

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 282
96TH GENERAL ASSEMBLY

1542L.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 51.050, 52.010, 54.033, 54.330, 78.090, 115.015, 115.123, 115.124, 115.127, 115.241, 115.293, 115.315, 115.327, 115.342, 115.399, 115.601, 115.637, 115.755, and 115.761, RSMo, and to enact in lieu thereof twenty new sections relating to elections, with penalty provisions.

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

Section A. Sections 51.050, 52.010, 54.033, 54.330, 78.090, 115.015, 115.123, 115.124, 115.127, 115.241, 115.293, 115.315, 115.327, 115.342, 115.399, 115.601, 115.637, 115.755, and 115.761, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 33.291, 51.050, 52.010, 54.033, 54.330, 78.090, 115.015, 115.123, 115.124, 115.127, 115.230, 115.293, 115.315, 115.327, 115.342, 115.399, 115.601, 115.637, 115.761, and 190.056, to read as follows:

33.291. No department of this state shall contract with or provide any moneys to any entity that has been found guilty of or has pled guilty to intentionally or willfully violating any election law, tax law, or immigration law of this state. Nothing in this section shall affect an individual's federal or state unemployment benefits.

51.050. No person shall be elected or appointed clerk of the county commission unless [he] **such person** be a citizen of the United States, over the age of twenty-one years, and shall have resided within the state one whole year, and within the county for which [he] **the person** is elected [six months] **one year** just prior to [his] **such person's** election; and every clerk shall after [his] **the** election continue to reside within the county for which [he] **such person** is clerk.

52.010. **1.** At the general election in 1906, and every four years thereafter, a collector, to be styled the collector of the revenue, shall be elected in each of the counties of this state, except counties under township organization, who shall hold his **or her** office for four years and

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.

4 until his **or her** successor is duly elected and qualified. The collector shall [be a resident of]
5 **reside in** the county from which such person [was] is elected **throughout his or her term in**
6 **office.**

7 **2. A candidate for the office of collector shall be at least twenty-one years of age**
8 **and a resident of the state and the county in which he or she is a candidate for at least one**
9 **year prior to the date of filing for such office. The candidate shall be a registered voter and**
10 **current in the payment of all state income taxes and personal and real property taxes.**

11 **3. The candidate shall present to the election authority a copy of a signed affidavit**
12 **from a surety company authorized to do business in this state, indicating that the candidate**
13 **meets the statutory bond requirements for the office for which the candidate is filing.**

54.033. In the event of a vacancy caused by death, resignation, or otherwise, in the office
2 of county treasurer in any county except a county **having a township form of government with**
3 **an office of collector-treasurer and any county** with a charter form of government, the county
4 commission shall appoint a deputy treasurer or a qualified person to serve as an interim treasurer
5 until said treasurer returns or the unexpired term is filled under section 105.030. Such individual
6 must be eligible to serve as a county treasurer under section 54.040, and must comply with
7 section 54.090.

54.330. 1. **A candidate for county collector-treasurer shall be at least twenty-one**
2 **years of age and a resident of the county in which he or she is a candidate for at least one**
3 **year prior to the date of filing for the office. The candidate shall also be a registered voter**
4 **and shall be current in the payment of all state income taxes and personal and real**
5 **property taxes. The candidate shall present to the election authority a copy of a signed**
6 **affidavit from a surety company authorized to do business in this state, indicating that the**
7 **candidate meets the statutory bond requirements for the office for which the candidate is**
8 **filing. A collector-treasurer shall reside in the county throughout his or her term in office**
9 **and shall remain in office until a successor is duly elected and qualified.**

10 **2. County collector-treasurers in a county having township organization, shall be**
11 **required to give bonds as other county collectors under the general revenue law, and shall have**
12 **the sole authority to appoint deputies under section 52.300.**

13 [2.] **3. Before entering upon the duties for which they are employed, deputies and**
14 **assistants employed in the office of any collector-treasurer shall give bond and security to the**
15 **satisfaction of the collector-treasurer. The bond for each individual deputy or assistant shall not**
16 **exceed one-half of the amount of the maximum bond required for any collector- treasurer. The**
17 **official bond required pursuant to this section shall be a surety bond with a surety company**
18 **authorized to do business in this state. The premium of the bond shall be paid by the county or**
19 **city being protected.**

78.090. **1.** Candidates to be voted for at all general municipal elections at which a mayor and councilmen are to be elected under the provisions of sections 78.010 to [78.420] **78.400** shall be nominated by a primary election, **except as provided in this section**, and no other names shall be placed upon the general ballot except those selected in the manner herein prescribed. The primary election for such nomination shall be held on the first Tuesday after the first Monday in February preceding the municipal election.

2. (1) In lieu of conducting a primary election under this section, any city organized under sections 78.010 to 78.400 may, by order or ordinance, provide for the elimination of the primary election and the conduct of elections for mayor and councilman as provided in this subsection.

(2) Any person desiring to become a candidate for mayor or councilman shall file with the city clerk a signed statement of such candidacy, stating whether such person is a resident of the city and a qualified voter of the city, that the person desires to be a candidate for nomination to the office of mayor or councilman to be voted upon at the next municipal election for such office, that the person is eligible for such office, that the person requests to be placed on the ballot, and that such person will serve if elected. Such statement shall be sworn to or affirmed before the city clerk.

(3) Under the requirements of section 115.023, the city clerk shall notify the requisite election authority who shall cause the official ballots to be printed, and the names of the candidates shall appear on the ballots in the order that their statements of candidacy were filed with the city clerk. Above the names of the candidates shall appear the words "Vote for (number to be elected)". The ballot shall also include a warning that voting for more than the total number of candidates to be elected to any office invalidates the ballot.

115.015. The county clerk **or the officer designated as the director of elections in any charter county without a board of election commissioners** shall be the election authority, except that in a city or county having a board of election commissioners, the board of election commissioners shall be the election authority.

115.123. **1.** All public elections shall be held on Tuesday. Except as provided in subsections 2[,], **and 3**[, and 4] of this section, and section 247.180, all public elections shall be held on the general election day, the primary election day, the general municipal election day, the first Tuesday after the first Monday in [February or] November, or on another day expressly provided by city or county charter, [the first Tuesday after the first Monday in June] and in nonprimary years on the first Tuesday after the first Monday in August.

2. Notwithstanding the provisions of subsection 1 of this section, an election for a presidential primary held pursuant to sections [115.755] **115.758** to 115.785 shall be held on the first Tuesday after the first Monday in March of each presidential election year.

10 3. The following elections shall be exempt from the provisions of subsection 1 of this
11 section:

12 (1) Bond elections necessitated by fire, vandalism or natural disaster;

13 (2) Elections for which ownership of real property is required by law for voting; and

14 (3) Special elections to fill vacancies and to decide tie votes or election contests.

15 4. No city or county shall adopt a charter or charter amendment which calls for elections
16 to be held on dates other than those established in subsection 1 of this section.

17 5. Nothing in this section prohibits a charter city or county from having its primary
18 election in March if the charter provided for a March primary before August 28, 1999.

19 6. Nothing in this section shall prohibit elections held pursuant to section 65.600, but no
20 other issues shall be on the March ballot except pursuant to this chapter.

 115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in
2 any political subdivision or special district except for municipal elections **in any city, town, or**
3 **village with more than thirty-five thousand inhabitants**, if the notice provided for in
4 subsection 5 of section 115.127 has been published in at least one newspaper of general
5 circulation in the district, and if the number of candidates who have filed for a particular office
6 is equal to the number of positions in that office to be filled by the election, no election shall be
7 held for such office, and the candidates shall assume the responsibilities of their offices at the
8 same time and in the same manner as if they had been elected. **If no election is held for such**
9 **office as provided in this section, the election authority shall publish a notice containing**
10 **the names of the candidates that will assume the responsibilities of office under this section.**
11 **Such notice shall be published by April first of each year, and shall be published in at least**
12 **one newspaper of general circulation in such political subdivision or district.**
13 Notwithstanding any other provision of law to the contrary, if at any election the number of
14 candidates filing for a particular office exceeds the number of positions to be filled at such
15 election, the election authority shall hold the election as scheduled, even if a sufficient number
16 of candidates withdraw from such contest for that office so that the number of candidates
17 remaining after the filing deadline is equal to the number of positions to be filled.

18 2. The election authority or political subdivision responsible for the oversight of the
19 filing of candidates in any nonpartisan election in any political subdivision or special district
20 shall clearly designate where candidates shall form a line to effectuate such filings and determine
21 the order of such filings; except that, in the case of candidates who file a declaration of candidacy
22 with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing,
23 the election authority or political subdivision may determine by random drawing the order in
24 which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to
25 this subsection, it shall be conducted so that each candidate may draw a number at random at the

26 time of filing. If such drawing is conducted, the election authority or political subdivision shall
27 record the number drawn with the candidate's declaration of candidacy. If such drawing is
28 conducted, the names of candidates filing on the first day of filing for each office on each ballot
29 shall be listed in ascending order of the numbers so drawn.

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

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.

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.

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

40 5. **(1) Except for filing for office filled by election on the general municipal election**
41 **day as provided in subdivision (2) of this subsection,** if the opening date for filing a
42 declaration of candidacy for any office in a political subdivision or special district is not required
43 by law or charter, the opening filing date shall be 8:00 a.m., the sixteenth Tuesday prior to the
44 election, except that for any home rule city with more than four hundred thousand inhabitants
45 and located in more than one county and any political subdivision or special district located in
46 such city, the opening filing date shall be 8:00 a.m., the fifteenth Tuesday prior to the election.
47 **Except for filing for office filled by election on the general municipal election day as**
48 **provided in subdivision (2) of this subsection,** if the closing date for filing a declaration of
49 candidacy for any office in a political subdivision or special district is not required by law or
50 charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to the election. The
51 political subdivision or special district calling an election shall, before the sixteenth Tuesday, or
52 the fifteenth Tuesday for any home rule city with more than four hundred thousand inhabitants
53 and located in more than one county or any political subdivision or special district located in
54 such city, prior to any election at which offices are to be filled, notify the general public of the
55 opening filing date, the office or offices to be filled, the proper place for filing and the closing
56 filing date of the election. Such notification may be accomplished by legal notice published in
57 at least one newspaper of general circulation in the political subdivision or special district.

58 **(2) The opening filing date for any office filled by election on the general municipal**
59 **election day as established under section 115.121 shall be the first Tuesday in December**
60 **of the immediately preceding year, and the closing filing date shall be the first Tuesday**
61 **after the first Monday in January of the year in which the election is held. This subdivision**
62 **shall not apply to any election in a political subdivision or special district in any county**
63 **with a charter form of government except that this subdivision shall apply in any county**
64 **with a charter form of government and with more than one hundred ninety-eight thousand**
65 **but fewer than one hundred ninety-nine thousand two hundred inhabitants.**

66 6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost
67 for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting
68 costs, a candidate who has filed for an office or who has been duly nominated for an office may,

69 at any time after the certification required in section 115.125 but no later than 5:00 p.m. on the
70 sixth Tuesday before the election, withdraw as a candidate pursuant to a court order, which,
71 except for good cause shown by the election authority in opposition thereto, shall be freely given
72 upon application by the candidate to the circuit court of the area of such candidate's residence.

**115.230. Notwithstanding any other provision of law to the contrary, any election
2 authority may use an electronic voter identification system or an electronic signature pad
3 to verify a voter's address, registration status, and signature information at any polling
4 place. Any such system or pad shall be able to read identifying information from an
5 official Missouri driver's license or nondriver's license issued by the department of
6 revenue, and shall be capable of allowing an election authority to manually enter the
7 voter's information from a valid form of personal identification containing the voter's
8 signature.**

115.293. [1.] All proper votes on each absentee ballot received by an election authority
2 at or before the time fixed by law for the closing of the polls on election day shall be counted.
3 No votes on any absentee ballot received by an election authority after the time fixed by law for
4 the closing of the polls on election day shall be counted.

5 [2. If sufficient evidence is shown to an election authority that any absentee voter has
6 died prior to the opening of the polls on election day, the ballot of the deceased voter shall be
7 rejected. Any ballot so rejected, still sealed in its ballot envelope, shall be sealed with the
8 application and any other papers connected therewith in an envelope marked "Rejected ballot of
9, an absentee voter of voting district". The reason for
10 rejection shall be noted on the envelope, which shall be kept by the election authority with the
11 other ballots from the election until the ballots are destroyed according to law.]

115.315. 1. Sections 115.315 to 115.327 shall be known and may be cited as the "Fair
2 Ballot Access Act".

3 2. Any group of persons desiring to form a new political party throughout the state, or
4 for any congressional district, state senate district, state representative district or circuit judge
5 district, shall file a petition with the secretary of state. Any group of persons desiring to form a
6 new party for any county shall file a petition with the election authority of the county.

7 3. Each page or a sheet attached to each page of each petition for the formation of a new
8 political party shall:

9 (1) Declare concisely the intention to form a new political party in the state, district or
10 county;

11 (2) State in not more than five words the name of the proposed party;

12 (3) [If presidential electors are to be nominated by petition, at least one qualified resident
13 of each congressional district shall be named as a nominee for presidential elector. The number

14 of candidates to be nominated shall equal the number of electors to which the state is entitled,
15 and the name of their candidate for president and the name of their candidate for vice president
16 shall be printed on each page or a sheet attached to each page of the petition. The names of the
17 candidates for president and vice president may be added to the party name, but the names of the
18 candidates for president and vice president shall not be printed on the official ballot without the
19 written consent of such persons. Their written consent shall accompany and be deemed part of
20 the petition;

21 (4)] Give a complete list of the names and addresses, including the street and number,
22 of the chairman and treasurer of the party.

23 4. When submitted for filing, each petition shall contain the names and addresses of two
24 people, not candidates, to serve as provisional chairman and treasurer for the party in the event
25 the party becomes a new political party.

26 5. If the new party is to be formed for the entire state, which shall include being formed
27 for all districts and counties in which the party has nominations so listed on its certified list of
28 candidates required pursuant to section 115.327, then this statewide petition shall be signed by
29 at least ten thousand registered voters of the state obtained at large.

30 6. If the new party is to be formed for any district or county, but not by the statewide
31 method set out in subsection 5 of this section, then the petition shall be signed by the number of
32 registered voters in the district or county which is equal to at least two percent of the total
33 number of voters who voted at the last election for candidates for the office being sought or is
34 equal to ten thousand voters, whichever is less.

115.327. When submitted for filing, each petition for the nomination of an independent
2 candidate or for the formation of a new political party shall be accompanied by a declaration of
3 candidacy for each candidate to be nominated by the petition or by the party, respectively. The
4 party's duly authorized chairman and treasurer shall also submit a certified complete list of the
5 names and addresses of all their candidates and the office for which each seeks. The party shall
6 nominate its candidates in the manner prescribed in the party's bylaws. **If presidential electors
7 are to be nominated, at least one qualified resident of each congressional district shall be
8 named as a nominee for presidential elector. The number of candidates to be nominated
9 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
 17 the precinct of township of the county of and the state of
 18 Missouri, do announce myself a candidate for the office of on the ticket,
 19 to be voted for at the general (special) election to be held on the day of,
 20 20...., and I further declare that if nominated and elected I will qualify.

21
 22 Subscribed and sworn to
 23 Signature of candidate before me this
 24 day of, 20....
 25
 26
 27 Residence address Signature of election
 28 official or officer
 29 authorized to administer oaths
 30

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.

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

2. Each potential candidate for election to a public office shall file an affidavit with the
 7 department of revenue and include a copy of the affidavit with the declaration of candidacy
 8 required under section 115.349. Such affidavit shall be in substantially the following form:
 9 "AFFIRMATION OF TAX PAYMENTS AND BONDING REQUIREMENTS:

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

17 Candidate's Signature Printed Name of Candidate."

18 3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or
19 payment of any state income taxes, personal property taxes, real property taxes on the place of
20 residence, as stated on the declaration of candidacy, or if the person is a past or present corporate
21 officer of any fee office that owes any taxes to the state, the department of revenue shall
22 investigate such potential candidate to verify the claim contained in the complaint. If the
23 department of revenue finds a positive affirmation to be false, the department shall contact the
24 secretary of state, or the election official who accepted such candidate's declaration of candidacy,
25 and the potential candidate. The department shall notify the candidate of the outstanding tax
26 owed and give the candidate thirty days to remit any such outstanding taxes owed which are not
27 the subject of dispute between the department and the candidate. If the candidate fails to remit
28 such amounts in full within thirty days, the candidate shall be disqualified from participating in
29 the current election and barred from refiling for an entire election cycle even if the individual
30 pays all of the outstanding taxes that were the subject of the complaint.

31 **4. Any person who files as a candidate for election to a public office having a bond**
32 **requirement shall file with the department of revenue a signed affidavit from a surety**
33 **company authorized to do business in this state, indicating that the candidate meets the**
34 **bond requirements set by statute or by the county commission for the office for which the**
35 **candidate is filing. The candidate shall include a copy of the surety company affidavit with**
36 **the declaration of candidacy required in this chapter.**

115.399. 1. Not later than the twelfth Tuesday prior to each presidential election, or
2 notwithstanding any prior laws to the contrary, in the year 1996 and thereafter, within seven
3 working days after choosing its nominees for president and vice president of the United States,
4 whichever is later, the state committee of each established political party shall certify in writing
5 to the secretary of state the names of its nominees for president and vice president of the United
6 States. **Such certification shall provide verifiable evidence of identity and of proof of status**
7 **as a natural born citizen of the United States for each nominee and the origins of such**
8 **evidence. Such evidence shall be in the form of the most complete record of birth available**
9 **by the controlling legal authority at the time of the nominee's birth, and shall be kept and**
10 **maintained by the secretary of state, and shall be deemed a public record under chapter**
11 **610. The burden of proof for such evidence shall lie solely upon each nominee. As used**
12 **in this subsection, "natural born citizen" means having been declared a national and**
13 **citizen of the United States at birth under 8 U.S.C. Sections 1401 to 1409, as amended, or**
14 **having been declared a national and citizen of the United States under federal law as it**
15 **existed at the time of the nominee's birth.**

16 2. Not later than the third Tuesday prior to each presidential election, the state committee
17 of each established political party shall certify in writing to the secretary of state the names of

18 its nominees for presidential elector. At least one qualified resident of each congressional district
19 shall be named as a nominee for presidential elector by each state committee, and the number
20 of nominees for presidential elector named by each state committee shall equal the number to
21 which the state is entitled.

22 3. When submitted for filing, each certification made by a state committee pursuant to
23 the provisions of subsection 2 of this section shall be accompanied by a declaration of candidacy
24 for each candidate for presidential elector. Each declaration of candidacy shall state the
25 candidate's full name, residence address, office for which such person proposes to be a candidate
26 and that if elected the person will qualify. Each such declaration shall be in substantially the
27 following form:

28
29 I, , a resident of the congressional district and the state of Missouri do
30 announce myself a candidate for the office of presidential elector from the . . . congressio-
31 nal district (state at large) on the . . . ticket, to be voted for at the presidential election to be held on
32 the . . . day of . . . , 20. ., and I further declare that if nominated and elected to such office I will
33 qualify.

34
35 Subscribed and sworn to
36 Signature of candidate before me this
37 day of , 20.
38
39 Residence address Signature of election official
40 or officer authorized to
41 administer oaths
42

43 Each such declaration shall be subscribed and sworn to by the candidate before the election
44 official receiving the certification, a notary public or other officer authorized by law to
45 administer oaths.

46 **4. Failure to provide the certification required under this section shall render any**
47 **candidate ineligible to file a declaration of intent to be a write-in candidate for election to**
48 **the office of president or vice president of the United States.**

115.601. 1. Any contestant in a primary or other election contest who was defeated by
2 less than **one-half of** one percent of the votes cast for the office and any contestant who received
3 the second highest number of votes cast for that office if two or more are to be elected and who
4 was defeated by less than one percent of the votes cast, or any person whose position on a

5 question was defeated by less than **one-half of** one percent of the votes cast on the question, shall
6 have the right to a recount of the votes cast for the office or on the question.

7 2. In cases where the candidate filed or the ballot question was originally filed with an
8 election authority as defined in section 115.015, such recount shall be requested in accordance
9 with the provisions of section 115.531 or 115.577 and conducted under the direction of the court
10 or the commissioner representing the court trying the contest according to the provisions of this
11 subchapter.

12 3. In cases where the candidate filed or the ballot question was originally filed with the
13 secretary of state, the defeated candidate or the person whose position on a question was defeated
14 by less than **one-half of** one percent of the votes cast on the question shall be allowed a recount
15 pursuant to this section by filing with the secretary of state a request for a recount stating that the
16 person or the person's position on a question was defeated by less than **one-half of** one percent
17 of the votes cast. Such request shall be filed not later than seven days after certification of the
18 election. The secretary of state shall notify all concerned parties of the filing of the request for
19 a recount. The secretary of state shall authorize the election authorities to conduct a recount
20 pursuant to this section if the requesting party or his position on a question was defeated by less
21 than **one-half of** one percent of the votes cast. The secretary of state shall conduct and certify
22 the results of the recount as the official results in the election within twenty days of receipt of the
23 aforementioned notice of recount.

24 4. Whenever a recount is requested pursuant to subsection 3 of this section, the secretary
25 of state shall determine the number of persons necessary to assist with the recount and shall
26 appoint such persons equally from lists submitted by the contestant and the opponent who
27 received more votes or a person whose position on a question received more votes than the
28 contestant's position on that question. Each person appointed pursuant to this section shall be
29 a disinterested person and a registered voter of the area in which the contested election was held.
30 Each person so appointed shall take the oath prescribed for and receive the same pay as an
31 election judge in the jurisdiction where the person is registered. After being sworn not to disclose
32 any facts uncovered by the recount, except those which are contained in the report, the contestant
33 and the opponent who received more votes or a person whose position on a question received
34 more votes than the contestant's position on that question shall be permitted to be present in
35 person or represented by an attorney at the recount and to observe the recount. Each recount
36 shall be completed under the supervision of the secretary of state with the assistance of the
37 election authorities involved, and the persons appointed to assist with the recount shall perform
38 such duties as the secretary of state directs. Upon completion of any duties prescribed by the
39 secretary of state the persons appointed to assist with the recount shall make a written and signed
40 report of their findings. The findings of the persons appointed to assist with the recount shall be

41 prima facie evidence of the facts stated therein, but any person present at the examination of the
42 votes may be a witness to contradict the findings. No one other than the secretary of state, the
43 election authorities involved, the contestant and the other witnesses described in this subsection,
44 their attorneys, and those specifically appointed by the secretary of state to assist with the recount
45 shall be present during any recount conducted pursuant to this section.

46 5. For purposes of this section, "recount" means one additional counting of all votes
47 counted for the office or on the question with respect to which the recount is requested.

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

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

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

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

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

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

24 (6) On the part of any employer, making, enforcing, or attempting to enforce any order,
25 rule, or regulation or adopting any other device or method to prevent an employee from engaging
26 in political activities, accepting candidacy for nomination to, election to, or the holding of,
27 political office, holding a position as a member of a political committee, soliciting or receiving
28 funds for political purpose, acting as chairman or participating in a political convention,

29 assuming the conduct of any political campaign, signing, or subscribing his name to any
30 initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

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

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

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

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

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

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

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

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

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

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

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

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

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

77 **(20) On the part of any person discouraging, hampering, pressuring, or attempting**
78 **to prevent another person from filing for public office for the purpose of eliminating the**
79 **requirement to hold a special election because the number of candidates filing is the same**
80 **as the number of positions to be filled under section 115.124.**

115.761. 1. The official list of presidential candidates for each established political party
2 shall include the names of all constitutionally qualified candidates for whom, on or after 8:00
3 a.m. on the fifteenth Tuesday prior to the presidential primary, and on or before 5:00 p.m., on
4 the eleventh Tuesday prior to the presidential primary, a written request to be included on the
5 presidential primary ballot is filed with the secretary of state [along with] . **Such written**
6 **request shall provide verifiable evidence of identity and of proof of status as a natural born**
7 **citizen of the United States for each candidate and the origins of such evidence. Such**
8 **evidence shall be in the form of the most complete record of birth available by the**
9 **controlling legal authority at the time of the candidate's birth, and shall be kept and**
10 **maintained by the secretary of state, and shall be deemed a public record under chapter**
11 **610. The burden of proof for such evidence shall lie solely upon each candidate. As used**
12 **in this subsection, "natural born citizen" means having been declared a national and**
13 **citizen of the United States at birth under 8 U.S.C. Sections 1401 to 1409, as amended, or**
14 **having been declared a national and citizen of the United States under federal law as it**
15 **existed at the time of the nominee's birth. Each written request shall also include:**

16 (1) Receipt of payment to the state committee of the established political party on whose
17 ballot the candidate wishes to appear of a filing fee of one thousand dollars; or

18 (2) A written statement, sworn to before an officer authorized by law to administer oaths,
19 that the candidate is unable to pay the filing fee and does not have funds in a campaign fund or

20 committee to pay the filing fee and a petition signed by not less than five thousand registered
 21 Missouri voters, as determined by the secretary of state, that the candidate's name be placed on
 22 the ballot of the specified established political party for the presidential preference primary. The
 23 request to be included on the presidential primary ballot shall include each signer's printed name,
 24 registered address and signature and shall be in substantially the following form:

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

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

32 3. Any candidate or such candidate's authorized representative may have such candidate's
 33 name stricken from the presidential primary ballot by filing with the secretary of state on or
 34 before 5:00 p.m. on the eleventh Tuesday prior to the presidential primary election a written
 35 statement, sworn to before an officer authorized by law to administer oaths, requesting that such
 36 candidate's name not be printed on the official primary ballot. Thereafter, the secretary of state
 37 shall not include the name of that candidate in the official list announced pursuant to section
 38 115.758 or in the certified list of candidates transmitted pursuant to section 115.765.

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

**190.056. 1. Each member of an ambulance district board of directors shall be
 2 subject to recall from office by the registered voters of the election district from which the
 3 member was elected. Proceedings may be commenced for the recall of any such member
 4 by the filing of a notice of intention to circulate a recall petition under this section.**

**5 2. Proceedings may not be commenced against any member if, at the time of
 6 commencement, such member:**

**7 (1) Has not held office during the member's current term for a period of more than
 8 one hundred eighty days; or**

9 (2) Has one hundred eighty days or less remaining in the member's term; or

**10 (3) Has had a recall election determined in the member's favor within the current
 11 term of office.**

**12 3. The notice of intention to circulate a recall petition shall be served personally,
 13 or by certified mail, on the board member sought to be recalled. A copy thereof shall be
 14 filed, along with an affidavit of the time and manner of service, with the election authority,**

15 as defined in chapter 115. A separate notice shall be filed for each board member sought
16 to be recalled and shall contain all of the following:

17 (1) The name of the board member sought to be recalled;

18 (2) A statement, not exceeding two hundred words in length, of the reasons for the
19 proposed recall; and

20 (3) The names and business or residential addresses of at least one but not more
21 than five proponents of the recall.

22 4. Within seven days after the filing of the notice of intention, the board member
23 may file with the election authority a statement, not exceeding two hundred words in
24 length, in answer to the statement of the proponents. If an answer is filed, the board
25 member shall also serve a copy of it, personally or by certified mail, on one of the
26 proponents named in the notice of intention. The statement and answer are intended solely
27 to be used for the information of the voters. No insufficiency in form or substance of such
28 statements shall affect the validity of the election proceedings.

29 5. Before any signature shall be affixed to a recall petition, the petition is required
30 to bear all of the following:

31 (1) A request that an election be called to elect a successor to the board member;

32 (2) A copy of the notice of intention, including the statement of grounds for recall;

33 (3) The answer of the board member sought to be recalled, if any exists. If the
34 board member has not answered, the petition shall so state; and

35 (4) A place for each signer to affix the signer's signature, printed name, and
36 residential address, including any address in a city, town, village, or unincorporated
37 community.

38 6. Each section of the petition, when submitted to the election authority, shall have
39 attached to it an affidavit signed by the person circulating such section, setting forth all of
40 the following:

41 (1) The printed name of the affiant;

42 (2) The residential address of the affiant;

43 (3) That the affiant circulated that section and saw the appended signatures be
44 written;

45 (4) That according to the best information and belief of the affiant, each signature
46 is the genuine signature of the person whose name it purports to be;

47 (5) That the affiant is a registered voter of the election district of the board member
48 sought to be recalled; and

49 (6) The dates between which all the signatures to the petition were obtained.

50 **7. A recall petition shall be filed with the election authority not more than one**
51 **hundred eighty days after the filing of the notice of intention.**

52 **8. The number of qualified signatures required in order to recall a board member**
53 **shall be equal in number to at least twenty-five percent of the number of voters who voted**
54 **in the most recent gubernatorial election in such election district.**

55 **9. Within twenty days from the filing of the recall petition the election authority**
56 **shall determine whether the petition was signed by the required number of qualified**
57 **signatures. The election authority shall file with the petition a certificate showing the**
58 **results of the examination. The election authority shall give the proponents a copy of the**
59 **certificate upon their request.**

60 **10. If the election authority certifies the petition to be insufficient, it may be**
61 **supplemented within ten days of the date of certification by filing additional petition**
62 **sections containing all of the information required by this section. Within ten days after**
63 **the supplemental copies are filed, the election authority shall file with them a certificate**
64 **stating whether the petition as supplemented is sufficient.**

65 **11. If the certificate shows that the petition as supplemented is insufficient, no**
66 **action shall be taken on it; however, the petition shall remain on file.**

67 **12. If the election authority finds the signatures on the petition, together with any**
68 **supplementary petition sections, to be sufficient, it shall submit its certificate as to the**
69 **sufficiency of the petition to the ambulance district board of directors prior to its next**
70 **meeting. The certificate shall contain:**

71 **(1) The name of the member whose recall is sought;**

72 **(2) The number of signatures required by law;**

73 **(3) The total number of signatures on the petition; and**

74 **(4) The number of valid signatures on the petition.**

75 **13. Following the ambulance district board's receipt of the certificate, the election**
76 **authority shall order an election to be held on one of the election days specified in section**
77 **115.123. The election shall be held not less than forty-five days but not more than one**
78 **hundred twenty days from the date the ambulance district board receives the petition.**
79 **Nominations for board membership openings under this section shall be made by filing a**
80 **statement of candidacy with the election authority.**

81 **14. At any time prior to forty-two days before the election, the member sought to**
82 **be recalled may offer the member's resignation. If the member's resignation is offered, the**
83 **recall question shall be removed from the ballot and the office declared vacant. The**
84 **member who resigned shall not fill the vacancy, which shall be filled as otherwise provided**
85 **by law.**

86 **15. The provisions of chapter 115 governing the conduct of elections shall apply,**
87 **where appropriate, to recall elections held under this section. The costs of the election shall**
88 **be paid as provided in chapter 115.**

2 [115.241. Each party emblem shall be printed on the ballot above the
party caption.]

2 [115.755. A statewide presidential preference primary shall be held on
the first Tuesday after the first Monday in February of each presidential election
3 year.]

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