

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1857
99TH GENERAL ASSEMBLY

5055H.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.001, 115.002, 115.003, 115.005, 115.007, 115.009, 115.013, 115.023, 115.049, 115.061, 115.063, 115.065, 115.077, 115.078, 115.125, 115.127, 115.155, 115.177, 115.225, 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299, 115.329, 115.335, 115.359, 115.361, 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 115.507, 115.515, 115.629, 115.631, 115.637, 115.641, 115.642, and 115.910, RSMo, and to enact in lieu thereof forty new sections relating to elections, with existing penalty provisions and an effective date for certain sections.

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

Section A. Sections 115.001, 115.002, 115.003, 115.005, 115.007, 115.009, 115.013,
2 115.023, 115.049, 115.061, 115.063, 115.065, 115.077, 115.078, 115.125, 115.127, 115.155,
3 115.177, 115.225, 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299, 115.329,
4 115.335, 115.359, 115.361, 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 115.507,
5 115.515, 115.629, 115.631, 115.637, 115.641, 115.642, and 115.910, RSMo, are repealed and
6 forty new sections enacted in lieu thereof, to be known as sections 115.003, 115.005, 115.007,
7 115.013, 115.023, 115.049, 115.063, 115.065, 115.077, 115.078, 115.125, 115.127, 115.155,
8 115.177, 115.225, 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299, 115.329,
9 115.335, 115.359, 115.361, 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 115.507,
10 115.515, 115.629, 115.631, 115.637, 115.641, 115.642, and 115.910, to read as follows:

115.003. The purpose of [~~sections 115.001 to 115.801~~] **this chapter** is to simplify,
2 clarify and harmonize the laws governing elections. It shall be construed and applied so as to
3 accomplish its purpose.

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.

115.005. Notwithstanding any other provision of law to the contrary, ~~[sections 115.001 to 115.801]~~ **the provisions of this chapter** shall apply to all public elections in the state, except elections for which ownership of real property is required by law for voting.

115.007. No ~~[part of sections 115.001 to 115.801]~~ **provision of this chapter** shall be construed as impliedly amended or repealed by subsequent legislation if such construction can be reasonably avoided.

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

- (1) "Automatic tabulating equipment", the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results;
- (2) "Ballot", the ballot card, paper ballot, or ballot designed for use with an electronic voting system on which each voter may cast all votes to which he or she is entitled at an election;
- (3) "Ballot card", a ballot which is voted by making a ~~[punch or sensor]~~ mark which can be tabulated by automatic tabulating equipment;
- (4) "Ballot label", the card, paper, booklet, page, or other material containing the names of all offices and candidates and statements of all questions to be voted on;
- (5) "Counting location", a location selected by the election authority for the automatic processing or counting, or both, of ballots;
- (6) "County", any ~~[one of the several counties of]~~ **county in** this state or ~~[the City of St. Louis]~~ **any city not within a county**;
- (7) "Disqualified", a determination made by a court of competent jurisdiction, the Missouri ethics commission, an election authority or any other body authorized by law to make such a determination that a candidate is ineligible to hold office or not entitled to be voted on for office;
- (8) "District", an area within the state or within a political subdivision of the state from which a person is elected to represent the area on a policy-making body with representatives of other areas in the state or political subdivision;
- (9) "Electronic voting machine", any part of an electronic voting system on which a voter is able to cast a ballot under this chapter;
- (10) "Electronic voting system", a system of casting votes by use of marking devices, and counting votes by use of automatic tabulating or data processing equipment, ~~[and includes]~~ **including** computerized voting systems;
- (11) "Established political party" for the state, a political party which, at either of the last two general elections, polled for its candidate for any statewide office more than two percent of the entire vote cast for the office. "Established political party" for any district or political

31 subdivision shall mean a political party which polled more than two percent of the entire vote
32 cast at either of the last two elections in which the district or political subdivision voted as a unit
33 for the election of officers or representatives to serve its area;

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

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

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

40 (15) "Marking device", ~~[either an apparatus in which ballots are inserted and voted by~~
41 ~~use of a punch apparatus, or]~~ any approved device which will enable the votes to be counted by
42 automatic tabulating equipment;

43 (16) "Municipal" or "municipality", a city, village, or incorporated town of this state;

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

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

48 (19) "Political party", any established political party and any new party;

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

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

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

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

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

61 (25) ~~["Relative within the first degree by consanguinity or affinity", a spouse, parent, or~~
62 ~~child of a person;~~

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

66 [(27)] (26) "Special district", any school district, water district, fire protection district,
67 hospital district, health center, nursing district, or other districts with taxing authority, or other
68 district formed pursuant to the laws of Missouri to provide limited, specific services;

69 [(28)] (27) "Special election", elections called by any school district, water district, fire
70 protection district, or other district formed pursuant to the laws of Missouri to provide limited,
71 specific services; and

72 [(29)] (28) "Voting district", the one or more precincts within which all voters vote at
73 a single polling place for any election.

115.023. 1. Except as provided in subsections 2 and 3 of this section, each election
2 authority shall conduct all public elections within its jurisdiction.

3 2. When an election is to be conducted for a political subdivision or special district, and
4 the political subdivision or special district is located within the jurisdiction of more than one
5 election authority, the election authority of the jurisdiction with the greatest proportion of the
6 political subdivision's or special district's registered voters shall be responsible for publishing
7 any legal notice required in this chapter.

8 3. When an election is to be conducted for a political subdivision or special district, and
9 the political subdivision or special district is located within the jurisdiction of more than one
10 election authority, the affected election authorities may, by contract, authorize one of their
11 number to conduct the election for all or any part of the political subdivision or special district.
12 In any election conducted pursuant to this subsection, the election authority conducting part of
13 an election in an area outside its jurisdiction may consolidate precincts across jurisdiction lines
14 and shall have all powers and duties granted pursuant to this chapter, except the provisions of
15 sections 115.133 to ~~[115.223]~~ **115.221** and sections 115.279 and 115.297, in the area outside its
16 jurisdiction.

17 4. Notwithstanding ~~[the provision of section 493.030]~~ **the provisions of sections**
18 **493.025 and 493.027 to the contrary**, whenever the publication of a legal advertisement, legal
19 notice, order of court or public notice of any kind is allowed or required pursuant to this chapter,
20 a newspaper publishing such notice shall charge and receive not more than its regular local
21 classified advertising rate. The regular local classified advertising rate is that rate shown by the
22 newspaper's rate schedule as offered to the public, and shall have been in effect for at least thirty
23 days preceding publication of the particular notice to which it is applied.

115.049. 1. Each board of election commissioners in existence on January 1, 1978, shall
2 set the salaries of its employees. Except as provided in subsection 3 of this section, the number
3 of employees of each board and the total yearly amount of all salaries paid to the board's
4 employees shall not exceed the number of employees and the total yearly amount of all salaries
5 authorized on January 1, 1982; except that, in any city which has over three hundred thousand

6 inhabitants and is located in more than one county, the board of election commissioners having
7 jurisdiction in the part of the city situated in the county containing the major portion of the city
8 may set the number of its employees and the total yearly amount of all salaries authorized by
9 ~~[statute on January 1, 1982]~~ ordinance.

10 2. Each board of election commissioners established after January 1, 1978, shall set the
11 salaries of its employees. Except as provided in subsection 3 of this section, the number of
12 employees of each board and the total yearly amount of all salaries paid to the board's employees
13 shall not exceed the number of employees and the total yearly amount of all salaries authorized
14 on December 31, 1977, for counties of the first class not having a charter form of government
15 ~~[by sections 119.090 and 119.100].~~

16 3. If any board of election commissioners wishes to increase the number of its employees
17 or the total yearly amount of all salaries paid to its employees, the board shall deliver a notice
18 of the fact to the presiding officer of the local legislative body or bodies responsible for
19 providing payment of the election commissioners' salaries. The notice shall specify the number
20 of additional employees requested and the additional yearly amount requested by the board and
21 shall include a justification of the increase and a day, not less than ninety days after the notice
22 is delivered, on which the increase is to take effect. Unless any legislative body responsible for
23 approving payment of the election commissioners' salaries adopts a resolution disapproving the
24 increase, the increase shall take effect on the day specified. Any board of election
25 commissioners may implement salary adjustments, after notice to the presiding officer of the
26 local legislative body or bodies responsible for providing payment of the election commissioners'
27 salaries, equal to, but not more than, those adjustments granted to the employees of the local
28 legislative body or bodies without prior legislative approval.

115.063. 1. When any question or candidate is submitted to a vote by any political
2 subdivision or special district and no other question or candidate is submitted at the same
3 election, all costs of the election shall be paid from the general revenue of the political
4 subdivision or special district submitting a question or candidate at the election.

5 2. All costs of ~~[special]~~ elections involving a statewide candidate or statewide issue and
6 all costs of ~~[special]~~ elections involving candidates for state senator or state representative shall
7 be paid by the state, except that if a political subdivision or special district holds an election on
8 the same day, the costs shall be shared proportionately by the state and the political subdivisions
9 and special districts affected in the manner provided in section 115.065.

10 3. ~~[The state shall not be liable for any costs of a general election or primary election
11 held in even-numbered years as designated in subsections 1 and 2 of section 115.121.~~

12 ~~4.]~~ When a proposed political subdivision submits a petition requesting an election as
13 part of the formation thereof, the petitioners shall submit together with the petition sufficient

14 security to pay all costs of the election. If such proposition is successful, the political subdivision
15 thereby created shall reimburse those persons advancing funds to pay the costs of the election.

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 ~~[except in primary and general elections]~~ by the state and one or more
4 political subdivisions or special districts at the same election, all costs of the election shall be
5 paid proportionally from the general revenues of the state and all political subdivisions and
6 special districts submitting a question or candidate at the election, except that costs of
7 publications of legal notice of elections shall not be paid proportionally. The state and each
8 political subdivision and each special district shall pay for publication of its legal notice of
9 election. At the discretion of the election authority, ballot printing costs, if any, may be paid
10 proportionally or the state and each political subdivision and each special district may pay for
11 such ballot printing costs, if any.

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

16 3. Proportional election costs paid under the provisions of subsection 2 of this section
17 shall be assessed by charging each political subdivision and special district the same percentage
18 of the total cost of the election as the number of registered voters of the political subdivision or
19 special district on the day of the election is to the total number of registered voters on the day of
20 the election, derived by adding together the number of registered voters in each political
21 subdivision and special district submitting a question or candidate at the election.

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

35 equipment to improve the conduct of elections, including anything necessarily pertaining thereto.
36 In addition to these costs, the state shall, subject to appropriation, compensate the election
37 services fund for 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 ~~[this subchapter]~~ **sections 115.063**
3 **to 115.077** to each election authority conducting its elections.

4 **2. If the state is required to pay election costs pursuant to sections 115.063 to**
5 **115.065, the state shall, not later than the seventh Tuesday prior to any such election, pay**
6 **each election authority conducting its elections an amount determined by the office of the**
7 **secretary of state, in consultation with the election authority, to be a reasonable estimate**
8 **of the cost of conducting such election, using a method developed by the secretary of state,**
9 **in consultation with 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 ~~[the state,]~~
11 a special district or political subdivision, the election authority shall ~~[estimate]~~ **submit** the
12 **estimated** cost of conducting the election for ~~[the state and]~~ each political subdivision and
13 special district submitting a candidate or question at the election. Not later than the third
14 Tuesday prior to the election, ~~[the state,]~~ each special district and political subdivision submitting
15 a candidate or question at the election, except the county, shall deposit with the election authority
16 an amount equal to the estimated cost of conducting the election for ~~[the state,]~~ the political
17 subdivision or special district.

18 **4.** All payments of election costs received by an election authority under the provisions
19 of this ~~[subsection]~~ **section** shall be placed by the election authority in a special account and used
20 by the election authority only to pay the costs incurred in conducting the election. **Not later**
21 **than the tenth Tuesday following an election,** if the amount paid to an election authority by
22 the state or any political subdivision or special district exceeds the cost of conducting the election
23 for the state, political subdivision or special district, the election authority shall ~~[promptly]~~
24 refund to the state, political subdivision or special district the difference between the amount
25 deposited with it and the cost of conducting the election. **Not later than the tenth Tuesday**
26 **following an election,** if the amount deposited with an election authority by the state or any
27 political subdivision or special district is less than the cost of conducting the election ~~[for the~~
28 ~~state, political subdivision or special district, the state, political subdivision or special district~~
29 ~~shall, not later than the fifth Tuesday after the election, pay to]~~ , the election authority **shall**
30 **submit a request to the state and each political subdivision and special district for** the
31 difference between the amount deposited and the cost of conducting the election.

32 ~~[3-]~~ **5. (1) Within two weeks of receipt of actual cost and required documentation**
33 **of actual expenses from the election authority, the state, political subdivision, or special**

34 **district shall approve for payment the difference between the amount deposited and the**
35 **cost of conducting the election.**

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

44 **6.** Except as provided in ~~[section 115.064]~~ **sections 115.063 to 115.072**, all payments
45 of election costs received by an election authority under the provisions of this section shall be
46 placed by the election authority in a special account and used by the election authority only to
47 pay the costs incurred in conducting elections.

48 ~~[4-]~~ **7.** When the state or any political subdivision or special district willfully fails to
49 make payment of an election cost required by this subchapter by the time provided in this
50 subchapter, it shall pay a penalty of fifty dollars for each day after the time provided in this
51 subchapter proper payment is not made. Any such penalty shall be payable to the election
52 authority authorized to receive payment of the election cost and shall be deposited in the general
53 revenue fund of such election authority's city or county. **For purposes of this subsection, the**
54 **state shall not be considered to have willfully failed to make payment of an election cost if**
55 **there is not sufficient cash or appropriation authority to make such a payment.**

56 ~~[5-]~~ **8. (1)** There is hereby created the "State Election Subsidy Fund" in the state treasury
57 ~~[which shall be funded by appropriations from the general assembly for the purpose of the state~~
58 ~~making advance payments of election costs as required by this section].~~

59 **(2) All unobligated funds in the state election subsidy fund on January 1, 2019,**
60 **shall be transferred to the elections administration improvements fund authorized**
61 **pursuant to section 115.078.** To meet the state's funding obligation to maintain expenditures
62 pursuant to Section 254(a)(7) of the Help America Vote Act of 2002, the commissioner of the
63 office of administration shall annually transfer from general revenue to the ~~[state election subsidy~~
64 ~~fund]~~ **election administration improvement fund, established pursuant to section 115.078,**
65 an amount not less than the amount expended in the fiscal year that ended June 30, 2000. ~~[At~~
66 ~~the end of each fiscal year, any amounts in the state election subsidy fund not expended or~~
67 ~~obligated to meet the state's obligations pursuant to section 115.065 and this section shall be~~
68 ~~transferred to the election administration improvements fund authorized pursuant to section~~
69 ~~115.078 and used to meet the maintenance of effort funding requirements of Section 254(a)(7)~~

70 ~~of the Help America Vote Act of 2002.]~~ Any other law to the contrary notwithstanding, the
71 funds received pursuant to Sections 251 and 252 of the Help America Vote Act of 2002 shall be
72 expended according to the state plan developed pursuant to the provisions of Section 254 of said
73 act. The secretary of state shall develop the state plan through the committee appointed by the
74 secretary of state under the provisions of Section 255 of the Help America Vote Act of 2002.

75 **9. An election authority may rent or lease out any electronic voting machine**
76 **purchased using funds other than those received through the state or the federal**
77 **government as a result of the Help America Vote Act of 2002, as amended.**

115.078. 1. There is hereby created in the state treasury the "Election Administration
2 Improvements Fund", which shall consist of **appropriations from the general assembly**, any
3 gifts, contributions, grants, or bequests received from federal, private, or other sources for the
4 purpose of improving the administration of elections within Missouri, **including making**
5 **payments of election costs as required under section 115.065 and section 115.077.** The state
6 treasurer shall be custodian of the fund and shall make disbursements from the fund in
7 accordance with sections 30.170 and 30.180. Money in the fund shall be used exclusively for
8 election administration improvements as directed by the secretary of state, **and to meet the**
9 **state's obligations under section 115.065 and 115.077.** No moneys obtained through the
10 provisions of this section shall be made a part of the general operating budget of an election
11 authority, or used to supplant other federal, state, or local funds expended for elections. The
12 secretary of state may transfer moneys from the fund to the election improvements revolving loan
13 fund as the secretary deems necessary to facilitate compliance with the Help America Vote Act
14 of 2002. Notwithstanding section 33.080 to the contrary, any moneys remaining in the fund at
15 the end of any biennium shall not revert to the credit of the general revenue fund. All yield,
16 interest, income, increment, or gain received from time deposit of moneys in the state treasury
17 to the credit of the fund shall be credited to the fund. Notwithstanding any provision of law to
18 the contrary, no amount of moneys in the fund shall be transferred from the fund or charged for
19 purposes of the administration of central services for the state of Missouri.

20 2. There is hereby created in the state treasury the "Election Improvements Revolving
21 Loan Fund", which shall consist of all moneys appropriated to it by the general assembly, all
22 repayment of moneys from eligible lenders and any moneys deposited or transferred to the fund
23 for the purpose of improving the administration of elections through loans. The state treasurer
24 shall be custodian of the fund and shall make disbursements from the fund in accordance with
25 sections 30.170 and 30.180. Money in the fund shall be used solely for improving the
26 administration of elections through loans. Notwithstanding section 33.080 to the contrary, any
27 moneys remaining in the fund shall not revert to the credit of the general revenue fund. All yield,
28 interest, income, increment, or gain received from time deposit of moneys in the state treasury

29 to the credit of the fund shall be credited to the fund. Notwithstanding any provision of law to
30 the contrary, no amount of moneys in the fund shall be transferred from the fund or charged for
31 purposes of the administration of central services for the state of Missouri. The secretary of state
32 is authorized to administer the fund in accordance with this section and the Help America Vote
33 Act of 2002, and to promulgate rules to execute this section. No rule or portion of a rule
34 promulgated pursuant to the authority of this section shall become effective unless it has been
35 promulgated pursuant to chapter 536.

115.125. 1. Not later than 5:00 p.m. on the tenth Tuesday prior to any election, except
2 a special election to decide an election contest, tie vote or an election to elect seven members to
3 serve on a school board of a district pursuant to section 162.241, or a delay in notification
4 pursuant to subsection ~~[2]~~ **3** of this section, or pursuant to the provisions of section 115.399, the
5 officer or agency calling the election shall notify the election authorities responsible for
6 conducting the election. The notice shall be in writing, shall specify the name of the officer or
7 agency calling the election and shall include a certified copy of the legal notice to be published
8 pursuant to subsection 2 of section 115.127. The notice and any other information required by
9 this section may, with the prior notification to the election authority receiving the notice, be
10 accepted by facsimile transmission prior to 5:00 p.m. on the tenth Tuesday prior to the election,
11 provided that the original copy of the notice and a certified copy of the legal notice to be
12 published shall be received in the office of the election authority within three business days from
13 the date of the facsimile transmission.

2. In lieu of a certified copy of the legal notice to be published pursuant to subsection
15 2 of section 115.127, each notice of a special election to fill a vacancy shall include the name of
16 the office to be filled, the date of the election and the date by which candidates must be selected
17 or filed for the office. Not later than the ~~[fourth]~~ **sixth** Tuesday prior to any special election to
18 fill a vacancy called by a political subdivision or special district, the officer or agency calling the
19 election shall certify a sample ballot to the election authorities responsible for conducting the
20 election.

~~[2-]~~ **3.** Except as provided for in sections 115.247 and 115.359, if there is no additional
22 cost for the printing or reprinting of ballots or if the political subdivision or special district
23 calling for the election agrees to pay any printing or reprinting costs, a political subdivision or
24 special district may, at any time after certification **of the notice of election** required in subsection
25 1 of this section, but no later than 5:00 p.m. on the ~~[sixth]~~ **eighth** Tuesday before the election,
26 be permitted to make late notification to the election authority pursuant to court order, which,
27 except for good cause shown by the election authority in opposition thereto, shall be freely given
28 upon application by the political subdivision or special district to the circuit court of the area of
29 such subdivision or district. No court shall have the authority to order an individual or issue be

30 placed on the ballot less than ~~[six]~~ **eight** weeks before the date of the election~~], except as~~
31 ~~provided in sections 115.361 and 115.379].~~

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

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

29 3. The election authority shall print the official ballot as the same appears on the sample
30 ballot, and no candidate's name or ballot issue which appears on the sample ballot or official
31 printed ballot shall be stricken or removed from the ballot except on death of a candidate or by
32 court order, **but in no event shall a candidate or issue be stricken or removed from the ballot**
33 **less than eight weeks before the date of the election.**

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

41 5. If the opening date for filing a declaration of candidacy for any office in a political
 42 subdivision or special district is not required by law or charter, the opening filing date shall be
 43 8:00 a.m., the sixteenth Tuesday prior to the election, except that for any home rule city with
 44 more than four hundred thousand inhabitants and located in more than one county and any
 45 political subdivision or special district located in such city, the opening filing date shall be 8:00
 46 a.m., the fifteenth Tuesday prior to the election. If the closing date for filing a declaration of
 47 candidacy for any office in a political subdivision or special district is not required by law or
 48 charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to the election. The
 49 political subdivision or special district calling an election shall, before the sixteenth Tuesday, or
 50 the fifteenth Tuesday for any home rule city with more than four hundred thousand inhabitants
 51 and located in more than one county or any political subdivision or special district located in
 52 such city, prior to any election at which offices are to be filled, notify the general public of the
 53 opening filing date, the office or offices to be filled, the proper place for filing and the closing
 54 filing date of the election. Such notification may be accomplished by legal notice published in
 55 at least one newspaper of general circulation in the political subdivision or special district.

56 6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost
 57 for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting
 58 costs, a candidate who has filed for an office or who has been duly nominated for an office may,
 59 at any time after the certification **of the notice of election** required in **subsection 1** of section
 60 115.125 but no later than 5:00 p.m. on the [~~sixth~~] **eighth** Tuesday before the election, withdraw
 61 as a candidate pursuant to a court order, which, except for good cause shown by the election
 62 authority in opposition thereto, shall be freely given upon application by the candidate to the
 63 circuit court of the area of such candidate's residence.

115.155. 1. The election authority shall provide for the registration of each voter. Each
 2 application shall be in substantially the following form:

3 APPLICATION FOR REGISTRATION

4 Are you a citizen of the United States?

5 YES

NO

6 Will you be 18 years of age on or before election day?

7 YES NO

8 IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THESE QUESTIONS, DO
9 NOT COMPLETE THIS FORM.

10 IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING FOR
11 THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID PHOTO
12 IDENTIFICATION. IF YOU DO NOT SUBMIT SUCH INFORMATION, YOU WILL BE
13 REQUIRED TO PRESENT ADDITIONAL IDENTIFICATION UPON VOTING FOR THE
14 FIRST TIME SUCH AS A BIRTH CERTIFICATE, A NATIVE AMERICAN TRIBAL
15 DOCUMENT, OTHER PROOF OF UNITED STATES CITIZENSHIP, A VALID MISSOURI
16 DRIVERS LICENSE OR OTHER FORM OF PERSONAL IDENTIFICATION.

17		_____
18		Township (or Ward)
19	_____	_____
20	Name	Precinct
21	_____	_____
22	Home Address	Required Personal
23		Identification
24		Information
25	_____	
26	City ZIP	
27	_____	_____
28	Date of Birth	Place of Birth
29		(Optional)
30	_____	_____
31	Telephone Number	Mother's Maiden
32	(Optional)	Name (Optional)
33	_____	_____
34	Occupation (Optional)	Last Place Previously
35		Registered
36	_____	_____
37	Last four digits of	Under What Name
38	Social Security Number	
39	(Required for registration	
40	unless no Social Security number	
41	exists for Applicant)	
42	Remarks:	_____
43		When

44 I am a citizen of the United States and a resident of the state of Missouri. I have not been
 45 adjudged incapacitated by any court of law. If I have been convicted of a felony or of a
 46 misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting
 47 from such conviction removed pursuant to law. I do solemnly swear that all statements made
 48 on this card are true to the best of my knowledge and belief.

49 I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING THAT I AM NOT
 50 LEGALLY ENTITLED TO REGISTER, I AM COMMITTING A CLASS ONE ELECTION
 51 OFFENSE AND MAY BE PUNISHED BY IMPRISONMENT OF NOT MORE THAN FIVE
 52 YEARS OR BY A FINE OF BETWEEN TWO THOUSAND FIVE HUNDRED DOLLARS
 53 AND TEN THOUSAND DOLLARS OR BY BOTH SUCH IMPRISONMENT AND FINE.

54 _____
 55 Signature of Voter Date
 56 _____
 57 Signature of Election Official

58 2. After supplying all information necessary for the registration records, each applicant
 59 who appears in person before the election authority shall swear or affirm the statements on the
 60 registration application by signing his or her full name, witnessed by the signature of the election
 61 authority or such authority's deputy registration official. Each applicant who applies to register
 62 by mail pursuant to section 115.159, or pursuant to section 115.160 or 115.162, shall attest to
 63 the statements on the application by his or her signature.

64 3. Upon receipt by mail of a completed and signed voter registration application, a voter
 65 registration application forwarded by the division of motor vehicle and drivers licensing of the
 66 department of revenue pursuant to section 115.160, or a voter registration agency pursuant to
 67 section 115.162, the election authority shall, if satisfied that the applicant is entitled to register,
 68 transfer all data necessary for the registration records from the application to its registration
 69 system. Within seven business days after receiving the application, the election authority shall
 70 send the applicant a verification notice. If such notice is returned as undeliverable by the postal
 71 service within the time established by the election authority, the election authority shall not place
 72 the applicant's name on the voter registration file.

73 4. If, upon receipt by mail of a voter registration application or a voter registration
 74 application forwarded pursuant to section 115.160 or 115.162, the election authority determines
 75 that the applicant is not entitled to register, such authority shall, within seven business days after
 76 receiving the application, so notify the applicant by mail and state the reason such authority has
 77 determined the applicant is not qualified. The applicant may ~~have such determination reviewed~~
 78 ~~pursuant to the provisions of section 115.223]~~ **file a complaint with the elections division of**
 79 **the secretary of state's office pursuant to section 115.219.** If an applicant for voter

80 registration fails to answer the question on the application concerning United States citizenship,
81 the election authority shall notify the applicant of the failure and provide the applicant with an
82 opportunity to complete the form in a timely manner to allow for the completion of the
83 registration form before the next election.

84 5. ~~[It shall be the responsibility of]~~ The secretary of state ~~[to]~~ **shall** prescribe
85 specifications for voter registration documents so that they are uniform throughout the state of
86 Missouri and comply with the National Voter Registration Act of 1993, including the reporting
87 requirements, and so that registrations, name changes and transfers of registrations within the
88 state may take place as allowed by law.

89 6. All voter registration applications shall be preserved in the office of the election
90 authority.

115.177. Nothing in this ~~[subchapter]~~ **chapter** shall be construed in any way as
2 interfering with or discontinuing any person's valid registration which is in effect on January 1,
3 1978, until such time as the person is required to transfer his **or her** registration or to reregister
4 under the provisions of ~~[sections 115.001 to 115.641 and section 51.460]~~ **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;

15 (6) Permits each voter at a presidential election to vote by use of a single ~~[punch or]~~
16 mark for the candidates of one party or group of petitioners for president, vice president and their
17 presidential 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.

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

115.227. All provisions of law not inconsistent with sections ~~[8.001 to 8.040]~~ **115.225**
2 **to 115.235** shall apply with full force and effect to elections in each jurisdiction using an
3 electronic voting system.

115.243. 1. For the purposes of ~~[sections 115.001 to 115.641 and sections 51.450 and~~
2 ~~51.460]~~ **this chapter**, the candidates for president and vice president of the United States from
3 any political party or group of petitioners shall be considered one candidate. The names of the
4 candidates for president and vice president from each political party or group of petitioners shall
5 be enclosed in a brace directly to the left of the names in the appropriate column on the official
6 ballot. Directly to the left of each brace shall be printed one square, the sides of which are not
7 less than one-fourth inch in length. The names of candidates for presidential electors shall not
8 be printed on the ballot but shall be filed with the secretary of state in the manner provided in
9 section 115.399.

10 2. A vote for any candidate for president and vice president shall be a vote for their
11 electors.

12 3. When presidential and vice-presidential candidates are to be elected, the following
13 instruction shall be printed on the official ballot: "A vote for candidates for President and Vice
14 President is a vote for their electors."

115.247. 1. Each election authority shall provide all ballots for every election within its
2 jurisdiction. Ballots other than those printed by the election authority in accordance with

3 ~~[sections 115.001 to 115.641 and section 51.460]~~ **the provisions of this chapter** shall not be
4 cast or counted at any election.

5 2. Whenever it appears that an error has occurred in any publication required by ~~[sections~~
6 ~~115.001 to 115.641 and section 51.460]~~ **the provisions of this chapter**, or in the printing of any
7 ballot, any circuit court may, upon the application of any voter, order the appropriate election
8 authorities to correct the error or to show cause why the error should not be corrected.

9 3. For each election held in a county with a charter form of government and with more
10 than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, the
11 election authority may provide for each polling place in its jurisdiction fifty-five ballots for each
12 fifty and fraction of fifty voters registered in the voting district at the time of the election. For
13 each election, except a general election, held in any county other than a county with a charter
14 form of government and with more than two hundred fifty thousand but fewer than three hundred
15 fifty thousand inhabitants, the election authority shall provide for each polling place in its
16 jurisdiction a number of ballots equal to at least one and one-third times the number of ballots
17 cast in the voting district served by such polling place at the election held two years before at that
18 polling place or at the polling place that served the voting district in the previous election. For
19 each general election held in any county other than a county with a charter form of government
20 and with more than two hundred fifty thousand but fewer than three hundred fifty thousand
21 inhabitants, the election authority shall provide for each polling place in its jurisdiction a number
22 of ballots equal to one and one-third times the number of ballots cast in the voting district served
23 by such polling place or at the polling place that served the voting district in the general election
24 held four years prior. When determining the number of ballots to provide for each polling place,
25 the election authority shall consider any factors that would affect the turnout at such polling
26 place. The election authority shall keep a record of the exact number of ballots delivered to each
27 polling place. For purposes of this subsection, the election authority shall not be required to
28 count registered voters designated as inactive pursuant to section 115.193.

29 4. After the polls have closed on every election day, the election judges shall return all
30 unused ballots to the election authority with the other election supplies.

31 5. All ballots cast in public elections shall be printed and distributed at public expense,
32 payable as provided in sections ~~[115.064]~~ **115.063** to 115.077.

115.279. 1. Application for an absentee ballot may be made by the applicant in person,
2 or by mail, or for the applicant, in person, by his or her guardian or a relative within the second
3 degree by consanguinity or affinity. The election authority shall accept applications by facsimile
4 transmission **and by electronic mail** within the limits of its telecommunications capacity.

5 2. Each application shall be made to the election authority of the jurisdiction in which
6 the person is or would be registered. Each application shall be in writing and shall state the

7 applicant's name, address at which he or she is or would be registered, his or her reason for
8 voting an absentee ballot, the address to which the ballot is to be mailed, if mailing is requested,
9 and for absent uniformed services and overseas applicants, the applicant's email address if
10 electronic transmission is requested. If the reason for the applicant voting absentee is due to the
11 reasons established under subdivision (6) of subsection 1 of section 115.277, the applicant shall
12 state the voter's identification information provided by the address confidentiality program in lieu
13 of the applicant's name, address at which he or she is or would be registered, and address to
14 which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary
15 election shall also state which ballot the applicant wishes to receive. If any application fails to
16 designate a ballot, the election authority shall, within three working days after receiving the
17 application, notify the applicant by mail that it will be unable to deliver an absentee ballot until
18 the applicant designates which political party ballot he or she wishes to receive. If the applicant
19 does not respond to the request for political party designation, the election authority is authorized
20 to provide the voter with that part of the ballot for which no political party designation is
21 required.

22 3. Except as provided in subsection 3 of section 115.281, all applications for absentee
23 ballots received prior to the sixth Tuesday before an election shall be stored at the office of the
24 election authority until such time as the applications are processed in accordance with section
25 115.281. No application for an absentee ballot received in the office of the election authority by
26 mail, by facsimile transmission, **by electronic mail**, or by a guardian or relative after 5:00 p.m.
27 on the **second** Wednesday immediately prior to the election shall be accepted by any election
28 authority. No application for an absentee ballot submitted by the applicant in person after 5:00
29 p.m. on the day before the election shall be accepted by any election authority, except as
30 provided in subsections 6, 8 and 9 of this section.

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

39 5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who
40 resides outside the boundaries of the United States or who is on active duty with the Armed
41 Forces of the United States or members of their immediate family living with them may request
42 an absentee ballot for both the primary and subsequent general election with one application.

43 (2) The election authority shall provide each absent uniformed services voter and each
 44 overseas voter who submits a voter registration application or an absentee ballot request, if the
 45 election authority rejects the application or request, with the reasons for the rejection.

46 (3) Notwithstanding any other law to the contrary, if a standard oath regarding material
 47 misstatements of fact is adopted for uniformed and overseas voters pursuant to the Help America
 48 Vote Act of 2002, the election authority shall accept such oath for voter registration, absentee
 49 ballot, or other election-related materials.

50 (4) Not later than sixty days after the date of each regularly scheduled general election
 51 for federal office, each election authority which administered the election shall submit to the
 52 secretary of state in a format prescribed by the secretary a report on the combined number of
 53 absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas
 54 voters for the election. The secretary shall submit to the Election Assistance Commission a
 55 combined report of such information not later than ninety days after the date of each regularly
 56 scheduled general election for federal office and in a standardized format developed by the
 57 commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report
 58 available to the general public.

59 (5) As used in this section, the terms "absent uniformed services voter" and "overseas
 60 voter" shall have the meaning prescribed in [42] 52 U.S.C. [~~Section 1973ff-6~~] 20310.

61 6. An application for an absentee ballot by a new resident[~~, as defined in section~~
 62 ~~115.275,~~] shall be submitted in person by the applicant in the office of the election authority in
 63 the election jurisdiction in which such applicant resides. The application shall be received by
 64 the election authority no later than 7:00 p.m. on the day of the election. Such application shall
 65 be in the form of an affidavit, executed in duplicate in the presence of the election authority or
 66 any authorized officer of the election authority, and in substantially the following form:

67 "STATE OF _____

68 COUNTY OF _____, ss.

69 I, _____, do solemnly swear that:

70 (1) Before becoming a resident of this state, I resided at _____ (residence address) in
 71 _____ (town, township, village or city) of _____ County in the state of _____;

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

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

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

78 Signed _____

79 (Applicant)
80 _____

81 (Residence Address)

82 Subscribed and sworn to before me this _____ day of _____, _____

83 Signed _____

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

85 7. The election authority in whose office an application is filed pursuant to subsection
86 6 of this section shall immediately send a duplicate of such application to the appropriate official
87 of the state in which the new resident applicant last resided and shall file the original of such
88 application in its office.

89 8. An application for an absentee ballot by an intrastate new resident[~~as defined in~~
90 ~~section 115.275,~~] shall be made in person by the applicant in the office of the election authority
91 in the election jurisdiction in which such applicant resides. The application shall be received
92 by the election authority no later than 7:00 p.m. on the day of the election. Such application shall
93 be in the form of an affidavit, executed in duplicate in the presence of the election authority or
94 an authorized officer of the election authority, and in substantially the following form:

95 "STATE OF _____
96 COUNTY OF _____, ss.

97 I, _____, do solemnly swear that:

98 (1) Before becoming a resident of this election jurisdiction, I resided at _____
99 (residence address) in _____ (town, township, village or city) of _____ county in the state of
100 _____;

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

103 (3) I believe I am entitled pursuant to the laws of this state to vote in the election to be
104 held _____ (date);

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

108 Signed _____
109 (Applicant)

110 _____
111 (Residence Address)

112 Subscribed and sworn to before me this _____ day of _____, _____

113 Signed _____

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

115 9. An application for an absentee ballot by an interstate former resident~~], as defined in~~
 116 ~~section 115.275,~~] shall be received in the office of the election authority where the applicant was
 117 formerly registered by 5:00 p.m. on the **second** Wednesday immediately prior to the election,
 118 unless the application is made in person by the applicant in the office of the election authority,
 119 in which case such application shall be made no later than 7:00 p.m. on the day of the election.

 115.284. 1. There is hereby established an absentee voting process to assist persons with
 2 permanent disabilities in the exercise of their voting rights.

3 2. The local election authority shall send an application to participate in the absentee
 4 voting process set out in this section to any registered voter residing within the election
 5 authority's jurisdiction upon request.

6 3. Upon receipt of a properly completed application, the election authority shall enter the
 7 voter's name on a list of voters qualified to participate as absentee voters pursuant to this section.

8 4. The application to participate in the absentee voting process shall be in substantially
 9 the following form:

10 State of _____

11 County (City) of _____

12 I, _____ (print applicant's name), declare that I am a resident and registered voter of
 13 _____ County, Missouri, and am permanently disabled. I hereby request that my name be
 14 placed on the election authority's list of voters qualified to participate as absentee voters pursuant
 15 to section 115.284, and that I be delivered an absentee ballot application for each election in
 16 which I am eligible to vote.

17 _____
 18 Signature of Voter

19 _____
 20 _____

21 Voter's Address

22 5. Not earlier than ten weeks before an election but prior to the fourth Tuesday prior to
 23 an election, the election authority shall deliver to each voter qualified to participate as absentee
 24 voters pursuant to this section an absentee ballot application if the voter is eligible to vote in that
 25 election. If the voter returns the absentee request application to the election authority not later
 26 than 5:00 p.m. on the **second** Wednesday before an election and has retained the necessary
 27 qualifications to vote, the election authority shall provide the voter with an absentee ballot
 28 pursuant to this chapter.

29 6. The election authority shall remove from the list of voters qualified to participate as
 30 absentee voters pursuant to this section any voter who:

- 31 (1) Asks to be removed from the list;

- 32 (2) Dies;
33 (3) Becomes disqualified from voting pursuant to this chapter; or
34 (4) No longer resides at the address of his or her voter registration.

115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied
2 the applicant is entitled to vote by absentee ballot, the election authority shall, within three
3 working days after receiving the application, or if absentee ballots are not available at the time
4 the application is received, within five working days after they become available, deliver to the
5 voter an absentee ballot, ballot envelope and such instructions as are necessary for the applicant
6 to vote. Delivery shall be made to the voter personally in the office of the election authority or
7 by bipartisan teams appointed by the election authority, or by first class, registered, or certified
8 mail at the discretion of the election authority, or in the case of a covered voter as defined in
9 section 115.902, the method of transmission prescribed in section 115.914. Where the election
10 authority is a county clerk, the members of bipartisan teams representing the political party other
11 than that of county clerk shall be selected from a list of persons submitted to the county clerk by
12 the county chairman of that party. If no list is provided by the time that absentee ballots are to
13 be made available, the county clerk may select a person or persons from lists provided in
14 accordance with section 115.087. If the election authority is not satisfied that any applicant is
15 entitled to vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within
16 three working days of receiving such an application, the election authority shall notify the
17 applicant and state the reason he or she is not entitled to vote by absentee ballot. The applicant
18 may ~~[appeal the decision of the election authority to the circuit court in the manner provided in~~
19 ~~section 115.223]~~ **file a complaint with the elections division of the secretary of state's office**
20 **pursuant to section 115.219.**

21 2. If, after 5:00 p.m. on the Wednesday before an election, any voter from the jurisdiction
22 has become hospitalized, becomes confined due to illness or injury, or is confined in an ~~[adult~~
23 ~~boarding facility,]~~ intermediate care facility, residential care facility, or skilled nursing facility,
24 as **such terms are** defined in section 198.006, in the county in which the jurisdiction is located
25 or in the jurisdiction or an adjacent election authority within the same county, the election
26 authority shall appoint a team to deliver, witness the signing of and return the voter's application
27 and deliver, witness the voting of and return the voter's absentee ballot. In counties with a
28 charter form of government and in cities not within a county, and in each city which has over
29 three hundred thousand inhabitants, and is situated in more than one county, if the election
30 authority receives ten or more applications for absentee ballots from the same address it may
31 appoint a team to deliver and witness the voting and return of absentee ballots by voters residing
32 at that address, except when such addresses are for an apartment building or other structure
33 wherein individual living units are located, each of which has its own separate cooking facilities.

34 Each team appointed pursuant to this subsection shall consist of two registered voters, one from
35 each major political party. Both members of any team appointed pursuant to this subsection shall
36 be present during the delivery, signing or voting and return of any application or absentee ballot
37 signed or voted pursuant to this subsection.

38 3. On the mailing and ballot envelopes for each covered voter, the election authority
39 shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF MISSOURI" and
40 "U.S. Postage Paid, 39 U.S.C. Section 3406".

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

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 of the polls at a central location designated by the election authority. The election
6 authority shall deliver the absentee ballots to the teams, and shall maintain a record of the
7 delivery. The record shall include the number of ballots delivered to each team and shall include
8 a signed receipt from two judges, one from each major political party. The election authority
9 shall provide each team with a ballot box, tally sheets and statements of returns as are provided
10 to a polling place.

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

13 4. One member of each team, closely observed by another member of the team from a
14 different political party, shall open each envelope and call the voter's name in a clear voice.
15 Without unfolding the ballot, two team members, one from each major political party, shall
16 initial the ballot, and an election judge shall place the ballot, still folded, in a ballot box. No
17 ballot box shall be opened until all of the ballots a team is counting have been placed in the box.
18 The votes shall be tallied and the returns made as provided in sections 115.447 to 115.525 for
19 paper ballots. After the votes on all ballots assigned to a team have been counted, the ballots and
20 ballot envelopes shall be ~~placed on a string and~~ enclosed in sealed containers marked "voted
21 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
24 outside of each voted ballot and rejected ballot container, each member of the team shall write
25 his **or her** name, and all such containers shall be returned to the election authority. Upon receipt
26 of the returns and ballots, the election authority shall tabulate the absentee vote along with the
27 votes certified from each polling place in its jurisdiction.

115.329. 1. The secretary of state or any election authority shall not accept for filing any
2 petition for the formation of a new party or for the nomination of an independent candidate
3 which is submitted prior to 8:00 a.m. on the day immediately following the general election next
4 preceding the general election for which the petition is submitted or which is submitted after 5:00
5 p.m. on the fifteenth Monday immediately preceding the general election for which the petition
6 is submitted.

7 2. When a special election to fill a vacancy is called, ~~[neither the secretary of state nor~~
8 ~~any]~~ **no** election authority shall accept for filing any petition for the formation of a new party or
9 for the nomination of an independent candidate which is submitted after 5:00 p.m. on the day
10 which is midway between the day the election is called and the election day.

11 **3. When a special election to fill a vacancy is called to fill an unexpired term for**
12 **state representative or state senator, the secretary of state shall not accept for filing any**
13 **petition for the formation of a new party or for the nomination of an independent**
14 **candidate which is submitted after 5:00 p.m. on the twenty-first day after the writ of**
15 **election is issued by the governor pursuant to article III, section 14 of the Constitution of**
16 **Missouri, calculated by excluding the day the writ is issued.**

115.335. 1. The secretary of state or the election authority shall have specific authority
2 to determine the validity of signatures on petitions filed with his **or her** office and shall have
3 authority not to count those which are, in his **or her** opinion, forged or fraudulent or the
4 signatures of persons who are not registered voters.

5 2. For the purpose of verifying signatures on any new party or independent candidate
6 petition filed with his **or her** office, the secretary of state may send copies of petition pages ~~[by~~
7 ~~certified mail]~~ to the appropriate election authorities for registration verification. Each election
8 authority receiving a copy of petition pages shall check any signature indicated by the secretary
9 of state against the registration records and return all such copies to the secretary of state ~~[by~~
10 ~~certified mail]~~ no later than the day designated by the secretary of state. The secretary of state
11 shall not designate any deadline for returning copies and certifications which is less than ~~[ten or~~
12 ~~more than forty]~~ **seven** days after the copies have been received by the election authority. If the
13 secretary of state or an election authority determines the congressional district number written
14 after the signature of any registered voter is not the congressional district in which ~~[he]~~ **the voter**
15 resides, the secretary of state or the election authority shall correct the congressional district
16 number on the petition page. Failure of a voter to give his **or her** correct congressional district
17 number shall not alone be sufficient reason to disqualify his **or her** signature. Only valid
18 signatures from the county named in the circulator's affidavit shall be counted on any petition
19 page.

20 3. The secretary of state or election authority shall have authority to verify the signatures
21 on petitions filed with his **or her** office by use of random sampling. Random sampling may be
22 used on any petition on which five hundred or more signatures are required. Petitions requiring
23 fewer than five hundred signatures shall have each signature checked and random sampling shall
24 not be used. The random sample of signatures to be verified shall be drawn in such a manner
25 that every signature contained on the filed petition shall be given an equal opportunity to be
26 included in the sample. Such a random sampling shall include an examination of not less than
27 five percent of the signatures so filed.

28 4. If the random sample verification establishes that the number of valid signatures is
29 less than ninety-five percent of the number of qualified voters needed to find the petition
30 sufficient, the petition shall be deemed to have failed to qualify.

31 5. If the random sample verification establishes that the number of valid signatures total
32 more than one hundred five percent of the number of qualified voters needed to find the petition
33 sufficient, the petition shall be deemed to qualify in that district.

34 6. If the random sample verification establishes that the number of valid signatures is
35 more than ninety-five percent but less than one hundred five percent of the number of qualified
36 voters needed to find the petition sufficient, each signature filed shall be examined and verified.

37 7. The secretary of state is authorized to adopt rules to ensure uniform, complete and
38 accurate checking of petition signatures either by actual counting or random sampling.

39 8. If copies of petition pages are sent to any local election authority for registration
40 verification under the provisions of this subchapter, the secretary of state's final determination
41 on the number of valid signatures submitted on the petition from the election authority's
42 jurisdiction shall be based on the certification made by the election authority.

115.359. 1. Any person who has filed a declaration of candidacy for nomination and
2 who wishes to withdraw as a candidate shall, not later than the eleventh Tuesday prior to the
3 primary election, file a written, sworn statement of withdrawal in the office of the official who
4 accepted such candidate's declaration of candidacy. Any person nominated for an office who
5 wishes to withdraw as a candidate shall, not later than the eleventh Tuesday prior to the general
6 election, file a written, sworn statement of withdrawal in the office of the official who accepted
7 such candidate's declaration of candidacy. In addition, any person who has filed a declaration
8 of candidacy for nomination or who is nominated for an office who wishes to withdraw as a
9 candidate due to being named as the party candidate for a different office by a party nominating
10 committee pursuant to sections 115.363 to 115.377 may withdraw as a candidate no later than
11 5:00 p.m. on the fifth day after being named as the party candidate for a different office by the
12 party nominating committee.

13 2. Except as provided for in section 115.247, if there is no additional cost for the printing
14 or reprinting of ballots, or if the candidate agrees to pay any printing or reprinting costs, a
15 candidate who has filed or is nominated for an office may, at any time after the time limits set
16 forth in subsection 1 of this section but no later than 5:00 p.m. on the ~~[sixth]~~ **eighth** Tuesday
17 before the election, withdraw as a candidate pursuant to a court order, which, except for good
18 cause shown by the election authority in opposition thereto, shall be freely given upon
19 application by the candidate to the circuit court in the county of such candidate's residence. No
20 withdrawal pursuant to this subsection shall be effective until such candidate files a copy of the
21 court's order in the office of the official who accepted such candidate's declaration of candidacy.

22 3. The name of a person who has properly filed a declaration of candidacy, or of a person
23 nominated for office, who has not given notice of withdrawal as provided in subsection 1 or 2
24 of this section shall, except in case of death or disqualification, be printed on the official primary
25 or general election ballot, as the case may be.

115.361. 1. Except as provided in subsections 2 and 3 of this section, if a candidate for
2 nomination to an office in which the candidate is the incumbent or the only candidate dies,
3 withdraws as provided in subsection 1 or 2 of section 115.359, or is disqualified after 5:00 p.m.
4 on the last day in which a person may file as a candidate for nomination, and at or before 5:00
5 p.m. on the ~~[eighth]~~ **tenth** Tuesday prior to any primary election, or if any candidate for the
6 position of political party committeeman or committeewoman dies or withdraws as provided in
7 subsection 1 or 2 of section 115.359, or is disqualified after 5:00 p.m. on the last day in which
8 a person may file as a candidate for nomination, and at or before 5:00 p.m. on the ~~[eighth]~~ **tenth**
9 Tuesday prior to any primary election, leaving less candidates for the available committee
10 positions than the number of available committee positions, filing for the office or position shall
11 be reopened for a period of five working days, excluding holidays and weekends, following the
12 death, withdrawal or disqualification during which period new candidates may file declarations
13 of candidacy.

14 2. If a candidate for nomination to an office in which the candidate is the only candidate
15 dies, withdraws as provided in subsection 1 or 2 of section 115.359, or is disqualified after 5:00
16 p.m. on the ~~[sixth]~~ **tenth** Tuesday prior to the primary election, the election and canvass shall not
17 proceed, and a vacancy shall exist on the general election ballot to be filled in the manner
18 provided in sections 115.363 to 115.377.

19 3. If a candidate for the position of political party committeeman or committeewoman
20 becomes disqualified after the ~~[eighth]~~ **tenth** Tuesday prior to the primary election, the election
21 and canvass shall proceed, and the disqualified candidate's name shall be physically eradicated
22 from the ballot so that no vote may be cast for that candidate.

23 4. If after filing a declaration of candidacy, a candidate files a statement of withdrawal
24 within two working days prior to the deadline for the close of filing set forth in section 115.349,
25 the time of filing for that office shall cease at said deadline. There shall be a reopening of filing
26 on the first Tuesday after the deadline for the close of filing set forth in section 115.349 which
27 shall last until 5:00 p.m. on the Friday immediately following the first Tuesday after said
28 deadline.

 115.363. 1. Except as provided in section 115.361, a party nominating committee of a
2 political party may select a party candidate for nomination to an office on the primary election
3 ballot in the following cases:

4 (1) If there are no candidates for nomination as the party candidate due to death of all
5 the party's candidates after 5:00 p.m. on the last day in which a person may file as a candidate
6 for nomination and at or before 5:00 p.m. on the ~~fourth~~ **tenth** Tuesday prior to the primary
7 election;

8 (2) If there are no candidates for nomination as the party candidate due to withdrawal
9 after 5:00 p.m. on the last day in which a person may file as a candidate for nomination and at
10 or before 5:00 p.m. on whatever day may be fixed by law as the final date for withdrawing as a
11 candidate for the office;

12 (3) If there are no candidates for nomination as the party candidate due to death or
13 disqualification of all candidates within seven days prior to the filing deadline and if no person
14 has filed for the party nomination within that time;

15 (4) If there are no candidates for nomination as the party candidate due to
16 disqualification of all party candidates after 5:00 p.m. on the last day on which a person may file
17 as a candidate for nomination, and at or before 5:00 p.m. on the ~~sixth~~ **tenth** Tuesday prior to
18 the primary election; or

19 (5) If a candidate for the position of political party committeeman or committeewoman
20 dies or withdraws as provided in subsection 1 or 2 of section 115.359 after the ~~eighth~~ **tenth**
21 Tuesday prior to the primary election, leaving no candidate.

22 2. Any established political party may select a candidate for nomination, if a candidate
23 who is the incumbent or only candidate dies, is disqualified or withdraws pursuant to subsection
24 1 or 2 of section 115.359 after 5:00 p.m. on the ~~eighth~~ **tenth** Tuesday prior to the primary
25 election, and at or before 5:00 p.m. on whatever day is fixed by law as the final date for
26 withdrawing as a candidate for the office.

27 3. A party nominating committee may select a party candidate for election to an office
28 on the general election ballot in the following cases:

29 (1) If the person nominated as the party candidate shall die at or before 5:00 p.m. on the
30 ~~fourth~~ **tenth** Tuesday prior to the general election;

31 (2) If the person nominated as the party candidate is disqualified at or before 5:00 p.m.
32 on the ~~[sixth]~~ **tenth** Tuesday prior to the general election;

33 (3) If the person nominated as the party candidate shall withdraw at or before 5:00 p.m.
34 on whatever day may be fixed by law as the final date for withdrawing as a candidate for the
35 office;

36 (4) If a candidate for nomination to an office in which the person is the party's only
37 candidate dies after 5:00 p.m. on the ~~[fourth]~~ **tenth** Tuesday prior to any primary election,
38 withdraws as provided in subsection 1 of section 115.359 after 5:00 p.m. on the ~~[fourth]~~ **tenth**
39 Tuesday prior to any primary election, or is disqualified after 5:00 p.m. on the ~~[sixth]~~ **tenth**
40 Tuesday before any primary election.

41 4. If a person nominated as a party's candidate who is unopposed shall die at or before
42 5:00 p.m. on the ~~[fourth]~~ **tenth** Tuesday prior to the general election, is disqualified at or before
43 5:00 p.m. on the ~~[sixth]~~ **tenth** Tuesday prior to the general election, or shall withdraw at or
44 before 5:00 p.m. on whatever day may be fixed by law as the final date for withdrawing as a
45 candidate for the office, the party nominating committee for any established political party may
46 select a party candidate.

47 5. A party nominating committee may select a party candidate for election to an office
48 in the following cases:

49 (1) For an election called to fill a vacancy in an office;

50 (2) For an election held pursuant to the provisions of section 105.030 to fill an unexpired
51 term resulting from a vacancy in an office that occurs within fourteen days prior to the filing
52 deadline for the primary election and not later than the ~~[eighth]~~ **tenth** Tuesday prior to the
53 general election. If such vacancy occurs prior to the fourteenth day before the filing deadline for
54 a primary election, filing for the office shall be as provided for in sections 115.307 to 115.359.

115.373. 1. The name of a candidate selected by a party nominating committee for a
2 primary or general election to fill a vacancy created by death, withdrawal or disqualification shall
3 be filed with the secretary of state or proper election authority no later than 5:00 p.m. on the
4 twenty-eighth day after the vacancy occurs or no later than 5:00 p.m. on the ~~[fourth]~~ **eighth**
5 Friday prior to the election, whichever occurs sooner.

6 2. The name of a person selected by a party nominating committee as a candidate to fill
7 an unexpired term shall be filed with the ~~[secretary of state or]~~ proper election authority no later
8 than 5:00 p.m. on the day which is midway between the day the election is called and election
9 day.

10 ~~[2-]~~ 3. **The name of a person selected by a party nominating committee as a**
11 **candidate to fill an unexpired term for state representative or state senator in a special**
12 **election shall be filed with the secretary of state no later than 5:00 p.m. on the twenty-first**

13 **day after the writ of election is issued by the governor pursuant to article III, section 14 of**
14 **the Constitution of Missouri, calculated by excluding the day the writ is issued.**

15 **4.** If the candidate selected by a party nominating committee for a primary, general or
16 special election ballot dies prior to the election, the vacancy created by such death may be filled
17 in the manner provided for filling vacancies created by death on the primary and general election
18 ballots.

115.379. 1. Whenever the only candidate of a party for nomination or election to an
2 office at a primary election, general election or special election to fill a vacancy dies after the
3 filing deadline and before the election, his **or her** name shall be printed on the primary, general
4 or special election ballot, as the case may be, unless another candidate has filed for the office
5 pursuant to the provisions of section 115.361 or a new candidate has been selected pursuant to
6 the provisions of sections 115.363 to 115.377. Whenever any other candidate for nomination
7 or election to an office at a primary election, general election or special election to fill a vacancy
8 dies after 5:00 p.m. on the ~~fourth~~ **eighth** Tuesday prior to the election, his **or her** name shall
9 be printed on the primary, general or special election ballot, as the case may be. The election and
10 canvass shall proceed, and, if a sufficient number of votes are cast for the deceased candidate to
11 entitle the candidate to nomination or election had the candidate not died, a vacancy shall exist
12 on the general election ballot or in the office to be filled in the manner provided by law.

13 2. Whenever a candidate for nomination or election to an office is disqualified after 5:00
14 p.m. on the ~~sixth~~ **eighth** Tuesday prior to a primary election, general election or special election
15 to fill a vacancy, his **or her** name shall be printed on the primary, general or special election
16 ballot, as the case may be. The election and canvass shall proceed, and, if a sufficient number
17 of votes are cast for the disqualified candidate to entitle him **or her** to nomination or election had
18 the candidate not become disqualified, a vacancy shall exist on the general election ballot or in
19 the office to be filled in the manner provided by law.

20 3. Except as provided in subsection 3 of section 115.359, subsection 2 of section 115.361
21 and subsections 1 and 2 of this section, whenever a candidate for nomination or election to an
22 office dies, withdraws or is disqualified prior to a primary election, general election or special
23 election to fill a vacancy, all appropriate election authorities shall see that such candidate's name
24 is removed from the primary, general or special election ballot, as the case may be.

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 [~~or 115.487~~]. If any election judge, challenger or watcher has not been
21 previously sworn as the law directs, he **or she** shall take and subscribe the oath of his **or her**
22 office as provided in section 115.091 or 115.109, and the oath shall be returned to the election
23 authority with the tally book.

115.429. 1. The election judges shall not permit any person to vote unless satisfied that
2 such person is the person whose name appears on the precinct register.

3 2. The identity or qualifications of any person offering to vote may be challenged by any
4 election authority personnel, any registered voter, or any duly authorized challenger at the polling
5 place. No person whose right to vote is challenged shall receive a ballot until his **or her** identity
6 and qualifications have been established.

7 3. Any question of doubt concerning the identity or qualifications of a voter shall be
8 decided by a majority of the judges from the major political parties. If such election judges
9 decide not to permit a person to vote because of doubt as to his **or her** identity or qualifications,
10 the person may apply to the election authority [~~or to the circuit court~~] as provided in [~~sections~~]
11 **section 115.193 [and 115.223] or file a complaint with the elections division of the secretary**
12 **of state's office pursuant to section 115.219.**

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

16 5. The election judges or the election authority may require any person whose right to
17 vote is challenged to execute an affidavit affirming his **or her** qualifications. The election

18 authority shall furnish to the election judges a sufficient number of blank affidavits of
19 qualification, and the election judges shall enter any appropriate information or comments under
20 the title "Remarks" which shall appear at the bottom of the affidavit. All executed affidavits of
21 qualification shall be returned to the election authority with the other election supplies. Any
22 person who makes a false affidavit of qualification shall be guilty of a class one election offense.

115.453. Election judges shall count votes for all candidates in the following manner:

2 (1) No candidate shall be counted as voted for, except a candidate before whose name
3 a distinguishing mark appears preceding the name and a distinguishing mark does not appear in
4 the square preceding the name of any candidate for the same office in another column. Except
5 as provided in this subdivision and subdivision (2) of this section, each candidate with a
6 distinguishing mark preceding his or her name shall be counted as voted for;

7 (2) If distinguishing marks appear next to the names of more candidates for an office
8 than are entitled to fill the office, no candidate for the office shall be counted as voted for. If
9 more than one candidate is to be nominated or elected to an office, and any voter has voted for
10 the same candidate more than once for the same office at the same election, no votes cast by the
11 voter for the candidate shall be counted;

12 (3) No vote shall be counted for any candidate that is not marked substantially in
13 accordance with the provisions of this section. The judges shall count votes marked substantially
14 in accordance with this section and section 115.456 when the intent of the voter seems clear.
15 Regulations promulgated by the secretary of state shall be used by the judges to determine voter
16 intent. No ballot containing any proper votes shall be rejected for containing fewer marks than
17 are authorized by law;

18 (4) Write-in votes shall be counted only for candidates for election to office who have
19 filed a declaration of intent to be a write-in candidate for election to office with the proper
20 election authority, who shall then notify the proper filing officer of the write-in candidate prior
21 to 5:00 p.m. on the second Friday immediately preceding the election day; except that, write-in
22 votes shall be counted only for candidates for election to state or federal office who have filed
23 a declaration of intent to be a write-in candidate for election to state or federal office with the
24 secretary of state pursuant to section 115.353 prior to 5:00 p.m. on the second Friday
25 immediately preceding the election day. No person who filed as a party or independent candidate
26 for nomination or election to an office may, without withdrawing as provided by law, file as a
27 write-in candidate for election to the same office for the same term. No candidate who files for
28 nomination to an office and is not nominated at a primary election may file a declaration of intent
29 to be a write-in candidate for the same office at the general election. When declarations are
30 properly filed with the secretary of state, the secretary of state shall promptly transmit copies of
31 all such declarations to the proper election authorities for further action pursuant to this section.

32 The election authority shall furnish a list to the election judges and counting teams prior to
33 election day of all write-in candidates who have filed such declaration. This subdivision shall
34 not apply to elections wherein candidates are being elected to an office for which no candidate
35 has filed. No person shall file a declaration of intent to be a write-in candidate for election to any
36 municipal office unless such person is qualified to be certified as a candidate under section
37 ~~[115.346]~~ **115.306**;

38 (5) Write-in votes shall be cast and counted for a candidate without party designation.
39 Write-in votes for a person cast with a party designation shall not be counted. Except for
40 candidates for political party committees, no candidate shall be elected as a write-in candidate
41 unless such candidate receives a separate plurality of the votes without party designation
42 regardless of whether or not the total write-in votes for such candidate under all party and
43 without party designations totals a majority of the votes cast;

44 (6) When submitted to the election authority, each declaration of intent to be a write-in
45 candidate for the office of United States president shall include the name of a candidate for vice
46 president and the name of nominees for presidential elector equal to the number to which the
47 state is entitled. At least one qualified resident of each congressional district shall be nominated
48 as presidential elector. Each such declaration of intent to be a write-in candidate shall be
49 accompanied by a declaration of candidacy for each presidential elector in substantially the form
50 set forth in subsection 3 of section 115.399. Each declaration of candidacy for the office of
51 presidential elector shall be subscribed and sworn to by the candidate before the election official
52 receiving the declaration of intent to be a write-in, notary public or other officer authorized by
53 law to administer oaths.

115.507. 1. Not later than the second Tuesday after the election, the verification board
2 shall issue a statement announcing the results of each election held within its jurisdiction and
3 shall certify the returns to each political subdivision and special district submitting a candidate
4 or question at the election. The statement shall include a categorization of the number of regular
5 and absentee votes cast in the election, and how those votes were cast; provided however, that
6 absentee votes shall not be reported separately where such reporting would disclose how any
7 single voter cast his or her vote. When absentee votes are not reported separately the statement
8 shall include the reason why such reporting did not occur. Nothing in this section shall be
9 construed to require the election authority to tabulate absentee ballots by precinct on election
10 night.

11 2. The verification board shall prepare the returns by drawing an abstract of the votes
12 cast for each candidate and on each question submitted to a vote of people in its jurisdiction by
13 the state and by each political subdivision and special district at the election. The abstract of
14 votes drawn by the verification board shall be the official returns of the election.

15 3. Any home rule city with more than four hundred thousand inhabitants and located in
16 more than one county may by ordinance designate one of the election authorities situated
17 partially or wholly within that home rule city to be the verification board that shall certify the
18 returns of such city submitting a candidate or question at any election and shall notify each
19 verification board within the city of that designation by providing each with a copy of such duly
20 adopted ordinance. Not later than the second Tuesday after any election in any city making such
21 a designation, each verification board within the city shall certify the returns of such city
22 submitting a candidate or question at the election to the election authority so designated by the
23 city to be its verification board, and such election authority shall announce the results of the
24 election and certify the cumulative returns to the city in conformance with subsections 1 and 2
25 of this section not later than ten days thereafter.

26 4. Not later than the second Tuesday after each election at which the name of a candidate
27 for nomination or election to the office of president of the United States, United States senator,
28 representative in Congress, governor, lieutenant governor, state senator, state representative,
29 judge of the circuit court, secretary of state, attorney general, state treasurer, or state auditor, or
30 at which an initiative, referendum, constitutional amendment or question of retaining a judge
31 subject to the provisions of Article V, Section [29] **25(a) to 25(g)** of the State Constitution,
32 appears on the ballot in a jurisdiction, the election authority of the jurisdiction shall mail or
33 deliver to the secretary of state the abstract of the votes given in its jurisdiction, by polling place
34 or precinct, for each such office and on each such question. If mailed, the abstract shall be
35 enclosed in a strong, sealed envelope or envelopes. On the outside of each envelope shall be
36 printed: "Returns of election held in the county of _____ (City of St. Louis, Kansas City) on the
37 _____ day of _____, _____," etc.

115.515. 1. If two or more persons receive an equal number of votes for nomination as
2 a party's candidate for any federal office, governor, lieutenant governor, secretary of state,
3 attorney general, state treasurer, state auditor, circuit judge not subject to the provisions of
4 Article V, Section [29] **25(a) to 25(g)** of the State Constitution, state senator or state
5 representative, and a higher number of votes than any other candidate for the same office on the
6 same party ballot, the governor shall, immediately after the results of the election have been
7 announced, issue a proclamation stating the fact and ordering a special primary election to
8 determine the party's nominee for the office. The proclamation shall set the date of the election,
9 which shall be not less than fourteen or more than thirty days after the proclamation is issued,
10 and shall be sent by the governor to each election authority responsible for conducting the special
11 primary election. In [~~his~~] **the** proclamation, the governor shall specify the name of each
12 candidate for the office to be voted on at the election, and the special primary election shall be
13 conducted and the votes counted as in other primary elections.

14 2. If two or more persons receive an equal number of votes for nomination as a party's
15 candidate for any other office, except party committeeman or committeewoman, and a higher
16 number of votes than any other candidate for the same office on the same party ballot, the officer
17 with whom such candidates filed their declarations of candidacy shall, immediately after the
18 results of the election have been certified, issue a proclamation stating the fact and ordering a
19 special primary election to determine the party's nominee for the office. The proclamation shall
20 set the date of the election, which shall be not less than fourteen or more than thirty days after
21 the proclamation is issued, and shall be sent by the officer to each election authority responsible
22 for conducting the special primary election. In ~~his~~ **the** proclamation, the officer shall specify
23 the name of each candidate for the office to be voted on at the election, and the special primary
24 election shall be conducted and the votes counted as in other primary elections.

25 3. As an alternative to the procedure prescribed in subsections 1 and 2 of this section,
26 if the candidates who received an equal number of votes in such election agree to the procedure
27 prescribed in this subsection, the officer with whom such candidates filed their declarations of
28 candidacy may, after notification of the time and place of such drawing given to each such
29 candidate at least five days before such drawing, determine the winner of such election by lot.
30 Any candidate who received an equal number of votes may decline to have his **or her** name put
31 into such drawing.

 115.629. There shall be four classes of election offenses consisting of all offenses arising
2 under ~~sections 115.001 to 115.641 and sections 51.450 and 51.460~~ **this chapter**, and such other
3 offenses as are specified by law.

 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~~ **this chapter**, including but not
8 limited to statements specifically required to be made "under penalty of perjury"; or in any other
9 manner knowingly furnishing false information to an election authority or election official
10 engaged in any lawful duty or action in such a way as to hinder or mislead the authority or
11 official in the performance of official duties. If an individual willfully and falsely makes any
12 certificate, affidavit, or statement required to be made under section 115.155, including but not
13 limited to statements specifically required to be made "under penalty of perjury", such individual
14 shall be guilty of a class D 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 **or her** own or any
22 other 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 **or her** to cast a vote which will be
29 rejected, or otherwise defrauding him **or her** of his **or her** 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 **or her** official capacity, knowingly
73 violating any of the provisions of [~~sections 115.001 to 115.627~~] **this chapter** or any provision
74 of law pertaining to 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 threatening an 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 providing false information about election procedures for the purpose
85 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 **or she** 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 **or her**;

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 **or her** 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 **or her** behalf, knowingly distributing
39 or causing to be distributed any ballot in any manner other than that prescribed by law;

40 (9) Any person having in his **or her** possession any official ballot, except in the
41 performance of his **or her** duty as an election authority or official, or in the act of exercising his
42 **or her** individual voting 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, **being** willfully [~~absenting himself~~] **absent** from
45 the polls on election day without good cause or willfully detaining any election material or
46 equipment and not causing it to be produced at the voting place at the opening of the polls or
47 within fifteen 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 **or her** by law with respect to holding and
50 conducting an 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 **or her**
55 ballot to be seen by any person with the intent of letting it be known how he **or she** is about to
56 vote or has voted, or knowingly making a false statement as to his **or her** inability to mark [~~his~~]
57 **a** ballot;

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

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

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

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

72 (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on
73 private property, except that this subdivision shall not be construed to interfere with the right of
74 any private property owner to take any action with regard to campaign yard signs on the owner's
75 property and this subdivision shall not be construed to interfere with the right of any candidate,
76 or the candidate's designee, to remove the candidate's campaign yard sign from the owner's
77 private property after the election day.

115.641. Any duty or requirement imposed by [~~sections 115.001 to 115.641 and sections~~
2 ~~51.450 and 51.460~~] **the provisions of this chapter** which is not fulfilled and for which no other
3 or different punishment is prescribed shall constitute a class four election offense.

115.642. 1. Any person may file a complaint with the secretary of state stating the name
2 of any person who has violated any of the provisions of sections 115.629 to 115.646 and stating
3 the facts of the alleged offense, **sworn to, under penalty of perjury.**

4 **2.** Within thirty days of receiving a complaint, the secretary of state shall notify the
5 person filing the complaint whether or not the secretary has dismissed the complaint or will
6 commence an investigation. **The secretary of state shall dismiss frivolous complaints. For**
7 **purposes of this subsection, "frivolous complaint" shall mean an allegation clearly lacking**
8 **any basis in fact or law. Any person who makes a frivolous complaint pursuant to this**
9 **section shall be liable for actual and compensatory damages to the alleged violator for**
10 **holding the alleged violator before the public in a false light.** If reasonable grounds appear
11 that the alleged offense was committed, the secretary of state may issue a probable cause
12 statement. If the secretary of state issues a probable cause statement, he or she may refer the
13 offense to the appropriate prosecuting attorney.

14 [~~2-~~] **3.** Notwithstanding the provisions of section 27.060, 56.060, or 56.430 to the
15 contrary, when requested by the prosecuting attorney or circuit attorney, the secretary of state or
16 his or her authorized representatives may aid any prosecuting attorney or circuit attorney in the
17 commencement and prosecution of election offenses as provided in sections 115.629 to 115.646.

18 [~~3-~~] **4.** The secretary of state may investigate any suspected violation of any of the
19 provisions of sections 115.629 to 115.646.

115.910. 1. A covered voter who is registered to vote in this state may apply for a
2 military-overseas ballot using either the application for absentee ballot under section 115.279 or
3 the federal postcard application or the application's electronic equivalent.

4 **2.** A covered voter who is not registered to vote in this state may use a federal postcard
5 application or the application's electronic equivalent to apply simultaneously to register to vote
6 under section 115.908 and for a military-overseas ballot.

7 **3.** The secretary of state shall ensure that the electronic transmission system described
8 in section 115.906 is capable of accepting the submission of both a federal postcard application

9 and any other approved electronic military-overseas ballot application sent to the appropriate
 10 election official. The voter may use the electronic transmission system or any other approved
 11 method to apply for a military-overseas ballot.

12 4. A covered voter may use the declaration accompanying a federal write-in absentee
 13 ballot as an application for a military-overseas ballot simultaneously with the submission of the
 14 federal write-in absentee ballot, if the declaration is received by the appropriate election official
 15 by 5:00 p.m. on the **second** Wednesday immediately prior to the election.

16 5. To receive the benefits of sections 115.900 to 115.936, a covered voter shall inform
 17 the election authority that the voter is a covered voter. Methods of informing the election
 18 authority that a voter is a covered voter include:

19 (1) The use of a federal postcard application or federal write-in absentee ballot;

20 (2) The use of an overseas address on an approved voter registration application or ballot
 21 application; or

22 (3) The inclusion on an approved voter registration application or ballot application of
 23 other information sufficient to identify the voter as a covered voter.

2 ~~[115.001. Sections 115.001 to 115.641 and sections 51.450 and 51.460~~
 3 ~~shall be known as the "Comprehensive Election Act of 1977".]~~

2 ~~[115.002. Sections 115.002, 115.024, 115.105, 115.124, 115.159,~~
 3 ~~115.163, 115.203, 115.205, 115.219, 115.225, 115.237, 115.247, 115.249,~~
 4 ~~115.427, 115.430, 115.431, 115.439, 115.445, 115.449, 115.453, 115.456, and~~
 5 ~~115.631, may be cited as the "Missouri Voter Protection Act".]~~

2 ~~[115.009. The effective date of sections 115.001 to 115.641 and sections~~
 3 ~~51.450 and 51.460 shall be January 1, 1978. Any amendment made to a~~
 4 ~~provision repealed by sections 115.001 to 115.641 and sections 51.450 and~~
 5 ~~51.460 shall remain in force only until January 1, 1978.]~~

2 ~~[115.061. 1. When any question or candidate is submitted to a vote of~~
 3 ~~all voters in the state and no other question or candidate is submitted at the same~~
 4 ~~election, all costs of the election shall be paid from the general revenue of the~~
 5 ~~state.~~

6 ~~2. After an audit by the commissioner of administration, the state~~
 7 ~~treasurer shall pay the amounts claimed by and due the respective counties and~~
 8 ~~cities out of moneys appropriated by the general assembly for the purpose.]~~

Section B. The repeal and reenactment of sections 115.003, 115.005, 115.007, 115.013,
 2 115.023, 115.049, 115.125, 115.127, 115.155, 115.177, 115.225, 115.227, 115.243, 115.247,
 3 115.279, 115.284, 115.287, 115.299, 115.329, 115.335, 115.359, 115.361, 115.363, 115.373,
 4 115.379, 115.421, 115.429, 115.453, 115.507, 115.515, 115.629, 115.631, 115.637, 115.641,

5 115.642, and 115.910, and the repeal of sections 115.001, 115.002, and 115.009, shall become
6 effective November 7, 2018.

Section C. The repeal of section 115.061 and the repeal and reenactment of sections
2 115.063, 115.065, 115.077, and 115.078 shall become effective January 1, 2019.

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