, starting with the number "1". The signed identification  
5 certificates shall constitute the poll list and shall be securely fastened together in the order  
6 received.

7 2. In counties using computer printouts for precinct registers,] Upon satisfactory  
8 identification of the voter, two judges of different political parties shall place their initials on the  
9 line where the voter signed the [printout] **precinct register**. All voters' names on the [printout]  
10 **precinct register** shall be numbered consecutively in the order in which they have signed,  
11 starting with the number "1". The computer [printout] **precinct register** shall then constitute the  
12 poll list.

**115.456. 1. The election authority shall be responsible for ensuring that the**  
2 **standards provided for in this subsection are followed when counting ballots cast using**  
3 **punch card voting systems.**

4 (1) Prior to tabulating ballots, all ballot cards shall be inspected by the election  
5 authority for hanging chad and damaged ballots. Inspection of ballot cards shall be  
6 conducted using the following guidelines:

7 (a) The election authority shall appoint a bipartisan team to inspect all ballots  
8 where a question exists about the condition of a ballot or existence of a hanging chad;

9 (b) All ballot card inspections conducted under this section shall be conducted by  
10 examining the ballot card from the back of the card;

11 (c) If a ballot is determined to be damaged, the bipartisan team shall spoil the  
12 original ballot and duplicate the voter's intent on the new ballot, provided that there is an  
13 undisputed method of matching the duplicate card with its original after it has been placed  
14 with the remainder of the ballot cards from the precinct; and

15 (d) If a chad is determined to be hanging by two or less corners, it shall be removed  
16 prior to being tabulated.

17 (2) In jurisdictions using punch card systems, a valid vote for a write-in candidate  
18 shall include the following:

19 (a) A distinguishing mark in the square immediately preceding the name of the  
20 candidate;

21 (b) The name of the candidate. If the name of the candidate as written by the voter  
22 is substantially as declared by the candidate it shall be counted, or in those circumstances



23 where the names of candidates are similar, the names of candidates as shown on voter  
24 registration records shall be counted; and

25 (c) The name of the office for which the candidate is to be elected.

26 (3) Whenever a hand recount of votes is ordered of punch card ballots, the  
27 provisions of this subsection shall be used to determine voter intent.

28 2. The election authority shall be responsible for ensuring that the standards  
29 provided for in this subsection are followed when counting ballots cast using optical scan  
30 voting systems.

31 (1) Prior to tabulating ballots, all machines shall be programmed to reject blank  
32 ballots where no votes are recorded or where an overvote is registered in any race.

33 (2) In jurisdictions using precinct-based tabulators, the voter who cast the ballot  
34 shall review the ballot if rejected, if the voter wishes to make any changes to the ballot, or  
35 if the voter would like to spoil the ballot and receive another ballot.

36 (3) In jurisdictions using centrally based tabulators, if a ballot is so rejected it shall  
37 be reviewed by a bipartisan team using the following criteria:

38 (a) If a ballot is determined to be damaged, the bipartisan team shall spoil the  
39 original ballot and duplicate the voter's intent on the new ballot, provided that there is an  
40 undisputed method of matching the duplicate card with its original after it has been placed  
41 with the remainder of the ballot cards from such precinct; and

42 (b) Voter intent shall be determined using the following criteria:

43 a. There is a distinguishing mark in the printed oval adjacent to the name of the  
44 candidate or issue preference;

45 b. There is a distinguishing mark adjacent to the name of the candidate or issue  
46 preference; or

47 c. The name of the candidate or issue preference is circled.

48 (4) In jurisdictions using optical scan systems, a valid vote for a write-in candidate  
49 shall include the following:

50 (a) A distinguishing mark in the designated location preceding the name of the  
51 candidate;

52 (b) The name of the candidate. If the name of the candidate as written by the voter  
53 is substantially as declared by the candidate it shall be counted, or in those circumstances  
54 where the names of candidates are similar, the names of candidates as shown on voter  
55 registration records shall be counted; and

56 (c) The name of the office for which the candidate is to be elected.

57 (5) Whenever a hand recount of votes of optical scan ballots is ordered, the  
58 provisions of this subsection shall be used to determine voter intent.

59           **3. The election authority shall be responsible for ensuring that the standards**  
60 **provided for in this subsection are followed when counting ballots cast using paper ballots.**

61           **(1) Voter intent shall be determined using the following criteria:**

62           **(a) There is a distinguishing mark in the square adjacent to the name of the**  
63 **candidate or issue preference;**

64           **(b) There is a distinguishing mark adjacent to the name of the candidate or issue**  
65 **preference; or**

66           **(c) The name of the candidate or issue preference is circled.**

67           **(2) In jurisdictions using paper ballots, a valid vote for a write-in candidate shall**  
68 **include the following:**

69           **(a) A distinguishing mark in the square immediately preceding the name of the**  
70 **candidate;**

71           **(b) The name of the candidate. If the name of the candidate as written by the voter**  
72 **is substantially as declared by the candidate it shall be counted, or in those circumstances**  
73 **where the names of candidates are similar, the names of candidates as shown on voter**  
74 **registration records shall be counted; and**

75           **(c) The name of the office for which the candidate is to be elected.**

76           **(3) Whenever a hand recount of votes of paper ballots is ordered, the provisions of**  
77 **this subsection shall be used to determine voter intent.**

78           **4. When write-in stickers are used, the sticker shall contain the name of a**  
79 **candidate, the office sought, and a distinguishing mark in the square immediately**  
80 **preceding the name of the candidate and shall be approximately one inch by three inches**  
81 **in size with black print on a white background. The sticker shall be placed by the voter**  
82 **on the write-in line designating the office sought or the sticker shall be placed by the voter**  
83 **on the write-in line on the secrecy envelope.**

          115.631. The following offenses, and any others specifically so described by law, shall  
2 be class one election offenses and are deemed felonies connected with the exercise of the right  
3 of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more  
4 than five years or by fine of not less than two thousand five hundred dollars but not more than  
5 ten thousand dollars or by both such imprisonment and fine:

6           (1) Willfully and falsely making any certificate, affidavit, or statement required to be  
7 made pursuant to any provision of sections 115.001 to 115.641 and sections 51.450 and 51.460,  
8 RSMo, including but not limited to statements specifically required to be made "under penalty  
9 of perjury"; or in any other manner knowingly furnishing false information to an election  
10 authority or election official engaged in any lawful duty or action in such a way as to hinder or  
11 mislead the authority or official in the performance of official duties. If an individual willfully  
12 and falsely makes any certificate, affidavit, or statement required to be made under section

13 115.155, including but not limited to statements specifically required to be made "under penalty  
14 of perjury", such individual shall be guilty of a class C felony;

15 (2) Voting more than once or voting at any election knowing that the person is not  
16 entitled to vote or that the person has already voted on the same day at another location inside  
17 or outside the state of Missouri;

18 (3) Procuring any person to vote knowing the person is not lawfully entitled to vote or  
19 knowingly procuring an illegal vote to be cast at any election;

20 (4) Applying for a ballot in the name of any other person, whether the name be that of  
21 a person living or dead or of a fictitious person, or applying for a ballot in his own or any other  
22 name after having once voted at the election inside or outside the state of Missouri;

23 (5) Aiding, abetting or advising another person to vote knowing the person is not legally  
24 entitled to vote or knowingly aiding, abetting or advising another person to cast an illegal vote;

25 (6) An election judge knowingly causing or permitting any ballot to be in the ballot box  
26 at the opening of the polls and before the voting commences;

27 (7) Knowingly furnishing any voter with a false or fraudulent or bogus ballot, or  
28 knowingly practicing any fraud upon a voter to induce him to cast a vote which will be rejected,  
29 or otherwise defrauding him of his vote;

30 (8) An election judge knowingly placing or attempting to place or permitting any ballot,  
31 or paper having the semblance of a ballot, to be placed in a ballot box at any election unless the  
32 ballot is offered by a qualified voter as provided by law;

33 (9) Knowingly placing or attempting to place or causing to be placed any false or  
34 fraudulent or bogus ballot in a ballot box at any election;

35 (10) Knowingly removing any legal ballot from a ballot box for the purpose of changing  
36 the true and lawful count of any election or in any other manner knowingly changing the true and  
37 lawful count of any election;

38 (11) Knowingly altering, defacing, damaging, destroying or concealing any ballot after  
39 it has been voted for the purpose of changing the lawful count of any election;

40 (12) Knowingly altering, defacing, damaging, destroying or concealing any poll list,  
41 report, affidavit, return or certificate for the purpose of changing the lawful count of any election;

42 (13) On the part of any person authorized to receive, tally or count a poll list, tally sheet  
43 or election return, receiving, tallying or counting a poll list, tally sheet or election return the  
44 person knows is fraudulent, forged or counterfeit, or knowingly making an incorrect account of  
45 any election;

46 (14) On the part of any person whose duty it is to grant certificates of election, or in any  
47 manner declare the result of an election, granting a certificate to a person the person knows is not  
48 entitled to receive the certificate, or declaring any election result the person knows is based upon  
49 fraudulent, fictitious or illegal votes or returns;

50 (15) Willfully destroying or damaging any official ballots, whether marked or unmarked,  
51 after the ballots have been prepared for use at an election and during the time they are required  
52 by law to be preserved in the custody of the election judges or the election authority;

53 (16) Willfully tampering with, disarranging, altering the information on, defacing,  
54 impairing or destroying any voting machine or marking device after the machine or marking  
55 device has been prepared for use at an election and during the time it is required by law to remain  
56 locked and sealed with intent to impair the functioning of the machine or marking device at an  
57 election, mislead any voter at the election, or to destroy or change the count or record of votes  
58 on such machine;

59 (17) Registering to vote knowing the person is not legally entitled to register or  
60 registering in the name of another person, whether the name be that of a person living or dead  
61 or of a fictitious person;

62 (18) Procuring any other person to register knowing the person is not legally entitled to  
63 register, or aiding, abetting or advising another person to register knowing the person is not  
64 legally entitled to register;

65 (19) Knowingly preparing, altering or substituting any computer program or other  
66 counting equipment to give an untrue or unlawful result of an election;

67 (20) On the part of any person assisting a blind or disabled person to vote, knowingly  
68 failing to cast such person's vote as such person directs;

69 (21) On the part of any registration or election official, permitting any person to register  
70 to vote or to vote when such official knows the person is not legally entitled to register or not  
71 legally entitled to vote;

72 (22) On the part of a notary public acting in his official capacity, knowingly violating  
73 any of the provisions of sections 115.001 to 115.627 or any provision of law pertaining to  
74 elections;

75 (23) Violation of any of the provisions of sections 115.275 to 115.303, or of any  
76 provision of law pertaining to absentee voting;

77 (24) Assisting a person to vote knowing such person is not legally entitled to such  
78 assistance, or while assisting a person to vote who is legally entitled to such assistance, in any  
79 manner coercing, requesting or suggesting that the voter vote for or against, or refrain from  
80 voting on any question, ticket or candidate;

81 **(25) Engaging in any act of violence, destruction of property having a value of five**  
82 **hundred dollars or more, or threatened act of violence with the intent of denying a person's**  
83 **lawful right to vote or to participate in the election process; and**

84 **(26) Knowingly provide false information about election procedures for the**  
85 **purpose of preventing any person from going to the polls.**

115.637. The following offenses, and any others specifically so described by law, shall  
2 be class four election offenses and are deemed misdemeanors 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 one year or by a fine of not more than two thousand five hundred dollars or by  
5 both such imprisonment and fine:

6 (1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample  
7 ballots that may be furnished by an organization or individual at or near any voting place on  
8 election day, except that this subdivision shall not be construed so as to interfere with the right  
9 of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate  
10 and substituting the name of the person for whom he intends to vote; or to dispose of the  
11 received sample ballot;

12 (2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent  
13 sample ballots which appear on their face to be designed as a fraud upon voters;

14 (3) Purposefully giving a printed or written sample ballot to any qualified voter which  
15 is intended to mislead the voter;

16 (4) On the part of any candidate for election to any office of honor, trust, or profit,  
17 offering or promising to discharge the duties of such office for a less sum than the salary, fees,  
18 or emoluments as fixed by law or promising to pay back or donate to any public or private  
19 interest any portion of such salary, fees, or emolument as an inducement to voters;

20 (5) On the part of any canvasser appointed to canvass any registration list, willfully  
21 failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to  
22 perform his duties in making such canvass or willfully neglecting any duties lawfully assigned  
23 to him;

24 (6) On the part of any employer, making, enforcing, or attempting to enforce any order,  
25 rule, or regulation or adopting any other device or method to prevent an employee from engaging  
26 in political activities, accepting candidacy for nomination to, election to, or the holding of,  
27 political office, holding a position as a member of a political committee, soliciting or receiving  
28 funds for political purpose, acting as chairman or participating in a political convention,  
29 assuming the conduct of any political campaign, signing, or subscribing his name to any  
30 initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

31 (7) On the part of any person authorized or employed to print official ballots, or any  
32 person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any  
33 ballot to or by any person other than the official under whose direction the ballots are being  
34 printed, any ballot in any form other than that prescribed by law, or with unauthorized names,  
35 with names misspelled, or with the names of candidates arranged in any way other than that  
36 authorized by law;

37 (8) On the part of any election authority or official charged by law with the duty of  
38 distributing the printed ballots, or any person acting on his behalf, knowingly distributing or  
39 causing to be distributed any ballot in any manner other than that prescribed by law;

40 (9) Any person having in his possession any official ballot, except in the performance  
41 of his duty as an election authority or official, or in the act of exercising his individual voting  
42 privilege;

43 (10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

44 (11) On the part of any election judge, willfully absenting himself from the polls on  
45 election day without good cause or willfully detaining any election material or equipment and  
46 not causing it to be produced at the voting place at the opening of the polls or within fifteen  
47 minutes thereafter;

48 (12) On the part of any election authority or official, willfully neglecting, refusing, or  
49 omitting to perform any duty required of him by law with respect to holding and conducting an  
50 election, receiving and counting out the ballots, or making proper returns;

51 (13) On the part of any election judge, or party watcher or challenger, furnishing any  
52 information tending in any way to show the state of the count to any other person prior to the  
53 closing of the polls;

54 (14) On the part of any voter, except as otherwise provided by law, allowing his ballot  
55 to be seen by any person with the intent of letting it be known how he is about to vote or has  
56 voted, or knowingly making a false statement as to his inability to mark his ballot;

57 (15) On the part of any election judge, disclosing to any person the name of any  
58 candidate for whom a voter has voted;

59 (16) Interfering, or attempting to interfere, with any voter inside a polling place;

60 (17) On the part of any person at any registration site, polling place, counting location  
61 or verification location, causing any breach of the peace or engaging in disorderly conduct,  
62 violence, or threats of violence whereby such registration, election, count or verification is  
63 impeded or interfered with;

64 (18) Exit polling, surveying, sampling, electioneering, distributing election literature,  
65 posting signs or placing vehicles bearing signs with respect to any candidate or question to be  
66 voted on at an election on election day inside the building in which a polling place is located or  
67 within [twenty-five] **fifty** feet of the building's outer door closest to the polling place, or, on the  
68 part of any person, refusing to remove or permit removal from property owned or controlled by  
69 him, any such election sign or literature located within such distance on such day after request  
70 for removal by any person;

71 (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on  
72 private property, except that this subdivision shall not be construed to interfere with the right of  
73 any private property owner to take any action with regard to campaign yard signs on the owner's

74 property and this subdivision shall not be construed to interfere with the right of any candidate,  
75 or the candidate's designee, to remove the candidate's campaign yard sign from the owner's  
76 private property after the election day.

2 [115.126. 1. Notwithstanding any provision of this chapter to the  
3 contrary, election authorities shall establish a plan to implement an advance  
4 voting period when eligible registered voters may vote before any general  
5 election in presidential election years at the office of the election authority and  
6 up to four other polling places designated by and under the control of the election  
7 authority. Such plan shall provide that the permissible advance voting period  
8 shall begin fourteen days prior to such election and end at 5:00 p.m. on the  
9 Wednesday before the day of such election.

10 2. Election authorities shall, pursuant to subsection 1 of this section,  
11 establish in their plans the hours and locations for advance voting. The election  
12 authority shall have all advance voting locations open on all business days during  
13 the advance voting period, and may have all advance voting locations open on  
14 Saturdays, Sundays and holidays during the advance voting period.

15 3. Except as provided in this section, advance voting procedures shall be  
16 conducted pursuant to sections 115.407 to 115.445. The secretary of state shall  
17 design the necessary application for use in an advance voting program pursuant  
18 to this section. All election authorities in this state shall submit to the secretary  
19 of state a plan to implement the advance voting period by December 31, 2002.  
20 The secretary of state shall assist election authorities in developing a plan for the  
21 implementation of an advance voting program.

22 4. The plans established pursuant to this section shall also require that  
23 before the precinct registers are delivered to the polling places for an election, the  
24 election authority shall record in the precinct registers the names of all voters  
25 who have submitted an advance voting ballot. The election judge shall not allow  
26 any person who has voted an advance voting ballot in the election to vote at the  
27 polls on election day. If it is determined that any voter submitted an advance  
28 voting ballot and voted at the polls on election day, such person, having voted  
29 more than once, is guilty of a class one election offense pursuant to subdivision  
30 (2) of section 115.631.

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

33 6. Any rule or portion of a rule, as that term is defined in section 536.010,  
34 RSMo, that is created under the authority delegated in this section shall become  
35 effective only if it complies with and is subject to all of the provisions of chapter  
36 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter  
37 536, RSMo, are nonseverable and if any of the powers vested with the general  
38 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date  
39 or to disapprove and annul a rule are subsequently held unconstitutional, then the  
40 grant of rulemaking authority and any rule proposed or adopted after August 28,  
41 2002, shall be invalid and void.]

2 [115.223. Whenever a voter's name has been removed from the  
3 registration records by an election authority, the voter may appeal the removal to  
4 the circuit court. Unless prohibited by court rule, the petition may be filed in an  
5 associate circuit court division. No formal pleading shall be required, and it shall  
6 be sufficient for the voter to present to the court an application verified by  
7 affidavit setting forth that his name has been removed from the registration  
8 records, the date of such removal, and any other information showing his  
9 qualification to vote. The application shall first be presented to the election  
10 authority, which shall either restore the voter's name to the registration records  
11 or furnish a statement showing the reason the voter's name was removed from the  
12 records. The court shall hear and dispose of such application forthwith.  
13 Evidence may be introduced for and against the application. If the court sustains  
14 the application, the court shall notify the election authority of its action, and the  
15 election authority shall restore the applicant's name to the registration records and  
16 note that it was restored by order of the court. No person whose name is restored  
17 to the registration records by order of the court shall be protected by such order  
18 if he is challenged or prosecuted for false registration or false voting. If a voter's  
19 name is restored to the registration records by the election authority or by order  
20 of the court on election day, the voter shall be permitted to vote in the office of  
the election authority.]

✓