

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 476, 427 & 62
91ST GENERAL ASSEMBLY

Reported from the Committee on Elections, May 9, 2001, with recommendation that the House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 & 62 Do Pass.

TED WEDEL, Chief Clerk

1893L.05C

AN ACT

To repeal sections 28.160, 115.013, 115.081, 115.083, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.133, 115.135, 115.137, 115.151, 115.155, 115.157, 115.160, 115.162, 115.163, 115.179, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.291, 115.349, 115.409, 115.417, 115.419, 115.429, 115.433, 115.439, 115.453, 115.493, 115.613, 115.619, 162.481, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508 and 417.018, RSMo 2000, relating to elections, and to enact in lieu thereof fifty-four new sections relating to the same subject.

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

Section A. Sections 28.160, 115.013, 115.081, 115.083, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.133, 115.135, 115.137, 115.151, 115.155, 115.157, 115.160, 115.162, 115.163, 115.179, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.291, 115.349, 115.409, 115.417, 115.419, 115.429, 115.433, 115.439, 115.453, 115.493, 115.613, 115.619, 162.481, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508 and 417.018, RSMo 2000, are repealed and fifty-four new sections enacted in lieu thereof, to be known as sections 28.160, 71.005, 115.013, 115.074, 115.081, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.102, 115.126, 115.133, 115.135, 115.137, 115.151, 115.155, 115.157, 115.160, 115.162,

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

115.163, 115.179, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.291, 115.349, 115.409, 115.417, 115.419, 115.420, 115.429, 115.433, 115.439, 115.450, 115.453, 115.493, 115.613, 115.619, 115.645, 115.825, 115.826, 162.481, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508 and 417.018, to read as follows:

28.160. 1. The state shall be entitled to fees for services to be rendered by the secretary of state as follows:

4	For issuing commission to notary public	\$15.00
5	For countersigning and sealing certificates of official character	10.00
6	For all other certificates	5.00
7	For copying archive and state library records, papers or documents, for each page	
8	8 1/2 x 14 inches and smaller, not [more than	.10]
9	to exceed the actual cost of document search and duplication.	
10	For duplicating microfilm, for each roll,	[15.00]
11	not to exceed the actual cost of staff time required for searches	
12	and duplications.	
13	For copying all other records, papers or documents,	
14	for each page 8 1/2 x 14 inches and smaller, not[more than.	.10]
15	to exceed the actual cost of document search and duplication.	
16	For certifying copies of records and papers or documents	5.00
17	For causing service of process to be made	10.00
18	For electronic telephone transmittal, per page	2.00

2. There is hereby established the "Secretary of State's Technology Trust Fund Account" which shall be administered by the state treasurer. All yield, interest, income, increment, or gain received from time deposit of moneys in the state treasury to the credit of the secretary of state's technology trust fund account shall be credited by the state treasurer to the account. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of a biennium exceeds five million dollars. In any such biennium the amount in the fund in excess of five million dollars shall be transferred to general revenue.

3. The secretary of state may collect an additional fee of ten dollars for the issuance of new and renewal notary commissions which shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account.

4. The secretary of state may ask the general assembly to appropriate funds from the

31 technology trust fund for the purposes of establishing, procuring, developing, modernizing and
32 maintaining:

33 (1) An electronic data processing system and programs capable of maintaining a centralized
34 database of all registered voters in the state;

35 (2) Library services offered to the citizens of this state;

36 (3) Administrative rules services, equipment and functions;

37 (4) Services, equipment and functions relating to securities;

38 (5) Services, equipment and functions relating to corporations and business organizations;

39 (6) Services, equipment and functions relating to the Uniform Commercial Code;

40 (7) Services, equipment and functions relating to archives; [and]

41 (8) Services, equipment and functions relating to record services; **and**

42 **(9) Services, equipment and functions relating to elections.**

43 **71.005. No person shall be a candidate for municipal office unless such person**
44 **complies with the provisions of section 115.346, RSMo, regarding payment of municipal taxes**
45 **or user fees.**

46 115.013. As used in this chapter, unless the context clearly implies otherwise, the following
47 terms mean:

48 (1) "Automatic tabulating equipment", the apparatus necessary to examine and automatically
49 count votes, and the data processing machines which are used for counting votes and tabulating results;

50 (2) "Ballot", the ballot card [or], paper ballot **or ballot designed for use with an electronic**
51 **voting system** on which each voter may cast all votes to which he or she is entitled at an election;

52 (3) "Ballot card", a ballot which is voted by making a punch or sensor mark which can be
53 tabulated by automatic tabulating equipment;

54 (4) "Ballot label", the card, paper, booklet, page or other material containing the names of all
55 offices and candidates and statements of all questions to be voted on;

56 (5) "Counting location", a location selected by the election authority for the automatic
57 processing or counting, or both, of ballots;

58 (6) "County", any one of the several counties of this state or the city of St. Louis;

59 (7) "Disqualified", a determination made by a court of competent jurisdiction, the Missouri
60 ethics commission, an election authority or any other body authorized by law to make such a
61 determination that a candidate is ineligible to hold office or not entitled to be voted on for office;

62 (8) "District", an area within the state or within a political subdivision of the state from which
63 a person is elected to represent the area on a policy-making body with representatives of other areas
64 in the state or political subdivision;

65 (9) "Electronic voting system", a system of casting votes by use of marking devices, and
66 counting votes by use of automatic tabulating or data processing equipment, **and includes**
67 **computerized voting systems**;

68 (10) "Established political party" for the state, a political party which, at either of the last two
69 general elections, polled for its candidate for any statewide office, more than two percent of the entire
70 vote cast for the office. "Established political party" for any district or political subdivision shall mean
71 a political party which polled more than two percent of the entire vote cast at either of the last two
72 elections in which the district or political subdivision voted as a unit for the election of officers or
73 representatives to serve its area;

74 (11) "Federal office", the office of presidential elector, United States senator, or representative
75 in Congress;

76 (12) "Independent", a candidate who is not a candidate of any political party and who is
77 running for an office for which party candidates may run;

78 (13) "Major political party", the political party whose candidates received the highest or
79 second highest number of votes at the last general election;

80 (14) "Marking device", either an apparatus in which ballots are inserted and voted by use of
81 a punch apparatus, or any approved device for marking paper ballots with ink or other substance which
82 will enable the votes to be counted by automatic tabulating equipment;

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

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

87 (17) "Political party", any established political party and any new party;

88 (18) "Political subdivision", a county, city, town, village, or township of a township organization
89 county;

90 (19) "Polling place", the voting place designated for all voters residing in one or more precincts
91 for any election;

92 (20) "Precincts", the geographical areas into which the election authority divides its jurisdiction
93 for the purpose of conducting elections;

94 (21) "Public office", any office established by constitution, statute or charter and any
95 employment under the United States, the state of Missouri, or any political subdivision or special
96 district, but does not include any office in the reserve forces or the national guard or the office of notary
97 public;

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

99 (23) "Relative within the second degree by consanguinity or affinity", a spouse, each
100 grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child and grandchild of a person;

101 (24) "Special district", any school district, water district, fire protection district, hospital district,
102 health center, nursing district, or other districts with taxing authority, or other district formed pursuant
103 to the laws of Missouri to provide limited, specific services;

104 (25) "Special election", elections called by any school district, water district, fire protection
105 district, or other district formed pursuant to the laws of Missouri to provide limited, specific services;
106 and

107 (26) "Voting district", the one or more precincts within which all voters vote at a single polling
108 place for any election.

109 **115.074. 1. Subject to appropriation from general revenue funds, the secretary of**
110 **state shall administer a grant program in an amount not to exceed five million dollars annually**
111 **for the purposes of providing funds to election authorities to upgrade or improve the voting**
112 **process or equipment. Such funding shall be in the form of matching grants. The secretary**
113 **of state may promulgate rules to effectuate the provisions of this section.**

114 **2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that**
115 **is created under the authority delegated in this section shall become effective only if it**
116 **complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,**
117 **section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any**
118 **of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review,**
119 **to delay the effective date or to disapprove and annul a rule are subsequently held**
120 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
121 **after August 28, 2001, shall be invalid and void.**

122 115.081. 1. Each election authority shall appoint[at least four] election judges for each polling
123 place within its jurisdiction **in accordance with the provisions of this section.** [If the expected voter
124 turnout at a polling place indicates that four judges may be insufficient, the election authority may
125 appoint an even number of additional judges for the polling place. One-half of the judges at each
126 polling place shall be members of one major political party, and one-half of the judges at each polling
127 place shall be members of the other major political party.]

128 **2. In all elections, the election authority shall appoint at least two judges from each**
129 **major political party to serve at each polling place. No major political party shall have a**
130 **majority of the judges at any polling place. No established party or judges who do not claim**
131 **a political affiliation shall have a greater number of judges at any polling place than any major**
132 **political party.**

133 **3. In any election that is not a primary or general election, the election authority shall**
134 **appoint at least one judge from each major political party to serve at each polling place. No**
135 **major political party shall have a majority of the judges at any polling place. No established**
136 **party or judges who do not claim a political affiliation shall have a greater number of judges**
137 **at any polling place than any major political party.**

138 **4.** The election authority shall designate two of the judges appointed for each polling place,
139 one from each major political party, as supervisory judges. Supervisory judges shall be responsible
140 for the return of election supplies from the polling place to the election authority and shall have any
141 additional duties prescribed by the election authority.

142 **[3.] 5.** Election judges may be employed to serve for the first half or last half of any election
143 day. Such judges shall be paid one-half the regular rate of pay. If part-time judges are employed, the
144 election authority shall employ such judges and shall see that a sufficient number for each period are
145 present at all times so as to have the proper total number of judges present at each polling place
146 throughout each election day. The election authority shall require that at each polling place at least one
147 election judge from each political party serve a full day and that at all times during the day there be an
148 equal number of election judges from each political party.

149 **6. An election authority may appoint additional election judges representing other**
150 **established political parties and additional election judges who do not claim a political**
151 **affiliation. Any question which requires a decision by the majority of judges shall only be**
152 **made by the judges from the major political parties.**

153 [115.083. Any election authority may appoint an even number of additional judges for use as
154 needed on election day. One-half of such judges shall be members of one major political party, and
155 one-half of such judges shall be members of the other major political party.]

156 115.087. **1.** In each county which does not have a board of election commissioners, the
157 election judges shall be selected from lists provided by the county committee of each major political
158 party. Not later than December tenth in each year in which county committeemen are elected, the
159 county committee of each major political party shall submit to the county clerk a list of persons qualified
160 to serve as election judges in double the number required to hold a general election in the county. Not
161 later than February tenth in each year immediately following the year in which county committeemen
162 are elected, each county clerk shall select and appoint the number of judges required to hold a general
163 election in his county, taking one-half of the judges from each of the lists. If a county committee fails
164 to present the prescribed number of names of qualified persons by the time prescribed, the county clerk
165 may select and appoint the number of judges provided by law for the county committee's party. If the
166 county clerk deems any person on a list to be unqualified, he may request the county committee which
167 submitted the list to furnish another name. The election judges shall be appointed for a term ending on

168 February tenth in the year immediately following the year in which county committeemen are next
169 elected and until their successors are appointed and qualified.

170 **2. County clerks may compile a list of persons who claim no political affiliation and**
171 **who volunteer to be election judges. A county clerk may select and appoint additional judges**
172 **from such list pursuant to section 115.081.**

173 115.089. Each board of election commissioners shall have authority to appoint election judges
174 for individual elections, or for a term coincident with the term of the board and until the judges'
175 successors are appointed and qualified. The board may ask the county committee of each major
176 political party to submit a list of persons qualified to serve as election judges and may select and
177 appoint judges from the lists. **The board may compile a list of persons who claim no political**
178 **affiliation and who volunteer to be election judges and may select and appoint judges from the**
179 **list.**

180 115.095. If any judge fails to act or to appear by the time fixed by law for the opening of the
181 polls, the election authority shall be notified immediately by an election judge. The election authority
182 or the election judges present in the polling place shall appoint another judge from the same political
183 party as the judge failing to act or to appear. If the election judges elect a qualified temporary judge,
184 he shall have full authority to act as judge for the election, except that he may be removed at any time
185 by the election authority and replaced with another qualified judge from the same political party as the
186 removed judge. **Any judge selected pursuant to this section shall be selected to ensure that**
187 **no political party shall have a majority of judges at any polling place and that each major**
188 **political party has at least one judge serving at the polling place.**

189 115.097. No election judge shall be absent from the polls for more than one hour during the
190 hours the polls are open on election day. No election judge shall be absent from the polls before 9:00
191 a.m. or after 5:00 p.m. on election day. No more than one judge from the same **major** political party
192 shall be absent from the polls at the same time on election day.

193 115.099. Each election authority shall have authority to direct judges in their duties and to
194 compel compliance with the law. Each election authority may substitute judges at his discretion on
195 election day. Each election authority shall also have authority at any time to remove any judge for good
196 cause and to replace him with a qualified person from the same political party as the removed judge.
197 **Any judge selected pursuant to this section shall be selected to ensure that no political party**
198 **shall have a majority of judges at any polling place and that each major political party has at**
199 **least one judge serving at the polling place.**

200 115.101. For service in conducting elections and house-to-house canvasses, each election
201 judge shall be paid [a specific dollar amount which shall be set by the legislative authority of each

county and by any city not within a county] **an amount established by the election authority.**
Election judges appointed by the election authority shall not be considered employees of the election authority.

115.102. 1. Subject to appropriation from general revenue funds, the secretary of state shall administer a grant program for the purpose of increasing the compensation of election judges. Such funding shall be in the form of matching grants, and shall be made available to election authorities contingent upon the election authority increasing the compensation of election judges to an amount not less than seven dollars per hour. The secretary of state may promulgate rules to effectuate the provisions of this section.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

115.126. 1. Notwithstanding any provision of this chapter to the contrary, election authorities shall establish an advance voting period when eligible registered voters may vote before any general election in even-numbered years at the office of the election authority and up to four other polling places designated by and under the control of the election authority. The permissible advance voting period shall begin fourteen days prior to such election and end at 5:00 p.m. on the Wednesday before the day of such election.

2. Election authorities shall, pursuant to subsection 1 of this section, establish the hours and locations for advance voting and shall post this information at the election authority's office and in such other locations as the election authority may select.

3. Except as provided in this section, advance voting procedures shall be conducted pursuant to sections 115.407 to 115.445. The secretary of state shall design the necessary application for use in an advance voting program pursuant to this section. Not later than August first of each year each election authority shall submit to the secretary of state a plan and funding request to implement the provisions of this section. The secretary of state shall submit a request for funding to the governor based on such plans approved by the secretary of state and funding requests submitted. If a sufficient sum is appropriated to finance the plan and to pay the state's other financial obligations to the election authorities pursuant to this

chapter, including its proportional share of costs for primary and general elections, an advance voting program shall be implemented for the state at the elections held during that fiscal year. No advance voting or other absentee voting program authorized pursuant to this section shall occur when the state has failed to appropriate funds to pay its obligations. The secretary of state shall assist election authorities in developing a plan for the implementation of an advance voting program.

4. Before the precinct registers are delivered to the polling places for an election, the election authority shall record in the precinct registers the names of all voters who have submitted an advance voting ballot. The election judge shall not allow any person who has voted an advance voting ballot in the election to vote at the polls on election day. If it is determined that any voter submitted an advance voting ballot and voted at the polls on election day:

(1) Such person, having voted more than once, is guilty of a class one election offense pursuant to subdivision (2) of section 115.631;

(2) The election authority shall certify that fact and the name of the voter to the verification board. Such certificate shall be included with the abstracts drawn by the verification board. The provisions of this section shall terminate August 28, 2006.

115.133. 1. Except as provided in subsection 2 of this section, any citizen of the United States who is a resident of the state of Missouri and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his eighteenth birthday.

2. No person who is adjudged incapacitated shall be entitled to register or vote. No person shall be entitled to **register or** vote:

(1) While confined under a sentence of imprisonment;

(2) While on probation or parole after conviction of a felony, until finally discharged from such probation or parole; or

(3) After conviction of a felony or misdemeanor connected with the right of suffrage.

3. No person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote.

115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election. In no case shall registration for an election extend beyond

270 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall
 271 be eligible to vote in subsequent elections.

272 2. A person applying to register with an election authority or a deputy registration official shall
 273 present a valid Missouri drivers license or other form of personal identification at the time of
 274 registration.

275 115.137. 1. Except as provided in subsection 2 of this section, any citizen who is entitled to
 276 register and vote shall be entitled to register for and vote **pursuant to the provisions of this chapter**
 277 in all statewide public elections and all public elections held for districts and political subdivisions within
 278 which he resides.

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

281 115.151. 1. Each qualified applicant who appears before the election authority shall be
 282 deemed registered as of the time the applicant's completed, signed and sworn registration application
 283 is witnessed by the election authority or deputy registration official.

284 2. Each applicant who registers by mail shall be deemed to be registered as of the date the
 285 application is postmarked, if such application is accepted and not rejected by the election authority and
 286 the verification notice required pursuant to section 115.155 is not returned as undeliverable by the
 287 postal service.

288 3. Each applicant who registers at a voter registration agency or the division of motor vehicle
 289 and drivers licensing of the department of revenue shall be deemed to be registered as of the date the
 290 application is signed by the applicant, if such application is accepted and not rejected by the election
 291 authority and the verification notice required pursuant to section 115.155 is not returned as
 292 undeliverable by the postal service. **Voter registration agencies and the division of motor vehicle**
 293 **and driver licensing of the department of revenue shall transmit voter registration application**
 294 **forms to the appropriate election authority not later than five business days after the form is**
 295 **completed by the applicant.**

296 115.155. 1. The election authority shall provide for the registration of each voter. Each
 297 application shall be in substantially the following form:

APPLICATION FOR REGISTRATION

299	.....
300	Township (or Ward)
301	.....
302	Name Precinct
303	.....

304	Home Address	Required Personal
305		Identification Information
306	.....
307	City ZIP	
308	.....	.....
309	Date of Birth	Place of Birth (Optional)
310	.....	.....
311	Telephone Number	Mother's Maiden Name
312	(Optional)	(Optional)
313	.....	.....
314	Occupation (Optional)	Last Place Previously
315		Registered
316	.....	.....
317	Last four digits of	Under What Name
318	Social Security Number	
319	(Required for registration	
320	unless no Social Security	
321	number exists for Applicant)	
322	Remarks:	.....
323		When
324		
325	I am a citizen of the United States and a resident of the state of Missouri. I have not been adjudged	
326	incapacitated by any court of law. If I have been convicted of a felony or of a misdemeanor connected	
327	with the right of suffrage, I have had the voting disabilities resulting from such conviction removed	
328	pursuant to law. I do solemnly swear that all statements made on this card are true to the best of my	
329	knowledge and belief.	
330	.....	.....
331	Signature of Voter	Date
332	.....
333	Signature of Election Official	
334	2. After supplying all information necessary for the registration records, each applicant who	
335	appears in person before the election authority shall swear or affirm the statements on the registration	
336	application by signing his or her full name, witnessed by the signature of the election authority or such	
337	authority's deputy registration official. Each applicant who applies to register by mail pursuant to	

338 section 115.159, or pursuant to the provisions of section 115.160 or 115.162, shall attest to the
339 statements on the application by his or her signature.

340 3. Upon receipt by mail of a completed and signed voter registration application, a voter
341 registration application forwarded by the division of motor vehicle and drivers licensing of the
342 department of revenue pursuant to section 115.160, or a voter registration agency pursuant to section
343 115.162, the election authority shall, if satisfied that the applicant is entitled to register, transfer all data
344 necessary for the registration records from the application to its registration system. Within seven
345 business days after receiving the application, the election authority shall send the applicant a verification
346 notice. If such notice is returned as undeliverable by the postal service within the time established by
347 the election authority, the election authority shall not place the applicant's name on the voter registration
348 file.

349 4. If, upon receipt by mail of a voter registration application or a voter registration application
350 forwarded pursuant to section 115.160 or 115.162, the election authority determines that the applicant
351 is not entitled to register, such authority shall, within seven business days after receiving the application,
352 so notify the applicant by mail and state the reason such authority has determined the applicant is not
353 qualified. The applicant may have such determination reviewed pursuant to the provisions of section
354 115.223.

355 5. It shall be the responsibility of the secretary of state to prescribe specifications for voter
356 registration documents so that they are uniform throughout the state of Missouri and comply with the
357 National Voter Registration Act of 1993, including the reporting requirements, and so that registrations,
358 name changes and transfers of registrations within the state may take place as allowed by law. **The**
359 **secretary of state shall design numbered voter registration documents and a distribution**
360 **system so that each application to register to vote can be traced to the person originally**
361 **receiving the application from the secretary of state or election authority. The secretary of**
362 **state shall ensure that each application to register to vote contains a form that can be**
363 **detached from the application to register to vote, and provided to the voter registration**
364 **applicant by the person providing the application, which indicates:**

365 (1) That the applicant is not registered to vote until he or she receives notice from the
366 election authority;

367 (2) The procedures to follow if the applicant does not receive a notification that the
368 application has been accepted;

369 (3) The number of the application that has been assigned pursuant to this subsection;

370 (4) Information on application procedures for an absentee ballot; and

371 (5) Pollworker recruitment information.

The secretary of state shall design a request form for any person who requests from the secretary of state or election authority voter registration applications for distribution. Such request form shall include the requester's name, address and telephone number.

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

115.157. **1.** The election authority may place all information on any registration cards in computerized form in accordance with subsection 2 of section 115.158. No election authority or secretary of state shall furnish to any member of the public electronic media or printout showing any registration information, except as provided in this section. **Except as provided in subsection 2 of this section,** the election authority or secretary of state shall make available electronic media or printouts showing unique voter identification numbers, voters' names, dates of birth, addresses, townships or wards, and precincts. Electronic data shall be maintained in at least the following separate fields:

- (1) Voter identification number;
- (2) First name;
- (3) Middle initial;
- (4) Last name;
- (5) Suffix;
- (6) Street number;
- (7) Street direction;
- (8) Street name;
- (9) Street suffix;
- (10) Apartment number;
- (11) City;
- (12) State;
- (13) Zip code;
- (14) Township;
- (15) Ward;
- (16) Precinct;
- (17) Senatorial district;
- (18) Representative district;
- (19) Congressional district.

All election authorities shall enter voter history in their computerized registration systems and shall, not more than six months after the election, forward such data to the centralized voter registration system

established in section 115.158. **Except as provided in subsection 2 of this section**, the election authority shall also furnish, for a fee, electronic media or a printout showing the names, dates of birth and addresses of voters, or any part thereof, within the jurisdiction of the election authority who voted in any specific election, including primary elections, by township, ward or precinct, provided that nothing in this chapter shall require such voter information to be released to the public over the Internet. The amount of fees charged for information provided in this section shall be established pursuant to chapter 610, RSMo. All revenues collected by the secretary of state pursuant to this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account established pursuant to section 28.160, RSMo. In even-numbered years, each election authority shall, upon request, supply the voter registration list for its jurisdiction to all candidates and party committees for a charge established pursuant to chapter 610, RSMo. **Except as provided in subsection 2 of this section**, all election authorities shall make the information described in this section available pursuant to chapter 610, RSMo. Any election authority who fails to comply with the requirements of this section shall be subject to the provisions of chapter 610, RSMo.

2. Any peace officer as defined in subsection 4 of section 590.100, RSMo, any person working as an undercover officer of a law enforcement agency of this state, agents of a federal law enforcement agency, persons in witness protection programs and victims of domestic violence and abuse who have received orders of protection pursuant to chapter 455, RSMo, shall be entitled to apply to the circuit court having jurisdiction in his or her county of residence to have the residential address on his or her voter registration records closed to the public if the release of such information could endanger the safety of the person. Any person working as an undercover agent or in a witness protection program shall also submit a statement from the chief executive officer, as defined in subsection 2 of section 590.100, RSMo, of the agency under whose direction he or she is serving. The petition to close the residential address shall be incorporated into any petition for protective order provided by circuit clerks pursuant to chapter 455, RSMo. If satisfied that the person filing the petition meets the qualifications of this subsection, the circuit court shall issue an order to the election authority to keep the residential address of the voter a closed record and the address may be used only for the purposes of administering elections pursuant to this chapter. The election authority may require the voter who has a closed residential address record to verify that his or her residential address has not changed or to file a change of address and to affirm that the reasons contained in the original petition are still accurate prior to receiving a ballot. A change of address within an election authority's jurisdiction shall not require that the voter file a new petition. Any voter who no longer qualifies pursuant to this subsection to have his

or her residential address as a closed record shall notify the circuit court. Upon such notification, the circuit court shall void the order closing the residential address and so notify the election authority.

115.160. 1. All Missouri driver's license applicants shall receive a voter registration application form as a simultaneous part of the application for a driver's license, renewal of driver's license, change of address, duplicate request and a nondriver's license.

2. If a single application form is used, the voter registration application portion of any application described in subsection 1 of this section may not require any information that duplicates information required in the driver's license portion of the form, except a second signature or other information required by law.

3. After conferring with the secretary of state as the chief state election official responsible for overseeing of the voter registration process, the director of revenue shall adopt rules and regulations pertaining to the format of the voter registration application used by the department.

4. No information relating to the failure of an applicant for a driver's license or nondriver's license to sign a voter registration application may be used for any purpose other than voter registration.

5. Any voter registration application received pursuant to the provisions of this section shall be forwarded to the election authority located within that county or any city not within a county, or if there is more than one election authority within the county, then to the election authority located nearest to the location where the driver's license application was received. The election authority receiving the application forms shall review the applications and forward any applications pertaining to a different election authority to that election authority.

6. A completed voter registration application accepted in the driver's licensing process shall be transmitted to the election authority described in subsection 5 of this section [not later than ten days after the date of acceptance or if the voter registration application is accepted within five days before the last day for registration to vote in an election, the application shall be transmitted to the election authority described in subsection 5 of this section] not later than five **business** days after the [date of acceptance] **form is completed by the applicant.**

115.162. 1. A voter registration application shall be provided by the secretary of state in all offices of the state that provide public assistance, all offices that provide state-funded programs primarily engaged in providing services to persons with disabilities, and other offices as directed by the governor. In addition all armed forces recruitment offices shall be considered a voter registration agency.

2. At each voter registration agency, the following services shall be made available:

(1) Assistance to applicants in completing voter registration application forms, unless the

474 applicant refuses such assistance;

475 (2) Acceptance of completed voter registration application forms for transmittal to the election
476 authority located in the same county or any city not within a county, or if there is more than one election
477 authority within the county, to the election authority nearest to the office of the agency. The election
478 authority receiving the application forms shall review the applications and forward any applications
479 pertaining to a different election authority to that election authority[. Forms shall be transmitted as soon
480 as possible and according to dates established by the state election authority];

481 (3) **Voter registration sites shall transmit voter registration application forms to the**
482 **appropriate election authority not later than five business days after the form is completed**
483 **by the applicant.**

484 (4) If a voter registration agency provides services to a person with a disability at the person's
485 home, the agency shall provide the services provided in this section at the person's home.

486 3. An applicant declining to register in any agency shall be noted in a declination section
487 incorporated into the voter registration form used by the agency. No information relating to a
488 declination to register to vote in connection with an application made at a voter registration agency may
489 be used for any purpose other than voter registration.

490 [4. Subject to the approval of the secretary of state, the voter registration agency shall adopt
491 rules and regulations pertaining to the format of a voter registration application to be used by that
492 agency.]

493 115.163. 1. Each election authority shall arrange one set of registration cards into permanent
494 binders for each precinct, or it may authorize the creation of computerized lists for each precinct. The
495 computerized lists or binder shall be arranged alphabetically or by street address as the election
496 authority determines and shall be known as the "precinct register". At least one set of registration cards
497 shall be arranged in a central file in such a manner as the election authority determines, and shall be
498 known as the "headquarters register". The election authority shall be the custodian of the registration
499 records, and no cards or records shall be removed or handled except at its direction and under its
500 supervision. The precinct registers shall be kept by the election authority in a secure place, except
501 when given to election judges for use at an election. **Except as provided in subsection 2 of section**
502 **115.157**, all registration records shall be open to inspection by the public at all reasonable times.

503 2. In counties using computer printouts as precinct registers, a new computer printout shall be
504 printed prior to each election.

505 3. In those counties using computer printouts as precinct registers, the election authority shall
506 send to each voter a voter identification card not less than ninety days prior to the primary election in
507 each year in which a primary and general election will be held, unless the voter has received such a card

during the preceding six months **or unless the election authority, in the year preceding the election of state auditor, has canvassed the voter registration records through the use of postal service contractors under the federal National Change of Address program.** The voter identification card shall contain the voter's name, address, precinct and a signature line. The card may also contain other voting information at the discretion of the election authority. The voter shall be instructed to sign the card for use as identification at the polls. The voter identification card shall be sent to a voter after a new registration or a change of address. If any voter shall lose his voter identification card he may request a new one from the election authority. The voter identification card authorized pursuant to this section may be used as a canvass of voters in lieu of the provisions set out in sections 115.179 to 115.193. **Except as provided in subsection 2 of section 115.157,** anyone, upon request and payment of a reasonable fee, may obtain a printout, list and/or computer tape of those newly registered voters or voters deleted from the voting rolls, since the last canvass or updating of the rolls. **The election authority may authorize the use of the postal service contractors under the federal National Change of Address program to identify those voters whose address is not correct on the voter registration records. The election authority shall not be required to mail a voter registration card to those voters whose addresses are incorrect.**

115.179. 1. [In each jurisdiction with a board of election commissioners, the board of election commissioners] **The election authority** shall have the registration records of all precincts in its jurisdiction canvassed every four years and that it be completed no later than ninety days prior to the date of a primary or general election for federal office. **The election authority may utilize postal service contractors under the federal National Change of Address program to canvass the records.**

2. In each jurisdiction without a board of election commissioners, the county clerk shall have the registration records of all precincts in its jurisdiction canvassed every four years and that it be completed no later than ninety days prior to the date of a primary or general election for federal office.

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

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

(1) Permits voting in absolute secrecy;

(2) Permits each voter to vote for as many candidates for each office as he is lawfully entitled to vote for;

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

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

544 (5) Permits each voter at a general election to vote for all candidates of one party by one
545 punch or mark or to vote a split ticket, as he desires;

546 (6) Permits each voter in a primary election to vote for the candidates of only one party
547 announced by the voter in advance;

548 (7) Permits each voter at a presidential election to vote by use of a single punch or mark for
549 the candidates of one party or group of petitioners for president, vice president and their presidential
550 electors;

551 (8) Accurately counts all proper votes cast for each candidate and for and against each
552 question;

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

555 (10) Permits each voter, while voting, to clearly see the ballot label.

556 3. [No rule or portion of a rule promulgated under the authority of this section shall become
557 effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **The**
558 **secretary of state shall promulgate rules and regulations to allow the use of a computerized**
559 **voting system. The procedures shall provide for the use of a computerized voting system**
560 **with:**

561 (1) **Multiple voting terminals for the input of vote selections on the ballot presented**
562 **by a main computer;**

563 (2) **A main computer to coordinate ballot presentation, vote selection, ballot image**
564 **storage, and result tabulation; and**

565 (3) **Ability to provide a paper audit trail.**
566

567 **Notwithstanding any provisions of this chapter to the contrary, such a system may allow for**
568 **the storage of processed ballot materials in an electronic form on the main computer.**

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

576 **after August 28, 2001, shall be invalid and void.**

577 115.233. 1. Within five days prior to an election at which an electronic voting system is to be
578 used, the election authority shall have the automatic tabulating equipment tested to ascertain that the
579 equipment is in compliance with the law and that it will correctly count the votes cast for all offices and
580 on all questions. At least forty-eight hours prior to the test, notice of the time and place of the test shall
581 be mailed to each independent and new party candidate and the chairman of the county committee of
582 each established political party named on the ballot. The test shall be observed by at least two persons
583 designated by the election authority, one from each major political party, and shall be open to
584 representatives of the political parties, candidates, the news media and the public. The test shall be
585 conducted by processing a preaudited group of ballots. If any error is detected, the cause shall be
586 ascertained and corrected, and an errorless count shall be made before the tabulating equipment is
587 approved.

588 2. The secretary of state may promulgate rules and regulations that specify any
589 additional testing procedures to effectuate the provisions of this section.

590 3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
591 is created under the authority delegated in this section shall become effective only if it
592 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
593 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any
594 of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review,
595 to delay the effective date or to disapprove and annul a rule are subsequently held
596 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
597 after August 28, 2001, shall be invalid and void.

598 115.237. 1. Each ballot printed or designed for use with an electronic voting system for
599 any election under the provisions of sections 115.001 to 115.641 shall contain all questions and the
600 names of all offices and candidates certified or filed pursuant to sections 115.001 to 115.641 and no
601 other. As far as practicable, all questions and the names of all offices and candidates for which each
602 voter is entitled to vote shall be printed on one page except for the ballot for political party committee
603 persons in polling places not utilizing an electronic voting system which may be printed separately and
604 in conformity with the requirements contained in this section. As far as practicable, ballots containing
605 only questions and the names of nonpartisan offices and candidates shall be printed in accordance with
606 the provisions of this section, except that the ballot information may be listed in vertical or horizontal
607 rows. The names of candidates for each office shall be listed in the order in which they are filed.

608 2. Each ballot shall be plain paper, through which printing or writing cannot be read, or
609 electronically designed for use with an electronic voting system, and shall have:

- 610 (1) Each party name printed in capital letters not less than eighteen point in size;
 611 (2) A circle one-half inch in diameter immediately below each party name;
 612 (3) The name of each office printed in capital letters not less than eight point in size;
 613 (4) The name of each candidate printed in capital letters not less than ten point in size;
 614 (5) A small square, the sides of which shall not be less than one-fourth inch in length, printed
 615 directly to the left of each candidate's name and on the same line as the candidate's name. When
 616 write-in votes are authorized and no candidate's name is to be printed under the name of an office in
 617 a party or nonpartisan column, under the name of the office in the column shall be printed a square.
 618 Directly to the right of the square shall be printed a horizontal line on which the voter may vote for a
 619 person whose name does not appear on the ballot. When more than one position is to be filled for an
 620 office, and the number of candidates' names under the office in a column is less than the number of
 621 positions to be filled, the number of squares and write-in lines printed in the column shall equal the
 622 difference between the number of candidates' names and the number of positions to be filled;
 623 (6) The list of candidates of each party and all nonpartisan candidates placed in separate
 624 columns with a heavy vertical line between each list;
 625 (7) A horizontal line extending across the ballot three-eighths of an inch below the last name
 626 or write-in line under each office in such a manner that the names of all candidates and all write-in lines
 627 for the same office appear between the same horizontal lines. If write-in votes are not authorized, the
 628 horizontal line shall extend across the ballot three-eighths of an inch below the name of the last
 629 candidate under each office;
 630 (8) In a separate column or beneath a heavy horizontal line under all names and write-in lines,
 631 all questions;
 632 (9) At least three-eighths of an inch below all other matter on the ballot, printed in ten point
 633 Gothic type, the words "Instructions to Voters" followed by directions to the voter on marking his ballot
 634 as provided in section 115.439;
 635 (10) Printed at the top on the face of the ballot the words "Official Ballot" followed by the date
 636 of the election and the statement "Instruction to Voters: Place an X in the square opposite the name
 637 of the person for whom you wish to vote."

638 3. As nearly as practicable, each ballot shall be in substantially the following form:

639 OFFICIAL BALLOT	DATE		
640 REPUBLICAN	DEMOCRATIC	THIRD PARTY	INDEPENDENT
641 O	O	O	O
642 For President	For President	For President	For President
643 and	and	and	and

644	Vice President	Vice President	Vice President	Vice President
645	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
646	For	For	For	For
647	United States	United States	United States	United States
648	Senator	Senator	Senator	Senator
649	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
650	For Governor	For Governor	For Governor	For Governor
651	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
652	For Lieutenant	For Lieutenant	For Lieutenant	For Lieutenant
653	Governor	Governor	Governor	Governor
654	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
655	For Secretary	For Secretary	For Secretary	For Secretary
656	of State	of State	of State	of State
657	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
658	For Treasurer	For Treasurer	For Treasurer	For Treasurer
659	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
660	For Attorney	For Attorney	For Attorney	For Attorney
661	General	General	General	General
662	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
663	For	For	For	For
664	United States	United States	United States	United States
665	Representative	Representative	Representative	Representative
666	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
667	For State	For State	For State	For State
668	Senator	Senator	Senator	Senator
669	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
670	For State	For State	For State	For State
671	Representative	Representative	Representative	Representative
672	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
673	For Circuit	For Circuit	For Circuit	For Circuit
674	Judge	Judge	Judge	Judge
675	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
676	115.277. 1. Except as provided in subsections 3, 4 and 5 of this section, any registered voter			
677	of this state may vote by absentee ballot for all candidates and issues for which such voter would be			

678 eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote
679 on election day due to:

680 (1) Absence on election day from the jurisdiction of the election authority in which such voter
681 is registered to vote;

682 (2) Incapacity or confinement due to illness or physical disability;

683 (3) Religious belief or practice;

684 (4) Employment as an election authority, as a member of an election authority, or by an
685 election authority at a location other than such voter's polling place;

686 (5) Incarceration, provided all qualifications for voting are retained; or

687 (6) **A person who is primarily responsible for the physical care of a person who is**
688 **incapacitated or confined due to illness or disability.**

689 2. Any person in federal service, as defined in section 115.275, who is eligible to register and
690 vote in any election in this state may vote in the election even if the person is not registered. Each
691 person in federal service may vote by absentee ballot or, upon submitting an affidavit that the person
692 is qualified to vote in the election, may vote at the person's polling place.

693 3. Any interstate former resident, as defined in section 115.275, may vote by absentee ballot
694 for presidential and vice presidential electors.

695 4. Any intrastate new resident, as defined in section 115.275, may vote by absentee ballot at
696 the election for presidential and vice presidential electors, United States senator, representative in
697 Congress, statewide elected officials and statewide questions, propositions and amendments from such
698 resident's new jurisdiction of residence after registering to vote in such resident's new jurisdiction of
699 residence.

700 5. Any new resident, as defined in section 115.275, may vote by absentee ballot for
701 presidential and vice presidential electors after registering to vote in such resident's new jurisdiction of
702 residence.

703 115.279. 1. Application for an absentee ballot may be made by the applicant in person, or
704 by mail, or for the applicant, in person, by his or her guardian or a relative within the [second] **first**
705 degree by consanguinity or affinity. The election authority [may] **shall** accept applications by facsimile
706 transmission [at its discretion and] within the limits of its telecommunications capacity.

707 2. Each application shall be made to the election authority of the jurisdiction in which the
708 person is or would be registered. Each application shall be in writing and shall state the applicant's
709 name, address at which he or she is or would be registered, his or her reason for voting an absentee
710 ballot and the address to which the ballot is to be mailed, if mailing is requested. Each application to
711 vote in a primary election shall also state which ballot the applicant wishes to receive. If any application

fails to designate a ballot, the election authority shall, within three working days after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which political party ballot he or she wishes to receive. If the applicant does not respond to the request for political party designation, the election authority is authorized to provide the voter with that part of the ballot for which no political party designation is required.

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

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

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

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

"STATE OF

COUNTY OF, ss.

I,, do solemnly swear that:

(1) Before becoming a resident of this state, I resided at (residence address) in

746 (town, township, village or city) of County in the state of
747

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

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

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

754 Signed

755 (Applicant)

756

757 (Residence Address)

758 Subscribed and sworn to before me this day of,

759 Signed

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

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

764 8. An application for an absentee ballot by an intrastate new resident, as defined in section
765 115.275, shall be made in person by the applicant in the office of the election authority in the election
766 jurisdiction in which such applicant resides. The application shall be received by the election authority
767 no later than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit,
768 executed in duplicate in the presence of the election authority or an authorized officer of the election
769 authority, and in substantially the following form:

770 "STATE OF

771 COUNTY OF, ss.

772 I,, do solemnly swear that:

773 (1) Before becoming a resident of this election jurisdiction, I resided at
774 (residence address) in (town, township, village or city) of county in the state
775 of

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

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

779 (4) I hereby make application for an absentee ballot for candidates and issues on which I am

780 entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other than by this
781 ballot at such election.

782 Signed

783 (Applicant)

784

785 (Residence Address)

786 Subscribed and sworn to before me this day of,

787 Signed

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

789 9. An application for an absentee ballot by an interstate former resident, as defined in section
790 115.275, shall be received in the office of the election authority where the applicant was formerly
791 registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the application is
792 made in person by the applicant in the office of the election authority, in which case, such application
793 shall be made no later than 7:00 p.m. on the day of the election.

794 115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state the
795 voter's name, the voter's voting address, the voter's mailing address and the voter's reason for voting
796 an absentee ballot. On the form, the voter shall also state, under penalties of perjury that the voter is
797 qualified to vote in the election, that the voter has not previously voted and will not vote again in the
798 election, that the voter has personally marked the voter's ballot in secret or supervised the marking of
799 the voter's ballot if the voter is unable to mark it, that the ballot has been placed in the ballot envelope
800 and sealed by the voter or under the voter's supervision if the voter is unable to seal it, and that all
801 information contained in the statement is true. In addition, any person providing assistance to the
802 absentee voter shall include a statement on the envelope identifying the person providing assistance
803 under penalties of perjury. Persons authorized to vote only for federal and statewide officers shall also
804 state their former Missouri residence.

805 2. The statement for persons voting absentee ballots who are registered voters shall be in
806 substantially the following form:

807 State of Missouri

808 County (City) of

809 I, (print name), a registered voter of County
810 (City of St. Louis, Kansas City), declare under the penalties of perjury that I expect to be prevented
811 from going to the polls on election day due to (check one):

812 absence on election day from the jurisdiction of the election authority in which I am registered;

813 incapacity or confinement due to illness or physical disability;

814 religious belief or practice;
 815 employment as an election authority or by an election authority at a location other than my
 816 polling place;
 817 incarceration, although I have retained all the necessary qualifications for voting;
 818 **caring for a person who is incapacitated or confined due to illness or disability.**

819 I hereby state under penalties of perjury that I am qualified to vote at this election; I have not voted and
 820 will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot
 821 in secret or that I am blind, unable to read or write English, or physically incapable of marking the
 822 ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the
 823 information on this statement is, to the best of my knowledge and belief, true.

824 .....	.....
825 Signature of Voter	Signature of Person
826	Assisting Voter
827	(if applicable)
828	Subscribed and sworn to
829	before me this day
830 Address of Voter	of,
831	
832 .....	.....
833 Mailing addresses	Signature of notary or
834 (if different)	other officer authorized
835	to administer oaths

836 3. The statement for persons voting absentee ballots pursuant to the provisions of subsection
 837 2, 3, 4 [or], 5 or 6 of section 115.277 without being registered shall be in substantially the following
 838 form:

839 State of Missouri
 840 County (City) of.....

841 I, (print name), declare under the penalties of perjury that I am a citizen of the
 842 United States and eighteen years of age or older. I am not adjudged incapacitated by any court of law,
 843 and if I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I
 844 have had the voting disabilities resulting from such conviction removed pursuant to law. I hereby state
 845 under penalties of perjury that I am qualified to vote at this election.

846 (1) I am a resident of the state of Missouri and (check one):

847 am a member of the U.S. armed forces in active service;

848 am an active member of the U.S. merchant marine;
 849 am a civilian employee of the U.S. government working outside the United States;
 850 am an active member of a religious or welfare organization assisting servicemen;
 851 have been honorably discharged or terminated my service in one of the groups mentioned
 852 above within sixty days of this election;
 853 am a spouse or dependent of one of the above;
 854 am a registered voter in County and moved from that county to
 855 County, Missouri, after the last day to register to vote in this election.
 856 OR (check if applicable)
 857 (2) I am an interstate former resident of Missouri and authorized to vote for
 858 presidential and vice presidential electors. I further state under penalties of perjury that I have not
 859 voted and will not vote other than by this ballot at this election; I marked the enclosed ballot in secret
 860 or am blind, unable to read or write English, or physically incapable of marking the ballot, and the
 861 person of my choosing indicated below marked the ballot at my direction; all of the information on this
 862 statement is, to the best of my knowledge and belief, true.
 863 Subscribed to and sworn
 864 Signature of Voter before me this day
 865 of,
 866
 867
 868 Address of Voter Signature of notary or
 869 other officer authorized
 870 to administer oaths
 871
 872
 873 Mailing Address
 874 (if different)
 875
 876 Signature of Person Address of Last Missouri
 877 Assisting Voter Residence(if applicable)
 878 4. The statement for persons voting absentee ballots who are entitled to vote at the election
 879 pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially the following form:
 880 State of Missouri
 881 County (City) of

882 I, (print name), declare under the penalties of perjury that I expect to be
 883 prevented from going to the polls on election day due to (check one):
 884 absence on election day from the jurisdiction of the election authority in which I am directed
 885 to vote;
 886 incapacity or confinement due to illness or physical disability;
 887 religious belief or practice;
 888 employment as an election authority or by an election authority at a location other than my
 889 polling place;
 890 incarceration, although I have retained all the necessary qualifications of voting;
 891 **caring for a person who is incapacitated or confined due to illness or disability.**

892
 893 I hereby state under penalties of perjury that I own property in the district and am
 894 qualified to vote at this election; I have not voted and will not vote other than by this ballot at this
 895 election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read
 896 and write English, or physically incapable of marking the ballot, and the person of my choosing
 897 indicated below marked the ballot at my direction; all of the information on this statement is, to the best
 898 of my knowledge and belief, true.

899	Subscribed and sworn to
900 Signature of Voter	before me this
901	day of,
902	
903 .....	.....
904 Address	Signature of notary or
905	other officer authorized
906	to administer oaths
907	
908 Signature of Person	
909 Assisting Voter	
910 (if applicable)	

911 5. The statement for persons providing assistance to absentee voters shall be in substantially
 912 the following form:

913 The voter needed assistance in marking the ballot and signing above, because of blindness, other
 914 physical disability, or inability to read or to read English. I marked the ballot enclosed in this envelope
 915 at the voter's direction, when I was alone with the voter, and I had no other communication with the

916 voter as to how he or she was to vote. The voter swore or affirmed the voter affidavit above and I then
917 signed the voter's name and completed the other voter information above. Signed under the penalties
918 of perjury.

919

920 Reason why voter needed assistance:

921 ASSISTING PERSON SIGN HERE

922 1. (signature of assisting person)

923 2. (assisting person's name printed)

924 3. (assisting person's residence)

925 4. (assisting person's home city or town).

926 6. Notwithstanding any other provision of this section, any resident of the state of Missouri
927 who resides outside the boundaries of the United States or who is on active duty with the armed forces
928 of the United States or members of their immediate family living with them or persons who have
929 declared themselves to be permanently disabled pursuant to section 115.284, otherwise entitled to
930 vote, shall not be required to obtain a notary seal or signature on his or her absentee ballot.

931 7. Notwithstanding any other provision of this section or section 115.291 to the contrary, the
932 subscription, signature and seal of a notary or other officer authorized to administer oaths shall not be
933 required on any ballot, ballot envelope, or statement required by this section if the reason for the voter
934 voting absentee is due to [illness or physical disability] **the reasons established pursuant to**
935 **subdivisions (2) and (6) of subsection 1 of section 115.277.**

936 115.291. 1. Upon receiving an absentee ballot, the voter shall mark his ballot in secret, place
937 the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The
938 affidavit of each person voting an absentee ballot shall be subscribed and sworn to before the election
939 official receiving the ballot, a notary public or other officer authorized by law to administer oaths, unless
940 the voter is voting absentee due to incapacity or confinement due to the provisions of section 115.284,
941 illness or physical disability. If the voter is blind, unable to read or write the English language, or
942 physically incapable of voting his ballot, he may be assisted by a person of his own choosing. Any
943 person assisting a voter who is not entitled to such assistance, and any person who assists a voter and
944 in any manner coerces or initiates a request or a suggestion that the voter vote for or against or refrain
945 from voting on any question, ticket or candidate, shall be guilty of a class one election offense. If, upon
946 counting, challenge or election contest, it is ascertained that any absentee ballot was voted with unlawful
947 assistance, the ballot shall be rejected.

948 2. Each absentee ballot shall be returned to the election authority in the ballot envelope and
949 shall only be returned by the voter in person, **or in person by a relative of the voter who is within**

the first degree of consanguinity or affinity, by mail or registered carrier or by a team of deputy election authorities; **except that persons in federal service, when sent from a location determined by the secretary of state to be inaccessible on election day, shall be allowed to return their absentee ballots cast by use of facsimile transmission or under a program approved by the Department of Defense for electronic transmission of election materials.**

3. In cases of an emergency declared by the President of the United States or the governor of this state where the conduct of an election may be affected, the secretary of state may provide for the delivery and return of absentee ballots by use of a facsimile transmission device or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of voters as provided for by the secretary of state.

115.349. 1. Except as otherwise provided in sections 115.361 to 115.383 or sections 115.755 to 115.785, no candidate's name shall be printed on any official primary ballot unless the candidate has filed a written declaration of candidacy in the office of the appropriate election official by 5:00 p.m. on the last Tuesday in March immediately preceding the primary election.

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

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

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

.....	Subscribed and sworn to
Signature of candidate	before me this day
.....	of,
.....
Residence address	Signature of election
.....	official or other officer
.....	authorized to administer oaths
.....
Mailing address (if different)	.....
.....

984 Telephone Number (Optional)

985

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

990 115.409. Except election authority personnel, election judges, watchers and challengers
991 appointed pursuant to section 115.105 or 115.107, law enforcement officials at the request of election
992 officials or in the line of duty, minor children under the age of eighteen accompanying an adult who is
993 in the process of voting, **international observers who have registered as such with the election**
994 **authority**, persons designated by the election authority to administer a simulated youth election for
995 persons ineligible to vote because of their age, members of the news media who present identification
996 satisfactory to the election judges and who are present only for the purpose of bona fide news coverage
997 except as provided in subdivision (18) of section 115.637, provided that such coverage does not
998 disclose how any voter cast his ballot on any question or candidate or in the case of a primary election
999 on which party ballot they voted or does not interfere with the general conduct of the election as
1000 determined by the election judges or election authority, and registered voters who are eligible to vote
1001 at the polling place, no person shall be admitted to a polling place.

1002 115.417. 1. Before the time fixed by law for the opening of the polls, the election authority
1003 shall deliver to each polling place a sufficient number of voter instruction cards which include the
1004 following information:

1005 (1) If paper ballots or an electronic voting system is used, the instructions shall inform the voter
1006 on how to obtain a ballot for voting, how to vote and prepare the ballot for deposit in the ballot box
1007 and how to obtain a new ballot to replace one accidentally spoiled;

1008 (2) If voting machines are used, the instructions shall inform the voter how to operate the
1009 machine in such a manner that he may vote as he wishes.

1010 2. **The election authority at each polling place shall post in a conspicuous place voting**
1011 **instructions on a poster no smaller than twenty-four inches by thirty inches. Such instructions**
1012 **shall also inform the voter that the voting equipment can be demonstrated upon request of the**
1013 **voter.**

1014 3. If marking devices or voting machines are used, the election authority shall also provide to
1015 each polling place a model of a marking device or portion of the face of a voting machine. If requested
1016 to do so by a voter, the election judges shall give instructions on operation of the marking device or
1017 voting machine by use of the model.

1018 **4. The secretary of state may develop multi-lingual voting instructions to be made**
1019 **available to election authorities.**

1020 115.419. Before the time fixed by law for the opening of the polls, the election authority shall
1021 deliver to each polling place a sufficient number of sample ballots, ballot cards or ballot labels which
1022 shall be a different color but otherwise exact copies of the official ballot. The samples shall be printed
1023 in the form of a diagram, showing the form of the ballot or the front of the marking device or voting
1024 machine as it will appear on election day. **The secretary of state may develop multi-lingual**
1025 **sample ballots to be made available to election authorities.**

1026 **115.420. 1. An election authority operating a voting system that uses ballot cards**
1027 **shall not use a butterfly ballot unless the secretary of state provides written approval to the**
1028 **election authority for the use of a butterfly ballot in the particular election.**

1029 **2. For purposes of this section, "butterfly ballot" means a ballot where two ballot**
1030 **pages are used side by side and where voters must vote on candidates or issues on both sides**
1031 **of the pages.**

1032 **3. The secretary of state may approve the use of a butterfly ballot in a particular**
1033 **election when a large number of candidates and issues are to be decided, no alternative ballot**
1034 **is reasonable under the circumstances, and the election authority submits to the secretary of**
1035 **state a written explanation of the need for using a butterfly ballot.**

1036 115.429. 1. The election judges shall not permit any person to vote unless satisfied that such
1037 person is the person whose name appears on the precinct register.

1038 2. The identity or qualifications of any person offering to vote may be challenged by any
1039 election authority personnel, any registered voter, or any duly authorized challenger at the polling place.
1040 No person whose right to vote is challenged shall receive a ballot until his identity and qualifications
1041 have been established.

1042 3. Any question of doubt concerning the identity or qualifications of a voter shall be decided
1043 by a majority of the judges **from the major political parties**. If [the] **such** election judges decide not
1044 to permit a person to vote because of doubt as to his identity or qualifications, the person may apply
1045 to the election authority or to the circuit court as provided in sections 115.193 and 115.223. **The**
1046 **election authority and the circuit court shall not allow a person to vote unless the person**
1047 **provides sufficient evidence that he or she has complied with the voter registration**
1048 **requirements in this chapter.**

1049 4. If the election judges cannot reach a decision on the identity or qualifications of any person,
1050 the question shall be decided by the election authority, subject to appeal to the circuit court as provided
1051 in section 115.223. **The election authority and the circuit court shall not allow a person to vote**

1052 **unless the person provides sufficient evidence that he or she has complied with the voter**
1053 **registration requirements in this chapter. The supreme court shall provide forms for petitions**
1054 **and written instructions on filling out all forms and pleadings necessary for the presentation**
1055 **of an appeal to the circuit court and shall adopt such rules as are necessary to ensure that**
1056 **voter appeals to the circuit court filed pursuant to this chapter are processed uniformly in this**
1057 **state.**

1058 5. The election judges or the election authority may require any person whose right to vote is
1059 challenged to execute an affidavit affirming his qualifications. The election authority shall furnish to the
1060 election judges a sufficient number of blank affidavits of qualification, and the election judges shall enter
1061 any appropriate information or comments under the title "Remarks" which shall appear at the bottom
1062 of the affidavit. All executed affidavits of qualification shall be returned to the election authority with
1063 the other election supplies. Any person who makes a false affidavit of qualification shall be guilty of
1064 a class one election offense. **The election authority may require that the affidavit of qualification**
1065 **be in the form of an envelope in which the ballot is placed and that the ballot not be counted**
1066 **and certified until the qualifications of the voter are confirmed by the election authority.**

1067 115.433. After the voter's identification certificate has been initialed, two judges of different
1068 political parties, **or one judge from a political party and one judge with no political affiliation,**
1069 shall, where paper ballots or ballot cards are used, initial the voter's ballot or ballot card.

1070 115.439. 1. If paper ballots or ballot cards are used, the voter shall, immediately upon
1071 receiving his ballot, go alone to a voting booth and vote his ballot in the following manner:

1072 (1) If the voter desires to vote a straight party ticket, he may place a cross (X) mark in the
1073 circle directly below the party name at the head of the column, or he may place cross (X) marks in the
1074 squares directly to the left of the names of candidates on one party ticket;

1075 (2) If the voter desires to vote a split party ticket, he may place a cross (X) mark in the circle
1076 directly below one party name at the head of the column and cross (X) marks in the squares directly
1077 to the left of the names of candidates on other party tickets, or he may place cross (X) marks in the
1078 squares directly to the left of the names of candidates on different party tickets;

1079 (3) If the voter desires to vote for a person whose name does not appear on the ballot, he may
1080 cross out a name which appears on the ballot for the office and write the name of the person for whom
1081 he wishes to vote above or below the crossed-out name and place a cross (X) mark in the square
1082 directly to the left of the crossed-out name. If a write-in line appears on the ballot, he may write the
1083 name of the person for whom he wishes to vote on the line and place a cross (X) mark in the square
1084 directly to the left of the name;

1085 (4) If the ballot does not contain any party designations, the voter shall place a cross (X) mark

1086 in the squares directly to the left of the names of the candidates for whom he desires to vote;

1087 (5) If the ballot is one which contains no candidates, the voter shall place a cross (X) mark in
1088 the square directly to the left of each "yes" or "no" he desires to vote. No voter shall vote for the same
1089 person more than once for the same office at the same election.

1090 2. For purposes of this section, a punch or sensor mark or any other mark clearly indicating
1091 that the voter intends to mark that particular square shall be equivalent to a cross (X) mark.

1092 3. If voting machines are used, the voter shall, immediately upon direction by the judges, go
1093 alone to a voting machine, close the curtain and vote in substantially the same manner provided in
1094 subsection 1 of this section. Rather than placing cross (X) marks on the ballot, however, the voter shall
1095 cause the designations to appear on the face of the voting machine, cast any write-in votes and register
1096 his votes as directed in the instructions for use of the machine.

1097 4. If the voter accidentally spoils his ballot or ballot card or makes an error, he may return it
1098 to an election judge and receive another. The election judge shall mark "SPOILED" across the ballot
1099 or ballot card and place it in an envelope marked "SPOILED BALLOTS". After another ballot has
1100 been prepared in the manner provided in section 115.433, the ballot shall be given to the voter for
1101 voting.

1102 5. [If any] **The election authority may authorize the use of a sticker or other item**
1103 **containing a write-in candidate's name, in lieu of a handwritten name[, is present on the ballot,].**
1104 **Before use by election authorities in this state, the secretary of state shall approve the form**
1105 **of such sticker or item, and the secretary of state shall promulgate rules and regulations to**
1106 **prescribe uniform specifications for such stickers and items. If authorized,** such sticker or item
1107 shall contain a cross (X) mark, or other mark as described in subsection 2 of this section, in the square
1108 directly left of the candidate's name and the office for which the candidate is a write-in candidate. A
1109 write-in vote that does not meet the requirements of this subsection which appears on a ballot shall not
1110 be counted under sections 115.447 to 115.525. In those jurisdictions using an electronic voting system
1111 which utilizes mark sense or optical scan technology **and if the election authority authorizes the use**
1112 **of stickers for write-ins,** such system shall be programmed to identify and separate those ballots
1113 which contain an office in which write-in candidates are eligible to receive votes, and which contain less
1114 votes than a voter is entitled to cast. In addition, such sticker shall be considered "printed matter" as
1115 defined in subsection 8 of section 130.031, RSMo, and as such shall contain the designation required
1116 by subsection 8 of section 130.031, RSMo.

1117 **115.450. 1. The secretary of state shall promulgate rules that specify uniform**
1118 **counting standards that all election authorities shall use when counting ballots of all types,**
1119 **including the hand counting of any ballots.**

1120 **2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that**
1121 **is created under the authority delegated in this section shall become effective only if it**
1122 **complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,**
1123 **section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any**
1124 **of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review,**
1125 **to delay the effective date or to disapprove and annul a rule are subsequently held**
1126 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
1127 **after August 28, 2001, shall be invalid and void.**

1128 115.453. Election judges shall count votes for all candidates in the following manner:

1129 (1) If a cross (X) mark appears in the circle immediately below a party name at the head of
1130 a column, each candidate of the party shall be counted as voted for. If a cross (X) mark appears in
1131 the circle immediately below more than one party name, no candidate shall be counted as voted for,
1132 except a candidate before whose name a cross (X) mark appears in the square preceding the name
1133 and a cross (X) mark does not appear in the square preceding the name of any candidate for the same
1134 office in another column. If a cross (X) mark appears in the circle immediately below a party name at
1135 the head of a column, and a cross (X) mark appears in the square next to the name of any candidate
1136 in another column, each candidate of the party whose circle is marked shall be counted as voted for,
1137 except where a cross (X) mark appears in the square preceding the name of any candidate in another
1138 column. Except as provided in this subdivision and subdivision (2) of this section, each candidate with
1139 a cross (X) mark in the square preceding his or her name shall be counted as voted for.

1140 (2) If no cross (X) mark appears in the circle immediately below any party name, but a cross
1141 (X) mark does appear in the square next to any candidate's name, the name of each candidate next to
1142 which a cross (X) mark appears shall be counted as voted for, and no other name shall be counted as
1143 voted for. If cross (X) marks appear next to the names of more candidates for an office than are
1144 entitled to fill the office, no candidate for the office shall be counted as voted for. If more than one
1145 candidate is to be nominated or elected to an office, and any voter has voted for the same candidate
1146 more than once for the same office at the same election, no votes cast by the voter for the candidate
1147 shall be counted.

1148 (3) No vote shall be counted for any candidate that is not marked substantially in accordance
1149 with the provisions of this section. [The judges shall count votes marked substantially in accordance
1150 with this section when the intent of the voter seems clear.] No ballot containing any proper votes shall
1151 be rejected for containing fewer marks than are authorized by law.

1152 (4) Write-in votes shall be counted only for candidates for election to office who have filed a
1153 declaration of intent to be a write-in candidate for election to office with the proper election authority,

who shall then notify the proper filing officer of the write-in candidate prior to 5:00 p.m. on the second Friday immediately preceding the election day; except that, write-in votes shall be counted only for candidates for election to state or federal office who have filed a declaration of intent to be a write-in candidate for election to state or federal office with the secretary of state pursuant to section 115.353 prior to 5:00 p.m. on the second Friday immediately preceding the election day. No person who filed as a party or independent candidate for nomination or election to an office may, without withdrawing as provided by law, file as a write-in candidate for election to the same office for the same term. No candidate who files for nomination to an office and is not nominated at a primary election may file a declaration of intent to be a write-in candidate for the same office at the general election. When declarations are properly filed with the secretary of state, the secretary of state shall promptly transmit copies of all such declarations to the proper election authorities for further action pursuant to this section. The election authority shall furnish a list to the election judges and counting teams prior to election day of all write-in candidates who have filed such declaration. This subdivision shall not apply to elections wherein candidates are being elected to an office for which no candidate has filed.

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

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

115.493. The election authority shall keep all voted ballots, ballot cards, **processed ballot materials in electronic form** and write-in forms, and all applications, statements, certificates, affidavits and computer programs relating to each election for twelve months after the date of the election. During the time that voted ballots, ballot cards, **processed ballot materials in electronic form** and write-in forms are kept by the election authority, it shall not open or inspect them or allow

1188 anyone else to do so, except upon order of a legislative body trying an election contest, a court or a
1189 grand jury. After twelve months, the ballots, ballot cards, **processed ballot materials in electronic**
1190 **form**, write-in forms, applications, statements, certificates, affidavits and computer programs relating
1191 to each election may be destroyed. If an election contest, grand jury investigation or civil or criminal
1192 case relating to the election is pending at the time, however, the materials shall not be destroyed until
1193 the contest, investigation or case is finally determined.

1194 115.613. 1. Except as provided in subsection 4 of this section, the qualified man and woman
1195 receiving the highest number of votes from each committee district for committeeman and
1196 committeewoman of a party shall be members of the county committee of the party.

1197 2. If two or more qualified persons receive an equal number of votes for county committeeman
1198 or committeewoman of a party and a higher number of votes than any other qualified person from the
1199 party, a vacancy shall exist on the county committee which shall be filled by a majority of the committee
1200 in the manner provided in section 115.617.

1201 3. If no qualified person is elected county committeeman or committeewoman from a
1202 committee district for a party, a vacancy shall exist on the county committee which shall be filled by a
1203 majority of the committee in the manner provided in section 115.617.

1204 4. The provisions of this subsection shall apply only in any county where no filing fee is
1205 required for filing a declaration of candidacy for committeeman or committeewoman in a committee
1206 district. **If only one qualified candidate has filed a declaration of candidacy for committeeman**
1207 **or committeewoman in a committee district for a party prior to the deadline established by**
1208 **law, no election shall be held for committeeman or committeewoman in the committee district**
1209 **for that party and the election authority shall certify the qualified candidate in the same**
1210 **manner and at the same time as candidates elected pursuant to subsection 1 of this section**
1211 **are certified.** If no qualified candidate files for committeeman or committeewoman in a committee
1212 district for a party, no election shall be held and a vacancy shall exist on the county committee which
1213 shall be filled by a majority of the committee in the manner provided in section 115.617. [The state
1214 shall pay the cost of producing ballots for any election held for the purposes of this subsection. The
1215 election authority shall pay all public notice costs for any election held pursuant to this subsection.]

1216 115.619. 1. The membership of a legislative district committee shall consist of all county
1217 committee members within the legislative district, except as provided in subsections 4 and 5 of this
1218 section. In all counties of this state which are wholly contained within a legislative district, or in which
1219 there are two or more whole legislative districts, or one whole legislative district and part of another
1220 legislative district, or parts of two or more legislative districts, there shall be elected from the
1221 membership of each legislative district committee a chairman and a vice chairman, one of whom shall

1222 be a woman and one of whom shall be a man[, and]. Each legislative district at the same time shall
1223 elect a secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, but
1224 who may or may not be members of the legislative district committee. Party state committees may
1225 provide for voting by proxy and for weighted or fractional voting.

1226 2. If a legislative district and a county are coextensive, the chairman, vice chairman, secretary
1227 and treasurer of the county committee shall be the chairman, vice chairman, secretary and treasurer of
1228 the legislative committee.

1229 3. Except as provided in subsections 4 and 5 of this section, the congressional, senatorial or
1230 judicial district committee shall consist of the chairman and vice chairman of each of the legislative
1231 districts in the congressional, senatorial[,] or judicial districts and the chairman and vice chairman of
1232 each of the county committees within the districts. Party state committees may provide for voting by
1233 proxy and may provide for weighted or fractional voting.

1234 4. The congressional, senatorial or judicial district committee of a district coextensive with one
1235 county shall be the county committee.

1236 5. The congressional, senatorial or judicial district committee of a district which is composed
1237 in whole or in part of a part of a city or part of a county shall consist of the ward or township
1238 committeemen and committeewomen from such wards or townships included in whole or in part in such
1239 part of a city or part of a county forming the whole or a part of such district. Party state committees
1240 may provide for voting by proxy and may provide for weighted or fractional voting.

1241 **115.645. 1. For purposes of enforcing the provisions of this chapter, the secretary of**
1242 **state shall investigate all violations of any provisions of this chapter in cases where:**

1243 **(1) The secretary of state determines a matter of statewide interest is adversely**
1244 **affected; or**

1245 **(2) The secretary of state determines local law enforcement authorities are unwilling**
1246 **or unable to investigate the matter; or**

1247 **(3) The local election authority requests the secretary of state to investigate.**

1248 **2. The secretary of state shall promulgate rules to effectuate the provisions of this**
1249 **section.**

1250 **3. The secretary of state shall ensure the confidentiality of all reports, records,**
1251 **working papers, recorded information, documents and copies thereof produced by, obtained**
1252 **by or disclosed to the secretary of state or any person in the course of an investigation made**
1253 **pursuant to this section. Only the following persons shall have access to such records**
1254 **maintained by the secretary of state:**

1255 **(1) Appropriate staff of the secretary of state authorized to investigate allegations of**

election law violations pursuant to subsection 1 of this section; and

(2) A grand jury, prosecuting attorney, law enforcement officer, or other appropriate federal, state or local criminal justice agency personnel, with a need for such information under the law to investigate or prosecute state or federal election law violations.

115.825. The secretary of state shall administer a grant program for the purpose of allowing election authorities to receive grants from the federal government for the purpose of improving the election process in federal elections. The secretary of state may promulgate rules to effectuate the provisions of this section.

115.826. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 115.645, 115.801 and 115.825 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

162.481. 1. Except as otherwise provided in this section, all elections of school directors in urban districts shall be held biennially at the same times and places as municipal elections.

2. In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3. **Except as otherwise provided in subsection 4 of this section,** hereafter when a seven-director district becomes an urban district, the directors of the prior seven-director district shall continue as directors of the urban district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection. The first biennial school election for directors shall be held in the urban district at the time provided in subsection 1 which is on the date

1290 of or subsequent to the expiration of the terms of the directors of the prior district which are first to
1291 expire, and directors shall be elected to succeed the directors of the prior district whose terms have
1292 expired. If the terms of two directors only have expired, the directors elected at the first biennial school
1293 election in the urban district shall be elected for terms of six years. If the terms of four directors have
1294 expired, two directors shall be elected for terms of six years and two shall be elected for terms of four
1295 years. At the next succeeding biennial election held in the urban district, successors for the remaining
1296 directors of the prior seven-director district shall be elected. If only two directors are to be elected they
1297 shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for
1298 terms of six years and two shall be elected for terms of two years. After seven directors of the urban
1299 district have been elected under this subsection, their successors shall be elected for terms of six years.

1300 4. In any school district in any city with a population of one hundred thousand or more
1301 inhabitants which is located within a county of the first classification that adjoins no other county of the
1302 first classification, **or any school district which becomes an urban school district by reason of the**
1303 **2000 federal decennial census**, elections shall be held annually at the same times and places as
1304 general municipal elections for all years where one or more terms expire, and the terms shall be for
1305 three years and until their successors are duly elected and qualified for all directors elected on and after
1306 August 28, 1998.

1307 347.740. The secretary of state may collect an additional fee of five dollars on each and every
1308 fee required in this chapter. All fees collected as provided in this section shall be deposited in the state
1309 treasury and credited to the secretary of state's technology trust fund account. **The provisions of this**
1310 **section shall expire on December 31, 2009.**

1311 351.127. The secretary of state may collect an additional fee of five dollars on each and every
1312 fee required in this chapter. All fees collected as provided in this section shall be deposited in the state
1313 treasury and credited to the secretary of state's technology trust fund account. **The provisions of this**
1314 **section shall expire on December 31, 2009.**

1315 355.023. The secretary of state may collect an additional fee of five dollars on each and every
1316 fee required in this chapter. All fees collected as provided in this section shall be deposited in the state
1317 treasury and credited to the secretary of state's technology trust fund account. **The provisions of this**
1318 **section shall expire on December 31, 2009.**

1319 356.233. The secretary of state may collect an additional fee of five dollars on each and every
1320 fee required in this chapter. All fees collected as provided in this section shall be deposited in the state
1321 treasury and credited to the secretary of state's technology trust fund account. **The provisions of this**
1322 **section shall expire on December 31, 2009.**

1323 359.653. The secretary of state may collect an additional fee of five dollars on each and every

1324 fee required in this chapter. All fees collected as provided in this section shall be deposited in the state
1325 treasury and credited to the secretary of state's technology trust fund account. **The provisions of this**
1326 **section shall expire on December 31, 2009.**

1327 400.9-508. The secretary of state may collect an additional fee of five dollars on each and
1328 every fee paid to the secretary of state as required in chapter 400.9. All fees collected as provided in
1329 this section shall be deposited in the state treasury and credited to the secretary of state's technology
1330 trust fund account. **The provisions of this section shall expire on December 31, 2009.**

1331 417.018. The secretary of state may collect an additional fee of five dollars on each and every
1332 fee required in this chapter. All fees collected as provided in this section shall be deposited in the state
1333 treasury and credited to the secretary of state's technology trust fund account. **The provisions of this**
1334 **section shall expire on December 31, 2009.**

Bill

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