

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NOS. 26 & 922

100TH GENERAL ASSEMBLY

0330H.07P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 115.137, 115.155, 115.157, 115.163, 115.225, 115.249, 115.279, 115.287, 115.327, 115.349, 115.351, 115.363, 115.395, 115.397, 115.409, 115.429, and 115.770, RSMo, and to enact in lieu thereof nineteen new sections relating to political party primary elections, with penalty provisions and a delayed effective date.

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

Section A. Sections 115.137, 115.155, 115.157, 115.163, 115.225, 115.249, 115.279, 115.287, 115.327, 115.349, 115.351, 115.363, 115.395, 115.397, 115.409, 115.429, and 115.770, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 115.137, 115.155, 115.157, 115.163, 115.168, 115.225, 115.249, 115.279, 115.287, 115.327, 115.349, 115.351, 115.363, 115.395, 115.397, 115.409, 115.429, 115.628, and 115.770, to read as follows:

115.137. 1. Except as provided in subsection 2 of this section, any citizen who is entitled to register and vote shall be entitled to register for and vote pursuant to the provisions of this chapter in all statewide public elections and all public elections held for districts and political subdivisions within which he resides.

2. Any person who and only persons who fulfill the ownership requirements shall be entitled to vote in elections for which ownership of real property is required by law for voting.

**3. Notwithstanding any other provision of law to the contrary, no person shall be entitled to vote in a primary election of an established political party unless he or she is affiliated with such party, as evidenced by his or her voter registration on the twenty-third Tuesday preceding any political party primary election, including a presidential preference primary.**

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.

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

APPLICATION FOR REGISTRATION

Are you a citizen of the United States?

YES  NO

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

YES  NO

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

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

19	_____	_____
20		Township (or Ward)
21	_____	_____
22	Name	Precinct
23	_____	_____
24	Home Address	Required Personal
25		Identification
26		Information
27	_____	
28	City            ZIP	
29	_____	_____
30	Date of Birth	Place of Birth (Optional)
31	_____	_____
32	Telephone Number	Mother's Maiden
33	(Optional)	Name (Optional)
34	_____	_____
35	Occupation (Optional)	Last Place Previously
36		Registered

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\_\_\_\_\_  
Last four digits of  
Social Security Number  
(Required for registration  
unless no Social Security  
number exists for Applicant)  
**Political Party Affiliation**  
**(You shall be unaffiliated**  
**unless you designate an**  
**affiliation. Affiliation**  
**permits you to vote in a**  
**designated political party**  
**primary.)**

\_\_\_\_\_  
Under What Name  
\_\_\_\_\_  
When  
  
 **Constitutional**  
 **Democrat**  
 **Green**  
 **Libertarian**  
 **Republican**  
 **Unaffiliated**

Remarks:

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

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

\_\_\_\_\_  
Signature of Voter

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Election Official

**2. The options for political party affiliation required by the application described in subsection 1 of this section shall include all established political parties and an option for unaffiliation. If an applicant does not choose a political party affiliation or unaffiliation, the election authority shall mark the applicant's form as unaffiliated.**

72           **3.** After supplying all information necessary for the registration records, each applicant  
73 who appears in person before the election authority shall swear or affirm the statements on the  
74 registration application by signing his or her full name, witnessed by the signature of the election  
75 authority or such authority's deputy registration official. Each applicant who applies to register  
76 by mail pursuant to section 115.159, or pursuant to section 115.160 or 115.162, shall attest to  
77 the statements on the application by his or her signature.

78           ~~[3-]~~ **4.** Upon receipt by mail of a completed and signed voter registration application,  
79 a voter registration application forwarded by the division of motor vehicle and drivers licensing  
80 of the department of revenue pursuant to section 115.160, or a voter registration agency pursuant  
81 to section 115.162, the election authority shall, if satisfied that the applicant is entitled to register,  
82 transfer all data necessary for the registration records from the application to its registration  
83 system. Within seven business days after receiving the application, the election authority shall  
84 send the applicant a verification notice. If such notice is returned as undeliverable by the postal  
85 service within the time established by the election authority, the election authority shall not place  
86 the applicant's name on the voter registration file.

87           ~~[4-]~~ **5.** If, upon receipt by mail of a voter registration application or a voter registration  
88 application forwarded pursuant to section 115.160 or 115.162, the election authority determines  
89 that the applicant is not entitled to register, such authority shall, within seven business days after  
90 receiving the application, so notify the applicant by mail and state the reason such authority has  
91 determined the applicant is not qualified. The applicant may file a complaint with the elections  
92 division of the secretary of state's office under and pursuant to section 115.219. If an applicant  
93 for voter registration fails to answer the question on the application concerning United States  
94 citizenship, the election authority shall notify the applicant of the failure and provide the  
95 applicant with an opportunity to complete the form in a timely manner to allow for the  
96 completion of the registration form before the next election.

97           ~~[5-]~~ **6.** The secretary of state shall prescribe specifications for voter registration  
98 documents so that they are uniform throughout the state of Missouri and comply with the  
99 National Voter Registration Act of 1993, including the reporting requirements, and so that  
100 registrations, name changes and transfers of registrations within the state may take place as  
101 allowed by law.

102           ~~[6-]~~ **7.** All voter registration applications shall be preserved in the office of the election  
103 authority.

115.157. 1. The election authority may place all information on any registration cards  
2 in computerized form in accordance with section 115.158. No election authority or secretary of  
3 state shall furnish to any member of the public electronic media or printout showing any  
4 registration information, except as provided in this section. Except as provided in subsection 2

5 of this section, the election authority or secretary of state shall make available electronic media  
6 or printouts showing unique voter identification numbers, voters' names, dates of birth,  
7 addresses, townships or wards, and precincts. Electronic data shall be maintained in at least the  
8 following separate fields:

- 9 (1) Voter identification number;
- 10 (2) First name;
- 11 (3) Middle initial;
- 12 (4) Last name;
- 13 (5) Suffix;
- 14 (6) Street number;
- 15 (7) Street direction;
- 16 (8) Street name;
- 17 (9) Street suffix;
- 18 (10) Apartment number;
- 19 (11) City;
- 20 (12) State;
- 21 (13) Zip code;
- 22 (14) Township;
- 23 (15) Ward;
- 24 (16) Precinct;
- 25 (17) Senatorial district;
- 26 (18) Representative district;
- 27 (19) Congressional district; **and**
- 28 **(20) Political party affiliation.**

29 2. All election authorities shall enter voter history in their computerized registration  
30 systems and shall, not more than six months after the election, forward such data to the Missouri  
31 voter registration system established in section 115.158. In addition, election authorities shall  
32 forward registration and other data in a manner prescribed by the secretary of state to comply  
33 with the Help America Vote Act of 2002.

34 3. Except as provided in subsection 6 of this section, the election authority shall furnish,  
35 for a fee, electronic media or a printout showing the names, dates of birth [**and**] , addresses, **and**  
36 **political party affiliations** of voters, or any part thereof, within the jurisdiction of the election  
37 authority who voted in any specific election, including primary elections, by township, ward or  
38 precinct, provided that nothing in this chapter shall require such voter information to be released  
39 to the public over the internet.

40           4. Except as provided in subsection 6 of this section, upon a request by a candidate, a  
41 duly authorized representative of a campaign committee, or a political party committee, the  
42 secretary of state shall furnish, for a fee determined by the secretary of state and in compliance  
43 with section 610.026, media in an electronic format or, if so requested, in a printed format,  
44 showing the names, addresses, [~~and~~] voter identification numbers, **and political party**  
45 **affiliations** of voters within the jurisdiction of a specific election authority who applied for an  
46 absentee ballot under section 115.279 for any specific election involving a ballot measure or an  
47 office for which the declaration of candidacy is required to be filed with the secretary of state  
48 pursuant to section 115.353, including primary elections, by township, ward, or precinct.  
49 Nothing in this section shall require such voter information to be released to the public over the  
50 internet. For purposes of this section, the terms "candidate", "campaign committee", and  
51 "political party committee" shall have the same meaning given to such terms in section 130.011.

52           5. The amount of fees charged for information provided in this section shall be  
53 established pursuant to chapter 610. All revenues collected by the secretary of state pursuant to  
54 this section shall be deposited in the state treasury and credited to the secretary of state's  
55 technology trust fund account established pursuant to section 28.160. In even-numbered years,  
56 each election authority shall, upon request, supply the voter registration list for its jurisdiction  
57 to all candidates and party committees for a charge established pursuant to chapter 610. Except  
58 as provided in subsection 6 of this section, all election authorities shall make the information  
59 described in this section available pursuant to chapter 610. Any election authority who fails to  
60 comply with the requirements of this section shall be subject to the provisions of chapter 610.

61           6. Any person working as an undercover officer of a local, state or federal law  
62 enforcement agency, persons in witness protection programs, and victims of domestic violence  
63 and abuse who have received orders of protection pursuant to chapter 455 shall be entitled to  
64 apply to the circuit court having jurisdiction in his or her county of residence to have the  
65 residential address on his or her voter registration records closed to the public if the release of  
66 such information could endanger the safety of the person. Any person working as an undercover  
67 agent or in a witness protection program shall also submit a statement from the chief executive  
68 officer of the agency under whose direction he or she is serving. The petition to close the  
69 residential address shall be incorporated into any petition for protective order provided by circuit  
70 clerks pursuant to chapter 455. If satisfied that the person filing the petition meets the  
71 qualifications of this subsection, the circuit court shall issue an order to the election authority to  
72 keep the residential address of the voter a closed record and the address may be used only for the  
73 purposes of administering elections pursuant to this chapter. The election authority may require  
74 the voter who has a closed residential address record to verify that his or her residential address  
75 has not changed or to file a change of address and to affirm that the reasons contained in the

76 original petition are still accurate prior to receiving a ballot. A change of address within an  
77 election authority's jurisdiction shall not require that the voter file a new petition. Any voter who  
78 no longer qualifies pursuant to this subsection to have his or her residential address as a closed  
79 record shall notify the circuit court. Upon such notification, the circuit court shall void the order  
80 closing the residential address and so notify the election authority.

115.163. 1. Each election authority shall use the Missouri voter registration system  
2 established by section 115.158 to prepare a list of legally registered voters for each precinct. The  
3 list shall be arranged alphabetically or by street address as the election authority determines and  
4 shall be known as the precinct register. The precinct registers shall be kept by the election  
5 authority in a secure place, except when given to election judges for use at an election. Except  
6 as provided in subsection 6 of section 115.157, all registration records shall be open to inspection  
7 by the public at all reasonable times.

8 2. A new precinct register shall be prepared by the election authority prior to each  
9 election.

10 3. **(1)** The election authority shall send to each voter, except those who registered by  
11 mail and have not voted, a voter identification card no later than ninety days prior to the date of  
12 a primary or general election for federal office, unless the voter has received such a card during  
13 the preceding six months. The election authority shall send to each voter who registered by mail  
14 and has not voted the verification notice required under section 115.155 no later than ninety days  
15 prior to the date of a primary or general election for federal office.

16 **(2)** The voter identification card shall contain the voter's name, address, ~~and~~ precinct,  
17 **and political party affiliation or unaffiliation.** The card also shall inform the voter of the  
18 personal identification requirement in section 115.427 and may also contain other voting  
19 information at the discretion of the election authority.

20 **(3)** The voter identification card shall be sent to a voter, except those who registered by  
21 mail and have not voted, after a new registration or a change of address. If any voter, except  
22 those who registered by mail and have not voted, shall lose his **or her** voter identification card  
23 **or change political party affiliation, he or she** may request a new ~~one~~ **card** from the election  
24 authority.

25 **(4)** The voter identification card authorized pursuant to this section may be used as a  
26 canvass of voters in lieu of the provisions set out in sections 115.179 to 115.193.

27 **(5)** Except as provided in subsection 2 of section 115.157, anyone, upon request and  
28 payment of a reasonable fee, may obtain a printout, list and/or computer tape of those newly  
29 registered voters or voters deleted from the voting rolls, since the last canvass or updating of the  
30 rolls.

31           (6) The election authority may authorize the use of the postal service contractors under  
32 the federal National Change of Address program to identify those voters whose address is not  
33 correct on the voter registration records. The election authority shall not be required to mail a  
34 voter registration card to those voters whose addresses are incorrect. Confirmation notices to  
35 such voters required by section 115.193 shall be sent to the corrected address provided by the  
36 National Change of Address program.

**115.168. 1. (1) If a registered voter chooses to change his or her political party  
2 affiliation, the voter may notify the election authority of such change. If the change  
3 happens within twenty-three weeks of any political party primary, the voter's change of  
4 affiliation shall not be applied by the election authority until after the political party  
5 primary election. The voter shall be entitled to vote in the current political party primary  
6 based on his or her party affiliation on the twenty-third Tuesday before the political party  
7 primary election. Any change of political party affiliation shall be made by signed, written  
8 notice in substantially the same manner as a change of address application is filed pursuant  
9 to section 115.165.**

10           (2) For purposes of this subsection, the phrase "change his or her political party  
11 affiliation" shall mean changing affiliation from one established political party to another  
12 established political party, changing from affiliation with an established political party to  
13 unaffiliated, or changing from unaffiliated to an established political party.

14           **2. Any person who was not previously registered to vote in this state and who  
15 submits a voter registration application by 5 p.m. on the fourth Wednesday prior to any  
16 political party primary election may choose a political party affiliation or unaffiliation and  
17 may vote in the primary election.**

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 mark for the  
16 candidates of one party or group of petitioners for president, vice president and their presidential  
17 electors;

18 (7) Accurately counts all proper votes cast for each candidate and for and against each  
19 question;

20 (8) Is set to reject all votes, except write-in votes, for any office and on any question  
21 when the number of votes exceeds the number a voter is lawfully entitled to cast;

22 (9) Permits each voter, while voting, to clearly see the ballot label;

23 (10) Has been tested and is certified by an independent authority that meets the voting  
24 system standards developed by the Federal Election Commission or its successor agency. The  
25 provisions of this subdivision shall not be required for any system purchased prior to August 28,  
26 2002.

27 3. The secretary of state shall promulgate rules and regulations to allow the use of a  
28 computerized voting system. The procedures shall provide for the use of a computerized voting  
29 system with the ability to provide a paper audit trail. Notwithstanding any provisions of this  
30 chapter to the contrary, such a system may allow for the storage of processed ballot materials in  
31 an electronic form.

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.

115.249. No voting machine shall be used unless it:

2 (1) Permits voting in absolute secrecy;

3 (2) Permits each voter to vote for as many candidates for each office as he is lawfully  
4 entitled to vote for, and no other;

5 (3) Permits each voter to vote for or against as many questions as he is lawfully entitled  
6 to vote on, and no more;

7 (4) Provides facilities for each voter to cast as many write-in votes for each office as he  
8 is lawfully entitled to cast;

9 (5) Permits each voter in a primary election to vote for the candidates of only one party  
10 [~~announced by the voter in advance~~];

11 (6) Correctly registers or records and accurately counts all votes cast for each candidate  
12 and for and against each question;

13 (7) Is provided with a lock or locks which prevent any movement of the voting or  
14 registering mechanism and any tampering with the mechanism;

15 (8) Is provided with a protective counter or other device whereby any operation of the  
16 machine before or after an election will be detected;

17 (9) Is provided with a counter which shows at all times during the election how many  
18 people have voted on the machine;

19 (10) Is provided with a proper light which enables each voter, while voting, to clearly  
20 see the ballot labels.

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 52 U.S.C. Section 20310.

61 6. An application for an absentee ballot by a new resident shall be submitted in person  
62 by the applicant in the office of the election authority in the election jurisdiction in which such

63 applicant resides. The application shall be received by the election authority no later than 7:00  
64 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed  
65 in duplicate in the presence of the election authority or any authorized officer of the election  
66 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  
71 address) in \_\_\_\_\_ (town, township, village or city) of \_\_\_\_\_ County in  
72 the state of \_\_\_\_\_;

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

76 (3) I believe I am entitled pursuant to the laws of this state to vote in the  
77 presidential election to be held November \_\_\_\_\_, \_\_\_\_\_ (year);

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

81 Signed \_\_\_\_\_

82 (Applicant)

83 \_\_\_\_\_

84 (Residence Address)

85 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

86 Signed \_\_\_\_\_

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

88 7. The election authority in whose office an application is filed pursuant to subsection  
89 6 of this section shall immediately send a duplicate of such application to the appropriate official  
90 of the state in which the new resident applicant last resided and shall file the original of such  
91 application in its office.

92 8. An application for an absentee ballot by an intrastate new resident shall be made in  
93 person by the applicant in the office of the election authority in the election jurisdiction in which  
94 such applicant resides. The application shall be received by the election authority no later than  
95 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit,  
96 executed in duplicate in the presence of the election authority or an authorized officer of the  
97 election authority, and in substantially the following form:

98 "STATE OF \_\_\_\_\_

99 COUNTY OF \_\_\_\_\_, ss.

100 I, \_\_\_\_\_, do solemnly swear that:

101 (1) Before becoming a resident of this election jurisdiction, I resided at  
102 \_\_\_\_\_ (residence address) in \_\_\_\_\_ (town, township, village or city)  
103 of \_\_\_\_\_ county in the state of \_\_\_\_\_;

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

106 (3) I believe I am entitled pursuant to the laws of this state to vote in the  
107 election to be held \_\_\_\_\_ (date);

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

111 Signed \_\_\_\_\_

112 (Applicant)

113 \_\_\_\_\_

114 (Residence Address)

115 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

116 Signed \_\_\_\_\_

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

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

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. **For applications for an absentee ballot to vote in a primary election, the election**  
7 **authority shall only deliver to the voter the ballot that corresponds to the established**  
8 **political party with which the voter is affiliated, according to his or her voter registration,**  
9 **or, if the voter is unaffiliated, the unaffiliated ballot.** Delivery shall be made to the voter  
10 personally in the office of the election authority or by bipartisan teams appointed by the election  
11 authority, or by first class, registered, or certified mail at the discretion of the election authority,  
12 or in the case of a covered voter as defined in section 115.902, the method of transmission

13 prescribed in section 115.914. Where the election authority is a county clerk, the members of  
14 bipartisan teams representing the political party other than that of county clerk shall be selected  
15 from a list of persons submitted to the county clerk by the county chairman of that party. If no  
16 list is provided by the time that absentee ballots are to be made available, the county clerk may  
17 select a person or persons from lists provided in accordance with section 115.087. If the election  
18 authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not  
19 deliver an absentee ballot to the applicant. Within three working days of receiving such an  
20 application, the election authority shall notify the applicant and state the reason he or she is not  
21 entitled to vote by absentee ballot. The applicant may file a complaint with the elections division  
22 of the secretary of state's office under and pursuant to section 115.219.

23         2. If, after 5:00 p.m. on the second Wednesday before an election, any voter from the  
24 jurisdiction has become hospitalized, becomes confined due to illness or injury, or is confined  
25 in an intermediate care facility, residential care facility, or skilled nursing facility, as such terms  
26 are defined in section 198.006, in the county in which the jurisdiction is located or in the  
27 jurisdiction of an adjacent election authority within the same county, the election authority shall  
28 appoint a team to deliver, witness the signing of and return the voter's application and deliver,  
29 witness the voting of and return the voter's absentee ballot. In counties with a charter form of  
30 government and in cities not within a county, and in each city which has over three hundred  
31 thousand inhabitants, and is situated in more than one county, if the election authority receives  
32 ten or more applications for absentee ballots from the same address it may appoint a team to  
33 deliver and witness the voting and return of absentee ballots by voters residing at that address,  
34 except when such addresses are for an apartment building or other structure wherein individual  
35 living units are located, each of which has its own separate cooking facilities. Each team  
36 appointed pursuant to this subsection shall consist of two registered voters, one from each major  
37 political party. Both members of any team appointed pursuant to this subsection shall be present  
38 during the delivery, signing or voting and return of any application or absentee ballot signed or  
39 voted pursuant to this subsection.

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

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

115.327. 1. When submitted for filing, each petition for the nomination of an  
2 independent candidate or for the formation of a new political party shall be accompanied by a  
3 declaration of candidacy for each candidate to be nominated by the petition or by the party,  
4 respectively. The party's duly authorized chairman and treasurer shall also submit a certified

5 complete list of the names and addresses of all their candidates and the office for which each  
 6 seeks. The party shall nominate its candidates in the manner prescribed in the party's bylaws.  
 7 If presidential electors are to be nominated, at least one qualified resident of each congressional  
 8 district shall be named as a nominee for presidential elector. The number of candidates to be  
 9 nominated shall equal the number of electors to which the state is entitled. Each declaration of  
 10 candidacy for the office of presidential elector shall be in the form provided in section 115.399.  
 11 Each declaration of candidacy for an office other than presidential elector shall state the  
 12 candidate's full name, residence address, office for which he proposes to be a candidate, the  
 13 party, if any, upon whose ticket he is to be a candidate and that if nominated and elected he will  
 14 qualify. Each such declaration shall be in substantially the following form:

15 I, \_\_\_\_\_, a resident and registered voter of the \_\_\_\_\_ precinct of the town of  
 16 \_\_\_\_\_ or the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward of the city of \_\_\_\_\_, or the  
 17 \_\_\_\_\_ precinct of \_\_\_\_\_ township of the county of \_\_\_\_\_ and the state of  
 18 Missouri, do announce myself a candidate for the office of \_\_\_\_\_ on the \_\_\_\_\_  
 19 ticket, to be voted for at the general (special) election to be held on the \_\_\_\_\_  
 20 day of \_\_\_\_\_, 20\_\_\_\_\_, and I further declare that if nominated and elected I  
 21 will qualify.

22 \_\_\_\_\_  
 23 Signature of candidate

Subscribed and sworn  
 to before me this  
 \_\_\_\_\_ day of  
 \_\_\_\_\_, 20\_\_\_\_\_

26 \_\_\_\_\_  
 27 Residence address

\_\_\_\_\_  
 Signature of election  
 official or officer  
 authorized to  
 administer oaths

31 Each such declaration shall be subscribed and sworn to by the candidate before the election  
 32 official accepting the candidate's petition, a notary public or other officer authorized by law to  
 33 administer oaths.

34 **2. Any person who files a declaration of candidacy as an independent candidate or**  
 35 **as the candidate of a new political party for election to an office shall be unaffiliated with**  
 36 **any established political party, as evidenced by his or her voter registration, no later than**  
 37 **the twenty-third Tuesday prior to any candidate filing opening date preceding a political**  
 38 **party primary election.**

115.349. 1. Except as otherwise provided in sections 115.361 to 115.383 or sections  
 2 115.755 to 115.785, no candidate's name shall be printed on any official primary ballot unless

3 the candidate has filed a written declaration of candidacy in the office of the appropriate election  
4 official by 5:00 p.m. on the last Tuesday in March immediately preceding the primary election.

5 2. No declaration of candidacy for nomination in a primary election shall be accepted  
6 for filing prior to 8:00 a.m. on the last Tuesday in February immediately preceding the primary  
7 election.

8 3. Each declaration of candidacy for nomination in a primary election shall state the  
9 candidate's full name, residence address, office for which such candidate proposes to be a  
10 candidate, the party ticket on which he or she wishes to be a candidate and that if nominated and  
11 elected he or she will qualify. The declaration shall be in substantially the following form:

12 I, \_\_\_\_\_, a resident and registered voter of the county of \_\_\_\_\_ and the state  
13 of Missouri, residing at \_\_\_\_\_, do announce myself a candidate for the office  
14 of \_\_\_\_\_ on the \_\_\_\_\_ party ticket, to be voted for at the primary election to  
15 be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and I further declare that if  
16 nominated and elected to such office I will qualify.

17 _____	Subscribed and sworn
18 Signature of candidate	to before me this
19 _____	_____ day of
20 _____	_____, _____
21 _____	_____
22 Residence address	Signature of election
23 _____	official or other officer
24 _____	authorized to
25 _____	administer oaths

26 \_\_\_\_\_  
27 Mailing address (if different)

28 \_\_\_\_\_  
29 Telephone Number (Optional)

30 If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate  
31 before an official authorized to accept his or her declaration of candidacy. If the declaration is  
32 to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it shall  
33 be subscribed and sworn to by the candidate before a notary public or other officer authorized  
34 by law to administer oaths.

35 **4. Any person who files a declaration of candidacy as a party candidate for**  
36 **nomination or election to an office shall be affiliated with that political party, as evidenced**  
37 **by his or her voter registration, no later than twenty-three weeks prior to the last Tuesday**  
38 **in February immediately preceding the primary election.**



115.351. ~~[No person who files as a party candidate for nomination or election to an office shall, without withdrawing, file as another party's candidate or an independent candidate for nomination or election to the office for the same term. No person who files as an independent candidate for election to an office shall, without withdrawing, file as a party candidate for nomination or election to the office for the same term.]~~ No person shall file for one office and, without withdrawing, file for another office to be filled at the same election. A person who files a request to be included on the presidential primary ballot is not prohibited by this section from filing or appearing on any ballot as a party candidate for nomination to another office. Receipt by the secretary of state of proper certification of nomination pursuant to subsection 1 of section 115.399 constitutes withdrawal by operation of law pursuant to subsection 1 of section 115.359 of any presidential or vice presidential nominee from any other office for which such nominee is a candidate at the same election. Any person violating any provision of this section shall be disqualified from running for nomination or election to any office at the primary and general election next succeeding the violation.

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

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

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

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

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

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

2. Any established political party may select a candidate for nomination, if a candidate who is the incumbent or only candidate dies, is disqualified or withdraws pursuant to subsection

23 1 or 2 of section 115.359 after 5:00 p.m. on the tenth Tuesday prior to the primary election, and  
24 at or before 5:00 p.m. on whatever day is fixed by law as the final date for withdrawing as a  
25 candidate for the office.

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

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

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

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

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

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

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

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

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

53 **6. Any party candidate selected by a party nominating committee pursuant to this**  
54 **section shall be affiliated with the political party of the committee, as evidenced by his or**  
55 **her voter registration, no later than twenty-three weeks prior to the date of the selection.**

115.395. 1. At each primary election, there shall be as many separate ballots as there are  
2 **established political** parties entitled to participate in the election. **Additionally, there shall be**

3 **a separate ballot for unaffiliated voters, which shall contain only ballot measures and**  
4 **nonpartisan candidates submitted by political subdivisions and special districts.**

5         2. The names of the candidates for each office on each party ballot shall be listed in the  
6 order in which they are filed, except that, in the case of candidates who file a declaration of  
7 candidacy with the secretary of state prior to 5:00 p.m. on the first day for filing, the secretary  
8 of state shall determine by random drawing the order in which such candidates' names shall  
9 appear on the ballot. The drawing shall be conducted so that each candidate, or candidate's  
10 representative if the candidate filed under subsection 2 of section 115.355, may draw a number  
11 at random at the time of filing. The secretary of state shall record the number drawn with the  
12 candidate's declaration of candidacy. The names of candidates filing on the first day for filing  
13 for each office on each party ballot shall be listed in ascending order of the numbers so drawn.  
14 For the purposes of this subsection, the election authority responsible for oversight of the filing  
15 of candidates, other than candidates that file with the secretary of state, shall clearly designate  
16 where candidates, or a candidate's representative if the candidate filed under subsection 2 of  
17 section 115.355, shall form a line to effectuate such filings and determine the order of such  
18 filings; except that, in the case of candidates who file a declaration of candidacy with the election  
19 authority prior to 5:00 p.m. on the first day for filing, the election authority may determine by  
20 random drawing the order in which such candidates' names shall appear on the ballot. If a  
21 drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate,  
22 or candidate's representative if the candidate filed under subsection 2 of section 115.355, may  
23 draw a number at random at the time of filing. If such drawing is conducted, the election  
24 authority shall record the number drawn with the candidate's declaration of candidacy. If such  
25 drawing is conducted, the names of candidates filing on the first day for filing for each office on  
26 each party ballot shall be listed in ascending order of the numbers so drawn.

27         3. Insofar as applicable, the provisions of sections 115.237 and 115.245 shall apply to  
28 each ballot prepared for a primary election, except that the ballot information may be placed in  
29 vertical or horizontal rows, no circle shall appear under any party name and no write-in lines  
30 shall appear under the name of any office for which a candidate is to be nominated at the  
31 primary. At a primary election, write-in votes shall be counted only for persons who can be  
32 elected to an office at the primary.

115.397. 1. In each primary election, each voter shall be entitled to receive the ballot  
2 of ~~[one and only one]~~ **the established** political party~~[- designated by the voter before receiving~~  
3 ~~his ballot]~~ **with which such voter is affiliated, as evidenced by his or her voter registration**  
4 **twenty-three weeks prior to the current political party primary. Any voter who has chosen**  
5 **to be unaffiliated shall only be permitted to cast an unaffiliated ballot.**

6           2. Each voter who participates in a party primary shall be entitled to vote on all questions  
7 and for any nonpartisan candidates submitted by political subdivisions and special districts at the  
8 primary election. Each voter who does not wish to participate in a party primary may vote on  
9 all questions and for any nonpartisan candidates submitted by a political subdivision or special  
10 district at the primary election.

115.409. Except election authority personnel, election judges, watchers and challengers  
2 appointed pursuant to section 115.105 or 115.107, law enforcement officials at the request of  
3 election officials or in the line of duty, minor children under the age of eighteen accompanying  
4 an adult who is in the process of voting, international observers who have registered as such with  
5 the election authority, persons designated by the election authority to administer a simulated  
6 youth election for persons ineligible to vote because of their age, members of the news media  
7 who present identification satisfactory to the election judges and who are present only for the  
8 purpose of bona fide news coverage except as provided in subdivision (18) of section 115.637,  
9 provided that such coverage does not disclose how any voter cast the voter's ballot on any  
10 question or candidate [~~or in the case of a primary election on which party ballot they voted~~] or  
11 does not interfere with the general conduct of the election as determined by the election judges  
12 or election authority, and registered voters who are eligible to vote at the polling place, no person  
13 shall be admitted to a polling place.

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 as provided in section 115.193 or file a complaint  
11 with the elections division of the secretary of state's office under and pursuant to section 115.219.

12           4. If the election judges cannot reach a decision on the identity or qualifications of any  
13 person, the question shall be decided by the election authority.

14           5. The election judges or the election authority may require any person whose right to  
15 vote is challenged to execute an affidavit affirming his or her qualifications. The election  
16 authority shall furnish to the election judges a sufficient number of blank affidavits of  
17 qualification, and the election judges shall enter any appropriate information or comments under  
18 the title "Remarks" which shall appear at the bottom of the affidavit. All executed affidavits of

19 qualification shall be returned to the election authority with the other election supplies. Any  
20 person who makes a false affidavit of qualification shall be guilty of a class one election offense.

21 **6. In the case of any primary election, the election judges shall determine, using the**  
22 **voter's registration information, whether the voter's political party affiliation is the same**  
23 **as the political party holding the primary election.**

**115.628. 1. This section shall be known and may be cited as the "Integrity in**  
2 **Political Party Voting Act".**

3 **2. Except as provided in subsection 5 of this section, the governing body of any**  
4 **established political party shall adopt a closed primary election system that shall be**  
5 **enforced by the office of the secretary of state and the requisite local election authority.**  
6 **The closed primary election system shall be binding upon all elections for partisan offices**  
7 **in this state.**

8 **3. The secretary of state shall maintain voter registration records in accordance**  
9 **with the Missouri voter registration system defined under section 115.158. No later than**  
10 **the nineteen weeks prior to any primary election date, the secretary of state shall distribute**  
11 **a list of eligible voters for each established political party to all requisite local election**  
12 **authorities. Local election authorities shall implement the closed primary system for any**  
13 **primary election after January 1, 2021, by providing primary ballots indicating political**  
14 **party nominees only to those individuals who are registered to vote in this state and who**  
15 **appear on the lists provided by the secretary of state.**

16 **4. Any political party entitled to ballot access as established under section 115.315**  
17 **shall be allowed to exempt itself from a closed primary and conduct a caucus or primary**  
18 **election at its own expense. The party shall be allowed to submit a general election**  
19 **candidate for the general election ballot.**

20 **5. The state shall pay the costs of implementing and providing notice of the closed**  
21 **primary system under this section, with the exception of any caucus or primary election**  
22 **conducted under subsection 4 of this section. The state shall end any initial notification**  
23 **requirement under this section or chapter after the political party primary election held**  
24 **in August 2022.**

25 **6. Local election authorities shall notify registered voters of the political party**  
26 **affiliation requirements of this section prior to the August 2020 primary election by using**  
27 **all current election mailings that would otherwise be mailed to registered voters.**

28 **7. Beginning January 1, 2020, the voter registration application form shall be**  
29 **amended to include a choice of political party affiliation.**

30 **8. Notwithstanding any other provision of law to the contrary, this section shall**  
31 **provide that initial political party registration be determined by the political party ballot**

32 **chosen by the voter in the 2020 presidential preference primary and the August 2020**  
33 **primary. Appropriate software shall be provided at voter check-in for political party**  
34 **ballot selection so as to minimize later data entry for election authorities. Those who have**  
35 **not declared a party affiliation before the 2020 general election shall have the option to do**  
36 **so using the appropriate software during voter check-in for such election. The election**  
37 **authority shall process this initial political party registration through its normal means of**  
38 **administration on or before September 1, 2021.**

39 **9. Notwithstanding any other provision of law to the contrary, all current processes**  
40 **for registering voters in the various counties shall remain in place.**

115.770. The conduct of the presidential preference primary election and the count and  
2 canvass of the votes cast therein shall conform as nearly as is practicable to that prescribed for  
3 the conduct of the primary election for state officers. All primary election laws not inconsistent  
4 with the provisions of sections 115.750 to 115.785 shall be applicable to the conduct of this  
5 election, and the form of the ballot insofar as is practicable shall be substantially as that  
6 prescribed by section 115.395. In a presidential preference primary, each voter shall be entitled  
7 to receive **only** the ballot of ~~[one and only one established political party, designated by the voter~~  
8 ~~before receiving such voter's ballot]~~ **the political party with which such voter is affiliated, as**  
9 **evidenced by his or her voter registration twenty-three weeks prior to the presidential**  
10 **preference primary.** Each voter who participates in a presidential preference primary shall be  
11 entitled to vote on all questions and for any candidates submitted by political subdivisions and  
12 special districts at the general municipal election. Each voter who does not wish to participate  
13 in a presidential preference primary may vote on all questions and for any candidates submitted  
14 by a political subdivision or special district at the general municipal election.

Section B. The enactment of sections 115.168 and 115.628 and the repeal and  
2 reenactment of sections 115.137, 115.155, 115.157, 115.163, 115.225, 115.249, 115.279,  
3 115.287, 115.327, 115.349, 115.351, 115.363, 115.395, 115.397, 115.409, 115.429, and 115.770  
4 of this act shall become effective on January 1, 2021.

✓