

SENATE SUBSTITUTE
FOR
HOUSE BILL NO. 850
AN ACT

To repeal sections 115.075, 115.121, 115.225, 115.311, 115.339, 115.341, 115.343, 115.345, 115.349, 115.355, 115.359, 115.361, 115.363, 115.364, 115.373, 115.377, 115.379, 115.387, 115.389, 115.391, 115.393, 115.395, 115.397, 115.403, 115.409, 115.427, 115.430, 115.511, 115.519, 115.521, 115.523, 115.526, 115.527, 115.529, 115.531, 115.539, 115.547, 115.549, 115.593, 116.155, 116.190, and 116.220, RSMo, and to enact in lieu thereof forty-four new sections relating to elections.

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

Section A. Sections 115.075, 115.121, 115.225, 115.311, 115.339, 115.341, 115.343, 115.345, 115.349, 115.355, 115.359, 115.361, 115.363, 115.364, 115.373, 115.377, 115.379, 115.387, 115.389, 115.391, 115.393, 115.395, 115.397, 115.403, 115.409, 115.427, 115.430, 115.511, 115.519, 115.521, 115.523, 115.526, 115.527, 115.529, 115.531, 115.539, 115.547, 115.549, 115.593, 116.155, 116.190, and 116.220, RSMo, are repealed and forty-four new sections enacted in lieu thereof, to be known as sections 115.044, 115.075, 115.121, 115.225, 115.311, 115.339, 115.341, 115.343, 115.345, 115.349, 115.355, 115.359, 115.361, 115.363, 115.364, 115.373, 115.377, 115.379, 115.387, 115.389, 115.391, 115.393, 115.395, 115.397, 115.403, 115.409, 115.427, 115.430, 115.496, 115.511, 115.519, 115.521, 115.523, 115.526, 115.527, 115.529, 115.531, 115.539, 115.547, 115.549, 115.593, 116.155, 116.190, and 116.225, to read as follows:

115.044. 1. No person shall contribute, including in-kind contributions, donate, pay, or otherwise transfer money or equipment to any election authority, as defined in

4 section 115.015, for the purpose of conducting state or
5 local elections in this state.

6 2. No person shall contribute, including in-kind
7 contributions, donate, pay, or otherwise transfer money or
8 equipment to any state officer, employee, department, board,
9 or other state entity for the purpose of conducting state or
10 local elections in this state.

11 3. As used in this section, the following terms mean:

12 (1) "Election", any primary, general, or special
13 election held to nominate or elect an individual to public
14 office, to retain or recall an elected officeholder or to
15 submit a ballot measure to the voters;

16 (2) "Person", an individual, group of individuals,
17 corporation, whether or not such corporation is operated for
18 profit, partnership, committee, proprietorship, joint
19 venture, union, labor organization, trade or professional or
20 business association, association, political party or any
21 executive committee thereof, or any other club or
22 organization however constituted or any officer or employee
23 of such entity acting in the person's official capacity.

115.075. Except as otherwise provided in this
2 subchapter, all costs and expenses relating to the conduct
3 of elections and the registration of voters in each county
4 shall be paid from the general revenue of the county.
5 Notwithstanding the foregoing, no costs or expenses relating
6 to the conduct of elections and the registration of voters
7 may be paid by or derived from persons as defined in
8 sections 115.044.

115.121. 1. The general election day shall be the
2 first Tuesday after the first Monday in November of even-
3 numbered years.

4 2. (1) A June primary election shall be held on the
5 first Tuesday after the first Monday in June of even-

6 numbered years for the offices of United States senator,
7 representative in Congress, governor, lieutenant governor,
8 secretary of state, attorney general, state treasurer, and
9 state auditor, provided such office is to be filled at the
10 subsequent general election.

11 (2) Subdivision (1) of this subsection shall expire
12 December 31, 2024, and all primary elections held thereafter
13 for the offices of United States senator, representative in
14 Congress, governor, lieutenant governor, secretary of state,
15 attorney general, state treasurer, and state auditor shall
16 be held on the first Tuesday after the first Monday in
17 August in even-numbered years in which the office is to be
18 filled at the subsequent general election.

19 3. The primary election day for all offices subject to
20 sections 115.339 to 115.405 that are not subject to
21 subsection 2 of this section shall be the first Tuesday
22 after the first Monday in August of even-numbered years.

23 **[3.]** 4. The election day for the election of political
24 subdivision and special district officers shall be the first
25 Tuesday after the first Monday in April each year, and shall
26 be known as the general municipal election day.

115.225. 1. Before use by election authorities in
2 this state, the secretary of state shall approve the marking
3 devices and the automatic tabulating equipment used in
4 electronic voting systems and may promulgate rules and
5 regulations to implement the intent of sections 115.225 to
6 115.235.

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

9 (1) Permits voting in absolute secrecy;

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

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

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

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

21 (6) Permits each voter at a presidential election to
22 vote by use of a single mark for the candidates of one party
23 or group of petitioners for president, vice president and
24 their presidential electors;

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

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

30 (9) Produces the election results from paper ballots
31 that voters have marked by hand or, in the case of voters
32 who are disabled who need assistance, from paper ballots
33 that have been marked by paper ballot-marking devices
34 designed to assist voters who are disabled;

35 (10) Permits each voter, while voting, to clearly see
36 the ballot label;

37 [(10)] (11) Has been tested and is certified by an
38 independent authority that meets the voting system standards
39 developed by the Federal Election Commission or its
40 successor agency. The provisions of this subdivision shall
41 not be required for any system purchased prior to August 28,
42 2002.

43 3. The secretary of state shall promulgate rules and
44 regulations to allow the use of a computerized voting

45 system. The procedures shall provide for the use of a
46 computerized voting system with the ability to provide a
47 paper audit trail. Notwithstanding any provisions of this
48 chapter to the contrary, such a system may allow for the
49 storage of processed ballot materials in an electronic form.

50 4. Any rule or portion of a rule, as that term is
51 defined in section 536.010, that is created under the
52 authority delegated in this section shall become effective
53 only if it complies with and is subject to all of the
54 provisions of chapter 536 and, if applicable, section
55 536.028. This section and chapter 536 are nonseverable and
56 if any of the powers vested with the general assembly
57 pursuant to chapter 536 to review, to delay the effective
58 date or to disapprove and annul a rule are subsequently held
59 unconstitutional, then the grant of rulemaking authority and
60 any rule proposed or adopted after August 28, 2002, shall be
61 invalid and void.

115.311. All provisions of law not inconsistent with
2 this subchapter shall apply with full force and effect to
3 the June and August primary elections.

115.339. Except as otherwise provided in this
2 subchapter, all candidates for elective office shall be
3 nominated at a June or August primary election in accordance
4 with the provisions of sections 115.339 through 115.405 of
5 this subchapter.

115.341. 1. (1) For the nomination of candidates for
2 United States senator, representative in Congress, governor,
3 lieutenant governor, secretary of state, attorney general,
4 state treasurer, and state auditor to be elected at the next
5 general election, a primary election shall be held on the
6 first Tuesday after the first Monday in ~~August~~ June of
7 even-numbered years.

8 (2) Subdivision (1) of this subsection shall expire
9 December 31, 2024, and all primary elections held thereafter
10 for the offices of United States senator, representative in
11 Congress, governor, lieutenant governor, secretary of state,
12 attorney general, state treasurer, and state auditor shall
13 be held on the first Tuesday after the first Monday in
14 August in even-numbered years in which the office is to be
15 filled at the subsequent general election.

16 2. For the nomination of candidates for all offices
17 subject to sections 115.339 to 115.405 that are not subject
18 to subsection 1 of this section that are to be elected at
19 the next general election, a primary election shall be held
20 on the first Tuesday after the first Monday in August of
21 even-numbered years.

 115.343. 1. Except as provided in subsection 2 of
2 this section, the person receiving the greatest number of
3 votes at a primary election as a party candidate for an
4 office shall be the only candidate of that party for the
5 office at the general election. The name of such candidate
6 shall be placed on the official ballot at the general
7 election unless he is removed or replaced as provided by
8 law. Write-in candidates at a general election shall be
9 considered to be independent candidates and may only be
10 voted for if written on the ballot as an independent.

11 2. For the offices of United States senator,
12 representative in Congress, governor, lieutenant governor,
13 secretary of state, attorney general, state treasurer, and
14 state auditor, the person receiving a majority of the votes
15 cast at the June primary election as a party candidate for
16 an office shall be the only candidate of that party for the
17 office at the general election. The name of such candidate
18 shall be placed on the official ballot at the general
19 election unless he or she is removed or replaced as provided

20 by law. Write-in candidates at a general election shall be
21 considered to be independent candidates and may only be
22 voted for if written on the ballot as an independent.

23 3. If no person receives a majority of the votes cast
24 at the June primary election as a party candidate for United
25 States senator, representative in Congress, governor,
26 lieutenant governor, secretary of state, attorney general,
27 state treasurer, or state auditor, upon the announcement of
28 the election results by the state board of canvassers, the
29 secretary of state shall issue a proclamation ordering a
30 runoff primary election to be held on the first Tuesday
31 after the first Monday in August following the
32 announcement. Any such election shall be conducted and the
33 votes counted as in other primary elections.

34 4. Subsections 2 and 3 of this section shall expire
35 December 31, 2024.

115.345. 1. Not later than the third Monday in
2 December immediately preceding the June primary election or
3 the August primary election, the secretary of state shall
4 prepare and transmit to each election authority a notice, in
5 writing, designating the offices for which candidates are to
6 be nominated at the June primary election and the August
7 primary election.

8 2. Upon receipt of notice, the election authority
9 shall publish the notice and the date by which candidates
10 must file for such offices in a newspaper of general
11 circulation in its jurisdiction.

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

7 Tuesday in March immediately preceding the June primary
8 election or the August primary election.

9 2. No declaration of candidacy for nomination in a
10 June primary election or the August primary election shall
11 be accepted for filing prior to 8:00 a.m. on the last
12 Tuesday in February immediately preceding the June primary
13 election or the August primary election.

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

21 I, _____, a resident and registered voter of the
22 county of _____ and the state of Missouri,
23 residing at _____, do announce myself a candidate
24 for the office of _____ on the _____ party
25 ticket, to be voted for at the June primary or
26 August primary election to be held on the _____
27 day of _____, _____, and I further declare that
28 if nominated and elected to such office I will
29 qualify.

30 _____ Subscribed and sworn

31 Signature of to before me this
32 candidate

33 _____ day of

34 _____, _____

35 _____

36 Residence address Signature of election

37 official or other
38 officer

39 authorized to

40 administer oaths

41 _____
42 Mailing address (if
43 different)
44 _____
45 Telephone Number (Optional)

46 If the declaration is to be filed in person, it shall be
47 subscribed and sworn to by the candidate before an official
48 authorized to accept his or her declaration of candidacy.
49 If the declaration is to be filed by certified mail pursuant
50 to the provisions of subsection 2 of section 115.355, it
51 shall be subscribed and sworn to by the candidate before a
52 notary public or other officer authorized by law to
53 administer oaths.

115.355. 1. Except as provided in subsections 2 and 5
2 of this section and in section 115.377, each declaration of
3 candidacy for nomination in a June primary election or the
4 August primary election shall be filed by the candidate in
5 person in the office of the appropriate election official.

6 2. A candidate may file his declaration of candidacy
7 by certified mail if he is:

8 (1) Unable to appear in person because of physical
9 disability, and the declaration is accompanied by a sworn
10 statement of a licensed physician so stating; or

11 (2) A member of the Armed Forces of the United States
12 on active duty, and the declaration is accompanied by a
13 sworn statement of the candidate's commanding officer so
14 stating.

15 3. Except as provided in section 115.377, no election
16 official shall accept for filing any declaration of
17 candidacy for nomination in a June primary election or the
18 August primary election not presented to him by the
19 candidate in person or which, if sent by certified mail

pursuant to subsection 2 of this section, is not accompanied by the statement required in the same subsection.

4. Election officials shall require proof of identity of persons when filing declarations of candidacy in person and when filing by mail as provided in subsection 2 or 5 of this section.

5. Any judge seeking retention under Sections 25(a) to 25(g) of Article V of the Missouri Constitution may file his declaration of candidacy for election to succeed himself by certified mail.

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

2. Except as provided for in section 115.247, if there is no additional cost for the printing or reprinting of ballots, or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed or is nominated

for an office may, at any time after the time limits set forth in subsection 1 of this section but no later than 5:00 p.m. on the eighth Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the circuit court in the county of such candidate's residence. No withdrawal pursuant to this subsection shall be effective until such candidate files a copy of the court's order in the office of the official who accepted such candidate's declaration of candidacy.

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

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

16 less candidates for the available committee positions than
17 the number of available committee positions, filing for the
18 office or position shall be reopened for a period of five
19 working days, excluding holidays and weekends, following the
20 death, withdrawal or disqualification during which period
21 new candidates may file declarations of candidacy.

22 2. If a candidate for nomination to an office in which
23 the candidate is the only candidate dies, withdraws as
24 provided in subsection 1 or 2 of section 115.359, or is
25 disqualified after 5:00 p.m. on the tenth Tuesday prior to
26 the June primary election or the August primary election,
27 the election and canvass shall not proceed, and a vacancy
28 shall exist on the general election ballot to be filled in
29 the manner provided in sections 115.363 to 115.377.

30 3. If a candidate for the position of political party
31 committeeman or committeewoman becomes disqualified after
32 the tenth Tuesday prior to the primary election, the
33 election and canvass shall proceed, and the disqualified
34 candidate's name shall be physically eradicated from the
35 ballot so that no vote may be cast for that candidate.

36 4. If after filing a declaration of candidacy, a
37 candidate files a statement of withdrawal within two working
38 days prior to the deadline for the close of filing set forth
39 in section 115.349, the time of filing for that office shall
40 cease at said deadline. There shall be a reopening of
41 filing on the first Tuesday after the deadline for the close
42 of filing set forth in section 115.349 which shall last
43 until 5:00 p.m. on the Friday immediately following the
44 first Tuesday after said deadline.

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

4 primary election or the August primary election ballot in
5 the following cases:

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

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

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

23 (4) If there are no candidates for nomination as the
24 party candidate due to disqualification of all party
25 candidates after 5:00 p.m. on the last day on which a person
26 may file as a candidate for nomination, and at or before
27 5:00 p.m. on the tenth Tuesday prior to the June primary
28 election or the August primary election; or

29 (5) If a candidate for the position of political party
30 committeeman or committeewoman dies or withdraws as provided
31 in subsection 1 or 2 of section 115.359 after the tenth
32 Tuesday prior to the August primary election, leaving no
33 candidate.

34 2. Any established political party may select a
35 candidate for nomination, if a candidate who is the
36 incumbent or only candidate dies, is disqualified or

37 withdraws pursuant to subsection 1 or 2 of section 115.359
38 after 5:00 p.m. on the tenth Tuesday prior to the June
39 primary election or the August primary election, and at or
40 before 5:00 p.m. on whatever day is fixed by law as the
41 final date for withdrawing as a candidate for the office.

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

45 (1) If the person nominated as the party candidate
46 shall die at or before 5:00 p.m. on the tenth Tuesday prior
47 to the general election;

48 (2) If the person nominated as the party candidate is
49 disqualified at or before 5:00 p.m. on the tenth Tuesday
50 prior to the general election;

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

55 (4) If a candidate for nomination to an office in
56 which the person is the party's only candidate dies after
57 5:00 p.m. on the tenth Tuesday prior to any June primary
58 election or the August primary election, withdraws as
59 provided in subsection 1 of section 115.359 after 5:00 p.m.
60 on the tenth Tuesday prior to any June primary election or
61 the August primary election, or is disqualified after 5:00
62 p.m. on the tenth Tuesday before any June primary election
63 or the August primary election.

64 4. If a person nominated as a party's candidate who is
65 unopposed shall die at or before 5:00 p.m. on the tenth
66 Tuesday prior to the general election, is disqualified at or
67 before 5:00 p.m. on the tenth Tuesday prior to the general
68 election, or shall withdraw at or before 5:00 p.m. on
69 whatever day may be fixed by law as the final date for

70 withdrawing as a candidate for the office, the party
71 nominating committee for any established political party may
72 select a party candidate.

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

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

77 (2) For an election held pursuant to the provisions of
78 section 105.030 to fill an unexpired term resulting from a
79 vacancy in an office that occurs within fourteen days prior
80 to the filing deadline for the August primary election and
81 not later than the tenth Tuesday prior to the general
82 election. If such vacancy occurs prior to the fourteenth
83 day before the filing deadline for a August primary
84 election, filing for the office shall be as provided for in
85 sections 115.307 to 115.359.

115.364. If a candidate has been previously
2 disqualified as a candidate for an office on the June
3 primary election or the August primary election ballot, that
4 individual shall not be selected by a party nominating
5 committee as a candidate for nomination to the same office
6 on the same June primary election ballot or the August
7 primary election ballot or as a candidate for the same
8 office on the corresponding general election ballot. If a
9 candidate has been previously disqualified as a candidate
10 for an office on the general election ballot, that
11 individual shall not be selected by a party nominating
12 committee as a candidate for the same office on the same
13 general election ballot.

115.373. 1. The name of a candidate selected by a
2 party nominating committee for a June primary, August
3 primary, or general election to fill a vacancy created by
4 death, withdrawal or disqualification shall be filed with

5 the secretary of state or proper election authority no later
6 than 5:00 p.m. on the twenty-eighth day after the vacancy
7 occurs or no later than 5:00 p.m. on the eighth Friday prior
8 to the election, whichever occurs sooner.

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

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

22 4. If the candidate selected by a party nominating
23 committee for a June primary, August primary, general, or
24 special election ballot dies prior to the election, the
25 vacancy created by such death may be filled in the manner
26 provided for filling vacancies created by death on the June
27 primary, August primary and general election ballots.

115.377. 1. Each selection of a candidate made by a
2 party nominating committee pursuant to section 115.363 shall
3 be certified by the chair or acting chair of the nominating
4 committee and filed with the election official authorized to
5 receive declarations of candidacy for the office, provided
6 that no committee member may act as chair for purposes of
7 certifying his or her own selection as candidate. Each such
8 certification shall be subscribed and sworn to by the chair
9 or acting chair before the election official accepting the

10 certification or a notary public and shall be in
11 substantially the following form:

12 I, _____, Chair (Acting Chair) of the _____ party
13 nominating committee duly authorized to nominate a
14 candidate to fill the vacancy created by the death
15 (withdrawal, disqualification, resignation) of
16 _____, do hereby certify that on the _____ day of
17 _____, _____, the nominating committee met and
18 duly selected _____ as the _____ party candidate
19 for nomination (election) to (fill the unexpired
20 term in) the office of _____, district _____, at
21 the August primary (June primary, general, special)
22 election to be held on the _____ day of _____,
23 _____.

24 I further certify that before the meeting, each
25 member of the nominating committee was properly
26 notified of the time and place of the meeting, a
27 majority vote of the members of the nominating
28 committee were present at the meeting, and _____
29 was duly selected by a majority of the members
30 present at the meeting.

31	_____	Subscribed and sworn
32	Signature of chair	to before me this
33	or acting chair	_____ day of
34		_____, _____
35		_____
36		Signature of election
37		official or notary
38		public

39 2. Each selection of a candidate made by the chair of
40 a party nominating committee pursuant to section 115.375
41 shall be certified by the chair of the nominating committee
42 and filed in the office of the election official authorized
43 to receive declarations of candidacy for the office. Each
44 such certification shall be subscribed and sworn to by the
45 chair before the election official accepting the

46 certification or a notary public and shall be as far as
47 practicable in the form provided in subsection 1 of this
48 section.

49 3. When submitted for filing, each certification made
50 by the chair or acting chair of a party nominating committee
51 pursuant to this section shall be accompanied by a
52 declaration of candidacy and any filing fee required for the
53 candidate selected by the nominating committee or its
54 chair. The declaration candidacy shall state the
55 candidate's full name, residence address, office for which
56 such candidate proposes to be a candidate, the party upon
57 whose ticket he or she is to be a candidate and that if
58 nominated and elected he or she will qualify. Each such
59 declaration shall be in substantially the form set forth in
60 section 115.349. Each such declaration shall be subscribed
61 and sworn to by the candidate before the election official
62 accepting the certification, a notary public or other
63 officer authorized by law to administer oaths.

64 4. Neither the secretary of state nor any election
65 authority shall accept any certification, declaration of
66 candidacy or filing fee submitted by the chair or acting
67 chair of a party nominating committee after the deadline
68 provided for submitting such certification in section
69 115.373 or 115.375. Any selection made by a party
70 nominating committee or by the chair of a party committee
71 which is not made in accordance with the provisions of
72 sections 115.363 to 115.377 shall be null and void.

115.379. 1. Whenever the only candidate of a party
2 for nomination or election to an office at a June primary
3 election, August primary election, general election or
4 special election to fill a vacancy dies after the filing
5 deadline and before the election, his or her name shall be
6 printed on the June primary, August primary, general or

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

23 2. Whenever a candidate for nomination or election to
24 an office is disqualified after 5:00 p.m. on the eighth
25 Tuesday prior to a June primary election, August primary
26 election, general election or special election to fill a
27 vacancy, his or her name shall be printed on the June
28 primary, August primary, general or special election ballot,
29 as the case may be. The election and canvass shall proceed,
30 and, if a sufficient number of votes are cast for the
31 disqualified candidate to entitle him or her to nomination
32 or election had the candidate not become disqualified, a
33 vacancy shall exist on the general election ballot or in the
34 office to be filled in the manner provided by law.

35 3. Except as provided in subsection 3 of section
36 115.359, subsection 2 of section 115.361 and subsections 1
37 and 2 of this section, whenever a candidate for nomination
38 or election to an office dies, withdraws or is disqualified
39 prior to a June primary election, August primary election,

40 general election or special election to fill a vacancy, all
41 appropriate election authorities shall see that such
42 candidate's name is removed from the June primary, August
43 primary, general or special election ballot, as the case may
44 be.

115.387. Not later than the tenth Tuesday before each
2 June primary election or August primary election, the
3 secretary of state shall transmit to each election authority
4 a certified list containing the name and address of each
5 person who has filed a declaration of candidacy in the
6 secretary's office and is entitled to be voted for at the
7 June primary election or the August primary election,
8 together with a designation of the office for which the
9 person is a candidate and the party the person represents.
10 In the person's certification, the secretary of state shall
11 also include the order in which the candidates for each
12 office are to be listed on the official ballot.

115.389. Upon receipt of the certified list from the
2 secretary of state, each election authority shall publish,
3 under the proper party designations, the title of each
4 office, the name and address of each candidate for each
5 office to be voted on within its jurisdiction, the date of
6 the June primary or August primary election and the hours
7 the polls will be open. The notice shall be published in a
8 newspaper of general circulation within the jurisdiction of
9 the election authority. The election authority shall
10 include in the notice the names and addresses of all
11 candidates for political party committees who will be
12 elected pursuant to the provisions of subsection 4 of
13 section 115.613.

115.391. Not later than the fourth Tuesday prior to
2 the June primary election or the August primary election, as
3 the case may be, each election authority shall prepare

4 sample official ballots. The sample ballots shall contain,
5 under the appropriate offices and party designations, the
6 names of all candidates to be voted on in its jurisdiction
7 in the order they will appear on the ballot. Each sample
8 ballot shall be printed upon tinted or colored paper, of a
9 different tint or color from the official June primary or
10 the August primary ballot, and shall contain no
11 endorsements. Immediately after having the sample ballots
12 prepared, each election authority shall mail to the chairman
13 of each county committee in its jurisdiction and to each
14 candidate named on the ballot, a copy of the sample ballot
15 for his party. The election authority shall also post a
16 copy of each sample ballot in a conspicuous place in its
17 office.

115.393. Prior to the June primary election or the
2 August primary election, each election authority shall
3 correct any errors or omissions on the sample ballots and
4 cause official ballots to be printed. For each party having
5 a ballot at the June primary election or the August primary
6 election, the election authority shall deliver to each
7 polling place a number of ballots equal to at least one and
8 a half times the number of ballots cast in the voting
9 district for the party at the next to last June primary
10 election or the August primary election. If no ballots were
11 cast for a party in a voting district at the last June
12 primary election or the August primary election, the
13 election authority shall deliver to the polling place a
14 number of ballots estimated to be sufficient for the party.

115.395. 1. At each June primary election and August
2 primary election, there shall be as many separate ballots as
3 there are parties entitled to participate in the election.

4 2. The names of the candidates for each office on each
5 party ballot shall be listed in the order in which they are

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

each office on each party ballot shall be listed in ascending order of the numbers so drawn.

3. Insofar as applicable, the provisions of sections 115.237 and 115.245 shall apply to each ballot prepared for a June primary election or August primary election, except that the ballot information may be placed in vertical or horizontal rows, no circle shall appear under any party name and no write-in lines shall appear under the name of any office for which a candidate is to be nominated at the June primary election or the August primary. At a June primary election or the August primary election, write-in votes shall be counted only for persons who can be elected to an office at the June primary election or the August primary.

115.397. In each June primary election and at each August primary election, each voter shall be entitled to receive the ballot of one and only one political party, designated by the voter before receiving his ballot. Each voter who participates in a party primary shall be entitled to vote on all questions and for any nonpartisan candidates submitted by political subdivisions and special districts at the primary election. Each voter who does not wish to participate in a party primary may vote on all questions and for any nonpartisan candidates submitted by a political subdivision or special district at the primary election.

115.403. Not later than April first prior to each June primary election and not later than May first prior to each August primary election, the secretary of state shall prepare all forms necessary to carry out the provisions of this subchapter. The forms shall be substantially followed in all June primary elections and August primary elections.

115.409. Except election authority personnel, election judges, watchers and challengers appointed pursuant to section 115.105 or 115.107, law enforcement officials at the

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

115.427. 1. Persons seeking to vote in a public
2 election shall establish their identity and eligibility to
3 vote at the polling place by presenting a form of personal
4 identification to election officials. No form of personal
5 identification other than the forms listed in this section
6 shall be accepted to establish a voter's qualifications to
7 vote. Forms of personal identification that satisfy the
8 requirements of this section are any one of the following:

- 9 (1) Nonexpired Missouri driver's license;
- 10 (2) Nonexpired or nonexpiring Missouri nondriver's
11 license;
- 12 (3) A document that satisfies all of the following
13 requirements:
 - 14 (a) The document contains the name of the individual
15 to whom the document was issued, and the name substantially

conforms to the most recent signature in the individual's voter registration record;

(b) The document shows a photograph of the individual;

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

(d) The document was issued by the United States or the state of Missouri; or

(4) Any identification containing a photograph of the individual which is issued by the Missouri National Guard, the United States Armed Forces, or the United States Department of Veteran Affairs to a member or former member of the Missouri National Guard or the United States Armed Forces and that is not expired or does not have an expiration date.

2. (1) An individual who appears at a polling place without a form of personal identification described in subsection 1 of this section and who is otherwise qualified to vote at that polling place may execute a statement, under penalty of perjury, averring that the individual is the person listed in the precinct register; averring that the individual does not possess a form of personal identification described in subsection 1 of this section; acknowledging that the individual is eligible to receive a Missouri nondriver's license free of charge if desiring it in order to vote; and acknowledging that the individual is required to present a form of personal identification, as described in subsection 1 of this section, in order to vote. Such statement shall be executed and sworn to before the election official receiving the statement. Upon executing such statement, the individual may cast a regular

ballot, provided such individual presents one of the following forms of identification:

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

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

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

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

(e) Other identification approved by the secretary of state under rules promulgated pursuant to this section.

(2) For any individual who appears at a polling place without a form of personal identification described in subsection 1 of this section and who is otherwise qualified to vote at that polling place, the election authority may take a picture of such individual and keep it as part of that individual's voter registration file at the election authority.

(3) Any individual who chooses not to execute the statement described in subdivision (1) of this subsection may cast a provisional ballot. Such provisional ballot shall be counted, provided that it meets the requirements of subsection 4 of this section.

(4) For the purposes of this section, the term "election official" shall include any person working under the authority of the election authority.

3. The statement to be used for voting under subdivision (1) of subsection 2 of this section shall be substantially in the following form:

81 "State of _____
82 County of _____
83 I do solemnly swear (or affirm) that my name is
84 _____; that I reside at _____; that I am the
85 person listed in the precinct register under this
86 name and at this address; and that, under penalty
87 of perjury, I do not possess a form of personal
88 identification approved for voting. As a person
89 who does not possess a form of personal
90 identification approved for voting, I acknowledge
91 that I am eligible to receive free of charge a
92 Missouri nondriver's license at any fee office if
93 desiring it in order to vote. I furthermore
94 acknowledge that I am required to present a form
95 of personal identification, as prescribed by law,
96 in order to vote.

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

100 _____

101 Signature of voter

102 Subscribed and affirmed before me this _____ day
103 of _____, 20_____

104 _____

105 Signature of election official"

106 4. A voter shall be allowed to cast a provisional
107 ballot under section 115.430 even if the election judges
108 cannot establish the voter's identity under this section.
109 The election judges shall make a notation on the provisional
110 ballot envelope to indicate that the voter's identity was
111 not verified. The provisional ballot cast by such voter
112 shall not be counted unless:

113 (1) (a) The voter returns to the polling place during
114 the uniform polling hours established by section 115.407 and
115 provides a form of personal identification that allows the

election judges to verify the voter's identity as provided in subsection 1 of this section; or

(b) The election authority verifies the identity of the individual by comparing that individual's signature to the signature on file with the election authority and determines that the individual was eligible to cast a ballot at the polling place where the ballot was cast; and

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

5. The secretary of state shall provide advance notice of the personal identification requirements of subsection 1 of this section in a manner calculated to inform the public generally of the requirement for forms of personal identification as provided in this section. Such advance notice shall include, at a minimum, the use of advertisements and public service announcements in print, broadcast television, radio, and cable television media, as well as the posting of information on the opening pages of the official state internet websites of the secretary of state and governor.

6. (1) Notwithstanding the provisions of section 136.055 and section 302.181 to the contrary, the state and all fee offices shall provide one nondriver's license at no cost to any otherwise qualified voter who does not already possess such identification and who desires the identification in order to vote.

(2) This state and its agencies shall provide one copy of each of the following, free of charge, if needed by an individual seeking to obtain a form of personal identification described in subsection 1 of this section in order to vote:

(a) A birth certificate;

(b) A marriage license or certificate;

149 (c) A divorce decree;
150 (d) A certificate of decree of adoption;
151 (e) A court order changing the person's name;
152 (f) A Social Security card reflecting an updated name;
153 and
154 (g) Naturalization papers or other documents from the
155 United States Department of State proving citizenship.

156 Any individual seeking one of the above documents in order
157 to obtain a form of personal identification described in
158 subsection 1 of this section in order to vote may request
159 the secretary of state to facilitate the acquisition of such
160 documents. The secretary of state shall pay any fee or fees
161 charged by another state or its agencies, or any court of
162 competent jurisdiction in this state or any other state, or
163 the federal government or its agencies, in order to obtain
164 any of the above documents from such state or the federal
165 government.

166 (3) All costs associated with the implementation of
167 this section shall be reimbursed from the general revenue of
168 this state by an appropriation for that purpose. If there
169 is not a sufficient appropriation of state funds, then the
170 personal identification requirements of subsection 1 of this
171 section shall not be enforced.

172 (4) Any applicant who requests a nondriver's license
173 for the purpose of voting shall not be required to pay a fee
174 if the applicant executes a statement, under penalty of
175 perjury, averring that the applicant does not have any other
176 form of personal identification that meets the requirements
177 of this section. The state of Missouri shall pay the
178 legally required fees for any such applicant. The director
179 of the department of revenue shall design a statement to be
180 used for this purpose. The total cost associated with
181 nondriver's license photo identification under this

subsection shall be borne by the state of Missouri from funds appropriated to the department of revenue for that specific purpose. The department of revenue and a local election authority may enter into a contract that allows the local election authority to assist the department in issuing nondriver's license photo identifications.

7. The director of the department of revenue shall, by January first of each year, prepare and deliver to each member of the general assembly a report documenting the number of individuals who have requested and received a nondriver's license photo identification for the purposes of voting under this section. The report shall also include the number of persons requesting a nondriver's license for purposes of voting under this section, but not receiving such license, and the reason for the denial of the nondriver's license.

8. The precinct register shall serve as the voter identification certificate. The following form shall be printed at the top of each page of the precinct register:

VOTER'S IDENTIFICATION CERTIFICATE

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

PRECINCT

WARD OR TOWNSHIP _____

GENERAL (SPECIAL, JUNE PRIMARY, AUGUST PRIMARY)
ELECTION

Held _____, 20_____

Date

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

214 9. The secretary of state shall promulgate rules to
215 effectuate the provisions of this section.

216 10. Any rule or portion of a rule, as that term is
217 defined in section 536.010, that is created under the
218 authority delegated in this section shall become effective
219 only if it complies with and is subject to all of the
220 provisions of chapter 536 and, if applicable, section
221 536.028. This section and chapter 536 are nonseverable and
222 if any of the powers vested with the general assembly
223 pursuant to chapter 536 to review, to delay the effective
224 date or to disapprove and annul a rule are subsequently held
225 unconstitutional, then the grant of rulemaking authority and
226 any rule proposed or adopted after August 28, 2002, shall be
227 invalid and void.

228 11. If any voter is unable to sign his name at the
229 appropriate place on the certificate or computer printout,
230 an election judge shall print the name and address of the
231 voter in the appropriate place on the precinct register, the
232 voter shall make his mark in lieu of signature, and the
233 voter's mark shall be witnessed by the signature of an
234 election judge.

235 12. This section shall become effective only upon the
236 passage and approval by the voters of a constitutional
237 amendment submitted to them by the general assembly
238 regarding the authorization of photo identification
239 requirements for elections by general law. If such
240 constitutional amendment is approved by the voters, this
241 section shall become effective June 1, 2017.

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

6 2. (1) A voter claiming to be properly registered in
7 the jurisdiction of the election authority and eligible to
8 vote in an election, but whose eligibility at that precinct
9 cannot be immediately established upon examination of the
10 precinct register, shall be entitled to vote a provisional
11 ballot after providing a form of personal identification
12 required pursuant to section 115.427 or upon executing an
13 affidavit under section 115.427, or may vote at a central
14 polling place as established in section 115.115 where the
15 voter may vote his or her appropriate ballot for his or her
16 precinct of residence upon verification of eligibility or
17 vote a provisional ballot if eligibility cannot be
18 determined. The provisional ballot provided to a voter
19 under this section shall be the ballot provided to a
20 resident of the voter's precinct determined by reference to
21 the affidavit provided for in this section. If the voter
22 declares that the voter is eligible to vote and the election
23 authority determines that the voter is eligible to vote at
24 another polling place, the voter shall be directed to the
25 correct polling place or a central polling place as
26 established by the election authority pursuant to subsection
27 5 of section 115.115. If the voter refuses to go to the
28 correct polling place or a central polling place, the voter
29 shall be permitted to vote a provisional ballot at the
30 incorrect polling place, but such ballot shall not be
31 counted if the voter was not eligible to vote at that
32 polling place.

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

35 (a) The election judge shall examine the precinct
36 register as provided in section 115.425. If the voter is
37 registered and eligible to vote at the polling place, the
38 voter shall receive a regular ballot;

39 (b) If the voter's eligibility cannot be immediately
40 established by examining the precinct register, the election
41 judge shall contact the election authority. If the election
42 authority cannot immediately establish that the voter is
43 registered and eligible to vote at the polling place upon
44 examination of the Missouri voter registration system, or if
45 the election judge is unable to make contact with the
46 election authority immediately, the voter shall be notified
47 that the voter is entitled to a provisional ballot.

48 (3) The voter shall have the duty to appear and vote
49 at the correct polling place. If an election judge
50 determines that the voter is not eligible to vote at the
51 polling place at which a voter presents himself or herself,
52 and if the voter appears to be eligible to vote at another
53 polling place, the voter shall be informed that he or she
54 may cast a provisional ballot at the current polling place
55 or may travel to the correct polling place or a central
56 polling place, as established by the election authority
57 under subsection 5 of section 115.115, where the voter may
58 cast a regular ballot or provisional ballot if the voter's
59 eligibility still cannot be determined. Provisional ballots
60 cast at a polling place shall be counted only if the voter
61 was eligible to vote at such polling place as provided in
62 subsection 5 of this section.

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

68 (5) Prior to accepting any provisional ballot at the
69 polling place, the election judges shall determine that the
70 information provided on the provisional ballot envelope by

71 the provisional voter is consistent with the identification
72 provided by such person under section 115.427.

73 3. (1) No person shall be entitled to receive a
74 provisional ballot until such person has completed a
75 provisional ballot affidavit on the provisional ballot
76 envelope.

77 (2) The secretary of state shall produce appropriate
78 sizes of provisional ballot envelopes and distribute them to
79 each election authority according to their tabulating
80 system. All provisional ballot envelopes shall be printed
81 on a distinguishable color of paper that is different from
82 the color of the regular ballot. The provisional ballot
83 envelope shall be in the form required by subsection 4 of
84 this section. All provisional ballots shall be marked with
85 a conspicuous stamp or other distinguishing mark that makes
86 them readily distinguishable from the regular ballots.

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

89 4. The provisional ballot in its envelope shall be
90 deposited in the ballot box. The provisional ballot
91 envelope shall be completed by the voter for use in
92 determining eligibility. The provisional ballot envelope
93 specified in this section shall contain a voter's
94 certificate which shall be in substantially the following
95 form:

96 STATE OF _____

97 COUNTY OF _____

98 I do solemnly swear (or affirm) that my name is
99 _____; that my date of birth is _____; that the
100 last four digits of my Social Security Number are
101 _____; that I am registered to vote in _____
102 County or City (if a City not within a County),
103 Missouri; that I am a qualified voter of said
104 County (or City not within a County); that I am

105 eligible to vote at this polling place; and that I
106 have not voted in this election.

107 I understand that if the above-provided information
108 is not correct and the election authority
109 determines that I am not registered and eligible to
110 vote, my vote will not be counted. I further
111 understand that knowingly providing false
112 information is a violation of law and subjects me
113 to possible criminal prosecution.

114 _____
115 (Signature of Voter)

116 _____
117 (Current Address)

118 Subscribed and affirmed before me this _____ day
119 of _____, 20_____

120 _____
121 (Signature of Election Official)

122 The voter may provide additional information to further
123 assist the election authority in determining eligibility,
124 including the place and date the voter registered to vote,
125 if known.

126 5. (1) Prior to counting any provisional ballot, the
127 election authority shall determine if the voter is
128 registered and eligible to vote and if the vote was properly
129 cast. The eligibility of provisional votes shall be
130 determined according to the requirements for a voter to cast
131 a ballot in the election as set forth in sections 115.133
132 and 115.135. A provisional voter ballot shall not be
133 eligible to be counted until the election authority has
134 determined that:

135 (a) The voter cast such provisional ballot at a
136 polling place established for the voter or the central

polling place established by the election authority under subsection 5 of section 115.115;

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

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

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

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

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

169 (4) If the election authority determines that the
170 provisional voter is registered and eligible to vote in the
171 election, the election authority shall provide documentation
172 verifying the voter's eligibility. Such documentation shall
173 be noted on the copy of the provisional ballot envelope and
174 shall contain substantially the following information:

- 175 (a) The name of the provisional voter;
- 176 (b) The name of the reviewer;
- 177 (c) The date and time; and
- 178 (d) A description of evidence found that supports the
179 voter's eligibility.

180 (5) The local election authority shall record on a
181 provisional ballot acceptance/rejection list the provisional
182 ballot identification number and a notation marking it as
183 accepted.

184 (6) If the election authority determines that the
185 provisional voter is not registered or eligible to vote in
186 the election, the election authority shall provide
187 documentation verifying the voter's ineligibility. Such
188 documentation shall be noted on the copy of the provisional
189 ballot envelope and shall contain substantially the
190 following information:

- 191 (a) The name of the provisional voter;
- 192 (b) The name of the reviewer;
- 193 (c) The date and time;
- 194 (d) A description of why the voter is ineligible.

195 (7) The local election authority shall record on a
196 provisional ballot acceptance/rejection list the provisional
197 ballot identification number and notation marking it as
198 rejected.

199 (8) If rejected, a photocopy of the envelope shall be
200 made and used by the election authority as a mail-in voter
201 registration. The actual provisional ballot envelope shall

202 be kept as ballot material, and the copy of the envelope
203 shall be used by the election authority for registration
204 record keeping.

205 6. All provisional ballots cast by voters whose
206 eligibility has been verified as provided in this section
207 shall be counted in accordance with the rules governing
208 ballot tabulation. Provisional ballots shall not be counted
209 until all provisional ballots are determined either eligible
210 or ineligible and all provisional ballots must be processed
211 before the election is certified. The provisional ballot
212 shall be counted only if the election authority determines
213 that the voter is registered and eligible to vote.

214 Provisional ballots voted in the wrong polling place shall
215 not be counted. If the voter is not registered but is
216 qualified to register for future elections, the affidavit
217 shall be considered a mail-in application to register to
218 vote pursuant to this chapter.

219 7. (1) After the election authority completes its
220 review of the provisional voter's eligibility under
221 subsection 5 of this section, the election authority shall
222 deliver the provisional ballots and copies of the
223 provisional ballot envelopes that include eligibility
224 information to bipartisan counting teams, which may be the
225 board of verification, for review and tabulation. The
226 election authority shall maintain a record of such
227 delivery. The record shall include the number of ballots
228 delivered to each team and shall include a signed receipt
229 from two judges, one from each major political party. The
230 election authority shall provide each team with a ballot box
231 and material necessary for tabulation.

232 (2) If the person named on the provisional ballot
233 affidavit is found to have been properly qualified and
234 registered to cast a ballot in the election and the

provisional ballot otherwise qualifies to be counted under the provisions of this section, the envelope shall be opened, and the ballot shall be placed in a ballot box to be counted.

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

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

8. Challengers and watchers, as provided by sections 115.105 and 115.107, may be present during all times that

the bipartisan counting teams are reviewing or counting the provisional ballots, the provisional ballot envelopes, or copies of the provisional ballot envelopes that include eligibility information provided by the election authority. Challengers and watchers shall be permitted to observe the determination of the eligibility of all provisional ballots. The election authority shall notify the county chair of each major political party of the time and location when bipartisan counting teams will be reviewing or counting the provisional ballots, the provisional ballot envelopes, or the copies of the provisional ballot envelopes that include the eligibility information provided by the election authority.

9. The certificate of ballot cards shall:

(1) Reflect the number of provisional envelopes delivered; and

(2) Reflect the number of sealed provisional envelopes with voted ballots deposited in the ballot box.

10. In counties where the voting system does not utilize a paper ballot, the election authority shall provide the appropriate provisional ballots to each polling place.

11. The secretary of state may promulgate rules for purposes of ensuring the uniform application of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

12. The secretary of state shall design and provide to the election authorities the envelopes and forms necessary to carry out the provisions of this section.

13. Pursuant to the Help America Vote Act of 2002, the secretary of state shall ensure a free access system is established, such as a toll-free number or an internet website, that any individual who casts a provisional ballot

301 may access to discover whether the vote of that individual
302 was counted, and, if the vote was not counted, the reason
303 that the vote was not counted. At the time an individual
304 casts a provisional ballot, the election authority shall
305 give the voter written information that states that any
306 individual who casts a provisional ballot will be able to
307 ascertain under such free access system whether the vote was
308 counted, and if the vote was not counted, the reason that
309 the vote was not counted.

310 14. In accordance with the Help America Vote Act of
311 2002, any individual who votes in an election as a result of
312 a court order or any other order extending the time
313 established for closing the polls in section 115.407 may
314 vote only by using a provisional ballot, and such
315 provisional ballot shall be separated and held apart from
316 other provisional ballots cast by those not affected by the
317 order. Such ballots shall not be counted until such time as
318 the ballots are determined to be valid. No state court
319 shall have jurisdiction to extend the polling hours
320 established by law, including section 115.407.

2 115.496. All candidates receiving a majority of the
3 votes cast at a general election shall be deemed elected and
4 entitled to assume office.

5 115.511. 1. The secretary of state shall convene the
6 board of state canvassers to total the abstracts of each
7 June primary election and each August primary election and
8 the board shall, not later than two weeks after receiving
9 all required abstracts from the June primary election and
10 August primary election, issue a statement announcing the
results [of the primary election] for federal officers,
governor, lieutenant governor, state senators and
representatives, circuit judges, secretary of state,
attorney general, state treasurer and state auditor.

11 2. The secretary of state shall convene the board of
12 state canvassers to total the abstracts of each general
13 election and the board shall, not later than the second
14 Tuesday in December following the general election, issue a
15 statement announcing the results of the general election for
16 federal officers, governor, lieutenant governor, state
17 senators and representatives, circuit judges, appellate and
18 circuit judges subject to the provisions of Article V,
19 Section 25 of the State Constitution, secretary of state,
20 attorney general, state treasurer and state auditor.

21 3. The secretary of state shall convene the board of
22 state canvassers to total the abstracts of each special
23 election at which the name of a candidate for nomination or
24 election to the office of United States senator,
25 representative in Congress, governor, lieutenant governor,
26 state senator, state representative, circuit judge not
27 subject to the provisions of Article V, Section 25 of the
28 State Constitution, secretary of state, attorney general,
29 state treasurer or state auditor, or at which an initiative,
30 referendum or constitutional amendment appears on the
31 ballot, and the board shall, not later than two weeks after
32 receiving all required abstracts from the election, issue a
33 statement announcing the results of the election for such
34 office or on such question.

 115.519. Only the names of [those] the two persons who
2 have received [an equal] the highest number of votes for
3 nomination to an office at party June primary election and a
4 higher number of votes than any other candidate for the same
5 office on the same party ballot shall appear on the
6 [special] runoff primary election ballot. Only the names of
7 those persons who have received an equal number of votes for
8 nomination or election to an office at any other election,
9 and a higher number of votes than any other candidate for

10 the same office at the same election shall appear on the
11 [special election] ballot for a runoff primary election
12 called pursuant to subsection 3 of section 115.343.

115.521. Except as provided in subsection 2 of section
2 115.023, each election authority receiving a proclamation
3 ordering a [special] runoff primary election [to decide a
4 tie vote] shall cause legal notice of the election to be
5 published once in the fourteen days prior to the election.
6 The notice shall be published in a newspaper of general
7 circulation in the election authority's jurisdiction and
8 shall include the date and time of the election, the name of
9 the officer or agency calling the election and a sample
10 ballot. The election authority may provide any additional
11 notice of the election it deems desirable.

115.523. 1. As soon as possible after each June
2 primary election and August primary election, each person
3 nominated for an office at the June primary election or the
4 August primary election shall be issued a certificate of
5 nomination.

2. As soon as possible after each other election, each
7 person elected to an office at the election shall be issued
8 a certificate of election.

3. The certificate shall be issued to each person
10 nominated or elected by the officer responsible for
11 accepting such person's declaration of candidacy.

115.526. 1. Any candidate for nomination to an office
2 at a June primary election or August primary election may
3 challenge the declaration of candidacy or qualifications of
4 any other candidate for nomination to the same office to
5 seek or hold such office, or to have his name printed on the
6 ballot, and any candidate for election to an office at a
7 general or special election may challenge the declaration of
8 candidacy or qualifications of any other candidate for

9 election to the same office to seek or hold such office or
10 to have his name printed on the ballot. Except as provided
11 in sections 115.563 to 115.573, challenges shall be made by
12 filing a verified petition with the appropriate court as is
13 provided for in case of a contest of election for such
14 office in sections 115.527 to 115.601. The petition shall
15 set forth the points on which the challenger wishes to
16 challenge the declaration of candidacy or qualifications of
17 the candidate and the facts he will prove in support of such
18 points, and shall pray leave to produce his proof.

19 2. In the case of challenge to a candidate for
20 nomination in a June primary election or the August primary
21 election, the petition shall be filed not later than thirty
22 days after the final date for filing for such election.
23 Except as otherwise provided by law, in the case of
24 challenge to a candidate for election to an office in a
25 general or special election, the petition shall be filed not
26 later than five days after the latest date for certification
27 of a candidate by the officer responsible for issuing such
28 certification. In the case of a disability occurring after
29 said respective deadlines, the petition shall be filed not
30 later than five days after the disability occurs or is
31 discovered. Answers to the petition may be filed at the
32 time and as provided in sections 115.527 to 115.601,
33 specifying the qualifications of the candidate for holding
34 the office for which he is a candidate for election or for
35 nomination.

36 3. The procedure in such matters shall be the same as
37 that provided in sections 115.527 to 115.601, to the extent
38 that it is applicable and not in conflict with the
39 provisions of this section. For the purposes of this
40 section, as used in sections 115.527 to 115.601 the word
41 "contestant" shall mean the challenger and the word

"contestee" shall mean the candidate whose declaration of candidacy or qualifications are challenged. If the court determines that the candidate challenged is not qualified to seek or hold the office for which he is a candidate for nomination or for election or to have his name printed on the ballot, it shall so rule. The right of appeal exists, and may be taken, as provided in sections 115.527 to 115.601.

4. Any candidate finally determined to be not qualified to seek or hold the office for which he is a candidate for nomination or for election shall be disqualified as a candidate for nomination for such office at the June primary election or the August primary election or as a candidate for election to such office at the general or special election, as the case may be. Except as otherwise provided by law, whenever a candidate for nomination or election to an office dies, withdraws or is disqualified prior to the election, such candidate's name shall not be printed on the official ballot.

115.527. Any candidate for nomination to an office at a June primary election or the August primary election may challenge the correctness of the returns for the nomination charging that irregularities occurred in the election.

115.529. Circuit courts shall have jurisdiction to hear and determine all June primary election or August primary election contests.

115.531. 1. Not later than five days after the official announcement of the results of a June primary election or August primary election is issued by the election authority or the secretary of state, as the case may be, any candidate desiring to contest the June primary election or the August primary election shall file a verified petition in the office of the clerk of the circuit court of any circuit in which part of the election was held

9 and in which any alleged irregularity occurred, unless the
10 office involved in the contest is that of a circuit or
11 associate circuit judge not subject to Section 25, Article
12 V, Constitution of Missouri, in which case the verified
13 petition shall be filed, heard, and determined by an
14 adjoining circuit court selected by the contestant as
15 specified in section 115.575. The contestant shall only be
16 required to file one petition with the circuit court for
17 each election contest regardless of the number of counties
18 within the court's jurisdiction. The petition shall set
19 forth the points on which the contestant wishes to contest
20 the election and the facts the contestant will prove in
21 support of such points, and shall pray leave to produce such
22 proof. The judge of the court shall immediately note on the
23 petition the date it was filed and shall immediately set a
24 date, not later than five days after the petition is filed,
25 for a preliminary hearing. If the petition is filed in
26 vacation, the judge of the circuit court shall immediately
27 convene the court in special session for the purpose of
28 hearing the contest. If no regular judge of the court is
29 available the supreme court shall immediately assign another
30 judge. The circuit court in which the petition is filed
31 shall have exclusive jurisdiction over all matters relating
32 to the contest and may issue appropriate orders to all
33 election authorities in the area in which the contested
34 election was held.

35 2. If a petition contesting a June primary election or
36 the August primary election is filed in an incorrect
37 circuit, the court in which it is filed shall have
38 jurisdiction and shall promptly transfer the suit to the
39 correct circuit court.

115.539. If the court finds there is a prima facie
2 showing of irregularities which place the result of the June

3 primary election or the August primary election in doubt,
4 the court shall order a recount of all votes brought in
5 question by the petition or its answer. Where the issue is
6 drawn over the validity of certain votes cast, a prima facie
7 case is made if the validity of a number of votes equal to
8 or greater than the margin of defeat is placed in doubt.
9 The court may order a recount of all votes brought in
10 question by the petition or its answer at any time if it
11 finds that the June primary election or the August primary
12 election result is placed in doubt. All materials and
13 records relating to the contested election may be subpoenaed
14 and all information contained therein shall be subject to
15 the rules of discovery in civil cases. During a recount,
16 the court may hear additional evidence offered by any party
17 bearing on any issue relating to the contested election.

115.547. In each case of a contested June primary
2 election or August primary election, the court may require
3 the contestant to post bond for the costs and expenses of
4 the election contest. The costs and expenses of any
5 election contest, including the cost and expense of a
6 recount, may be adjudged against the unsuccessful party with
7 the payment of the costs and expenses enforceable as in
8 civil cases.

115.549. If any court trying a contested primary
2 election determines there were irregularities of sufficient
3 magnitude to cast doubt on the validity of the initial
4 election, it may order a new primary election for the
5 contested office. The order shall set the date of the
6 election, which shall not be less than fourteen or more than
7 thirty days after the order is issued, and shall be sent by
8 the clerk of the court to each election authority
9 responsible for conducting the special election. In its
10 order, the court shall specify the name of each candidate

11 for the office to be voted on at the special election, and
12 the election shall be conducted and the votes counted as in
13 other primary elections. Notice of the election shall be
14 given in such manner as the court directs. The person
15 receiving [the highest number] a majority of the votes cast
16 at a special party primary election shall be [his] the
17 party's nominee for the contested office. The requisite
18 number of persons receiving the highest number of votes at
19 any other special primary election shall be the nominees for
20 the office.

115.593. If the court or legislative body trying a
2 contested election determines there were irregularities of
3 sufficient magnitude to cast doubt on the validity of the
4 initial election, it may order a new election for the
5 contested office or on the contested question. The order
6 shall set the date of the election and shall be sent by the
7 clerk of the court or the secretary of the senate or the
8 chief clerk of the house of representatives, as the case may
9 be, to each election authority responsible for conducting
10 the special election. In its order, the court or
11 legislative body shall specify the name of each candidate
12 for the office to be voted on at the special election, or
13 the ballot title of the question to be voted on at the
14 special election, and the election shall be conducted and
15 the votes counted as in other elections. Notice of the
16 election shall be given in such manner as the court or
17 legislative body directs. The person receiving [the highest
18 number] a majority of the votes cast at the special election
19 shall be deemed elected and entitled to assume office, or
20 the question submitted at the special election shall be
21 deemed approved if a majority of the votes at the special
22 election are cast in favor of the question.

116.155. 1. The general assembly may include the
official summary statement and a fiscal note summary in any
statewide ballot measure that it refers to the voters.

2. The official summary statement approved by the
general assembly shall, taken together with the approved
fiscal note summary, be the official ballot title and such
summary statement shall contain no more than fifty words,
excluding articles. The title shall be a true and impartial
statement of the purposes of the proposed measure in
language neither intentionally argumentative nor likely to
create prejudice either for or against the proposed
measure. The official summary statement approved by the
general assembly shall appear on the ballot as written by
the general assembly. No court shall have jurisdiction to
hear any action challenging such statement.

3. The fiscal note summary approved by the general
assembly shall contain no more than fifty words, excluding
articles, which shall summarize the fiscal note prepared for
the measure in language neither argumentative nor likely to
create prejudice for or against the proposed measure. The
fiscal note summary approved by the general assembly shall
appear on the ballot as written by the general assembly. No
court shall have jurisdiction to hear any action challenging
such statement.

116.190. 1. Any citizen who wishes to challenge the
official ballot title or the fiscal note prepared for a
proposed constitutional amendment submitted [by the general
assembly,] by initiative petition[,] or by constitutional
convention, or for a statutory initiative or a referendum
measure submitted by the people, may bring an action in the
circuit court of Cole County. The action must be brought
within ten days after the official ballot title is certified

9 by the secretary of state in accordance with the provisions
10 of this chapter.

11 2. The secretary of state shall be named as a party
12 defendant in any action challenging the official ballot
13 title prepared by the secretary of state. When the action
14 challenges the fiscal note or the fiscal note summary
15 prepared by the auditor, the state auditor shall also be
16 named as a party defendant. [The president pro tem of the
17 senate, the speaker of the house and the sponsor of the
18 measure and the secretary of state shall be the named party
19 defendants in any action challenging the official summary
20 statement, fiscal note or fiscal note summary prepared
21 pursuant to section 116.155.]

22 3. The petition shall state the reason or reasons why
23 the summary statement portion of the official ballot title
24 is insufficient or unfair and shall request a different
25 summary statement portion of the official ballot title.
26 Alternatively, the petition shall state the reasons why the
27 fiscal note or the fiscal note summary portion of the
28 official ballot title is insufficient or unfair and shall
29 request a different fiscal note or fiscal note summary
30 portion of the official ballot title.

31 4. The action shall be placed at the top of the civil
32 docket. Insofar as the action challenges the summary
33 statement portion of the official ballot title, the court
34 shall consider the petition, hear arguments, and in its
35 decision certify the summary statement portion of the
36 official ballot title to the secretary of state. Insofar as
37 the action challenges the fiscal note or the fiscal note
38 summary portion of the official ballot title, the court
39 shall consider the petition, hear arguments, and in its
40 decision, either certify the fiscal note or the fiscal note
41 summary portion of the official ballot title to the

42 secretary of state or remand the fiscal note or the fiscal
43 note summary to the auditor for preparation of a new fiscal
44 note or fiscal note summary pursuant to the procedures set
45 forth in section 116.175. Any party to the suit may appeal
46 to the supreme court within ten days after a circuit court
47 decision. In making the legal notice to election
48 authorities under section 116.240, and for the purposes of
49 section 116.180, the secretary of state shall certify the
50 language which the court certifies to him.

51 5. Any action brought under this section that is not
52 fully and finally adjudicated within one hundred eighty days
53 of filing, and more than fifty-six days prior to election in
54 which the measure is to appear, including all appeals, shall
55 be extinguished, unless a court extends such period upon a
56 finding of good cause for such extension. Such good cause
57 shall consist only of court-related scheduling issues and
58 shall not include requests for continuance by the parties.

116.225. Each political subdivision or special
2 district of this state shall label ballot measures of any
3 type that are submitted to a vote of the people
4 alphabetically in the order in which they are submitted by
5 petition, ordinance, vote of a political subdivision or
6 special district, or other method authorized by law. The
7 secretary of state shall label statutory initiative and
8 referendum measures with the letters A through I. The
9 governing body of the county shall label county ballot
10 measures with the letters J through R, and the governing
11 body of each city, town, village, township, or special
12 district shall label local ballot measures with the letters
13 S through Z. Each official or governing body described in
14 this section shall label the first ballot measure in each
15 category with the first letter in the sequence designated
16 for that category, and so on consecutively through the last

17 letter designated for the category, and then begin labeling
18 with the first letter for the category followed by an "A"
19 and so on. A new series of letters shall be started after
20 each election. In the event a measure is labeled prior to,
21 but not voted on at, the next succeeding election, the
22 letter or number assigned to such measure shall not be
23 reassigned until after such measure has been voted on by the
24 people.

2 [116.220. The secretary of state shall
3 label statutory initiative and referendum
4 measures alphabetically in the order in which
5 they are submitted by petition or in the order
6 in which they are passed by the general
7 assembly. The secretary of state shall label
8 the first as "Proposition A", and so on
9 consecutively through the letter Z, and then
10 begin labeling as "Proposition AA" and so on. A
11 new series of letters shall be started after
12 each general election. In the event a measure
13 is labeled prior to, but not voted on at, the
14 next succeeding general election, the letter
15 assigned to such measure shall not be reassigned
16 until after such measure has been voted on by
 the people.]