

SECOND REGULAR SESSION

# SENATE BILL NO. 571

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3357S.02I

## AN ACT

To repeal sections 115.137, 115.155, 115.157, 115.163, 115.225, 115.249, 115.279, 115.287, 115.327, 115.349, 115.351, 115.363, 115.395, 115.397, 115.409, 115.429, and 115.770, RSMo, and to enact in lieu thereof nineteen new sections relating to elections, with penalty provisions and a delayed effective date.

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

Section A. Sections 115.137, 115.155, 115.157, 115.163, 115.225, 115.249, 115.279, 115.287, 115.327, 115.349, 115.351, 115.363, 115.395, 115.397, 115.409, 115.429, and 115.770, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 115.137, 115.155, 115.157, 115.163, 115.168, 115.225, 115.249, 115.279, 115.287, 115.327, 115.349, 115.351, 115.363, 115.395, 115.397, 115.398, 115.409, 115.429, and 115.770, to read as follows:

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

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

**3. Notwithstanding any other provision of law to the contrary, no person shall be entitled to vote in a primary election of an established political party unless he or she is affiliated with such party, as evidenced by his or her voter registration.**

115.155. 1. The election authority shall provide for the registration of

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

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 Information

27 City ZIP \_\_\_\_\_  
28 \_\_\_\_\_

29 Date of Birth Place of Birth (Optional)

30 \_\_\_\_\_  
31 Telephone Number Mother's Maiden  
32 (Optional) Name (Optional)

33 \_\_\_\_\_  
34 Occupation (Optional) Last Place Previously  
35 Registered

36 \_\_\_\_\_  
37 Last four digits of Under What Name

38 Social Security Number  
39 (Required for registration  
40 unless no Social Security  
41 number exists for Applicant)

42 **Political Party Affiliation**  
43 **(Optional. However, if you**  
44 **make a designation, you will**  
45 **only be allowed to vote for**  
46 **candidates of the designated**  
47 **political party in primary**  
48 **elections. If you do not**  
49 **make a designation, you will**  
50 **be designated as unaffiliated**  
51 **and my only cast a nonpartisan**  
52 **ballot at a primary election.)**

53 Remarks: \_\_\_\_\_

54

When

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

62 I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING  
63 THAT I AM NOT LEGALLY ENTITLED TO REGISTER, I AM  
64 COMMITTING A CLASS ONE ELECTION OFFENSE AND MAY  
65 BE PUNISHED BY IMPRISONMENT OF NOT MORE THAN FIVE  
66 YEARS OR BY A FINE OF BETWEEN TWO THOUSAND FIVE  
67 HUNDRED DOLLARS AND TEN THOUSAND DOLLARS OR BY  
68 BOTH SUCH IMPRISONMENT AND FINE.

69

70 \_\_\_\_\_  
Signature of Voter

\_\_\_\_\_ Date

71

72 \_\_\_\_\_  
Signature of Election Official

73 **2. The options for political party affiliation required by the**

74 **application described in subsection 1 of this section shall include all**  
75 **established political parties and an option for unaffiliation. If an**  
76 **applicant does not choose a political party affiliation or unaffiliation,**  
77 **the election authority shall mark the applicant's form as unaffiliated.**

78         **3.** After supplying all information necessary for the registration records,  
79 each applicant who appears in person before the election authority shall swear  
80 or affirm the statements on the registration application by signing his or her full  
81 name, witnessed by the signature of the election authority or such authority's  
82 deputy registration official. Each applicant who applies to register by mail  
83 pursuant to section 115.159, or pursuant to section 115.160 or 115.162, shall  
84 attest to the statements on the application by his or her signature.

85         **[3.] 4.** Upon receipt by mail of a completed and signed voter registration  
86 application, a voter registration application forwarded by the division of motor  
87 vehicle and drivers licensing of the department of revenue pursuant to section  
88 115.160, or a voter registration agency pursuant to section 115.162, the election  
89 authority shall, if satisfied that the applicant is entitled to register, transfer all  
90 data necessary for the registration records from the application to its registration  
91 system. Within seven business days after receiving the application, the election  
92 authority shall send the applicant a verification notice. If such notice is returned  
93 as undeliverable by the postal service within the time established by the election  
94 authority, the election authority shall not place the applicant's name on the voter  
95 registration file.

96         **[4.] 5.** If, upon receipt by mail of a voter registration application or a  
97 voter registration application forwarded pursuant to section 115.160 or 115.162,  
98 the election authority determines that the applicant is not entitled to register,  
99 such authority shall, within seven business days after receiving the application,  
100 so notify the applicant by mail and state the reason such authority has  
101 determined the applicant is not qualified. The applicant may file a complaint  
102 with the elections division of the secretary of state's office under and pursuant  
103 to section 115.219. If an applicant for voter registration fails to answer the  
104 question on the application concerning United States citizenship, the election  
105 authority shall notify the applicant of the failure and provide the applicant with  
106 an opportunity to complete the form in a timely manner to allow for the  
107 completion of the registration form before the next election.

108         **[5.] 6.** The secretary of state shall prescribe specifications for voter  
109 registration documents so that they are uniform throughout the state of Missouri

110 and comply with the National Voter Registration Act of 1993, including the  
111 reporting requirements, and so that registrations, name changes and transfers  
112 of registrations within the state may take place as allowed by law.

113 [6.] 7. All voter registration applications shall be preserved in the office  
114 of the 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; **and**
- 29 **(20) Political party affiliation.**

30 2. All election authorities shall enter voter history in their computerized  
31 registration systems and shall, not more than six months after the election,

32 forward such data to the Missouri voter registration system established in section  
33 115.158. In addition, election authorities shall forward registration and other  
34 data in a manner prescribed by the secretary of state to comply with the Help  
35 America Vote Act of 2002.

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

43           4. Except as provided in subsection 6 of this section, upon a request by a  
44 candidate, a duly authorized representative of a campaign committee, or a  
45 political party committee, the secretary of state shall furnish, for a fee determined  
46 by the secretary of state and in compliance with section 610.026, media in an  
47 electronic format or, if so requested, in a printed format, showing the names,  
48 addresses, [and] voter identification numbers, **and political party affiliations**  
49 of voters within the jurisdiction of a specific election authority who applied for an  
50 absentee ballot under section 115.279 for any specific election involving a ballot  
51 measure or an office for which the declaration of candidacy is required to be filed  
52 with the secretary of state pursuant to section 115.353, including primary  
53 elections, by township, ward, or precinct. Nothing in this section shall require  
54 such voter information to be released to the public over the internet. For  
55 purposes of this section, the terms "candidate", "campaign committee", and  
56 "political party committee" shall have the same meaning given to such terms in  
57 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 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           6. Any person working as an undercover officer of a local, state or federal  
70 law enforcement agency, persons in witness protection programs, and victims of  
71 domestic violence and abuse who have received orders of protection pursuant to  
72 chapter 455 shall be entitled to apply to the circuit court having jurisdiction in  
73 his or her county of residence to have the residential address on his or her voter  
74 registration records closed to the public if the release of such information could  
75 endanger the safety of the person. Any person working as an undercover agent  
76 or in a witness protection program shall also submit a statement from the chief  
77 executive officer of the agency under whose direction he or she is serving. The  
78 petition to close the residential address shall be incorporated into any petition for  
79 protective order provided by circuit clerks pursuant to chapter 455. If satisfied  
80 that the person filing the petition meets the qualifications of this subsection, the  
81 circuit court shall issue an order to the election authority to keep the residential  
82 address of the voter a closed record and the address may be used only for the  
83 purposes of administering elections pursuant to this chapter. The election  
84 authority may require the voter who has a closed residential address record to  
85 verify that his or her residential address has not changed or to file a change of  
86 address and to affirm that the reasons contained in the original petition are still  
87 accurate prior to receiving a ballot. A change of address within an election  
88 authority's jurisdiction shall not require that the voter file a new petition. Any  
89 voter who no longer qualifies pursuant to this subsection to have his or her  
90 residential address as a closed record shall notify the circuit court. Upon such  
91 notification, the circuit court shall void the order closing the residential address  
92 and so notify the election authority.

          115.163. 1. Each election authority shall use the Missouri voter  
2 registration system established by section 115.158 to prepare a list of legally  
3 registered voters for each precinct. The list shall be arranged alphabetically or  
4 by street address as the election authority determines and shall be known as the  
5 precinct register. The precinct registers shall be kept by the election authority  
6 in a secure place, except when given to election judges for use at an  
7 election. Except as provided in subsection 6 of section 115.157, all registration  
8 records shall be open to inspection by the public at all reasonable times.

9           2. A new precinct register shall be prepared by the election authority prior  
10 to each election.

11           3. **(1)** The election authority shall send to each voter, except those who

12 registered by mail and have not voted, a voter identification card no later than  
13 ninety days prior to the date of a primary or general election for federal office,  
14 unless the voter has received such a card during the preceding six months. The  
15 election authority shall send to each voter who registered by mail and has not  
16 voted the verification notice required under section 115.155 no later than ninety  
17 days prior to the date of a primary or general election for federal office.

18 (2) The voter identification card shall contain the voter's name, address,  
19 [and] precinct, **and political party affiliation or unaffiliation**. The card  
20 also shall inform the voter of the personal identification requirement in section  
21 115.427 and may also contain other voting information at the discretion of the  
22 election authority.

23 (3) The voter identification card shall be sent to a voter, except those who  
24 registered by mail and have not voted, after a new registration or a change of  
25 address. If any voter, except those who registered by mail and have not voted,  
26 shall lose his **or her** voter identification card **or change political party**  
27 **affiliation**, he **or she** may request a new [one] **card** from the election authority.

28 (4) The voter identification card authorized pursuant to this section may  
29 be used as a canvass of voters in lieu of the provisions set out in sections 115.179  
30 to 115.193.

31 (5) Except as provided in subsection 2 of section 115.157, anyone, upon  
32 request and payment of a reasonable fee, may obtain a printout, list and/or  
33 computer tape of those newly registered voters or voters deleted from the voting  
34 rolls, since the last canvass or updating of the rolls.

35 (6) The election authority may authorize the use of the postal service  
36 contractors under the federal National Change of Address program to identify  
37 those voters whose address is not correct on the voter registration records. The  
38 election authority shall not be required to mail a voter registration card to those  
39 voters whose addresses are incorrect. Confirmation notices to such voters  
40 required by section 115.193 shall be sent to the corrected address provided by the  
41 National Change of Address program.

115.168. 1. (1) **If a registered voter chooses to change his or her**  
2 **political party affiliation, the voter may notify the election authority**  
3 **of such change. If such change happens within twenty-three weeks of**  
4 **an established political party's primary election, the voter's change of**  
5 **affiliation shall not be applied by the election authority until after such**  
6 **election. The voter may vote in the primary election of the established**



7 political party with which he or she was affiliated on the twenty-third  
8 Tuesday before the political party primary election. Any change of  
9 political party affiliation shall be made by signed, written notice in  
10 substantially the same manner as a change of address application is  
11 filed pursuant to section 115.165.

12 (2) For purposes of this subsection, the phrase "change his or her  
13 political party affiliation" shall mean changing affiliation from one  
14 established political party to another established political party,  
15 changing from affiliation with an established political party to  
16 unaffiliated, or changing from unaffiliated to an established political  
17 party.

18 2. Any person who was not previously registered to vote in this  
19 state and who submits a voter registration application by 5 p.m. on the  
20 fourth Wednesday prior to the primary election may choose a political  
21 party affiliation or unaffiliation and may vote in the primary election.

22 3. Any person who has registered to vote prior to August 28,  
23 2020, shall be considered by the election authority to be unaffiliated  
24 with an established political party unless such person:

25 (1) Votes in a party primary after August 28, 2020, in which case  
26 such person shall have his or her voter registration amended pursuant  
27 to section 115.398; or

28 (2) Files a change in political party affiliation form pursuant to  
29 subsection 1 of this section.

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 mark for the candidates of one party or group of petitioners for president, vice  
17 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.

115.249. No voting machine shall be used unless it:

2 (1) Permits voting in absolute secrecy;

3 (2) Permits each voter to vote for as many candidates for each office as he  
4 is lawfully entitled to vote for, and no other;

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

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

9 (5) Permits each voter in a primary election to vote for the candidates of  
10 only one party [announced by the voter in advance];

11 (6) Correctly registers or records and accurately counts all votes cast for  
12 each candidate and for and against each question;

13 (7) Is provided with a lock or locks which prevent any movement of the  
14 voting or registering mechanism and any tampering with the mechanism;

15 (8) Is provided with a protective counter or other device whereby any  
16 operation of the machine before or after an election will be detected;

17 (9) Is provided with a counter which shows at all times during the election  
18 how many people have voted on the machine;

19 (10) Is provided with a proper light which enables each voter, while  
20 voting, to clearly see the ballot labels.

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. on  
32 the second Wednesday immediately prior to the election shall be accepted by any  
33 election authority. No application for an absentee ballot submitted by the  
34 applicant in person after 5:00 p.m. on the day before the election shall be  
35 accepted by any election authority, except as provided in subsections 6, 8 and 9  
36 of this section.

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

46           5. (1) Notwithstanding any law to the contrary, any resident of the state  
47 of Missouri who resides outside the boundaries of the United States or who is on  
48 active duty with the Armed Forces of the United States or members of their  
49 immediate family living with them may request an absentee ballot for both the  
50 primary and subsequent general election with one application.

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

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

60           (4) Not later than sixty days after the date of each regularly scheduled

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

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

73 6. An application for an absentee ballot by a new resident shall be  
 74 submitted in person by the applicant in the office of the election authority in the  
 75 election jurisdiction in which such applicant resides. The application shall be  
 76 received by the election authority no later than 7:00 p.m. on the day of the  
 77 election. Such application shall be in the form of an affidavit, executed in  
 78 duplicate in the presence of the election authority or any authorized officer of the  
 79 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) of  
 85 \_\_\_\_\_ County in the state of \_\_\_\_\_;
- 86 (2) I moved to this state after the last day to register to vote in such  
 87 general presidential election and I am now residing in the county  
 88 of \_\_\_\_\_, state of Missouri;
- 89 (3) I believe I am entitled pursuant to the laws of this state to vote in  
 90 the presidential election to be held November \_\_\_\_\_, \_\_\_\_\_ (year);
- 91 (4) I hereby make application for a presidential and vice presidential  
 92 ballot. I have not voted and shall not vote other than by this ballot  
 93 at such election.

94 Signed \_\_\_\_\_

95 (Applicant)

96 \_\_\_\_\_

97 (Residence Address)  
 98 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
 99 Signed \_\_\_\_\_  
 100 (Title and name of officer authorized to administer oaths)"

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

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

112 "STATE OF \_\_\_\_\_  
 113 COUNTY OF \_\_\_\_\_, ss.

114 I, \_\_\_\_\_, do solemnly swear that:

- 115 (1) Before becoming a resident of this election jurisdiction, I resided at  
 116 \_\_\_\_\_ (residence address) in \_\_\_\_\_ (town, township, village or  
 117 city) of \_\_\_\_\_ county in the state of \_\_\_\_\_;
- 118 (2) I moved to this election jurisdiction after the last day to register to  
 119 vote in such election;
- 120 (3) I believe I am entitled pursuant to the laws of this state to vote in  
 121 the election to be held \_\_\_\_\_ (date);
- 122 (4) I hereby make application for an absentee ballot for candidates and  
 123 issues on which I am entitled to vote pursuant to the laws of this  
 124 state. I have not voted and shall not vote other than by this ballot  
 125 at such election.

126 Signed \_\_\_\_\_  
 127 (Applicant)

128 \_\_\_\_\_  
 129 (Residence Address)

130 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
 131 Signed \_\_\_\_\_  
 132 (Title and name of officer authorized to administer oaths)"

133           9. An application for an absentee ballot by an interstate former resident  
134 shall be received in the office of the election authority where the applicant was  
135 formerly registered by 5:00 p.m. on the second Wednesday immediately prior to  
136 the election, unless the application is made in person by the applicant in the  
137 office of the election authority, in which case such application shall be made no  
138 later than 7:00 p.m. on the day of the election.

115.287. 1. Upon receipt of a signed application for an absentee ballot  
2 and if satisfied the applicant is entitled to vote by absentee ballot, the election  
3 authority shall, within three working days after receiving the application, or if  
4 absentee ballots are not available at the time the application is received, within  
5 five working days after they become available, deliver to the voter an absentee  
6 ballot, ballot envelope and such instructions as are necessary for the applicant  
7 to vote. **For applications for an absentee ballot to vote in a primary**  
8 **election, the election authority shall only deliver to the voter the ballot**  
9 **that corresponds to the established political party with which the voter**  
10 **is affiliated, according to his or her voter registration, or, if the voter**  
11 **is unaffiliated, the unaffiliated ballot.** Delivery shall be made to the voter  
12 personally in the office of the election authority or by bipartisan teams appointed  
13 by the election authority, or by first class, registered, or certified mail at the  
14 discretion of the election authority, or in the case of a covered voter as defined in  
15 section 115.902, the method of transmission prescribed in section 115.914. Where  
16 the election authority is a county clerk, the members of bipartisan teams  
17 representing the political party other than that of county clerk shall be selected  
18 from a list of persons submitted to the county clerk by the county chairman of  
19 that party. If no list is provided by the time that absentee ballots are to be made  
20 available, the county clerk may select a person or persons from lists provided in  
21 accordance with section 115.087. If the election authority is not satisfied that any  
22 applicant is entitled to vote by absentee ballot, it shall not deliver an absentee  
23 ballot to the applicant. Within three working days of receiving such an  
24 application, the election authority shall notify the applicant and state the reason  
25 he or she is not entitled to vote by absentee ballot. The applicant may file a  
26 complaint with the elections division of the secretary of state's office under and  
27 pursuant to section 115.219.

28           2. If, after 5:00 p.m. on the second Wednesday before an election, any  
29 voter from the jurisdiction has become hospitalized, becomes confined due to  
30 illness or injury, or is confined in an intermediate care facility, residential care

31 facility, or skilled nursing facility, as such terms are defined in section 198.006,  
32 in the county in which the jurisdiction is located or in the jurisdiction of an  
33 adjacent election authority within the same county, the election authority shall  
34 appoint a team to deliver, witness the signing of and return the voter's  
35 application and deliver, witness the voting of and return the voter's absentee  
36 ballot. In counties with a charter form of government and in cities not within a  
37 county, and in each city which has over three hundred thousand inhabitants, and  
38 is situated in more than one county, if the election authority receives ten or more  
39 applications for absentee ballots from the same address it may appoint a team to  
40 deliver and witness the voting and return of absentee ballots by voters residing  
41 at that address, except when such addresses are for an apartment building or  
42 other structure wherein individual living units are located, each of which has its  
43 own separate cooking facilities. Each team appointed pursuant to this subsection  
44 shall consist of two registered voters, one from each major political party. Both  
45 members of any team appointed pursuant to this subsection shall be present  
46 during the delivery, signing or voting and return of any application or absentee  
47 ballot signed or voted pursuant to this subsection.

48         3. On the mailing and ballot envelopes for each covered voter, the election  
49 authority shall stamp prominently in black the words "FEDERAL BALLOT,  
50 STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".

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

115.327. 1. When submitted for filing, each petition for the nomination  
2 of an independent candidate or for the formation of a new political party shall be  
3 accompanied by a declaration of candidacy for each candidate to be nominated by  
4 the petition or by the party, respectively. The party's duly authorized chairman  
5 and treasurer shall also submit a certified complete list of the names and  
6 addresses of all their candidates and the office for which each seeks. The party  
7 shall nominate its candidates in the manner prescribed in the party's bylaws. If  
8 presidential electors are to be nominated, at least one qualified resident of each  
9 congressional district shall be named as a nominee for presidential elector. The  
10 number of candidates to be nominated shall equal the number of electors to which  
11 the state is entitled. Each declaration of candidacy for the office of presidential  
12 elector shall be in the form provided in section 115.399. Each declaration of  
13 candidacy for an office other than presidential elector shall state the candidate's  
14 full name, residence address, office for which he proposes to be a candidate, the



15 party, if any, upon whose ticket he is to be a candidate and that if nominated and  
 16 elected he will qualify. Each such declaration shall be in substantially the  
 17 following form:

18 I, \_\_\_\_\_, a resident and registered voter of the \_\_\_\_\_ precinct of  
 19 the town of \_\_\_\_\_ or the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward of the  
 20 city of \_\_\_\_\_, or the \_\_\_\_\_ precinct of \_\_\_\_\_ township of the  
 21 county of \_\_\_\_\_ and the state of Missouri, do announce myself a  
 22 candidate for the office of \_\_\_\_\_ on the \_\_\_\_\_ ticket, to be voted  
 23 for at the general (special) election to be held on the \_\_\_\_\_ day of  
 24 \_\_\_\_\_, 20\_\_\_\_\_, and I further declare that if nominated and  
 25 elected I will qualify.

26	_____	Subscribed and sworn
27		to before me this
28	Signature of candidate	_____ day of
29		_____, 20_____
30	_____	_____
31	Residence address	Signature of election
32		official or officer
33		authorized to
34		administer oaths

35 Each such declaration shall be subscribed and sworn to by the candidate before  
 36 the election official accepting the candidate's petition, a notary public or other  
 37 officer authorized by law to administer oaths.

38 **2. Any person who files a declaration of candidacy as an**  
 39 **independent candidate or as the candidate of a new political party for**  
 40 **election to an office shall be unaffiliated with any established political**  
 41 **party, as evidenced by his or her voter registration.**

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

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

9 3. Each declaration of candidacy for nomination in a primary election

10 shall state the candidate's full name, residence address, office for which such  
11 candidate proposes to be a candidate, the party ticket on which he or she wishes  
12 to be a candidate and that if nominated and elected he or she will qualify. The  
13 declaration shall be in substantially the following form:

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

20 \_\_\_\_\_ Subscribed and sworn  
21 to before me this  
22 Signature of candidate \_\_\_\_\_ day of  
23 \_\_\_\_\_, \_\_\_\_\_

24 \_\_\_\_\_  
25 Residence address Signature of election  
26 official or other officer  
27 authorized to  
28 \_\_\_\_\_ administer oaths

29 \_\_\_\_\_  
30 Mailing address (if different)

31 \_\_\_\_\_  
32 Telephone Number (Optional)

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

39 **4. Any person who files a declaration of candidacy as a party**  
40 **candidate for nomination or election to an office shall be affiliated with**  
41 **that political party, as evidenced by his or her voter registration.**

115.351. [No person who files as a party candidate for nomination or  
2 election to an office shall, without withdrawing, file as another party's candidate  
3 or an independent candidate for nomination or election to the office for the same  
4 term. No person who files as an independent candidate for election to an office

5 shall, without withdrawing, file as a party candidate for nomination or election  
6 to the office for the same term.] No person shall file for one office and, without  
7 withdrawing, file for another office to be filled at the same election. A person  
8 who files a request to be included on the presidential primary ballot is not  
9 prohibited by this section from filing or appearing on any ballot as a party  
10 candidate for nomination to another office. Receipt by the secretary of state of  
11 proper certification of nomination pursuant to subsection 1 of section 115.399  
12 constitutes withdrawal by operation of law pursuant to subsection 1 of section  
13 115.359 of any presidential or vice presidential nominee from any other office for  
14 which such nominee is a candidate at the same election. Any person violating  
15 any provision of this section shall be disqualified from running for nomination or  
16 election to any office at the primary and general election next succeeding the  
17 violation.

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 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 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 tenth Tuesday prior to the primary election, leaving no  
22 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 tenth Tuesday prior to the primary election, and at or before 5:00 p.m. on  
27 whatever day is fixed by law as the final date for withdrawing as a candidate for  
28 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 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 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 tenth Tuesday prior to any  
40 primary election, withdraws as provided in subsection 1 of section 115.359 after  
41 5:00 p.m. on the tenth Tuesday prior to any primary election, or is disqualified  
42 after 5:00 p.m. on the tenth Tuesday before any primary election.

43           4. If a person nominated as a party's candidate who is unopposed shall die  
44 at or before 5:00 p.m. on the tenth Tuesday prior to the general election, is  
45 disqualified at or before 5:00 p.m. on the tenth Tuesday prior to the general  
46 election, or shall withdraw at or before 5:00 p.m. on whatever day may be fixed  
47 by law as the final date for withdrawing as a candidate for the office, the party  
48 nominating committee for any established political party may select a party  
49 candidate.

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

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

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

59           **6. Any party candidate selected by a party nominating committee**

60 **pursuant to this section shall be affiliated with the political party of**  
61 **the committee, as evidenced by his or her voter registration.**

115.395. 1. At each primary election, there shall be as many separate  
2 ballots as there are **established political** parties entitled to participate in the  
3 election. **Additionally, there shall be a separate ballot for unaffiliated**  
4 **voters which shall contain only ballot measures and nonpartisan**  
5 **candidates submitted by political subdivisions and special districts.**

6 2. The names of the candidates for each office on each party ballot shall  
7 be listed in the order in which they are filed, except that, in the case of  
8 candidates who file a declaration of candidacy with the secretary of state prior to  
9 5:00 p.m. on the first day for filing, the secretary of state shall determine by  
10 random drawing the order in which such candidates' names shall appear on the  
11 ballot. The drawing shall be conducted so that each candidate, or candidate's  
12 representative if the candidate filed under subsection 2 of section 115.355, may  
13 draw a number at random at the time of filing. The secretary of state shall  
14 record the number drawn with the candidate's declaration of candidacy. The  
15 names of candidates filing on the first day for filing for each office on each party  
16 ballot shall be listed in ascending order of the numbers so drawn. For the  
17 purposes of this subsection, the election authority responsible for oversight of the  
18 filing of candidates, other than candidates that file with the secretary of state,  
19 shall clearly designate where candidates, or a candidate's representative if the  
20 candidate filed under subsection 2 of section 115.355, shall form a line to  
21 effectuate such filings and determine the order of such filings; except that, in the  
22 case of candidates who file a declaration of candidacy with the election authority  
23 prior to 5:00 p.m. on the first day for filing, the election authority may determine  
24 by random drawing the order in which such candidates' names shall appear on  
25 the ballot. If a drawing is conducted pursuant to this subsection, it shall be  
26 conducted so that each candidate, or candidate's representative if the candidate  
27 filed under subsection 2 of section 115.355, may draw a number at random at the  
28 time of filing. If such drawing is conducted, the election authority shall record  
29 the number drawn with the candidate's declaration of candidacy. If such drawing  
30 is conducted, the names of candidates filing on the first day for filing for each  
31 office on each party ballot shall be listed in ascending order of the numbers so  
32 drawn.

33 3. Insofar as applicable, the provisions of sections 115.237 and 115.245  
34 shall apply to each ballot prepared for a primary election, except that the ballot

35 information may be placed in vertical or horizontal rows, no circle shall appear  
36 under any party name and no write-in lines shall appear under the name of any  
37 office for which a candidate is to be nominated at the primary. At a primary  
38 election, write-in votes shall be counted only for persons who can be elected to an  
39 office at the primary.

115.397. **1.** In each primary election, each voter shall be entitled to  
2 receive the ballot of [one and only one] **the established** political party[,  
3 designated by the voter before receiving his ballot] **with which such voter is**  
4 **affiliated, as evidenced by his or her voter registration. Any voter who**  
5 **has chosen to be unaffiliated shall only be permitted to cast an**  
6 **unaffiliated ballot.**

7 **2.** Each voter who participates in a party primary shall be entitled to vote  
8 on all questions and for any nonpartisan candidates submitted by political  
9 subdivisions and special districts at the primary election. Each voter who does  
10 not wish to participate in a party primary may vote on all questions and for any  
11 nonpartisan candidates submitted by a political subdivision or special district at  
12 the primary election.

115.398. **For any person who was registered to vote prior to**  
2 **August 28, 2020, and who has either not changed his or her political**  
3 **party affiliation or has not voted in the primary election of an**  
4 **established political party after August 28, 2020, if such person**  
5 **thereafter participates in a primary election, such person may pick any**  
6 **ballot and the election authority shall note the ballot designated and**  
7 **cast by such person and amend the person's voter registration as**  
8 **follows:**

9 **(1) If the person participates in a party primary by designating**  
10 **the ballot of a political party, then the election authority shall amend**  
11 **the person's voter registration to reflect that he or she is affiliated with**  
12 **such political party;**

13 **(2) If the person chooses not to participate in a party primary**  
14 **and casts a ballot with only questions and nonpartisan candidates, then**  
15 **the election authority shall amend the person's voter registration to**  
16 **reflect that he or she is unaffiliated.**

115.409. Except election authority personnel, election judges, watchers  
2 and challengers appointed pursuant to section 115.105 or 115.107, law  
3 enforcement officials at the request of election officials or in the line of duty,

4 minor children under the age of eighteen accompanying an adult who is in the  
5 process of voting, international observers who have registered as such with the  
6 election authority, persons designated by the election authority to administer a  
7 simulated youth election for persons ineligible to vote because of their age,  
8 members of the news media who present identification satisfactory to the election  
9 judges and who are present only for the purpose of bona fide news coverage  
10 except as provided in subdivision (18) of section 115.637, provided that such  
11 coverage does not disclose how any voter cast the voter's ballot on any question  
12 or candidate [or in the case of a primary election on which party ballot they  
13 voted] or does not interfere with the general conduct of the election as determined  
14 by the election judges or election authority, and registered voters who are eligible  
15 to vote at the polling place, no person shall be admitted to a polling place.

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 as provided in section 115.193 or file a complaint with the elections  
14 division of the secretary of state's office under and pursuant to section 115.219.

15 4. If the election judges cannot reach a decision on the identity or  
16 qualifications of any person, the question shall be decided by the election  
17 authority.

18 5. The election judges or the election authority may require any person  
19 whose right to vote is challenged to execute an affidavit affirming his or her  
20 qualifications. The election authority shall furnish to the election judges a  
21 sufficient number of blank affidavits of qualification, and the election judges shall  
22 enter any appropriate information or comments under the title "Remarks" which  
23 shall appear at the bottom of the affidavit. All executed affidavits of qualification  
24 shall be returned to the election authority with the other election supplies. Any

25 person who makes a false affidavit of qualification shall be guilty of a class one  
26 election offense.

27 **6. In the case of any primary election, the election judges shall**  
28 **determine whether the voter's political party affiliation is the same as**  
29 **the political party holding the primary election.**

115.770. The conduct of the presidential preference primary election and  
2 the count and canvass of the votes cast therein shall conform as nearly as is  
3 practicable to that prescribed for the conduct of the primary election for state  
4 officers. All primary election laws not inconsistent with the provisions of sections  
5 115.750 to 115.785 shall be applicable to the conduct of this election, and the form  
6 of the ballot insofar as is practicable shall be substantially as that prescribed by  
7 section 115.395. In a presidential preference primary, each voter shall be entitled  
8 to receive **only** the ballot of [one and only one established political party,  
9 designated by the voter before receiving such voter's ballot] **the political party**  
10 **with which such voter is affiliated, as evidenced by his or her voter**  
11 **registration.** Each voter who participates in a presidential preference primary  
12 shall be entitled to vote on all questions and for any candidates submitted by  
13 political subdivisions and special districts at the general municipal  
14 election. Each voter who does not wish to participate in a presidential preference  
15 primary may vote on all questions and for any candidates submitted by a political  
16 subdivision or special district at the general municipal election.

Section B. Section A of this act shall become effective January 1, 2021.

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