FIRST REGULAR SESSION

SENATE BILL NO. 154

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

0499S.01I

ADRIANE D. CROUSE, Secretary

AN ACT


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


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

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

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
3. Notwithstanding any other provision of law to the contrary, no person shall be entitled to vote in a primary election or a presidential preference primary of an established political party unless he or she is affiliated with such party, as evidenced by his or her voter registration.

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

APPLICATION FOR REGISTRATION

Are you a citizen of the United States?

□ YES □ NO

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

□ YES □ NO

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

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

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Township (or Ward)   __________________

__________________   __________________
Name                   Precinct

__________________   __________________
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<td>Home Address</td>
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<td>Identification</td>
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<td>Date of Birth</td>
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<td>Telephone Number</td>
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<td>39</td>
<td>Occupation</td>
<td>Last Place Previously Registered</td>
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<td>43</td>
<td>Last four digits of Social Security Number (Required for registration unless no Social Security number exists for Applicant)</td>
<td>Under What Name</td>
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<td>51</td>
<td>Political Party Affiliation (Optional. However, if you make a designation, you will only be allowed to vote for candidates of the designated political party in)</td>
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2. The options for political party affiliation required by the application described in subsection 1 of this section shall include all established political parties and an option for unaffiliation. If an applicant does not choose a political party affiliation or unaffiliation, the
election authority shall mark the applicant's form as unaffiliated.

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

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

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

[5.] 6. The secretary of state shall prescribe specifications for voter registration documents so that they are uniform throughout the state of Missouri and comply with the National Voter Registration Act of 1993, including the reporting requirements, and so that registrations, name changes and transfers of registrations within the state may take place as allowed by law.

[6.] 7. All voter registration applications shall be preserved in the office of the election authority.

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

(1) Voter identification number;
(2) First name;
(3) Middle initial;
(4) Last name;
(5) Suffix;
(6) Street number;
(7) Street direction;
(8) Street name;
(9) Street suffix;
(10) Apartment number;
(11) City;
(12) State;
(13) Zip code;
(14) Township;
(15) Ward;
(16) Precinct;
(17) Senatorial district;
(18) Representative district;
(19) Congressional district; and
(20) Political party affiliation or unaffiliation.

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

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

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

5. The amount of fees charged for information provided
in this section shall be established pursuant to chapter
610. All revenues collected by the secretary of state
pursuant to this section shall be deposited in the state
treasury and credited to the secretary of state's technology
trust fund account established pursuant to section 28.160.
In even-numbered years, each election authority shall, upon
request, supply the voter registration list for its
jurisdiction to all candidates and party committees for a
charge established pursuant to chapter 610. Except as
provided in subsection 6 of this section, all election
authorities shall make the information described in this
section available pursuant to chapter 610. Any election
authority who fails to comply with the requirements of this
section shall be subject to the provisions of chapter 610.

6. Any person working as an undercover officer of a
local, state or federal law enforcement agency, persons in
witness protection programs, and victims of domestic
violence and abuse who have received orders of protection
pursuant to chapter 455 shall be entitled to apply to the
circuit court having jurisdiction in his or her county of
residence to have the residential address on his or her
voter registration records closed to the public if the
release of such information could endanger the safety of the
person. Any person working as an undercover agent or in a
witness protection program shall also submit a statement
from the chief executive officer of the agency under whose
direction he or she is serving. The petition to close the
residential address shall be incorporated into any petition
for protective order provided by circuit clerks pursuant to
chapter 455. If satisfied that the person filing the
petition meets the qualifications of this subsection, the
circuit court shall issue an order to the election authority
to keep the residential address of the voter a closed record
and the address may be used only for the purposes of
administering elections pursuant to this chapter. The
election authority may require the voter who has a closed residential address record to verify that his or her residential address has not changed or to file a change of address and to affirm that the reasons contained in the original petition are still accurate prior to receiving a ballot. A change of address within an election authority's jurisdiction shall not require that the voter file a new petition. Any voter who no longer qualifies pursuant to this subsection to have his or her residential address as a closed record shall notify the circuit court. Upon such notification, the circuit court shall void the order closing the residential address and so notify the election authority.

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

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

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

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

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

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

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

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

115.168. 1. (1) If a registered voter chooses to change his or her political party affiliation, the voter may notify the election authority of such change. Any change of political party affiliation shall be made by signed, written notice in substantially the same manner as a change of address application is filed pursuant to section 115.165.

(2) Except as otherwise provided in subdivision (3) of this subsection, beginning January 1, 2025, if a registered voter changes his or her political party affiliation within twenty-three weeks of a primary election of an established political party, the voter's change of affiliation shall not be applied by the election authority to his or her voter registration until after such election. A registered voter may only vote in the primary election of the established political party with which he or she was affiliated on the twenty-third Tuesday before such election.

(3) In any year in which a presidential preference primary is held, a registered voter may change his or her political party affiliation for purposes of voting in a primary election no later than fifteen weeks prior to the primary election.

(4) For purposes of this subsection, the phrase "change his or her political party affiliation" shall mean changing affiliation from one established political party to another established political party, changing from affiliation with an established political party to unaffiliated, or changing from unaffiliated to an established political party.

2. Notwithstanding any provision of this section to the contrary, any person who was not previously registered
to vote in this state prior to a primary election or a presidential preference primary of an established political party and who submits a voter registration application by 5 p.m. on the fourth Wednesday prior to such an election may choose a political party affiliation or unaffiliation and may vote in such election.

3. Any person who was registered to vote in this state as of August 28, 2021, shall be considered by the election authority to be unaffiliated with an established political party unless such person:

(1) Votes in a primary election or a presidential preference primary of an established political party after August 28, 2021, but before September 1, 2024, in which case the election authority shall make a notation on such person's voter registration pursuant to section 115.398; or

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

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

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

(1) Permits voting in absolute secrecy;

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

(3) Permits each voter to vote for or against as many questions as a voter is lawfully entitled to vote on, and no more;
(4) Provides facilities for each voter to cast as many write-in votes for each office as a voter is lawfully entitled to cast;

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

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

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

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

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

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

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

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

115.249. No voting machine shall be used unless it:

(1) Permits voting in absolute secrecy;

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

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

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

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

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

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

(8) Is provided with a protective counter or other device whereby any operation of the machine before or after an election will be detected;
(9) Is provided with a counter which shows at all times during the election how many people have voted on the machine;

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

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

2. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is or would be registered, his or her reason for voting an absentee ballot, the address to which the ballot is to be mailed, if mailing is requested, and for absent uniformed services and overseas applicants, the applicant's email address if electronic transmission is requested. If the reason for the applicant voting absentee is due to the reasons established under subdivision (6) of subsection 1 of section 115.277, the applicant shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, address at which he or she is or would be registered, and address to which the ballot is to be mailed, if mailing is requested. [Each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days...
after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which political party ballot he or she wishes to receive. If the applicant does not respond to the request for political party designation, the election authority is authorized to provide the voter with that part of the ballot for which no political party designation is required.

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

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

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

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

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

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

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

6. An application for an absentee ballot by a new
resident shall be submitted in person by the applicant in
the office of the election authority in the election
jurisdiction in which such applicant resides. The
application shall be received by the election authority no
later than 7:00 p.m. on the day of the election. Such
application shall be in the form of an affidavit, executed
in duplicate in the presence of the election authority or
any authorized officer of the election authority, and in
substantially the following form:

"STATE OF _______
COUNTY OF _______, ss.

I, _____, do solemnly swear that:

(1) Before becoming a resident of this state, I resided at
_____ (residence address) in _____ (town, township,
village or city) of _____ County in the state of
_____;

(2) I moved to this state after the last day to register to
vote in such general presidential election and I am now
residing in the county of _____, state of Missouri;

(3) I believe I am entitled pursuant to the laws of this
state to vote in the presidential election to be held
November _____, _____ (year);
(4) I hereby make application for a presidential and vice
presidential ballot. I have not voted and shall not vote
other than by this ballot at such election.

Signed ______________________
(Applicant)

__________________________
(Residence Address)

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

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

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

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

"STATE OF ______
COUNTY OF ______, ss.
I, _____, do solemnly swear that:

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

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

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

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

Signed __________________
(Applicant)

____________________
(Residence Address)

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

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

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

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

2. If, after 5:00 p.m. on the second Wednesday before an election, any voter from the jurisdiction has become hospitalized, becomes confined due to illness or injury, or is confined in an intermediate care facility, residential care facility, or skilled nursing facility, as such terms are defined in section 198.006, in the county in which the jurisdiction is located or in the jurisdiction of an adjacent election authority within the same county, the election authority shall appoint a team to deliver, witness the signing of and return the voter's application and deliver, witness the voting of and return the voter's absentee ballot. In counties with a charter form of government and in cities not within a county, and in each city which has over three hundred thousand inhabitants, and is situated in more than one county, if the election authority receives ten or more applications for absentee ballots from the same address it may appoint a team to deliver and witness the voting and return of absentee ballots by voters residing at that address, except when such addresses are for an apartment building or other structure wherein individual living units are located, each of which has its own separate cooking facilities. Each team appointed pursuant to this subsection shall consist of two registered voters, one from each major political party. Both members of any team appointed pursuant to this subsection shall be present during the delivery, signing or voting and return of any application or absentee ballot signed or voted pursuant to this subsection.
3. On the mailing and ballot envelopes for each covered voter, the election authority shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".

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

115.327. 1. When submitted for filing, each petition for the nomination of an independent candidate or for the formation of a new political party shall be accompanied by a declaration of candidacy for each candidate to be nominated by the petition or by the party, respectively. The party's duly authorized chairman and treasurer shall also submit a certified complete list of the names and addresses of all their candidates and the office for which each seeks. The party shall nominate its candidates in the manner prescribed in the party's bylaws. If presidential electors are to be nominated, at least one qualified resident of each congressional district shall be named as a nominee for presidential elector. The number of candidates to be nominated shall equal the number of electors to which the state is entitled. Each declaration of candidacy for the office of presidential elector shall be in the form provided in section 115.399. Each declaration of candidacy for an office other than presidential elector shall state the candidate's full name, residence address, office for which he proposes to be a candidate, the party, if any, upon whose ticket he is to be a candidate and that if nominated and elected he will qualify. Each such declaration shall be in substantially the following form:
I, _______, a resident and registered voter of the ______
precinct of the town of ______ or the ______ precinct of
the _____ ward of the city of ______, or the ______
precinct of ______ township of the county of ______ and the
state of Missouri, do announce myself a candidate for the
office of ______ on the ______ ticket, to be voted for at
the general (special) election to be held on the _____ day
of ______, 20______, and I further declare that if
nominated and elected I will qualify.

________________________
Subscribed and
sworn

Signature of
candidate
to before me this

_____ day of
______, 20_____

________________________
Residence address  Signature of
election

official or officer

authorized to
administer oaths

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

2. Any person who files a declaration of candidacy as
an independent candidate or as the candidate of a new
political party for election to an office shall be
unaffiliated with any established political party, as
evidenced by his or her voter registration, no later than
the twenty-third Tuesday prior to the last Tuesday in
February immediately preceding the primary election.
115.349. 1. Except as otherwise provided in sections 115.361 to 115.383 or sections 115.755 to 115.785, no candidate's name shall be printed on any official primary ballot unless the candidate has filed a written declaration of candidacy in the office of the appropriate election official by 5:00 p.m. on the last Tuesday in March immediately preceding the primary election.

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

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

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

________________________
Signature of candidate

________________________
Subscribed and sworn to before me this _____ day of _____, ______.
If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate before an official authorized to accept his or her declaration of candidacy. If the declaration is to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it shall be subscribed and sworn to by the candidate before a notary public or other officer authorized by law to administer oaths.

4. Any person who files a declaration of candidacy as a party candidate for nomination or election to an office shall be affiliated with that political party, as evidenced by his or her voter registration, no later than the twenty-third Tuesday prior to the last Tuesday in February immediately preceding the primary election.

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

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

(1) If there are no candidates for nomination as the
party candidate due to death of all the party's candidates
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 the primary election;

(2) If there are no candidates for nomination as the
party candidate due to withdrawal 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 whatever day may be
fixed by law as the final date for withdrawing as a
candidate for the office;
If there are no candidates for nomination as the party candidate due to death or disqualification of all candidates within seven days prior to the filing deadline and if no person has filed for the party nomination within that time;

If there are no candidates for nomination as the party candidate due to disqualification of all party candidates after 5:00 p.m. on the last day on which a person may file as a candidate for nomination, and at or before 5:00 p.m. on the tenth Tuesday prior to the primary election; or

If a candidate for the position of political party committeeman or committeewoman dies or withdraws as provided in subsection 1 or 2 of section 115.359 after the tenth Tuesday prior to the primary election, leaving no candidate.

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

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

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

If the person nominated as the party candidate is disqualified at or before 5:00 p.m. on the tenth Tuesday prior to the general election;
(3) If the person nominated as the party candidate shall withdraw at or before 5:00 p.m. on whatever day may be fixed by law as the final date for withdrawing as a candidate for the office;

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

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

5. A party nominating committee may select a party candidate for election to an office in the following cases:
   (1) For an election called to fill a vacancy in an office;
   (2) For an election held pursuant to the provisions of section 105.030 to fill an unexpired term resulting from a vacancy in an office that occurs within fourteen days prior to the filing deadline for the primary election and not later than the tenth Tuesday prior to the general election. If such vacancy occurs prior to the fourteenth day before the filing deadline for a primary election, filing for the
office shall be as provided for in sections 115.307 to
115.359.

6. Any party candidate selected by a party nominating
committee pursuant to this section shall be affiliated with
the political party of the committee, as evidenced by his or
her voter registration.

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

2. The names of the candidates for each office on each
party ballot shall be listed in the order in which they are
filed, except that, in the case of candidates who file a
declaration of candidacy with the secretary of state prior
to 5:00 p.m. on the first day for filing, the secretary of
state shall determine by random drawing the order in which
such candidates' names shall appear on the ballot. The
drawing shall be conducted so that each candidate, or
candidate's representative if the candidate filed under
subsection 2 of section 115.355, may draw a number at random
at the time of filing. The secretary of state shall record
the number drawn with the candidate's declaration of
candidacy. The 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. For the
purposes of this subsection, the election authority
responsible for oversight of the filing of candidates, other
than candidates that file with the secretary of state, shall
clearly designate where candidates, or a candidate's
representative if the candidate filed under subsection 2 of section 115.355, shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a declaration of candidacy with the election authority prior to 5:00 p.m. on the first day for filing, the election authority may determine by random drawing the order in which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate, or candidate's representative if the candidate filed under subsection 2 of section 115.355, may draw a number at random at the time of filing. If such drawing is conducted, the election authority shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the 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 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 primary. At a primary election, write-in votes shall be counted only for persons who can be elected to an office at the primary.

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

2. 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.

115.398. 1. For any person who was registered to vote in this state as of August 28, 2021, if such person thereafter casts a ballot on a primary election day or a presidential preference primary election day before September 1, 2024, such person may pick any ballot and the election authority shall note the ballot designated and cast by such person and make a notation on the person's voter registration as follows:

(1) If the person participates in a party primary by designating the ballot of an established political party, then the election authority shall make a notation on the person's voter registration to reflect that he or she is affiliated with such party;

(2) If the person participates in the nonpartisan primary by designating the unaffiliated ballot with only questions and nonpartisan candidates, then the election authority shall make a notation on the person's voter registration to reflect that he or she is unaffiliated.

2. For any person who casts a ballot on a primary election day or a presidential preference primary election day after August 28, 2021, but before September 1, 2024, the notation made by the election authority pursuant to
subsection 1 of this section at the last primary election or presidential preference primary at which the person casts a ballot shall dictate such person's political party affiliation or unaffiliation for all primary elections and presidential preference primary elections held after September 1, 2024.

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

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

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

3. Any question of doubt concerning the identity or qualifications of a voter shall be decided by a majority of the judges from the major political parties. If such election judges decide not to permit a person to vote because of doubt as to his or her identity or qualifications, the person may apply to the election authority as provided in section 115.193 or file a complaint with the elections division of the secretary of state's office under and pursuant to section 115.219.

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

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

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