

SECOND REGULAR SESSION

SENATE BILL NO. 592

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4850S.02I

AN ACT

To repeal sections 115.001, 115.002, 115.003, 115.005, 115.007, 115.009, 115.013, 115.023, 115.049, 115.061, 115.063, 115.065, 115.077, 115.125, 115.127, 115.155, 115.177, 115.225, 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299, 115.329, 115.335, 115.359, 115.361, 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 115.493, 115.507, 115.515, 115.629, 115.631, 115.637, 115.641, and 115.910, RSMo, and to enact in lieu thereof thirty-nine new sections relating to elections, with existing penalty provisions.

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

Section A. Sections 115.001, 115.002, 115.003, 115.005, 115.007, 115.009, 115.013, 115.023, 115.049, 115.061, 115.063, 115.065, 115.077, 115.125, 115.127, 115.155, 115.177, 115.225, 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299, 115.329, 115.335, 115.359, 115.361, 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 115.493, 115.507, 115.515, 115.629, 115.631, 115.637, 115.641, and 115.910, RSMo, are repealed and thirty-nine new sections enacted in lieu thereof, to be known as sections 115.003, 115.005, 115.007, 115.013, 115.023, 115.049, 115.063, 115.065, 115.077, 115.125, 115.127, 115.155, 115.177, 115.225, 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299, 115.329, 115.335, 115.359, 115.361, 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 115.493, 115.507, 115.515, 115.629, 115.631, 115.637, 115.641, and 115.910, to read as follows:

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

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

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

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2 **chapter** shall be construed as impliedly amended or repealed by subsequent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

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

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

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

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

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

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

16 (6) "County", any [one of the several counties of] **county in** this state or
17 [the City of St. Louis] **any city not within a county**;

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

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

25 (9) "Electronic voting machine", any part of an electronic voting system
26 on which a voter is able to cast a ballot under this chapter;

27 (10) "Electronic voting system", a system of casting votes by use of
28 marking devices, and counting votes by use of automatic tabulating or data
29 processing equipment, [and includes] **including** computerized voting systems;

30 (11) "Established political party" for the state, a political party which, at
31 either of the last two general elections, polled for its candidate for any statewide
32 office more than two percent of the entire vote cast for the office. "Established
33 political party" for any district or political subdivision shall mean a political party
34 which polled more than two percent of the entire vote cast at either of the last
35 two elections in which the district or political subdivision voted as a unit for the
36 election of officers or representatives to serve its area;

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

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

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

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

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

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

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

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

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

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

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

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

66 classification;

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

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

71 (26)] "Relative within the second degree by consanguinity or affinity", a
72 spouse, parent, child, grandparent, brother, sister, grandchild, mother-in-law,
73 father-in-law, daughter-in-law, or son-in-law;

74 [(27)] **(26)** "Special district", any school district, water district, fire
75 protection district, hospital district, health center, nursing district, or other
76 districts with taxing authority, or other district formed pursuant to the laws of
77 Missouri to provide limited, specific services;

78 [(28)] **(27)** "Special election", elections called by any school district, water
79 district, fire protection district, or other district formed pursuant to the laws of
80 Missouri to provide limited, specific services; and

81 [(29)] **(28)** "Voting district", the one or more precincts within which all
82 voters vote at a single polling place for any election.

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

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

9 3. When an election is to be conducted for a political subdivision or special
10 district, and the political subdivision or special district is located within the
11 jurisdiction of more than one election authority, the affected election authorities
12 may, by contract, authorize one of their number to conduct the election for all or
13 any part of the political subdivision or special district. In any election conducted
14 pursuant to this subsection, the election authority conducting part of an election
15 in an area outside its jurisdiction may consolidate precincts across jurisdiction
16 lines and shall have all powers and duties granted pursuant to this chapter,
17 except the provisions of sections 115.133 to [115.223] **115.221** and sections
18 115.279 and 115.297, in the area outside its jurisdiction.

19 4. Notwithstanding [the provision of section 493.030] **the provisions of**

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

115.049. 1. Each board of election commissioners in existence on January
2 1, 1978, shall set the salaries of its employees. Except as provided in subsection
3 3 of this section, the number of employees of each board and the total yearly
4 amount of all salaries paid to the board's employees shall not exceed the number
5 of employees and the total yearly amount of all salaries authorized on January
6 1, 1982; except that, in any city which has over three hundred thousand
7 inhabitants and is located in more than one county, the board of election
8 commissioners having jurisdiction in the part of the city situated in the county
9 containing the major portion of the city may set the number of its employees and
10 the total yearly amount of all salaries authorized by [statute on January 1, 1982]
11 **ordinance.**

12 2. Each board of election commissioners established after January 1, 1978,
13 shall set the salaries of its employees. Except as provided in subsection 3 of this
14 section, the number of employees of each board and the total yearly amount of all
15 salaries paid to the board's employees shall not exceed the number of employees
16 and the total yearly amount of all salaries authorized on December 31, 1977, for
17 counties of the first class not having a charter form of government [by sections
18 119.090 and 119.100].

19 3. If any board of election commissioners wishes to increase the number
20 of its employees or the total yearly amount of all salaries paid to its employees,
21 the board shall deliver a notice of the fact to the presiding officer of the local
22 legislative body or bodies responsible for providing payment of the election
23 commissioners' salaries. The notice shall specify the number of additional
24 employees requested and the additional yearly amount requested by the board
25 and shall include a justification of the increase and a day, not less than ninety
26 days after the notice is delivered, on which the increase is to take effect. Unless
27 any legislative body responsible for approving payment of the election
28 commissioners' salaries adopts a resolution disapproving the increase, the

29 increase shall take effect on the day specified. Any board of election
30 commissioners may implement salary adjustments, after notice to the presiding
31 officer of the local legislative body or bodies responsible for providing payment of
32 the election commissioners' salaries, equal to, but not more than, those
33 adjustments granted to the employees of the local legislative body or bodies
34 without prior legislative approval.

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

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

12 3. [The state shall not be liable for any costs of a general election or
13 primary election held in even-numbered years as designated in subsections 1 and
14 2 of section 115.121.

15 4.] When a proposed political subdivision submits a petition requesting an
16 election as part of the formation thereof, the petitioners shall submit together
17 with the petition sufficient security to pay all costs of the election. If such
18 proposition is successful, the political subdivision thereby created shall reimburse
19 those persons advancing funds to pay the costs of the election.

115.065. 1. Except as provided in sections 115.069, 115.071, 115.073 and
2 115.077, when any question or candidate is submitted to a vote by two or more
3 political subdivisions or special districts, or [except in primary and general
4 elections] by the state and one or more political subdivisions or special districts
5 at the same election, all costs of the election shall be paid proportionally from the
6 general revenues of the state and all political subdivisions and special districts
7 submitting a question or candidate at the election, except that costs of
8 publications of legal notice of elections shall not be paid proportionally. The state
9 and each political subdivision and each special district shall pay for publication
10 of its legal notice of election. At the discretion of the election authority, ballot
11 printing costs, if any, may be paid proportionally or the state and each political

12 subdivision and each special district may pay for such ballot printing costs, if
13 any.

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

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

26 4. "Proportional costs" and "election costs", as used in this chapter, are
27 defined as those costs that require additional out-of-pocket expense by the
28 election authority in conducting an election. It may include reimbursement to
29 county general revenue for the salaries of employees of the election authority for
30 the hours worked to conduct an election, any indirect expenses identified under
31 an independent cost allocation study and an amount not to exceed five percent of
32 the total cost of election to be credited to the election services fund of the
33 county. The election services fund shall be budgeted and expended at the
34 direction of the election authority and shall not be used to substitute for or
35 subsidize any allocation of general revenue for the operation of the election
36 authority's office without the express consent of the election authority. The
37 election services fund may be audited by the appropriate auditing agency, and
38 any unexpended balance shall be left in the fund to accumulate from year to year
39 with interest. The election services fund shall be used by the election authority
40 for training programs and purchase of additional supplies or equipment to
41 improve the conduct of elections, including anything necessarily pertaining
42 thereto. In addition to these costs, the state shall, subject to appropriation,
43 compensate the election services fund for transactions submitted pursuant to the
44 provisions of section 115.157.

115.077. 1. Special districts, cities, townships in township organization
2 counties, villages and the state shall pay the election costs required by [this
3 subchapter] **sections 115.063 to 115.077** to each election authority conducting

4 its elections.

5 2. If the state is required to pay election costs pursuant to
6 sections 115.063 to 115.065, the state shall, not later than the seventh
7 Tuesday prior to any such election, pay each election authority
8 conducting its elections an amount determined by the office of the
9 secretary of state to be a reasonable estimate of the cost of conducting
10 such election.

11 3. Not later than the fifth Tuesday prior to any election to be conducted
12 for [the state,] a special district or political subdivision, the election authority
13 shall [estimate] **submit** the **estimated** cost of conducting the election for [the
14 state and] each political subdivision and special district submitting a candidate
15 or question at the election. [Not later than the third Tuesday prior to the
16 election, the state,] **Within two weeks of receipt of the estimated cost**, each
17 special district and political subdivision submitting a candidate or question at the
18 election, except the county, shall [deposit with] **approve payment to** the
19 election authority an amount equal to the estimated cost of conducting the
20 election for [the state,] the political subdivision or special district.

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

38 [3.] 5. **Within two weeks of receipt of actual cost and required**
39 **documentation of actual expenses from the local election authority, the**

40 state, political subdivision, or special district shall approve for
41 payment the difference between the amount deposited and the cost of
42 conducting the election. The state shall not be liable for payment if
43 there is not sufficient cash or appropriation authority to make payment
44 or if proper documentation as required by the state has not been
45 received.

46 6. Except as provided in [section 115.061] sections 115.063 to 115.072,
47 all payments of election costs received by an election authority under the
48 provisions of this section shall be placed by the election authority in a special
49 account and used by the election authority only to pay the costs incurred in
50 conducting elections.

51 [4. When the state or any political subdivision or special district willfully
52 fails to make payment of an election cost required by this subchapter by the time
53 provided in this subchapter, it shall pay a penalty of fifty dollars for each day
54 after the time provided in this subchapter proper payment is not made. Any such
55 penalty shall be payable to the election authority authorized to receive payment
56 of the election cost and shall be deposited in the general revenue fund of such
57 election authority's city or county.

58 5.] 7. There is hereby created the "State Election Subsidy Fund" in the
59 state treasury which shall be funded by appropriations from the general assembly
60 for the purpose of the state making advance payments of election costs as
61 required by this section. To meet the state's funding obligation to maintain
62 expenditures pursuant to Section 254(a)(7) of the Help America Vote Act of 2002,
63 the commissioner of the office of administration shall annually transfer from
64 general revenue to the state election subsidy fund an amount not less than the
65 amount expended in the fiscal year that ended June 30, 2000. At the end of each
66 fiscal year, any amounts in the state election subsidy fund not expended or
67 obligated to meet the state's obligations pursuant to section 115.065 and this
68 section shall be transferred to the election administration improvements fund
69 authorized pursuant to section 115.078 and used to meet the maintenance of
70 effort funding requirements of Section 254(a)(7) of the Help America Vote Act of
71 2002. Any other law to the contrary notwithstanding, the funds received
72 pursuant to Sections 251 and 252 of the Help America Vote Act of 2002 shall be
73 expended according to the state plan developed pursuant to the provisions of
74 Section 254 of said act. The secretary of state shall develop the state plan
75 through the committee appointed by the secretary of state under the provisions

76 of Section 255 of the Help America Vote Act of 2002.

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

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

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

36 except as provided in sections 115.361 and 115.379].

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

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

34 3. The election authority shall print the official ballot as the same appears
35 on the sample ballot, and no candidate's name or ballot issue which appears on

36 the sample ballot or official printed ballot shall be stricken or removed from the
37 ballot except on death of a candidate or by court order, **but in no event shall**
38 **a candidate or issue be stricken or removed from the ballot less than**
39 **eight weeks before the date of the election.**

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

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

66 6. Except as provided for in sections 115.247 and 115.359, if there is no
67 additional cost for the printing or reprinting of ballots or if the candidate agrees
68 to pay any printing or reprinting costs, a candidate who has filed for an office or
69 who has been duly nominated for an office may, at any time after the certification
70 **of the notice of election** required in **subsection 1 of** section 115.125 but no
71 later than 5:00 p.m. on the [sixth] **eighth** Tuesday before the election, withdraw

72 as a candidate pursuant to a court order, which, except for good cause shown by
 73 the election authority in opposition thereto, shall be freely given upon application
 74 by the candidate to the circuit court of the area of such candidate's residence.

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

3 APPLICATION FOR REGISTRATION

4 Are you a citizen of the United States?

5 ☐ YES ☐ NO

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

7 ☐ YES ☐ NO

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

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

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

34	Occupation (Optional)	Last Place Previously
35		Registered
36	_____	_____
37	Last four digits of	Under What Name
38	Social Security Number	
39	(Required for registration	
40	unless no Social Security number	
41	exists for Applicant)	
42	Remarks:	_____
43		When
44	I am a citizen of the United States and a resident of the state of	
45	Missouri. I have not been adjudged incapacitated by any court of	
46	law. If I have been convicted of a felony or of a misdemeanor	
47	connected with the right of suffrage, I have had the voting	
48	disabilities resulting from such conviction removed pursuant to law.	
49	I do solemnly swear that all statements made on this card are true	
50	to the best of my knowledge and belief.	
51	I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING	
52	THAT I AM NOT LEGALLY ENTITLED TO REGISTER, I AM	
53	COMMITTING A CLASS ONE ELECTION OFFENSE AND MAY	
54	BE PUNISHED BY IMPRISONMENT OF NOT MORE THAN	
55	FIVE YEARS OR BY A FINE OF BETWEEN TWO THOUSAND	
56	FIVE HUNDRED DOLLARS AND TEN THOUSAND DOLLARS	
57	OR BY BOTH SUCH IMPRISONMENT AND FINE.	
58	_____	_____
59	Signature of Voter	Date
60	_____	
61	Signature of Election Official	

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

69 3. Upon receipt by mail of a completed and signed voter registration

70 application, a voter registration application forwarded by the division of motor
71 vehicle and drivers licensing of the department of revenue pursuant to section
72 115.160, or a voter registration agency pursuant to section 115.162, the election
73 authority shall, if satisfied that the applicant is entitled to register, transfer all
74 data necessary for the registration records from the application to its registration
75 system. Within seven business days after receiving the application, the election
76 authority shall send the applicant a verification notice. If such notice is returned
77 as undeliverable by the postal service within the time established by the election
78 authority, the election authority shall not place the applicant's name on the voter
79 registration file.

80 4. If, upon receipt by mail of a voter registration application or a voter
81 registration application forwarded pursuant to section 115.160 or 115.162, the
82 election authority determines that the applicant is not entitled to register, such
83 authority shall, within seven business days after receiving the application, so
84 notify the applicant by mail and state the reason such authority has determined
85 the applicant is not qualified. The applicant may [have such determination
86 reviewed pursuant to the provisions of section 115.223] **file a complaint with**
87 **the elections division of the secretary of state's office pursuant to**
88 **section 115.219.** If an applicant for voter registration fails to answer the
89 question on the application concerning United States citizenship, the election
90 authority shall notify the applicant of the failure and provide the applicant with
91 an opportunity to complete the form in a timely manner to allow for the
92 completion of the registration form before the next election.

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

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

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

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

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

6 (1) Permits voting in absolute secrecy;

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

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

11 (4) Provides facilities for each voter to cast as many write-in votes for
12 each office as a voter is lawfully entitled to cast;

13 (5) Permits each voter in a primary election to vote for the candidates of
14 only one party announced by the voter in advance;

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

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

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

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

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

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

34 4. Any rule or portion of a rule, as that term is defined in section 536.010,
35 that is created under the authority delegated in this section shall become effective
36 only if it complies with and is subject to all of the provisions of chapter 536 and,

37 if applicable, section 536.028. This section and chapter 536 are nonseverable and
38 if any of the powers vested with the general assembly pursuant to chapter 536 to
39 review, to delay the effective date or to disapprove and annul a rule are
40 subsequently held unconstitutional, then the grant of rulemaking authority and
41 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

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

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

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

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

115.247. 1. Each election authority shall provide all ballots for every
2 election within its jurisdiction. Ballots other than those printed by the election
3 authority in accordance with [sections 115.001 to 115.641 and section 51.460] **the**
4 **provisions of this chapter** shall not be cast or counted at any election.

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

10 3. For each election held in a county with a charter form of government
11 and with more than two hundred fifty thousand but fewer than three hundred
12 fifty thousand inhabitants, the election authority may provide for each polling
13 place in its jurisdiction fifty-five ballots for each fifty and fraction of fifty voters

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

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

37 5. All ballots cast in public elections shall be printed and distributed at
38 public expense, payable as provided in sections [115.061] **115.063** to 115.077.

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

6 2. Each application shall be made to the election authority of the
7 jurisdiction in which the person is or would be registered. Each application shall
8 be in writing and shall state the applicant's name, address at which he or she is
9 or would be registered, his or her reason for voting an absentee ballot, the
10 address to which the ballot is to be mailed, if mailing is requested, and for absent
11 uniformed services and overseas applicants, the applicant's email address if

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

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

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

46 5. (1) Notwithstanding any law to the contrary, any resident of the state
47 of Missouri who resides outside the boundaries of the United States or who is on

48 active duty with the Armed Forces of the United States or members of their
49 immediate family living with them may request an absentee ballot for both the
50 primary and subsequent general election with one application.

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

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

60 (4) Not later than sixty days after the date of each regularly scheduled
61 general election for federal office, each election authority which administered the
62 election shall submit to the secretary of state in a format prescribed by the
63 secretary a report on the combined number of absentee ballots transmitted to,
64 and returned by, absent uniformed services voters and overseas voters for the
65 election. The secretary shall submit to the Election Assistance Commission a
66 combined report of such information not later than ninety days after the date of
67 each regularly scheduled general election for federal office and in a standardized
68 format developed by the commission pursuant to the Help America Vote Act of
69 2002. The secretary shall make the report available to the general public.

70 (5) As used in this section, the terms "absent uniformed services voter"
71 and "overseas voter" shall have the meaning prescribed in [42] 52 U.S.C. [Section
72 1973ff-6] **20310**.

73 6. An application for an absentee ballot by a new resident[, as defined in
74 section 115.275,] shall be submitted in person by the applicant in the office of the
75 election authority in the election jurisdiction in which such applicant
76 resides. The application shall be received by the election authority no later than
77 7:00 p.m. on the day of the election. Such application shall be in the form of an
78 affidavit, executed in duplicate in the presence of the election authority or any
79 authorized officer of the election authority, and in substantially the following
80 form:

81 "STATE OF _____

82 COUNTY OF _____, ss.

83 I, _____, do solemnly swear that:

84 (1) Before becoming a resident of this state, I resided at _____
85 (residence address) in _____ (town, township, village or city)
86 of _____ County in the state of _____;
87 (2) I moved to this state after the last day to register to vote in
88 such general presidential election and I am now residing in the
89 county of _____, state of Missouri;
90 (3) I believe I am entitled pursuant to the laws of this state to
91 vote in the presidential election to be held November _____,
92 _____ (year);
93 (4) I hereby make application for a presidential and vice
94 presidential ballot. I have not voted and shall not vote other
95 than by this ballot at such election.
96 Signed _____
97 (Applicant)
98 _____
99 (Residence Address)
100 Subscribed and sworn to before me this _____ day of _____, _____
101 Signed _____
102 (Title and name of officer authorized to administer oaths)"
103 7. The election authority in whose office an application is filed pursuant
104 to subsection 6 of this section shall immediately send a duplicate of such
105 application to the appropriate official of the state in which the new resident
106 applicant last resided and shall file the original of such application in its office.
107 8. An application for an absentee ballot by an intrastate new resident[,
108 as defined in section 115.275,] shall be made in person by the applicant in the
109 office of the election authority in the election jurisdiction in which such applicant
110 resides. The application shall be received by the election authority no later than
111 7:00 p.m. on the day of the election. Such application shall be in the form of an
112 affidavit, executed in duplicate in the presence of the election authority or an
113 authorized officer of the election authority, and in substantially the following
114 form:
115 "STATE OF _____
116 COUNTY OF _____, ss.
117 I, _____, do solemnly swear that:
118 (1) Before becoming a resident of this election jurisdiction, I
119 resided at _____ (residence address) in _____ (town,

120 township, village or city) of _____ county in the state
 121 of _____;
 122 (2) I moved to this election jurisdiction after the last day to
 123 register to vote in such election;
 124 (3) I believe I am entitled pursuant to the laws of this state to
 125 vote in the election to be held _____ (date);
 126 (4) I hereby make application for an absentee ballot for candidates
 127 and issues on which I am entitled to vote pursuant to the laws
 128 of this state. I have not voted and shall not vote other than by
 129 this ballot at such election.

130 Signed _____

131 (Applicant)

132 _____

133 (Residence Address)

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

135 Signed _____

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

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

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

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

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

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

11 State of _____

12 County (City) of _____

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

19 _____
 20 Signature of Voter

21 _____
 22 _____

23 Voter's Address

24 5. Not earlier than ten weeks before an election but prior to the fourth
 25 Tuesday prior to an election, the election authority shall deliver to each voter
 26 qualified to participate as absentee voters pursuant to this section an absentee
 27 ballot application if the voter is eligible to vote in that election. If the voter
 28 returns the absentee request application to the election authority not later than
 29 5:00 p.m. on the **second** Wednesday before an election and has retained the
 30 necessary qualifications to vote, the election authority shall provide the voter
 31 with an absentee ballot pursuant to this chapter.

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

- 34 (1) Asks to be removed from the list;
- 35 (2) Dies;
- 36 (3) Becomes disqualified from voting pursuant to this chapter; or
- 37 (4) No longer resides at the address of his or her voter registration.

115.287. 1. Upon receipt of a signed application for an absentee ballot
 2 and if satisfied the applicant is entitled to vote by absentee ballot, the election
 3 authority shall, within three working days after receiving the application, or if
 4 absentee ballots are not available at the time the application is received, within
 5 five working days after they become available, deliver to the voter an absentee
 6 ballot, ballot envelope and such instructions as are necessary for the applicant
 7 to vote. Delivery shall be made to the voter personally in the office of the election
 8 authority or by bipartisan teams appointed by the election authority, or by first
 9 class, registered, or certified mail at the discretion of the election authority, or in
 10 the case of a covered voter as defined in section 115.902, the method of
 11 transmission prescribed in section 115.914. Where the election authority is a

12 county clerk, the members of bipartisan teams representing the political party
13 other than that of county clerk shall be selected from a list of persons submitted
14 to the county clerk by the county chairman of that party. If no list is provided by
15 the time that absentee ballots are to be made available, the county clerk may
16 select a person or persons from lists provided in accordance with section 115.087.
17 If the election authority is not satisfied that any applicant is entitled to vote by
18 absentee ballot, it shall not deliver an absentee ballot to the applicant. Within
19 three working days of receiving such an application, the election authority shall
20 notify the applicant and state the reason he or she is not entitled to vote by
21 absentee ballot. The applicant may [appeal the decision of the election authority
22 to the circuit court in the manner provided in section 115.223] **file a complaint**
23 **with the elections division of the secretary of state's office pursuant to**
24 **section 115.219.**

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

46 3. On the mailing and ballot envelopes for each covered voter, the election
47 authority shall stamp prominently in black the words "FEDERAL BALLOT,

48 STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".

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

 115.299. 1. To count absentee votes on election day, the election authority
2 shall appoint a sufficient number of teams of election judges comprised of an
3 equal number of judges from each major political party.

4 2. The teams so appointed shall meet on election day after the time fixed
5 by law for the opening of the polls at a central location designated by the election
6 authority. The election authority shall deliver the absentee ballots to the teams,
7 and shall maintain a record of the delivery. The record shall include the number
8 of ballots delivered to each team and shall include a signed receipt from two
9 judges, one from each major political party. The election authority shall provide
10 each team with a ballot box, tally sheets and statements of returns as are
11 provided to a polling place.

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

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

 115.329. 1. The secretary of state or any election authority shall not
2 accept for filing any petition for the formation of a new party or for the

3 nomination of an independent candidate which is submitted prior to 8:00 a.m. on
4 the day immediately following the general election next preceding the general
5 election for which the petition is submitted or which is submitted after 5:00 p.m.
6 on the fifteenth Monday immediately preceding the general election for which the
7 petition is submitted.

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

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

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

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

19 correct the congressional district number on the petition page. Failure of a voter
20 to give his **or her** correct congressional district number shall not alone be
21 sufficient reason to disqualify his **or her** signature. Only valid signatures from
22 the county named in the circulator's affidavit shall be counted on any petition
23 page.

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

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

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

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

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

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

115.359. 1. Any person who has filed a declaration of candidacy for
2 nomination and who wishes to withdraw as a candidate shall, not later than the

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

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

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

115.361. 1. Except as provided in subsections 2 and 3 of this section, if
2 a candidate for nomination to an office in which the candidate is the incumbent
3 or the only candidate dies, withdraws as provided in subsection 1 or 2 of section
4 115.359, or is disqualified after 5:00 p.m. on the last day in which a person may
5 file as a candidate for nomination, and at or before 5:00 p.m. on the ~~[eighth]~~
6 **tenth** Tuesday prior to any primary election, or if any candidate for the position
7 of political party committeeman or committeewoman dies or withdraws as
8 provided in subsection 1 or 2 of section 115.359, or is disqualified after 5:00 p.m.

9 on the last day in which a person may file as a candidate for nomination, and at
10 or before 5:00 p.m. on the **[eighth] tenth** Tuesday prior to any primary election,
11 leaving less candidates for the available committee positions than the number of
12 available committee positions, filing for the office or position shall be reopened
13 for a period of five working days, excluding holidays and weekends, following the
14 death, withdrawal or disqualification during which period new candidates may
15 file declarations of candidacy.

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

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

27 4. If after filing a declaration of candidacy, a candidate files a statement
28 of withdrawal within two working days prior to the deadline for the close of filing
29 set forth in section 115.349, the time of filing for that office shall cease at said
30 deadline. There shall be a reopening of filing on the first Tuesday after the
31 deadline for the close of filing set forth in section 115.349 which shall last until
32 5:00 p.m. on the Friday immediately following the first Tuesday after said
33 deadline.

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

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

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

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

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

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

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

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

31 (1) If the person nominated as the party candidate shall die at or before
32 5:00 p.m. on the **[fourth] tenth** Tuesday prior to the general election;

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

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

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

44 4. If a person nominated as a party's candidate who is unopposed shall die
45 at or before 5:00 p.m. on the **[fourth] tenth** Tuesday prior to the general election,
46 is disqualified at or before 5:00 p.m. on the **[sixth] tenth** Tuesday prior to the
47 general election, or shall withdraw at or before 5:00 p.m. on whatever day may

48 be fixed by law as the final date for withdrawing as a candidate for the office, the
49 party nominating committee for any established political party may select a party
50 candidate.

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

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

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

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

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

11 **[2.] 3. The name of a person selected by a party nominating**
12 **committee as a candidate to fill an unexpired term for state**
13 **representative or state senator in a special election shall be filed with**
14 **the secretary of state no later than 5:00 p.m. on the twenty-first day**
15 **after the writ of election is issued by the governor pursuant to article**
16 **III, section 14 of the Missouri Constitution, calculated by excluding the**
17 **day the writ is issued.**

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

115.379. 1. Whenever the only candidate of a party for nomination or
2 election to an office at a primary election, general election or special election to
3 fill a vacancy dies after the filing deadline and before the election, his **or her**

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

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

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

115.421. Before the time fixed by law for the opening of the polls, the
2 election judges shall:

3 (1) Set up the voting equipment, arrange the furniture, supplies and
4 records and make all other arrangements necessary to open the polls at the time
5 fixed by law;

6 (2) Post a voter instruction card in each voting booth or machine and in
7 at least one other conspicuous place within the polling place and post a sample
8 ballot in a conspicuous place near the voting booths;

9 (3) Certify the number of ballots received at each polling place. In each
10 polling place using voting machines, the election judges shall, in lieu of certifying

11 the number of ballots received, certify the number on each voting machine
12 received at the polling place, the number on the seal of each voting machine, the
13 number on the protective counter of each voting machine and that all recording
14 counters on all voting machines at the polling place are set at zero. If a recording
15 counter on any voting machine is not set at zero, the election judges shall
16 immediately notify the election authority and proceed as it directs;

17 (4) Compare the ballot, ballot label or ballot card and ballot label with the
18 sample ballots, see that the names, numbers and letters agree and certify thereto
19 in the tally book. If the names, numbers or letters do not agree, the election
20 judges shall immediately notify the election authority and proceed as it directs;
21 **and**

22 (5) Sign the tally book in the manner provided in the form for tally books
23 in section 115.461[,] **or** 115.473 [or 115.487]. If any election judge, challenger
24 or watcher has not been previously sworn as the law directs, he **or she** shall take
25 and subscribe the oath of his **or her** office as provided in section 115.091 or
26 115.109, and the oath shall be returned to the election authority with the tally
27 book.

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

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

9 3. Any question of doubt concerning the identity or qualifications of a
10 voter shall be decided by a majority of the judges from the major political parties.
11 If such election judges decide not to permit a person to vote because of doubt as
12 to his **or her** identity or qualifications, the person may apply to the election
13 authority [or to the circuit court] as provided in [sections] **section** 115.193 [and
14 115.223] **or file a complaint with the elections division of the secretary**
15 **of state's office pursuant to section 115.219.**

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

19 5. The election judges or the election authority may require any person

20 whose right to vote is challenged to execute an affidavit affirming his **or her**
21 qualifications. The election authority shall furnish to the election judges a
22 sufficient number of blank affidavits of qualification, and the election judges shall
23 enter any appropriate information or comments under the title "Remarks" which
24 shall appear at the bottom of the affidavit. All executed affidavits of qualification
25 shall be returned to the election authority with the other election supplies. Any
26 person who makes a false affidavit of qualification shall be guilty of a class one
27 election offense.

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

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

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

15 (3) No vote shall be counted for any candidate that is not marked
16 substantially in accordance with the provisions of this section. The judges shall
17 count votes marked substantially in accordance with this section and section
18 115.456 when the intent of the voter seems clear. Regulations promulgated by
19 the secretary of state shall be used by the judges to determine voter intent. No
20 ballot containing any proper votes shall be rejected for containing fewer marks
21 than are authorized by law;

22 (4) Write-in votes shall be counted only for candidates for election to office
23 who have filed a declaration of intent to be a write-in candidate for election to
24 office with the proper election authority, who shall then notify the proper filing
25 officer of the write-in candidate prior to 5:00 p.m. on the second Friday
26 immediately preceding the election day; except that, write-in votes shall be
27 counted only for candidates for election to state or federal office who have filed
28 a declaration of intent to be a write-in candidate for election to state or federal

29 office with the secretary of state pursuant to section 115.353 prior to 5:00 p.m. on
30 the second Friday immediately preceding the election day. No person who filed
31 as a party or independent candidate for nomination or election to an office may,
32 without withdrawing as provided by law, file as a write-in candidate for election
33 to the same office for the same term. No candidate who files for nomination to
34 an office and is not nominated at a primary election may file a declaration of
35 intent to be a write-in candidate for the same office at the general election. When
36 declarations are properly filed with the secretary of state, the secretary of state
37 shall promptly transmit copies of all such declarations to the proper election
38 authorities for further action pursuant to this section. The election authority
39 shall furnish a list to the election judges and counting teams prior to election day
40 of all write-in candidates who have filed such declaration. This subdivision shall
41 not apply to elections wherein candidates are being elected to an office for which
42 no candidate has filed. No person shall file a declaration of intent to be a
43 write-in candidate for election to any municipal office unless such person is
44 qualified to be certified as a candidate under section [115.346] **115.306**;

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

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

115.493. The election authority shall keep all voted ballots, ballot cards,

2 **ballot envelopes**, processed ballot materials in electronic form and write-in
3 forms, and all applications, statements, certificates, affidavits and computer
4 programs relating to each election for twenty-two months after the date of the
5 election. During the time that voted ballots, ballot cards, **ballot envelopes**,
6 **absentee ballot applications**, processed ballot materials in electronic form and
7 write-in forms are kept by the election authority, it shall not open or inspect them
8 or allow anyone else to do so, except upon order of a legislative body trying an
9 election contest, **the secretary of state, if conducting an investigation**
10 **pursuant to section 115.642**, a court or a grand jury. **Lists of applicants for**
11 **absentee ballots shall be available pursuant to section 115.289.** After
12 twenty-two months, the ballots, ballot cards, **ballot envelopes**, processed ballot
13 materials in electronic form, write-in forms, applications, statements, certificates,
14 affidavits and computer programs relating to each election may be destroyed. If
15 an election contest, grand jury investigation or civil or criminal case relating to
16 the election is pending at the time, however, the materials shall not be destroyed
17 until the contest, investigation or case is finally determined.

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

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

18 3. Any home rule city with more than four hundred thousand inhabitants
19 and located in more than one county may by ordinance designate one of the
20 election authorities situated partially or wholly within that home rule city to be

21 the verification board that shall certify the returns of such city submitting a
22 candidate or question at any election and shall notify each verification board
23 within the city of that designation by providing each with a copy of such duly
24 adopted ordinance. Not later than the second Tuesday after any election in any
25 city making such a designation, each verification board within the city shall
26 certify the returns of such city submitting a candidate or question at the election
27 to the election authority so designated by the city to be its verification board, and
28 such election authority shall announce the results of the election and certify the
29 cumulative returns to the city in conformance with subsections 1 and 2 of this
30 section not later than ten days thereafter.

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

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

13 In [his] **the** proclamation, the governor shall specify the name of each candidate
14 for the office to be voted on at the election, and the special primary election shall
15 be conducted and the votes counted as in other primary elections.

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

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

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

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]

9 **this chapter**, including but not limited to statements specifically required to be
10 made "under penalty of perjury"; or in any other manner knowingly furnishing
11 false information to an election authority or election official engaged in any lawful
12 duty or action in such a way as to hinder or mislead the authority or official in
13 the performance of official duties. If an individual willfully and falsely makes
14 any certificate, affidavit, or statement required to be made under section 115.155,
15 including but not limited to statements specifically required to be made "under
16 penalty of perjury", such individual shall be guilty of a class D felony;

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

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

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

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

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

31 (7) Knowingly furnishing any voter with a false or fraudulent or bogus
32 ballot, or knowingly practicing any fraud upon a voter to induce him **or her** to
33 cast a vote which will be rejected, or otherwise defrauding him **or her** of his **or**
34 **her** 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 **or her** official capacity,
84 knowingly violating any of the provisions of [sections 115.001 to 115.627] **this**
85 **chapter** or any 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 having a
93 value of five hundred dollars or more, or threatening an act of violence with the
94 intent of denying a person's lawful right to vote or to participate in the election
95 process; and

96 (26) Knowingly providing false information about election procedures for
97 the purpose of preventing any person from going to the 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 **or she** intends to vote; or to dispose of the
13 received 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 **or her**;

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 **or her** name
35 to any initiative, referendum, or recall petition, or any other petition circulated
36 pursuant 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 **or her**
46 behalf, knowingly distributing or causing to be distributed any ballot in any
47 manner other than that prescribed by law;

48 (9) Any person having in his **or her** possession any official ballot, except
49 in the performance of his **or her** duty as an election authority or official, or in
50 the act of exercising his **or her** 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, **being** willfully [absenting himself]
54 **absent** from the polls on election day without good cause or willfully detaining
55 any election material or equipment and not causing it to be produced at the

56 voting place at the 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 **or her** by law with
59 respect to holding and conducting an election, receiving and counting out the
60 ballots, or 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 **or her** ballot to be seen by any person with the intent of letting it
66 be known how he **or she** is about to vote or has voted, or knowingly making a
67 false statement as to his **or her** inability to mark **[his] a** 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] one hundred**
80 feet of the building's outer door closest to the polling place, or, on the part of any
81 person, refusing to remove or permit removal from property owned or controlled
82 by **[him] such person**, any such election sign or literature located within such
83 distance on such day after 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.

115.641. Any duty or requirement imposed by [sections 115.001 to 115.641

2 and sections 51.450 and 51.460] **the provisions of this chapter** which is not
3 fulfilled and for which no other or different punishment is prescribed shall
4 constitute a class four election offense.

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

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

9 3. The secretary of state shall ensure that the electronic transmission
10 system described in section 115.906 is capable of accepting the submission of both
11 a federal postcard application and any other approved electronic military-overseas
12 ballot application sent to the appropriate election official. The voter may use the
13 electronic transmission system or any other approved method to apply for a
14 military-overseas ballot.

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

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

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

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

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

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

[115.002. Sections 115.002, 115.024, 115.105, 115.124,
2 115.159, 115.163, 115.203, 115.205, 115.219, 115.225, 115.237,

3 115.247, 115.249, 115.427, 115.430, 115.431, 115.439, 115.445,
4 115.449, 115.453, 115.456, and 115.631, may be cited as the
5 "Missouri Voter Protection Act".]

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

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

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

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