

SECOND REGULAR SESSION
[CORRECTED]
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 592
99TH GENERAL ASSEMBLY
2018

4850S.08T

AN ACT

To repeal sections 65.610, 65.620, 88.770, 94.900, 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, 115.078, 115.124, 115.125, 115.127, 115.155, 115.157, 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, 115.507, 115.515, 115.629, 115.631, 115.637, 115.641, 115.642, 115.910, and 162.441, RSMo, and to enact in lieu thereof forty-seven new sections relating to elections, with existing penalty provisions and effective dates for certain sections.

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

Section A. Sections 65.610, 65.620, 88.770, 94.900, 115.001, 115.002, 2 115.003, 115.005, 115.007, 115.009, 115.013, 115.023, 115.049, 115.061, 115.063, 3 115.065, 115.077, 115.078, 115.124, 115.125, 115.127, 115.155, 115.157, 115.177, 4 115.225, 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299, 115.329, 5 115.335, 115.359, 115.361, 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 6 115.507, 115.515, 115.629, 115.631, 115.637, 115.641, 115.642, 115.910, and 7 162.441, RSMo, are repealed and forty-seven new sections enacted in lieu thereof, 8 to be known as sections 65.610, 65.620, 88.770, 94.900, 115.003, 115.005, 115.007, 9 115.013, 115.023, 115.049, 115.063, 115.065, 115.077, 115.078, 115.124, 115.125, 10 115.127, 115.155, 115.157, 115.177, 115.225, 115.227, 115.243, 115.247, 115.279, 11 115.284, 115.287, 115.299, 115.329, 115.335, 115.359, 115.361, 115.363, 115.373, 12 115.379, 115.421, 115.429, 115.453, 115.507, 115.515, 115.629, 115.631, 115.637,

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

13 115.641, 115.642, 115.910, and 162.441, to read as follows:

65.610. 1. Upon the petition of at least ten percent of voters at the last
 2 general election of any county having heretofore adopted township organization,
 3 praying therefor, the county commission shall submit the question of the abolition
 4 of township organization to the voters of the county at a general or special
 5 election. **The question shall include a countywide tax levy for road and**
 6 **bridge purposes.** The total vote for governor at the last general election before
 7 the filing of the petition where a governor was elected shall be used to determine
 8 the number of voters necessary to sign the petition. If the petition is filed six
 9 months or more prior to a general election, the proposition shall be submitted at
 10 a special election to be ordered by the county commission within sixty days after
 11 the petition is filed; if the petition is filed less than six months before a general
 12 election, then the proposition shall be submitted at the general election next
 13 succeeding the filing of the petition. The election shall be conducted, the vote
 14 canvassed and the result declared in the same manner as provided by law in
 15 respect to elections of county officers. The clerk of the county commission shall
 16 give notice that a proposition for the abolition of township organization form of
 17 county government in the county is to be voted upon by causing a copy of the
 18 order of the county commission authorizing such election to be published at least
 19 once each week for three successive weeks, the last insertion to be not more than
 20 one week prior to the election, in some newspaper published in the county where
 21 the election is to be held, if there is a newspaper published in the county and, if
 22 not, by posting printed or written handbills in at least two public places in each
 23 election precinct in the county at least twenty-one days prior to the date of
 24 election. The clerk of the county commission shall provide the ballot which shall
 25 be printed and in substantially the following form:

26 OFFICIAL BALLOT

27 (Check the one for which you wish to vote)

28 Shall township organization form of county government be
 29 abolished in _____ County **and a countywide tax at a**
 30 **rate of collected for road and bridge purposes?**

31 YES

NO

32 If a majority of the electors voting upon the proposition shall vote for the
 33 abolition thereof the township organization form of county government shall be
 34 declared to have been abolished; and township organization shall cease in said
 35 county; and except as provided in section 65.620 all laws in force in relation to
 36 counties not having township organization shall immediately take effect and be

37 in force in such county.

38 2. No election or any proposal for either the adoption of township
39 organization or for the abolition of township organization in any county shall be
40 held within two years after an election is held under this section.

65.620. 1. Whenever any county abolishes township organization the
2 county treasurer and ex officio collector shall immediately settle his accounts as
3 treasurer with the county commission and shall thereafter perform all duties,
4 exercise all powers, have all rights and be subject to all liabilities imposed and
5 conferred upon the county collector of revenue under chapter 52 until the first
6 Monday in March after the general election next following the abolishment of
7 township organization and until a collector of revenue for the county is elected
8 and qualified. The person elected collector at the general election as aforesaid,
9 if that election is not one for collector of revenue under chapter 52, shall serve
10 until the first Monday in March following the election and qualification of a
11 collector of revenue under chapter 52. Upon abolition of township organization
12 a county treasurer shall be appointed to serve until the expiration of the term of
13 such officer pursuant to chapter 54.

14 2. Upon abolition of township organization, title to all property of all kinds
15 theretofore owned by the several townships of the county shall vest in the county
16 and the county shall be liable for all outstanding obligations and liabilities of the
17 several townships.

18 3. The terms of office of all township officers shall expire on the abolition
19 of township organization and the township trustee of each township shall
20 immediately settle his accounts with the county clerk and all township officers
21 shall promptly deliver to the appropriate county officers, as directed by the county
22 commission, all books, papers, records and property pertaining to their offices.

23 [4. For a period of one calendar year following the abolition of the
24 townships or until the voters of the county have approved a tax levy for road and
25 bridge purposes, whichever occurs first, the county collector shall continue to
26 collect a property tax on a countywide basis in an amount equal to the tax levied
27 by the township that had the lowest total tax rate in the county immediately prior
28 to the abolishment of the townships. The continued collection of the tax shall be
29 considered a continuation of an existing tax and shall not be considered a new tax
30 levy.]

88.770. 1. The board of aldermen may provide for and regulate the
2 lighting of streets and the erection of lamp posts, poles and lights therefor, and
3 may make contracts with any person, association or corporation, either private

4 or municipal, for the lighting of the streets and other public places of the city
5 with gas, electricity or otherwise, except that each initial contract shall be ratified
6 by a majority of the voters of the city voting on the question and any renewal
7 contract or extension shall be subject to voter approval of the majority of the
8 voters voting on the question, pursuant to the provisions of section 88.251. The
9 board of aldermen may erect, maintain and operate gas works, electric light
10 works, or light works of any other kind or name, and to erect lamp posts, electric
11 light poles, or any other apparatus or appliances necessary to light the streets,
12 avenues, alleys or other public places, and to supply private lights for the use of
13 the inhabitants of the city and its suburbs, and may regulate the same, and may
14 prescribe and regulate the rates to be paid by the consumers thereof, and may
15 acquire by purchase, donation or condemnation suitable grounds within or
16 without the city upon which to erect such works and the right-of-way to and from
17 such works, and also the right-of-way for laying gas pipes, electric wires under
18 or above the grounds, and erecting posts and poles and such other apparatus and
19 appliances as may be necessary for the efficient operation of such works. The
20 board of aldermen may, in its discretion, grant the right to any person, persons
21 or corporation, to erect such works and lay the pipe, wires, and erect the posts,
22 poles and other necessary apparatus and appliances therefor, upon such terms as
23 may be prescribed by ordinance. Such rights shall not extend for a longer time
24 than twenty years, but may be renewed for another period or periods not to
25 exceed twenty years per period. Every initial grant shall be approved by a
26 majority of the voters of the municipality voting on the question, and each
27 renewal or extension of such rights shall be subject to voter approval of the
28 majority of the voters voting on the question, pursuant to the provisions of section
29 88.251. Nothing herein contained shall be so construed as to prevent the board
30 of aldermen from contracting with any person, persons or corporation for
31 furnishing the city with gas or electric lights in cities where franchises have
32 already been granted, and where gas or electric light plants already exist, without
33 a vote of the people, except that the board of aldermen may sell, convey,
34 encumber, lease, abolish or otherwise dispose of any public utilities owned by the
35 city including electric light systems, electric distribution systems or transmission
36 lines, or any part of the electric light systems, electric or other heat systems,
37 electric or other power systems, electric or other railways, gas plants, telephone
38 systems, telegraph systems, transportation systems of any kind, waterworks,
39 equipments and all public utilities not herein enumerated and everything
40 acquired therefor, after first having passed an ordinance setting forth the terms

41 of the sale, conveyance or encumbrance and when ratified by two-thirds of the
42 voters voting on the question, **except for the sale of a water or wastewater**
43 **system, or the sale of a gas plant, which shall be authorized by a simple**
44 **majority vote of the voters voting on the question. In the event of the**
45 **proposed sale of a water or wastewater system, or a gas plant, the board**
46 **of alderman shall hold a public meeting on such proposed sale at least**
47 **thirty days prior to the vote. The municipality in question shall notify**
48 **its customers of the informational meeting through radio, television,**
49 **newspaper, regular mail, electronic mail, or any combination of**
50 **notification methods to most effectively notify customers at least fifteen**
51 **days prior to the informational meeting.**

52 2. The ballots shall be substantially in the following form and shall
53 indicate the property, or portion thereof, and whether the same is to be sold,
54 leased or encumbered:

55 Shall _____ (Indicate the
56 property by stating whether electric distribution system, electric
57 transmission lines or waterworks, etc.) be _____ (Indicate
58 whether sold, leased or encumbered.)?

94.900. 1. (1) The governing body of the following cities may impose a tax
2 as provided in this section:

3 (a) Any city of the third classification with more than ten thousand eight
4 hundred but less than ten thousand nine hundred inhabitants located at least
5 partly within a county of the first classification with more than one hundred
6 eighty-four thousand but less than one hundred eighty-eight thousand
7 inhabitants;

8 (b) Any city of the fourth classification with more than four thousand five
9 hundred but fewer than five thousand inhabitants;

10 (c) Any city of the fourth classification with more than eight thousand
11 nine hundred but fewer than nine thousand inhabitants;

12 (d) Any home rule city with more than forty-eight thousand but fewer
13 than forty-nine thousand inhabitants;

14 (e) Any home rule city with more than seventy-three thousand but fewer
15 than seventy-five thousand inhabitants;

16 (f) Any city of the fourth classification with more than thirteen thousand
17 five hundred but fewer than sixteen thousand inhabitants; [or]

18 (g) Any city of the fourth classification with more than seven thousand but
19 fewer than eight thousand inhabitants;

20 **(h) Any city of the fourth classification with more than four**
 21 **thousand but fewer than four thousand five hundred inhabitants and**
 22 **located in any county of the first classification with more than one**
 23 **hundred fifty thousand but fewer than two hundred thousand**
 24 **inhabitants; or**

25 **(i) Any city of the third classification with more than thirteen**
 26 **thousand but fewer than fifteen thousand inhabitants and located in any**
 27 **county of the third classification without a township form of government**
 28 **and with more than thirty-three thousand but fewer than thirty-seven**
 29 **thousand inhabitants.**

30 (2) The governing body of any city listed in subdivision (1) of this
 31 subsection is hereby authorized to impose, by ordinance or order, a sales tax in
 32 the amount of up to one-half of one percent on all retail sales made in such city
 33 which are subject to taxation under the provisions of sections 144.010 to 144.525
 34 for the purpose of improving the public safety for such city, including but not
 35 limited to expenditures on equipment, city employee salaries and benefits, and
 36 facilities for police, fire and emergency medical providers. The tax authorized by
 37 this section shall be in addition to any and all other sales taxes allowed by law,
 38 except that no ordinance or order imposing a sales tax pursuant to the provisions
 39 of this section shall be effective unless the governing body of the city submits to
 40 the voters of the city, at a county or state general, primary or special election, a
 41 proposal to authorize the governing body of the city to impose a tax.

42 2. If the proposal submitted involves only authorization to impose the tax
 43 authorized by this section, the ballot of submission shall contain, but need not be
 44 limited to, the following language:

45 Shall the city of _____ (city's name) impose a citywide sales tax of
 46 _____ (insert amount) for the purpose of improving the public
 47 safety of the city?

48 YES NO

49 If you are in favor of the question, place an "X" in the box opposite
 50 "YES". If you are opposed to the question, place an "X" in the box
 51 opposite "NO".

52 If a majority of the votes cast on the proposal by the qualified voters voting
 53 thereon are in favor of the proposal submitted pursuant to this subsection, then
 54 the ordinance or order and any amendments thereto shall be in effect on the first
 55 day of the second calendar quarter after the director of revenue receives
 56 notification of adoption of the local sales tax. If a proposal receives less than the

57 required majority, then the governing body of the city shall have no power to
58 impose the sales tax herein authorized unless and until the governing body of the
59 city shall again have submitted another proposal to authorize the governing body
60 of the city to impose the sales tax authorized by this section and such proposal
61 is approved by the required majority of the qualified voters voting
62 thereon. However, in no event shall a proposal pursuant to this section be
63 submitted to the voters sooner than twelve months from the date of the last
64 proposal pursuant to this section.

65 3. All revenue received by a city from the tax authorized under the
66 provisions of this section shall be deposited in a special trust fund and shall be
67 used solely for improving the public safety for such city for so long as the tax
68 shall remain in effect.

69 4. Once the tax authorized by this section is abolished or is terminated by
70 any means, all funds remaining in the special trust fund shall be used solely for
71 improving the public safety for the city. Any funds in such special trust fund
72 which are not needed for current expenditures may be invested by the governing
73 body in accordance with applicable laws relating to the investment of other city
74 funds.

75 5. All sales taxes collected by the director of the department of revenue
76 under this section on behalf of any city, less one percent for cost of collection
77 which shall be deposited in the state's general revenue fund after payment of
78 premiums for surety bonds as provided in section 32.087, shall be deposited in a
79 special trust fund, which is hereby created, to be known as the "City Public Safety
80 Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be
81 state funds and shall not be commingled with any funds of the state. The
82 provisions of section 33.080 to the contrary notwithstanding, money in this fund
83 shall not be transferred and placed to the credit of the general revenue fund. The
84 director of the department of revenue shall keep accurate records of the amount
85 of money in the trust and which was collected in each city imposing a sales tax
86 pursuant to this section, and the records shall be open to the inspection of officers
87 of the city and the public. Not later than the tenth day of each month the
88 director of the department of revenue shall distribute all moneys deposited in the
89 trust fund during the preceding month to the city which levied the tax; such funds
90 shall be deposited with the city treasurer of each such city, and all expenditures
91 of funds arising from the trust fund shall be by an appropriation act to be enacted
92 by the governing body of each such city. Expenditures may be made from the
93 fund for any functions authorized in the ordinance or order adopted by the

94 governing body submitting the tax to the voters.

95 6. The director of the department of revenue may make refunds from the
96 amounts in the trust fund and credited to any city for erroneous payments and
97 overpayments made, and may redeem dishonored checks and drafts deposited to
98 the credit of such cities. If any city abolishes the tax, the city shall notify the
99 director of the department of revenue of the action at least ninety days prior to
100 the effective date of the repeal and the director of the department of revenue may
101 order retention in the trust fund, for a period of one year, of two percent of the
102 amount collected after receipt of such notice to cover possible refunds or
103 overpayment of the tax and to redeem dishonored checks and drafts deposited to
104 the credit of such accounts. After one year has elapsed after the effective date of
105 abolition of the tax in such city, the director of the department of revenue shall
106 remit the balance in the account to the city and close the account of that
107 city. The director of the department of revenue shall notify each city of each
108 instance of any amount refunded or any check redeemed from receipts due the
109 city.

110 7. Except as modified in this section, all provisions of sections 32.085 and
111 32.087 shall apply to the tax imposed pursuant to this section.

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

 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
8 or 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 the
15 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 a
21 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 any.

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

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

 4. "Proportional costs" and "election costs", as used in this chapter, are
26 defined as those costs that require additional out-of-pocket expense by the election
27 authority in conducting an election. It may include reimbursement to county
28 general revenue for the salaries of employees of the election authority for the
29 hours worked to conduct an election, **the rental of any electronic voting**
30 **machine or electronic poll book**, any indirect expenses identified under an
31 independent cost allocation study and an amount not to exceed five percent of the
32 total cost of election to be credited to the election services fund of the county. The

33 election services fund shall be budgeted and expended at the direction of the
34 election authority and shall not be used to substitute for or subsidize any
35 allocation of general revenue for the operation of the election authority's office
36 without the express consent of the election authority. The election services fund
37 may be audited by the appropriate auditing agency, and any unexpended balance
38 shall be left in the fund to accumulate from year to year with interest. The
39 election services fund shall be used by the election authority for training
40 programs and purchase of additional supplies or equipment to improve the
41 conduct of elections, including anything necessarily pertaining thereto. In
42 addition to these costs, the state shall, subject to appropriation, compensate the
43 election services fund for transactions submitted pursuant to the provisions of
44 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, in consultation with the election authority, to be a**
10 **reasonable estimate of the cost of conducting such election, using a**
11 **method developed by the secretary of state, in consultation with election**
12 **authority, that is reviewed at least every two years.**

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

22 **4.** All payments of election costs received by an election authority under
23 the provisions of this [subsection] **section** shall be placed by the election
24 authority in a special account and used by the election authority only to pay the
25 costs incurred in conducting the election. **Not later than the tenth Tuesday**

26 **following an election**, if the amount paid to an election authority by the state
27 or any political subdivision or special district exceeds the cost of conducting the
28 election for the state, political subdivision or special district, the election
29 authority shall [promptly] refund to the state, political subdivision or special
30 district the difference between the amount deposited with it and the cost of
31 conducting the election. **Not later than the tenth Tuesday following an**
32 **election**, if the amount deposited with an election authority by the state or any
33 political subdivision or special district is less than the cost of conducting the
34 election [for the state, political subdivision or special district, the state, political
35 subdivision or special district shall, not later than the fifth Tuesday after the
36 election, pay to], the election authority **shall submit a request to the state**
37 **and each political subdivision and special district** for the difference
38 between the amount deposited and the cost of conducting the election.

39 [3.] **5. (1) Within two weeks of receipt of actual cost and required**
40 **documentation of actual expenses from the election authority, the state,**
41 **political subdivision, or special district shall approve for payment the**
42 **difference between the amount deposited and the cost of conducting the**
43 **election.**

44 **(2) For the purposes of this section, the term "required**
45 **documentation" shall mean a detailed list of expenses that the secretary**
46 **of state intends to reimburse the election authority for and a detailed**
47 **description of the documentation that the election authority shall**
48 **produce following the election. For any election in which the state is**
49 **required to pay all or a proportion of the cost, the secretary of state**
50 **shall, not later than the eleventh Tuesday prior to the election or, in**
51 **case of a special election, no later than five business days following the**
52 **issuance of a writ of election by the governor, transmit to the election**
53 **authority the detailed list and description described above.**

54 **6.** Except as provided in [section 115.061] **sections 115.063 to 115.072,**
55 all payments of election costs received by an election authority under the
56 provisions of this section shall be placed by the election authority in a special
57 account and used by the election authority only to pay the costs incurred in
58 conducting elections.

59 [4.] **7.** When the state or any political subdivision or special district
60 willfully fails to make payment of an election cost required by this subchapter by
61 the time provided in this subchapter, it shall pay a penalty of fifty dollars for
62 each day after the time provided in this subchapter proper payment is not

63 made. Any such penalty shall be payable to the election authority authorized to
64 receive payment of the election cost and shall be deposited in the general revenue
65 fund of such election authority's city or county. **For purposes of this**
66 **subsection, the state shall not be considered to have willfully failed to**
67 **make payment of an election cost if there is not sufficient cash or**
68 **appropriation authority to make such a payment.**

69 [5.] **8. (1)** There is hereby created the "State Election Subsidy Fund" in
70 the state treasury [which shall be funded by appropriations from the general
71 assembly for the purpose of the state making advance payments of election costs
72 as required by this section].

73 **(2) All unobligated funds in the state election subsidy fund on**
74 **January 1, 2019, shall be transferred to the elections administration**
75 **improvements fund authorized pursuant to section 115.078.** To meet the
76 state's funding obligation to maintain expenditures pursuant to Section 254(a)(7)
77 of the Help America Vote Act of 2002, the commissioner of the office of
78 administration shall annually transfer from general revenue to the [state election
79 subsidy fund] **election administration improvement fund, established**
80 **pursuant to section 115.078,** an amount not less than the amount expended in
81 the fiscal year that ended June 30, 2000. [At the end of each fiscal year, any
82 amounts in the state election subsidy fund not expended or obligated to meet the
83 state's obligations pursuant to section 115.065 and this section shall be
84 transferred to the election administration improvements fund authorized
85 pursuant to section 115.078 and used to meet the maintenance of effort funding
86 requirements of Section 254(a)(7) of the Help America Vote Act of 2002.] Any
87 other law to the contrary notwithstanding, the funds received pursuant to
88 Sections 251 and 252 of the Help America Vote Act of 2002 shall be expended
89 according to the state plan developed pursuant to the provisions of Section 254
90 of said act. The secretary of state shall develop the state plan through the
91 committee appointed by the secretary of state under the provisions of Section 255
92 of the Help America Vote Act of 2002.

93 **9. An election authority may rent or lease out any electronic**
94 **voting machine purchased by such election authority.**

115.078. 1. There is hereby created in the state treasury the "Election
2 Administration Improvements Fund", which shall consist of **appropriations**
3 **from the general assembly,** any gifts, contributions, grants, or bequests
4 received from federal, private, or other sources for the purpose of improving the
5 administration of elections within Missouri, **including making payments of**

6 **election costs as required under sections 115.065 and section**
7 **115.077.** The state treasurer shall be custodian of the fund and shall make
8 disbursements from the fund in accordance with sections 30.170 and
9 30.180. Money in the fund shall be used exclusively for election administration
10 improvements as directed by the secretary of state, **and to meet the state's**
11 **obligations under sections 115.065 and 115.077.** No moneys obtained
12 through the provisions of this section shall be made a part of the general
13 operating budget of an election authority, or used to supplant other federal, state,
14 or local funds expended for elections. The secretary of state may transfer moneys
15 from the fund to the election improvements revolving loan fund as the secretary
16 deems necessary to facilitate compliance with the Help America Vote Act of
17 2002. Notwithstanding section 33.080 to the contrary, any moneys remaining in
18 the fund at the end of any biennium shall not revert to the credit of the general
19 revenue fund. All yield, interest, income, increment, or gain received from time
20 deposit of moneys in the state treasury to the credit of the fund shall be credited
21 to the fund. Notwithstanding any provision of law to the contrary, no amount of
22 moneys in the fund shall be transferred from the fund or charged for purposes of
23 the administration of central services for the state of Missouri.

24 2. There is hereby created in the state treasury the "Election
25 Improvements Revolving Loan Fund", which shall consist of all moneys
26 appropriated to it by the general assembly, all repayment of moneys from eligible
27 lenders and any moneys deposited or transferred to the fund for the purpose of
28 improving the administration of elections through loans. The state treasurer
29 shall be custodian of the fund and shall make disbursements from the fund in
30 accordance with sections 30.170 and 30.180. Money in the fund shall be used
31 solely for improving the administration of elections through
32 loans. Notwithstanding section 33.080 to the contrary, any moneys remaining in
33 the fund shall not revert to the credit of the general revenue fund. All yield,
34 interest, income, increment, or gain received from time deposit of moneys in the
35 state treasury to the credit of the fund shall be credited to the
36 fund. Notwithstanding any provision of law to the contrary, no amount of moneys
37 in the fund shall be transferred from the fund or charged for purposes of the
38 administration of central services for the state of Missouri. The secretary of state
39 is authorized to administer the fund in accordance with this section and the Help
40 America Vote Act of 2002, and to promulgate rules to execute this section. No
41 rule or portion of a rule promulgated pursuant to the authority of this section
42 shall become effective unless it has been promulgated pursuant to chapter 536.

115.124. 1. Notwithstanding any other law to the contrary, in a
2 nonpartisan election in any political subdivision or special district including
3 municipal elections in any city, town, or village with [one] **two** thousand or fewer
4 inhabitants that have adopted a proposal pursuant to subsection 3 of this section
5 but excluding municipal elections in any city, town, or village with more than
6 [one] **two** thousand inhabitants, if the notice provided for in subsection 5 of
7 section 115.127 has been published in at least one newspaper of general
8 circulation as defined in section 493.050 in the district, and [if the number of
9 candidates who have filed for a particular office is equal to the number of
10 positions in that office to be filled by the election, no election shall be held for
11 such office] **if the number of candidates for each office in a particular
12 political subdivision, special district, or municipality is equal to the
13 number of positions for each office within the political subdivision,
14 special district, or municipality to be filled by the election and no ballot
15 measure is placed on the ballot such that a particular political
16 subdivision will owe no proportional elections costs if an election is not
17 held, no election shall be held**, and the candidates shall assume the
18 responsibilities of their offices at the same time and in the same manner as if
19 they had been elected. If no election is held for [such office] **a particular
20 political subdivision, special district, or municipality** as provided in this
21 section, the election authority shall publish a notice containing the names of the
22 candidates that shall assume the responsibilities of office under this
23 section. Such notice shall be published in at least one newspaper of general
24 circulation as defined in section 493.050 in such political subdivision or district
25 by the first of the month in which the election would have occurred, had it been
26 contested. Notwithstanding any other provision of law to the contrary, if at any
27 election the number of candidates filing for a particular office exceeds the number
28 of positions to be filled at such election, the election authority shall hold the
29 election as scheduled, even if a sufficient number of candidates withdraw from
30 such contest for that office so that the number of candidates remaining after the
31 filing deadline is equal to the number of positions to be filled.

32 2. The election authority or political subdivision responsible for the
33 oversight of the filing of candidates in any nonpartisan election in any political
34 subdivision or special district shall clearly designate where candidates shall form
35 a line to effectuate such filings and determine the order of such filings; except
36 that, in the case of candidates who file a declaration of candidacy with the
37 election authority or political subdivision prior to 5:00 p.m. on the first day for

38 filing, the election authority or political subdivision may determine by random
39 drawing the order in which such candidates' names shall appear on the ballot. If
40 a drawing is conducted pursuant to this subsection, it shall be conducted so that
41 each candidate, or candidate's representative if the candidate filed under
42 subsection 2 of section 115.355, may draw a number at random at the time of
43 filing. If such drawing is conducted, the election authority or political subdivision
44 shall record the number drawn with the candidate's declaration of candidacy. If
45 such drawing is conducted, the names of candidates filing on the first day of filing
46 for each office on each ballot shall be listed in ascending order of the numbers so
47 drawn.

48 3. The governing body of any city, town, or village with **[one] two**
49 thousand or fewer inhabitants may submit to the voters at any available election,
50 a question to adopt the provisions of subsection 1 of this section for municipal
51 elections. If a majority of the votes cast by the qualified voters voting thereon are
52 in favor of the question, then the city, town, or village shall conduct nonpartisan
53 municipal elections as provided in subsection 1 of this section for all nonpartisan
54 elections remaining in the year in which the proposal was adopted and for the six
55 calendar years immediately following such approval. At the end of such six-year
56 period, each such city, town, or village shall be prohibited from conducting such
57 elections in such a manner unless such a question is again adopted by the
58 majority of qualified voters as provided in this subsection.

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
 12 COPY OF A CURRENT, VALID PHOTO IDENTIFICATION. IF
 13 YOU DO NOT SUBMIT SUCH INFORMATION, YOU WILL BE
 14 REQUIRED TO PRESENT ADDITIONAL IDENTIFICATION
 15 UPON VOTING FOR THE FIRST TIME SUCH AS A BIRTH
 16 CERTIFICATE, A NATIVE AMERICAN TRIBAL DOCUMENT,
 17 OTHER PROOF OF UNITED STATES CITIZENSHIP, A VALID

18 MISSOURI DRIVERS LICENSE OR OTHER FORM OF
19 PERSONAL IDENTIFICATION.

20 _____
21 Township (or Ward)

22 _____
23 Name Precinct

24 _____
25 Home Address Required Personal

26 Identification
27 Information

28 _____
29 City ZIP

30 _____
31 Date of Birth Place of Birth (Optional)

32 _____
33 Telephone Number Mother's Maiden
34 (Optional) Name (Optional)

35 _____
36 Occupation (Optional) Last Place Previously

37 Registered

38 _____
39 Last four digits of Under What Name

40 Social Security Number

41 (Required for registration
42 unless no Social Security number
43 exists for Applicant)

44 Remarks: _____
45 When

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

53 I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING
54 THAT I AM NOT LEGALLY ENTITLED TO REGISTER, I AM

55 COMMITTING A CLASS ONE ELECTION OFFENSE AND MAY
 56 BE PUNISHED BY IMPRISONMENT OF NOT MORE THAN FIVE
 57 YEARS OR BY A FINE OF BETWEEN TWO THOUSAND FIVE
 58 HUNDRED DOLLARS AND TEN THOUSAND DOLLARS OR BY
 59 BOTH SUCH IMPRISONMENT AND FINE.

60 _____

61 Signature of Voter

Date

62 _____

63 Signature of Election Official

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

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

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

92 authority shall notify the applicant of the failure and provide the applicant with
93 an opportunity to complete the form in a timely manner to allow for the
94 completion of the registration form before the next election.

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

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

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

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

27 (18) Representative district;

28 (19) Congressional district.

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

35 **3.** Except as provided in subsection [2] **6** of this section, the election
36 authority shall [also] furnish, for a fee, electronic media or a printout showing the
37 names, dates of birth and addresses of voters, or any part thereof, within the
38 jurisdiction of the election authority who voted in any specific election, including
39 primary elections, by township, ward or precinct, provided that nothing in this
40 chapter shall require such voter information to be released to the public over the
41 internet.

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

58 **5.** The amount of fees charged for information provided in this section
59 shall be established pursuant to chapter 610. All revenues collected by the
60 secretary of state pursuant to this section shall be deposited in the state treasury
61 and credited to the secretary of state's technology trust fund account established
62 pursuant to section 28.160. In even-numbered years, each election authority
63 shall, upon request, supply the voter registration list for its jurisdiction to all

64 candidates and party committees for a charge established pursuant to chapter
65 610. Except as provided in subsection [2] 6 of this section, all election authorities
66 shall make the information described in this section available pursuant to chapter
67 610. Any election authority who fails to comply with the requirements of this
68 section shall be subject to the provisions of chapter 610.

69 [2.] 6. Any person working as an undercover officer of a local, state or
70 federal law enforcement agency, persons in witness protection programs, and
71 victims of domestic violence and abuse who have received orders of protection
72 pursuant to chapter 455 shall be entitled to apply to the circuit court having
73 jurisdiction in his or her county of residence to have the residential address on
74 his or her voter registration records closed to the public if the release of such
75 information could endanger the safety of the person. Any person working as an
76 undercover agent or in a witness protection program shall also submit a
77 statement from the chief executive officer of the agency under whose direction he
78 or she is serving. The petition to close the residential address shall be
79 incorporated into any petition for protective order provided by circuit clerks
80 pursuant to chapter 455. If satisfied that the person filing the petition meets the
81 qualifications of this subsection, the circuit court shall issue an order to the
82 election authority to keep the residential address of the voter a closed record and
83 the address may be used only for the purposes of administering elections
84 pursuant to this chapter. The election authority may require the voter who has
85 a closed residential address record to verify that his or her residential address
86 has not changed or to file a change of address and to affirm that the reasons
87 contained in the original petition are still accurate prior to receiving a ballot. A
88 change of address within an election authority's jurisdiction shall not require that
89 the voter file a new petition. Any voter who no longer qualifies pursuant to this
90 subsection to have his or her residential address as a closed record shall notify
91 the circuit court. Upon such notification, the circuit court shall void the order
92 closing the residential address and so notify the 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 accepted
35 by any election authority, except as provided in subsections 6, 8 and 9 of this
36 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, and
 64 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 resides. The
 76 application shall be received by the election authority no later than 7:00 p.m. on
 77 the day of the election. Such application shall be in the form of an affidavit,
 78 executed in duplicate in the presence of the election authority or any authorized
 79 officer of the election authority, and in substantially the following form:

80 "STATE OF _____

81 COUNTY OF _____, ss.

82 I, _____, do solemnly swear that:

83 (1) Before becoming a resident of this state, I resided at _____

84 (residence address) in _____ (town, township, village or city)

85 of _____ County in the state of _____;

86 (2) I moved to this state after the last day to register to vote in

87 such general presidential election and I am now residing in the

88 county of _____, state of Missouri;

89 (3) I believe I am entitled pursuant to the laws of this state to

90 vote in the presidential election to be held November _____,

91 _____ (year);

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

95 Signed _____

96 (Applicant)

97 _____

98 (Residence Address)

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

100 Signed _____

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

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

106 8. An application for an absentee ballot by an intrastate new resident[,
 107 as defined in section 115.275,] shall be made in person by the applicant in the
 108 office of the election authority in the election jurisdiction in which such applicant
 109 resides. The application shall be received by the election authority no later than
 110 7:00 p.m. on the day of the election. Such application shall be in the form of an
 111 affidavit, executed in duplicate in the presence of the election authority or an
 112 authorized officer of the election authority, and in substantially the following
 113 form:

114 "STATE OF _____

115 COUNTY OF _____, ss.

116 I, _____, do solemnly swear that:

117 (1) Before becoming a resident of this election jurisdiction, I
 118 resided at _____ (residence address) in _____ (town,
 119 township, village or city) of _____ county in the state
 120 of _____;

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

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

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

129 Signed _____

130 (Applicant)

131 _____

132 (Residence Address)

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

134 Signed _____

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

136 9. An application for an absentee ballot by an interstate former resident[,
137 as defined in section 115.275,] shall be received in the office of the election
138 authority where the applicant was formerly registered by 5:00 p.m. on the **second**
139 Wednesday immediately prior to the election, unless the application is made in
140 person by the applicant in the office of the election authority, in which case such
141 application shall be made no later than 7:00 p.m. on the day of the 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 with
31 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 and
2 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 to
7 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. To process absentee ballots in envelopes, one member of each team,
15 closely observed by another member of the team from a different political party,
16 shall open each envelope and call the voter's name in a clear voice. Without
17 unfolding the ballot, two team members, one from each major political party, shall
18 initial the ballot, and an election judge shall place the ballot, still folded, in a
19 ballot box. No ballot box shall be opened until all of the ballots a team is
20 counting have been placed in the box. The votes shall be tallied and the returns
21 made as provided in sections 115.447 to 115.525 for paper ballots. After the votes
22 on all ballots assigned to a team have been counted, the ballots and ballot
23 envelopes shall be [placed on a string and] enclosed in sealed containers marked
24 "voted absentee ballots and ballot envelopes from the election held ____, 20__".
25 All rejected absentee ballots and envelopes shall be enclosed and sealed in a
26 separate container marked "rejected absentee ballots and envelopes from the
27 election held ____, 20 ____". On the outside of each voted ballot and rejected
28 ballot container, each member of the team shall write his **or her** name, and all
29 such containers shall be returned to the election authority. Upon receipt of the
30 returns and ballots, the election authority shall tabulate the absentee vote along
31 with the votes certified from each 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 new**
16 **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 file
15 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 115.359,
18 or is disqualified after 5:00 p.m. on the [sixth] **tenth** Tuesday prior to the
19 primary election, the election and canvass shall not proceed, and a vacancy shall
20 exist on the general election ballot to be filled in the manner provided in sections
21 115.363 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 after**
15 **the writ of election is issued by the governor pursuant to article III,**
16 **section 14 of the Missouri Constitution, calculated by excluding the day**
17 **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 or
24 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 write-in
43 candidate for election to any municipal office unless such person is qualified to
44 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.

115.507. 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] **Sections 25(a) to 25(g)**
38 of the State Constitution, appears on the ballot in a jurisdiction, the election
39 authority of the jurisdiction shall mail or deliver to the secretary of state the
40 abstract of the votes given in its jurisdiction, by polling place or precinct, for each
41 such office and on each such question. If mailed, the abstract shall be enclosed
42 in a strong, sealed envelope or envelopes. On the outside of each envelope shall
43 be printed: "Returns of election held in the county of _____ (City of St. Louis,
44 Kansas City) 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] **Sections**
5 **25(a) to 25(g)** of the State Constitution, state senator or state representative,
6 and a higher number of votes than any other candidate for the same office on the
7 same party ballot, the governor shall, immediately after the results of the election
8 have been announced, issue a proclamation stating the fact and ordering a special
9 primary election to determine the party's nominee for the office. The
10 proclamation shall set the date of the election, which shall be not less than
11 fourteen or more than thirty days after the proclamation is issued, and shall be
12 sent by the governor to each election authority responsible for conducting the
13 special primary election. In [his] **the** proclamation, the governor shall specify the
14 name of each candidate for the office to be voted on at the election, and the
15 special primary election shall be conducted and the votes counted as in other
16 primary elections.

17 2. If two or more persons receive an equal number of votes for nomination
18 as a party's candidate for any other office, except party committeeman or
19 committeewoman, and a higher number of votes than any other candidate for the

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

31 3. As an alternative to the procedure prescribed in subsections 1 and 2 of
32 this section, if the candidates who received an equal number of votes in such
33 election agree to the procedure prescribed in this subsection, the officer with
34 whom such candidates filed their declarations of candidacy may, after notification
35 of the time and place of such drawing given to each such candidate at least five
36 days before such drawing, determine the winner of such election by lot. Any
37 candidate who received an equal number of votes may decline to have his **or her**
38 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 any
14 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 to
35 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 the
50 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 feet of the
80 building's outer door closest to the polling place, or, on the part of any person,
81 refusing to remove or permit removal from property owned or controlled by [him]
82 **such person**, any such election sign or literature located within such distance
83 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.

115.642. 1. Any person may file a complaint with the secretary of state
2 stating the name of any person who has violated any of the provisions of sections
3 115.629 to 115.646 and stating the facts of the alleged offense, **sworn to, under**
4 **penalty of perjury**.

5 2. Within thirty days of receiving a complaint, the secretary of state shall
6 notify the person filing the complaint whether or not the secretary has dismissed
7 the complaint or will commence an investigation. **The secretary of state shall**
8 **dismiss frivolous complaints. For purposes of this subsection, "frivolous**
9 **complaint" shall mean an allegation clearly lacking any basis in fact or**

10 **law. Any person who makes a frivolous complaint pursuant to this**
11 **section shall be liable for actual and compensatory damages to the**
12 **alleged violator for holding the alleged violator before the public in a**
13 **false light.** If reasonable grounds appear that the alleged offense was
14 committed, the secretary of state may issue a probable cause statement. If the
15 secretary of state issues a probable cause statement, he or she may refer the
16 offense to the appropriate prosecuting attorney.

17 [2.] 3. Notwithstanding the provisions of section 27.060, 56.060, or 56.430
18 to the contrary, when requested by the prosecuting attorney or circuit attorney,
19 the secretary of state or his or her authorized representatives may aid any
20 prosecuting attorney or circuit attorney in the commencement and prosecution of
21 election offenses as provided in sections 115.629 to 115.646.

22 [3.] 4. The secretary of state may investigate any suspected violation of
23 any of the provisions of sections 115.629 to 115.646.

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 ballot
3 under section 115.279 or the federal postcard application or the application's
4 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.

162.441. 1. If any school district desires to be attached **to a community**
2 **college district organized under sections 178.770 to 178.890 or** to one or
3 more adjacent seven-director school districts for school purposes, upon the receipt
4 of a petition setting forth such fact, signed either by voters of the district equal
5 in number to ten percent of those voting in the last school election at which school
6 board members were elected or by a majority of the voters of the district,
7 whichever is the lesser, the school board of the district desiring to be so attached
8 shall submit the question to the voters.

9 2. As an alternative to the procedure in subsection 1 of this section, a
10 seven-director district may, by a majority vote of its board of education, propose
11 a plan to the voters of the district to attach the district to one or more adjacent
12 seven-director districts and call [for] an election upon the question of such plan.

13 3. **As an alternative to the procedures in subsection 1 or 2 of this**
14 **section, a community college district organized under sections 178.770**
15 **to 178.890 may, by a majority vote of its board of trustees, propose a plan**
16 **to the voters of the school district to attach the school district to the**
17 **community college district, levy the tax rate applicable to the**
18 **community college district at the time of the vote of the board of**
19 **trustees, and call an election upon the question of such plan. The tax**
20 **rate applicable to the community college district shall not be levied as**
21 **to the school district until the proposal by the board of trustees of the**
22 **community college district has been approved by a majority vote of the**
23 **voters of the school district at the election called for that purpose. The**
24 **community college district shall be responsible for the costs associated**
25 **with the election.**

26 4. A plat of the proposed changes to all affected districts shall be
27 published and posted with the notice of election.

28 [4.] 5. The question shall be submitted in substantially the following
29 form:

30 Shall the _____ school district be annexed to the _____ school
31 districts effective the _____ day of _____, _____?

32 [5.] 6. If a majority of the votes cast in the district proposing annexation

33 favor annexation, the secretary shall certify the fact, with a copy of the record,
 34 to the board of the district and to the boards of the districts to which annexation
 35 is proposed; whereupon the boards of the seven-director districts to which
 36 annexation is proposed shall meet to consider the advisability of receiving the
 37 district or a portion thereof, and if a majority of all the members of each board
 38 favor annexation, the boundary lines of the seven-director school districts from
 39 the effective date shall be changed to include the district, and the board shall
 40 immediately notify the secretary of the district which has been annexed of its
 41 action.

42 [6.] 7. Upon the effective date of the annexation, all indebtedness,
 43 property and money on hand belonging thereto shall immediately pass to the
 44 seven-director school district. If the district is annexed to more than one district,
 45 the provisions of sections 162.031 and 162.041 shall apply.

[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.]

Section B. The repeal and reenactment of sections 115.003, 115.005,
 2 115.007, 115.013, 115.023, 115.049, 115.125, 115.127, 115.155, 115.177, 115.225,
 3 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299, 115.329, 115.335,

4 115.359, 115.361, 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 115.507,
5 115.515, 115.629, 115.631, 115.637, 115.641, 115.642, and 115.910, and the repeal
6 of sections 115.001, 115.002, and 115.009 shall become effective November 7,
7 2018.

Section C. The repeal of section 115.061 and the repeal and reenactment
2 of sections 115.063, 115.065, 115.077, and 115.078 shall become effective January
3 1, 2019.

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