

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1014 & 730
93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Offered April 20, 2006.

Senate Substitute No. 2 adopted, April 20, 2006.

Taken up for Perfection April 20, 2006. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

4947S.14P

AN ACT

To repeal sections 115.105, 115.126, 115.159, 115.163, 115.223, 115.427, 115.430, 115.431, 115.445, 115.631, and 115.637, RSMo, and to enact in lieu thereof eighteen new sections relating to election administration, with penalty provisions and an expiration date and an emergency clause for a certain section.

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

Section A. Sections 115.105, 115.126, 115.159, 115.163, 115.223, 115.427, 2 115.430, 115.431, 115.445, 115.631, and 115.637, RSMo, are repealed and 3 eighteen new sections enacted in lieu thereof, to be known as sections 115.002, 4 115.105, 115.159, 115.163, 115.203, 115.205, 115.219, 115.223, 115.427, 115.428, 5 115.430, 115.431, 115.445, 115.456, 115.528, 115.631, 115.637, and 1, to read as 6 follows:

115.002. Sections 115.002, 115.105, 115.159, 115.163, 115.203,
2 **115.205, 115.219, 115.223, 115.427, 115.428, 115.430, 115.431, 115.456,**
3 **115.528, 115.631, and 115.637 may be cited as the "Missouri Voter**
4 **Protection Act".**

115.105. 1. The chair of the county committee of each political party
2 named on the ballot shall have the right to designate a challenger for each polling
3 place, who may be present during the hours of voting, and a challenger for each
4 location at which absentee ballots are counted, who may be present while the

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

5 ballots are being prepared for counting and counted. No later than four business
6 days before the election, the chair of each county committee of each political party
7 named on the ballot shall provide signed official designation forms with the
8 names of the designated challengers and substitutes to the local election
9 authority for confirmation of eligibility to serve as a challenger. The local
10 election authority, after verifying the eligibility of each designated and substitute
11 challenger, shall sign off on the official designation forms, unless the challenger
12 is found not to have the qualifications established by subsection 5 of this section.
13 If the election authority determines that a challenger does not meet the
14 qualifications of subsection 5 of this section, the designating party chair may
15 designate a replacement challenger and provide the local election authority with
16 the name of the replacement challenger before 5:00 p.m. of the Monday preceding
17 the election. The designating chair may substitute challengers at his or her
18 discretion during such hours.

19 2. Challenges may only be made when the challenger believes the election
20 laws of this state have been or will be violated, and each challenger shall report
21 any such belief to the election judges, or to the election authority if not satisfied
22 with the decision of the election judges.

23 3. Prior to the close of the polls, challengers may list and give out the
24 names of those who have voted. The listing and giving out of names of those who
25 have voted by a challenger shall not be considered giving information tending to
26 show the state of the count.

27 4. In a presidential primary election, challengers may collect information
28 about the party ballot selected by the voter and may disclose party affiliation
29 information after the polls close.

30 5. All persons selected as challengers shall have the same qualifications
31 required by section 115.085 for election judges, except that such challenger shall
32 be a registered voter in the jurisdiction of the election authority for which the
33 challenger is designated as a challenger.

34 **6. Challengers shall not have the authority to review**
35 **photographic identification for validity or make a challenge or report**
36 **any belief regarding the validity of such identification.**

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

4 2. [Notwithstanding any provision of law to the contrary, the election

5 authority shall not deliver any voter identification card to any person who
6 registers to vote by mail until after such person has voted, in person, after
7 presentation of a proper form of identification, for the first time following
8 registration at the new polling place designated by the election authority. An
9 individual who has registered to vote by mail and who desires to vote in person,
10 but who does not present a proper form of identification for the first time
11 following registration, may cast a provisional ballot. Such provisional ballot shall
12 not be counted pursuant to this chapter, and the individual shall be notified of
13 the reason for not counting the ballot.

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

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

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

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

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

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

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

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

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

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

40 (b) With respect to whom the secretary of state matches the information

41 submitted pursuant to paragraph (a) of this subdivision with an existing state
42 identification record bearing the same number, name, and date of birth as
43 provided in such registration;

44 (3) Who is:

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

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

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

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

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

19 3. [In those counties using computer printouts as precinct registers,] The
20 election authority shall send to each voter a voter [identification] **notification**
21 card no later than ninety days prior to the date of a primary or general election
22 for federal office, unless the voter has received such a card during the preceding
23 six months. The voter [identification] **notification** card shall contain the voter's
24 name, address, **and** precinct [and a signature line]. The card **shall also inform**
25 **the voter of the personal identification requirement in section 115.427,**

26 **and** may also contain other voting information at the discretion of the election
27 authority. [The voter shall be instructed to sign the card for use as identification
28 at the polls.] The voter [identification] **notification** card shall be sent to a voter
29 after a new registration or a change of address. If any voter shall lose his voter
30 [identification] **notification** card he may request a new one from the election
31 authority. The voter [identification] **notification** card authorized pursuant to
32 this section may be used as a canvass of voters in lieu of the provisions set out
33 in sections 115.179 to 115.193. Except as provided in subsection 2 of section
34 115.157, anyone, upon request and payment of a reasonable fee, may obtain a
35 printout, list and/or computer tape of those newly registered voters or voters
36 deleted from the voting rolls, since the last canvass or updating of the rolls. The
37 election authority may authorize the use of the postal service contractors under
38 the federal National Change of Address program to identify those voters whose
39 address is not correct on the voter registration records. The election authority
40 shall not be required to mail a voter registration card to those voters whose
41 addresses are incorrect. Confirmation notices to such voters required by section
42 115.193 shall be sent to the corrected address provided by the National Change
43 of Address program.

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

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

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

- 11 (1) **Voters registered by the person receiving or accepting
12 payment or other compensation;**
13 (2) **Voter registration applications collected by the person
14 receiving or accepting payment or other compensation;**
15 (3) **Voter registration applications submitted to election officials
16 by the person receiving or accepting payment or other compensation.**

3. **No person who agrees or offers to submit a voter registration
18 application for another person shall knowingly destroy, deface, or**

19 **conceal such voter registration application.**

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

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

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

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

12 **(1) The name of the voter registration solicitor;**

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

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

16 **(4) Whether the voter registration solicitor expects to be paid for**
17 **soliciting voter registrations;**

18 **(5) If the voter registration solicitor expects to be paid, the**
19 **identity of the payor; or**

20 **(6) The signature of the voter registration solicitor.**

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

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

26 **4. Any voter registration solicitor who knowingly fails to register**
27 **with the secretary of state is guilty of a class three election**
28 **offense. Voter registration applications shall be accepted by the**
29 **election authority if such applications are otherwise valid, even if the**
30 **voter registration solicitor who procured the applications fails to**

31 register with or submits false information to the secretary of state.

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

6 2. Any complaint filed under this section shall:

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

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

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

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

17 (c) The nature of the injury suffered or about to be suffered by
18 the person filing the complaint.

19 3. The elections division shall promptly provide a copy of the
20 complaint by certified mail to:

21 (1) All persons identified in the complaint as possible violators
22 of Title III of HAVA; and

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

25 4. The elections division may consolidate complaints filed under
26 this section.

27 5. Upon the proper filing of a complaint under this section, the
28 secretary of state shall appoint a presiding officer who shall conduct
29 an investigation of the complaint.

30 6. At the request of the person filing the complaint or if the
31 presiding officer believes that the circumstances so dictate, the
32 presiding officer shall conduct a hearing on the complaint and prepare
33 a record on the hearing, such hearing to be conducted within ten days
34 of the request of the person filing the complaint.

35 7. Upon completion of the investigation, the presiding officer
36 shall submit the results to the elections division, which shall then issue

37 a written report. The elections division shall provide a copy of the
38 report by certified mail to:

39 (1) The person who filed the complaint;

40 (2) The person or persons alleged to have committed the
41 violation; and

42 (3) The election authority in whose jurisdiction the violation is
43 alleged to have occurred.

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

45 (1) Indicate the date when the complaint was received by the
46 elections division;

47 (2) Contain findings of fact regarding the alleged violation and
48 state whether a violation of Title III of HAVA has occurred;

49 (3) State what steps, if any, the person or persons alleged to have
50 committed a violation have taken to correct or prevent any recurrence;

51 (4) Suggest any additional measures that could be taken to
52 correct the violation;

53 (5) Indicate the date a violation was corrected or is expected to
54 be corrected;

55 (6) Provide any additional information or recommendations
56 useful in resolving the complaint.

57 9. If the elections division determines that there is a violation of
58 Title III of HAVA, the elections division shall determine and provide
59 the appropriate remedy, as authorized by law to do so. If the elections
60 division determines that it is not authorized by law to provide an
61 appropriate remedy, the elections division shall, if possible, refer the
62 matter to the appropriate agency or office that has jurisdiction.

115.223. Whenever a voter's name has been removed from the registration
2 records by an election authority, the voter may appeal the removal to the circuit
3 court. Unless prohibited by court rule, the petition may be filed in an associate
4 circuit court division. No formal pleading shall be required, [and it shall be
5 sufficient for] however, the voter [to] shall personally appear and swear
6 under oath that he or she meets all of the requirements for voter
7 eligibility and present to the court an application verified by affidavit setting
8 forth that his name has been removed from the registration records, the date of
9 such removal, and any other information showing his qualification to vote. The
10 application shall first be presented to the election authority, which shall either
11 restore the voter's name to the registration records or furnish a statement

12 showing the reason the voter's name was removed from the records. The court
13 shall hear and dispose of such application forthwith. Evidence may be introduced
14 for and against the application. If the court sustains the application, the court
15 shall notify the election authority of its action, and the election authority shall
16 restore the applicant's name to the registration records and note that it was
17 restored by order of the court. No person whose name is restored to the
18 registration records by order of the court shall be protected by such order if he is
19 challenged or prosecuted for false registration or false voting. If a voter's name
20 is restored to the registration records by the election authority or by order of the
21 court on election day, the voter shall be permitted to vote in the office of the
22 election authority.

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

4 (1) Identification issued by the state of Missouri, an agency of the state,
5 or a local election authority of the state;

6 (2) Identification issued by the United States government or agency
7 thereof;

8 (3) Identification issued by an institution of higher education, including
9 a university, college, vocational and technical school, located within the state of
10 Missouri;

11 (4) A copy of a current utility bill, bank statement, government check,
12 paycheck or other government document that contains the name and address of
13 the voter;

14 (5) Driver's license or state identification card issued by another state; or

15 (6) Other identification approved by the secretary of state under rules
16 promulgated pursuant to subsection 3 of this section other identification approved
17 by federal law.

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

25 (1) **Non-expired Missouri driver's license showing the name and**

26 a photograph or digital image of the individual; or

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

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

31 (a) The document contains the name of the individual to whom
32 the document was issued, and the name substantially conforms to the
33 name in the individual's voter registration record;

34 (b) The document shows a photographic or digital image of the
35 individual;

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

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

41 2. The election judges shall notify a voter who presents at the
42 polling place without a form of personal identification that satisfies the
43 requirements of subsection 1 of this section that the voter may return
44 to the polling place with a proper form of personal identification and
45 vote a regular ballot after election judges have verified the voter's
46 identity and eligibility under subsection 1 of this section. Voters who
47 return to the polling place during the uniform polling hours established
48 by section 115.407 with a current and valid form of personal
49 identification shall be given priority in any voting lines.

50 3. An individual who appears at a polling place without
51 identification in the form described in subsection 1 of this section and
52 who is otherwise qualified to vote at that polling place may execute an
53 affidavit averring that the voter is the person listed in the precinct
54 register and that the voter does not possess a form of identification
55 specified in this section and is unable to obtain a current and valid
56 form of personal identification because of:

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

59 (2) A sincerely held religious belief against the forms of personal
60 identification described in subsection 1 of this section; or

61 (3) The voter being born on or before January 1, 1941.

62 Upon executing such affidavit, the individual may cast a provisional

63 ballot. Such provisional ballot shall be counted, provided the election
64 authority verifies the identity of the individual and determines that the
65 individual was eligible to cast a ballot at the polling place where the
66 ballot was cast.

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

69 "State of

70 County of

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

76 A physical or mental disability or handicap; or

77 A sincerely held religious belief; or

78 My being born on or before January 1, 1941.

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

81

82 Signature of voter

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

84

85 Signature of election official"

86 5. A voter shall be allowed to cast a provisional ballot under
87 section 115.430 even if the election judges cannot establish the voter's
88 identity under subsection 1 of this section. The election judges shall
89 make a notation on the provisional ballot to indicate that the voter's
90 identity was not verified. The provisional ballot cast by such voter
91 shall not be counted unless:

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

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

98 6. The secretary of state shall provide advance notice of the

99 **personal identification requirements of subsection 1 of this section in**
100 **a manner calculated to inform the public generally of the requirement**
101 **for photographic personal identification as provided in this section.**

102 **7. The provisions of section 136.055, RSMo, and section 302.181,**
103 **RSMo, notwithstanding, any applicant who requests a nondriver's**
104 **license with a photograph or digital image for the purpose of voting**
105 **shall not be required to pay a fee if the applicant executes an affidavit**
106 **averring that the applicant does not have any other form of**
107 **photographic personal identification that meets the requirements of**
108 **subsection 1 of section 115.427. The state of Missouri shall pay the**
109 **legally required fees for any such applicant. The director shall design**
110 **an affidavit to be used for this purpose. However, any person,**
111 **otherwise competent to vote, shall be issued a nondriver's license photo**
112 **identification through a mobile processing system operated by the**
113 **Missouri department of revenue upon request if the resident is**
114 **physically unable to otherwise obtain a nondriver's license photo**
115 **identification. At least nine mobile units housed under the office of**
116 **administration shall remain available for dispatch upon the request of**
117 **the department of revenue to fulfill the requirements of this**
118 **section. The total cost associated with nondriver's license photo**
119 **identification under this subsection shall be borne by the state of**
120 **Missouri from funds appropriated to the department of revenue for that**
121 **specific purpose. The department of revenue and a local election**
122 **authority may enter into a contract that allows the local election**
123 **authority to assist the department in issuing nondriver's license photo**
124 **identifications.**

125 **8. The director of the department of revenue shall, by January**
126 **first of each year, prepare and deliver to each member of the general**
127 **assembly a report documenting the number of individuals who have**
128 **requested and received a nondriver's license photo identification for**
129 **the purposes of voting under this section.**

130 **[2.] 9. The precinct register shall serve as the voter identification**
131 **certificate. The following form shall be printed at the top of each page of the**
132 **precinct register:**

133 **VOTER'S IDENTIFICATION CERTIFICATE**

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

136 PRECINCT

137 WARD OR TOWNSHIP

138 GENERAL (SPECIAL, PRIMARY) ELECTION

139 Held, 20....

140 Date

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

143 **10. A statewide elections quick response team is hereby**
144 **established and shall be administered by three members. One member**
145 **shall be appointed by the director of the department of revenue, one**
146 **shall be appointed by the secretary of state, and one shall be appointed**
147 **by the director of the department of health and human services to**
148 **provide guidance and direction to citizens who experience impediments**
149 **in attempting to comply with the voter identification requirements set**
150 **forth in section 115.427. The team shall assist citizens in locating and**
151 **processing any documents necessary to acquire any form of**
152 **identification required under this section for an individual to legally**
153 **vote. The elections quick response team shall automatically sunset on**
154 **November 1, 2008, unless reauthorized by an act of the general**
155 **assembly.**

156 [3.] 11. The secretary of state shall promulgate rules to effectuate the
157 provisions of this section.

158 [4.] 12. Any rule or portion of a rule, as that term is defined in section
159 536.010, RSMo, that is created under the authority delegated in this section shall
160 become effective only if it complies with and is subject to all of the provisions of
161 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
162 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
163 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
164 date or to disapprove and annul a rule are subsequently held unconstitutional,
165 then the grant of rulemaking authority and any rule proposed or adopted after
166 August 28, 2002, shall be invalid and void.

167 [5.] 13. If any voter is unable to sign his name at the appropriate place
168 on the certificate or computer printout, an election judge shall print the name and
169 address of the voter in the appropriate place on the precinct register, the voter
170 shall make his mark in lieu of signature, and the voter's mark shall be witnessed
171 by the signature of an election judge.

172 14. For any election held on or before November 1, 2008, an
173 individual who appears at a polling place without identification in the
174 form described in subsection 1 of this section, and who is otherwise
175 qualified to vote at that polling place, may cast a provisional ballot
176 after:

177 (1) Executing an affidavit affirming his or her identity; and

178 (2) Presenting a form of identification from the following list:

179 (a) Identification issued by the state of Missouri, an agency of
180 the state, or a local election authority of the state;

181 (b) Identification issued by the United States government or
182 agency thereof;

183 (c) Identification issued by an institution of higher education,
184 including a university, college, vocational and technical school, located
185 within the state of Missouri;

186 (d) A copy of a current utility bill, bank statement, government
187 check, paycheck, or other government document that contains the name
188 and address of the voter; or

189 (e) Driver's license or state identification card issued by another
190 state.

191 Such provisional ballot shall be entitled to be counted, provided the
192 election authority verifies the identity of the individual by comparing
193 that individual's signature to the signature on file with the election
194 authority and determines that the individual was otherwise eligible to
195 cast a ballot at the polling place where the ballot was cast.

196 15. The affidavit to be used for voting under subsection 14 of this
197 section shall be substantially in the following form:

198 "State of

199 County of

200 I do solemnly swear (or affirm) that my name is; that I reside
201 at; and that I am the person listed in the precinct register
202 under this name and at this address.

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

205

206 Signature of voter

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

208

209 **Signature of Election Official".**

115.428. **The secretary of state, in cooperation with the**
2 **department of revenue, shall establish and maintain a statewide toll-**
3 **free voter assistance telephone service to assist voters in identifying**
4 **the times and locations whereupon such voters may acquire a free**
5 **nondriver's license with a photographic or digital image for the**
6 **purposes of voting.**

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

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

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

28 **(a) The election judge shall examine the precinct register as**
29 **provided in section 115.425. If the voter is registered and eligible to**

30 vote at the polling place, the voter shall receive a regular ballot;

31 (b) If the voter's eligibility cannot be immediately established by
32 examining the precinct register, the election judge shall contact the
33 election authority. If the election authority cannot immediately
34 establish that the voter is registered and eligible to vote at the polling
35 place upon examination of the Missouri voter registration system, or if
36 the election judge is unable to make contact with the election authority
37 immediately, the voter shall be notified that the voter is entitled to a
38 provisional ballot.

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

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

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

59 3. (1) No person shall be entitled to receive a provisional ballot
60 until such person has completed a provisional ballot affidavit on the
61 provisional ballot envelope.

62 (2) The secretary of state shall produce appropriate sizes of
63 provisional ballot envelopes and distribute them to each election
64 authority according to their tabulating system. All provisional ballot
65 envelopes shall be printed on a distinguishable color of paper that is
66 different from the color of the regular ballot. The provisional ballot

67 envelope shall be in the form required by subsection 4 of this
68 section. All provisional ballots shall be marked with a conspicuous
69 stamp or other distinguishing mark that makes them readily
70 distinguishable from the regular ballots.

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

73 4. The provisional ballot in its envelope shall be deposited in the ballot
74 box. The provisional ballot envelope shall be completed by the voter for use in
75 determining eligibility. The provisional ballot envelope specified in this section
76 shall contain a voter's certificate which shall be in substantially the following
77 form:

78 STATE OF

79 COUNTY OF

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

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

90

91 (Signature of Voter)

92

93 (Current Address)

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

95

96 (Signature of Election Official)

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

100 [4.] 5. (1) Prior to [certification of the election] counting any
101 provisional ballot, the election authority shall determine if the voter is
102 registered and [entitled] eligible to vote and if the vote was properly cast. The

103 eligibility of provisional votes shall be determined according to the
104 requirements for a voter to cast a ballot in the election as set forth in
105 sections 115.133 and 115.135. A provisional voter ballot shall not be
106 eligible to be counted until the election authority has determined that:

107 (a) The voter cast such provisional ballot at a polling place
108 established for the voter or the central polling place established by the
109 election authority under subsection 5 of section 115.115;

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

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

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

117 (2) When the ballot boxes are delivered to the election authority
118 from the polling places, the receiving teams shall separate the
119 provisional ballots from the rest of the ballots and place the sealed
120 provisional ballot envelopes in a separate container. Teams of election
121 authority employees or teams of election judges with each team
122 consisting of one member of each major political party shall photocopy
123 each provisional ballot envelope, such photocopy to be used by the
124 election authority to determine provisional voter eligibility. The sealed
125 provisional ballot envelopes shall be placed by the team in a sealed
126 container and shall remain therein until tabulation.

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

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

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

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

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

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

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

161 (8) If rejected, a photocopy of the envelope shall be made and
162 used by the election authority as a mail-in voter registration. The
163 actual provisional ballot envelope shall be kept as ballot material, and
164 the copy of the envelope shall be used by the election authority for
165 registration record keeping.

166 6. All provisional ballots cast by voters whose eligibility has been
167 verified as provided in this section shall be counted in accordance with
168 the rules governing ballot tabulation. Provisional ballots shall not be
169 counted until all provisional ballots are determined either eligible or
170 ineligible and all provisional ballots must be processed before the
171 election is certified. The provisional ballot shall be counted only if the election
172 authority determines that the voter is registered and [entitled] eligible to
173 vote. Provisional ballots voted in the wrong polling place shall not be counted.
174 If the voter is not registered but is qualified to register for future elections, the
175 affidavit shall be considered a [mail] mail-in application to register to vote
176 pursuant to this chapter.

177 7. (1) After the election authority completes its review of the
178 provisional voter's eligibility under subsection 5 of this section, the
179 election authority shall deliver the provisional ballots and copies of the
180 provisional ballot envelopes that include eligibility information to
181 bipartisan counting teams, which may be the board of verification, for
182 review and tabulation. The election authority shall maintain a record
183 of such delivery. The record shall include the number of ballots
184 delivered to each team and shall include a signed receipt from two
185 judges, one from each major political party. The election authority
186 shall provide each team with a ballot box and material necessary for
187 tabulation.

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

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

200 (4) The votes shall be tallied and the returns made as provided
201 in sections 115.447 to 115.525 for paper ballots. After the vote on all
202 ballots assigned to a team have been counted, the ballots, ballot
203 envelopes, and copies of ballot envelopes with the eligibility
204 information provided by the election authority shall be enclosed in
205 sealed containers marked "Voted provisional ballots and ballot
206 envelopes from the election held, 20...". All rejected provisional
207 ballots, ballot envelopes, and copies of ballot envelopes with the
208 eligibility information provided by the election authority shall be
209 enclosed in sealed containers marked "Rejected provisional ballots and
210 ballot envelopes from the election held, 20...". On the outside of
211 each voted ballot and rejected ballot container, each member of the
212 team shall write their name and all such containers shall be returned
213 to the election authority. Upon receipt of the returns and ballots, the

214 **election authority shall tabulate the provisional votes.**

215 **8. Challengers and watchers, as provided by sections 115.105 and**
216 **115.107, may be present during all times that the bipartisan counting**
217 **teams are reviewing or counting the provisional ballots, the provisional**
218 **ballot envelopes, or copies of the provisional ballot envelopes that**
219 **include eligibility information provided by the election**
220 **authority. Challengers and watchers shall be permitted to observe the**
221 **determination of the eligibility of all provisional ballots. The election**
222 **authority shall notify the county chair of each major political party of**
223 **the time and location when bipartisan counting teams will be reviewing**
224 **or counting the provisional ballots, the provisional ballot envelopes, or**
225 **the copies of the provisional ballot envelopes that include the**
226 **eligibility information provided by the election authority.**

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

228 **(1) Reflect the number of provisional envelopes delivered; and**
229 **(2) Reflect the number of sealed provisional envelopes with voted**
230 **ballots deposited in the ballot box.**

231 **[5.] 10.** In counties where the voting system does not utilize a paper
232 ballot, the election authority shall provide the appropriate provisional ballots to
233 each polling place.

234 **[6.] 11.** The secretary of state may promulgate rules for purposes of
235 ensuring the uniform application of this section. No rule or portion of a rule
236 promulgated pursuant to the authority of this section shall become effective
237 unless it has been promulgated pursuant to chapter 536, RSMo.

238 **[7.] 12.** The secretary of state shall design and provide to the election
239 authorities the envelopes and forms necessary to carry out the provisions of this
240 section.

241 **[8.] 13.** Pursuant to the Help America Vote Act of 2002, the secretary of
242 state shall ensure a free access system is established, such as a toll-free number
243 or an Internet web site, that any individual who casts a provisional ballot may
244 access to discover whether the vote of that individual was counted, and, if the
245 vote was not counted, the reason that the vote was not counted. At the time an
246 individual casts a provisional ballot, the election authority shall give the voter
247 written information that states that any individual who casts a provisional ballot
248 will be able to ascertain under such free access system whether the vote was
249 counted, and if the vote was not counted, the reason that the vote was not

250 counted.

251 [9.] 14. In accordance with the Help America Vote Act of 2002, any
252 individual who votes in an election as a result of a court order or any other order
253 extending the time established for closing the polls in section 115.407 may vote
254 only by using a provisional ballot, and such provisional ballot shall be separated
255 and held apart from other provisional ballots cast by those not affected by the
256 order. Such ballots shall not be counted until such time as the ballots are
257 determined to be valid.

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

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

115.445. 1. Except as provided in subsections 2 and [3] 4 of this section,
2 no one other than the voter shall be permitted in any voting booth or permitted
3 to be in any position where he may see how a voter is voting.

4 2. If any voter, after entering a voting booth, asks for further instructions
5 concerning the manner of voting, two election judges of different political parties
6 shall give such instructions. Such judges shall not enter the voting booth unless
7 it is impossible to give the instructions otherwise. After giving the instructions,
8 the judges shall leave the area and take all necessary measures to insure that the
9 voter casts his vote in secret.

10 3. If any voter declares under oath to the election judges that he cannot
11 read or write, is blind or has any other physical disability and cannot vote his
12 ballot, he may be assisted by the election judges or by any person of his own
13 choice other than a judge. If the voter asks for the assistance of election judges,
14 two judges of different political parties shall go to the voting booth and cast his

15 vote as he directs. If the voter asks for the assistance of someone other than
16 election judges, the assistant shall go to the voting booth with the voter and cast
17 his vote as he directs. No person, other than election judges and members of such
18 voters' immediate families, shall assist more than one voter at one election.

19 **4. Children under the age of eighteen shall be allowed to**
20 **accompany his or her parent, grandparent, or guardian into a voting**
21 **booth.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53 **a. There is a distinguishing mark in the printed oval adjacent to**
54 **the name of the candidate or issue preference;**

55 **b. There is a distinguishing mark adjacent to the name of the**
56 **candidate or issue preference; or**

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

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

60 **(a) A distinguishing mark in the designated location preceding**
61 **the name of the candidate;**

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

67 **(c) The name of the office for which the candidate is to be**

68 elected.

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

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

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

76 (a) There is a distinguishing mark in the square adjacent to the
77 name of the candidate or issue preference;

78 (b) There is a distinguishing mark adjacent to the name of the
79 candidate or issue preference; or

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

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

83 (a) A distinguishing mark in the square immediately preceding
84 the name of the candidate;

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

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

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

95 4. When write-in stickers are used, the sticker shall contain the
96 name of a candidate, the office sought, and a distinguishing mark in the
97 square immediately preceding the name of the candidate and shall be
98 approximately one inch by three inches in size with black print on a
99 white background. The sticker shall be placed by the voter on the
100 write-in line designating the office sought or the sticker shall be placed
101 by the voter on the write-in line on the secrecy envelope.

115.528. The chief judge of each court of appeals shall appoint a
2 three judge panel to hear election complaints and provide petitioners
3 with immediate and equitable relief on the day of the election. A

4 **complaint may be filed with the appellate court in the district in which**
5 **the complaint is alleged and the court shall hear a complaint on the**
6 **day of the election only if the complaint relates to the election on the**
7 **day of the filing of the complaint and assuming that the complainant**
8 **has merit, the court finds that immediate and equitable relief would be**
9 **necessary. All complaints may be filed via facsimile and oral**
10 **arguments may be given by telephone communications.**

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

7 (1) Willfully and falsely making any certificate, affidavit, or statement
8 required to be made pursuant to any provision of sections 115.001 to 115.641 and
9 sections 51.450 and 51.460, RSMo, including but not limited to statements
10 specifically required to be made "under penalty of perjury"; or in any other
11 manner knowingly furnishing false information to an election authority or
12 election official engaged in any lawful duty or action in such a way as to hinder
13 or mislead the authority or official in the performance of official duties. If an
14 individual willfully and falsely makes any certificate, affidavit, or statement
15 required to be made under section 115.155, including but not limited to
16 statements specifically required to be made "under penalty of perjury", such
17 individual shall be guilty of a class C felony;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

63 (16) Willfully tampering with, disarranging, altering the information on,
64 defacing, impairing or destroying any voting machine or marking device after the
65 machine or marking device has been prepared for use at an election and during

66 the time it is required by law to remain locked and sealed with intent to impair
67 the functioning of the machine or marking device at an election, mislead any
68 voter at the election, or to destroy or change the count or record of votes on such
69 machine;

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

73 (18) Procuring any other person to register knowing the person is not
74 legally entitled to register, or aiding, abetting or advising another person to
75 register knowing the person is not legally entitled to register;

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

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

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

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

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

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

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

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

115.637. The following offenses, and any others specifically so described
2 by law, shall be class four election offenses and are deemed misdemeanors not
3 connected with the exercise of the right of suffrage. Conviction for any of these

4 offenses shall be punished by imprisonment of not more than one year or by a fine
5 of not more than two thousand five hundred dollars or by both such imprisonment
6 and fine:

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

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

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

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

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

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

37 (7) On the part of any person authorized or employed to print official
38 ballots, or any person employed in printing ballots, giving, delivering, or
39 knowingly permitting to be taken any ballot to or by any person other than the

40 official under whose direction the ballots are being printed, any ballot in any form
41 other than that prescribed by law, or with unauthorized names, with names
42 misspelled, or with the names of candidates arranged in any way other than that
43 authorized by law;

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

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

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

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

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

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

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

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

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

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

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

84 (19) Stealing or willfully defacing, mutilating, or destroying any campaign
85 yard sign on private property, except that this subdivision shall not be construed
86 to interfere with the right of any private property owner to take any action with
87 regard to campaign yard signs on the owner's property and this subdivision shall
88 not be construed to interfere with the right of any candidate, or the candidate's
89 designee, to remove the candidate's campaign yard sign from the owner's private
90 property after the election day.

**Section 1. 1. There is hereby created the Joint Committee on
2 Voter Protection. The committee shall be comprised of sixteen
3 members as follows:**

4 (1) **Two members of the senate to be appointed by the president
5 pro tem of the senate;**

6 (2) **Two members of the senate to be appointed by the minority
7 leader of the senate;**

8 (3) **Two members of the house of representatives to be appointed
9 by the speaker of the house of representatives;**

10 (4) **Two members of the house of representatives to be appointed
11 by the minority leader of the house of representatives;**

12 (5) **The attorney general, or his or her designee;**

13 (6) **The secretary of state, or his or her designee;**

14 (7) **The director of the department of revenue, or his or her
15 designee;**

16 (8) **One member to be appointed by the county clerks association,
17 or any successor organization;**

18 (9) **One member to be appointed by the american association of
19 retired persons;**

20 (10) **One member appointed by the governor's council on
21 disability; and**

22 **(11) Two members who are representative of racial minority**
23 **communities. One such member shall be jointly appointed by the**
24 **speaker and minority leader of the house of representatives. One such**
25 **member shall be jointly appointed by the president pro tem and**
26 **minority leader of the senate.**

27 **The committee shall be comprised of an equal number of women and**
28 **men to the degree possible.**

29 **2. The committee shall have the following duties:**

30 **(1) Investigate the proprieties and improprieties of Missouri's**
31 **current voter registration procedures;**

32 **(2) Investigate the availability of unimpeded and fair**
33 **participation in the electoral process for all voters; and**

34 **(3) Investigate state compliance with the federal Help America**
35 **Vote Act.**

36 **3. The committee shall meet no less than once in each**
37 **congressional district and shall make recommendations in two reports**
38 **to be presented to the governor and the general assembly no later than**
39 **November 30, 2006 and November 30, 2007.**

40 **4. The provisions of this section shall expire on December 1,**
41 **2007.**

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

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

16 3. Except as provided in this section, advance voting

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

25 4. The plans established pursuant to this section shall also
26 require that before the precinct registers are delivered to the
27 polling places for an election, the election authority shall record in
28 the precinct registers the names of all voters who have submitted
29 an advance voting ballot. The election judge shall not allow any
30 person who has voted an advance voting ballot in the election to
31 vote at the polls on election day. If it is determined that any voter
32 submitted an advance voting ballot and voted at the polls on
33 election day, such person, having voted more than once, is guilty of
34 a class one election offense pursuant to subdivision (2) of section
35 115.631.

36 5. The secretary of state may promulgate rules to effectuate
37 the provisions of this section.

38 6. Any rule or portion of a rule, as that term is defined in
39 section 536.010, RSMo, that is created under the authority
40 delegated in this section shall become effective only if it complies
41 with and is subject to all of the provisions of chapter 536, RSMo,
42 and, if applicable, section 536.028, RSMo. This section and chapter
43 536, RSMo, are nonseverable and if any of the powers vested with
44 the general assembly pursuant to chapter 536, RSMo, to review, to
45 delay the effective date or to disapprove and annul a rule are
46 subsequently held unconstitutional, then the grant of rulemaking
47 authority and any rule proposed or adopted after August 28, 2002,
48 shall be invalid and void.]

Section B. Because of the need to provide the citizens of this state
2 adequate time to transition into the voter identification provisions required by
3 this act, the enactment of section 115.428 of this act is deemed necessary for the
4 immediate preservation of the public health, welfare, peace and safety, and is

5 hereby declared to be an emergency act within the meaning of the constitution,
6 and the enactment of section 115.428 of this act shall be in full force and effect
7 upon its passage and approval.

✓

Unofficial

Bill

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