

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 654

AN ACT

To repeal sections 115.013, 115.031, 115.045, 115.051, 115.081, 115.085, 115.105, 115.123, 115.135, 115.151, 115.157, 115.160, 115.165, 115.205, 115.225, 115.237, 115.257, 115.275, 115.277, 115.279, 115.283, 115.285, 115.287, 115.291, 115.302, 115.349, 115.351, 115.417, 115.427, 115.435, 115.447, 115.652, 115.755, 115.758, 115.761, 115.765, 115.767, 115.770, 115.773, 115.776, 115.785, 115.902, 115.904, and 115.960, RSMo, and to enact in lieu thereof thirty-eight new sections relating to elections, with penalty provisions.

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

Section A. Sections 115.013, 115.031, 115.045, 115.051, 115.081, 115.085, 115.105, 115.123, 115.135, 115.151, 115.157, 115.160, 115.165, 115.205, 115.225, 115.237, 115.257, 115.275, 115.277, 115.279, 115.283, 115.285, 115.287, 115.291, 115.302, 115.349, 115.351, 115.417, 115.427, 115.435, 115.447, 115.652, 115.755, 115.758, 115.761, 115.765, 115.767, 115.770, 115.773, 115.776, 115.785, 115.902, 115.904, and 115.960, RSMo, are repealed and thirty-eight new sections enacted in lieu thereof, to be known as sections 28.960, 115.004, 115.013, 115.031, 115.045, 115.051, 115.081, 115.085, 115.105, 115.123, 115.135, 115.151, 115.157, 115.160, 115.165, 115.205, 115.225, 115.237, 115.257, 115.275, 115.277, 115.279, 115.283, 115.285, 115.286, 115.287, 115.291, 115.302, 115.349, 115.351, 115.417, 115.427, 115.435, 115.447, 115.652, 115.902, 115.904, and 115.960, to read as follows:

28.960. 1. The secretary of state shall have the authority to, at his or her discretion, audit the list of

registered voters for any local election authority to ensure accuracy.

2. Any audit conducted by the secretary of state shall, at least quarterly, determine whether the local election authority has performed the following voter registration list maintenance activities, as required by law:

(1) Sending verification notices in accordance with section 115.155; and

(2) Registering voters and removing names from the voter registration system in accordance with section 115.158.

3. After completing the audit, the secretary of state shall notify the local election authority in writing of any maintenance updates that are required and shall advise the local election authority they have ninety days to make required updates. If, after ninety days, the secretary of state determines that the local election authority has not performed the required maintenance of voter registration lists as required by law, the secretary of state's office may withhold funds from the local election authority.

115.004. The sections of this chapter and all related rules and regulations shall not be amended or modified in any manner in the twenty-six weeks preceding any presidential election.

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

(1) "Air-gap" or "air-gapped", a security measure in which equipment is physically and technically isolated from any network and is not directly connected to the internet nor is it connected to any other system that is connected to the internet. Data can only be passed to an air-gapped device physically via a USB or other removable media;

(2) "Automatic tabulating equipment", the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results and which are air-gapped and not physically able to be connected to a network;

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

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

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

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

(6) "County", any county in this state or any city not within a county;

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

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

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

(10) "Electronic voting system", a system of casting votes by use of marking devices, and counting votes by use of automatic air-gapped tabulating or air-gapped data processing equipment, including computerized voting systems that mark or tabulate ballots;

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

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

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

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

(15) "Marking device", any **[approved]** device approved by the secretary of state under section 115.225 which will enable the votes to be counted by automatic tabulating equipment;

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

(17) "New party", any political group which has filed a valid petition and is entitled to place its list of

candidates on the ballot at the next general or special election;

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

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

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

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

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

(23) "Public office", any office established by constitution, statute or charter and any employment under the United States, the state of Missouri, or any political subdivision or special district thereof, but does not include any office in the Missouri state defense force or the National Guard or the office of notary public or city attorney in cities of the third classification or cities of the fourth classification;

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

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

(26) "Special district", any school district, water district, fire protection district, hospital district, health center, nursing district, or other districts with

taxing authority, or other district formed pursuant to the laws of Missouri to provide limited, specific services;

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

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

115.031. Each election commissioner shall be a registered voter and a resident of the jurisdiction for which he or she is appointed [for at least one year preceding his appointment]. During his term of office, no commissioner shall hold any statutory position within a political party or on a political committee, be a candidate for political office or hold any other public office.

115.045. Each election authority shall have the authority to employ such attorneys and other employees as may be necessary to promptly and correctly perform the duties of the election authority. Where an electronic voting system or voting machines are used, the election authority shall designate competent employees to have custody of and supervise maintenance of the voting equipment. Board of election commissioners' employees shall be subject to the same restrictions and subscribe the same oath as members of the board of election commissioners, except that no employee of a board of election commissioners shall be required to post bond or reside and be a registered voter within the jurisdiction of the election authority unless directed to do so by the board. Employee oaths and any bonds shall be filed and preserved in the office of the board.

115.051. 1. In each county which does not have a board of election commissioners, the county clerk shall have the right to employ such deputies and assistants as are necessary to promptly and correctly register voters and conduct elections. Where an electronic voting system or voting machines are used, the county clerk shall designate competent employees to have custody of and supervise maintenance of the voting equipment. Each deputy shall be subject to the same restrictions and subscribe the same oath as the county clerk, except that no employee shall be required to post bond or reside and be a registered voter within the jurisdiction of the election authority unless directed to do so by the clerk. Employee oaths and any bonds shall be filed and preserved in the office of the county clerk.

2. Within the total amount for deputies and assistants approved by the county commission, the salary of each deputy and assistant shall be set by the county clerk.

115.081. 1. Each election authority shall appoint election judges for each polling place within its jurisdiction in accordance with the provisions of this section.

2. In all primary and general elections, the election authority shall appoint at least two judges from each major political party to serve at each polling place. The committee of each major political party within the jurisdiction of an election authority is authorized to provide the election authority with a list of election judge candidates who meet the requirements under section 115.085. The candidates shall not be required to reside within the jurisdiction of the election authority, as authorized under section 115.085. If a committee of a major political party within the jurisdiction of an election authority fails to

provide the prescribed number of qualified names to fill all election judge positions before the date established by the election authority, the election authority may select judges to fill the positions as provided by law. If the election authority determines that a name submitted by a committee of a major political party is not qualified to serve as an election judge, the election authority shall allow the party to submit another name before filling the position as provided by law. No major political party shall have a majority of the judges at any polling place. No established party shall have a greater number of judges at any polling place than any major political party.

3. In any election that is not a primary or general election, the election authority shall appoint at least one judge from each major political party to serve at each polling place. No major political party shall have a majority of the judges at any polling place. No established party shall have a greater number of judges at any polling place than any major political party.

4. The election authority shall designate two of the judges appointed for each polling place, one from each major political party, as supervisory judges. Supervisory judges shall be responsible for the return of election supplies from the polling place to the election authority and shall have any additional duties prescribed by the election authority.

5. Election judges may be employed to serve for the first half or last half of any election day. Such judges shall be paid one-half the regular rate of pay. If part-time judges are employed, the election authority shall employ such judges and shall see that a sufficient number for each period are present at all times so as to have the proper total number of judges present at each polling place



throughout each election day. The election authority shall require that at each polling place at least one election judge from each political party serve a full day and that at all times during the day there be an equal number of election judges from each political party.

6. An election authority may appoint additional election judges representing other established political parties and additional election judges who do not claim a political affiliation. Any question which requires a decision by the majority of judges shall only be made by the judges from the major political parties.

115.085. No person shall be appointed to serve as an election judge who is not a registered voter in this state[; provided that, before any election authority may appoint judges who are registered voters of another election authority's jurisdiction, the election authority shall obtain the written consent of the election authority for the jurisdiction where the prospective judges are registered to vote]. Each election judge shall be a person of good reputation and character who can speak, read, and write the English language. No person shall serve as an election judge at any polling place in which his or her name or the name of a relative within the second degree, by consanguinity or affinity, appears on the ballot. However, no relative of any unopposed candidate shall be disqualified from serving as an election judge in any election jurisdiction of the state. No election judge shall, during his or her term of office, hold any other elective public office, other than as a member of a political party committee or township office, except any person who is elected to a board or commission of a political subdivision or special district may serve as an election judge except at a polling place where such political subdivision or special district has an issue or

candidate on the ballot. In any county having a population of less than two hundred fifty thousand inhabitants, any candidate for the county committee of a political party who is not a candidate for any other office and who is unopposed for election as a member of the committee shall not be disqualified from serving as an election judge.

115.105. 1. The chair of the county committee of each political party named on the ballot shall have the right to designate a challenger for each polling place, who may be present until all ballots are cast on the day of election, and a challenger for each location at which absentee ballots are counted, who may be present while the ballots are being prepared for counting and counted. No later than four business days before the election, the chair of each county committee of each political party named on the ballot shall provide signed official designation forms with the names of the designated challengers and substitutes to the local election authority for confirmation of eligibility to serve as a challenger. The local election authority, after verifying the eligibility of each designated and substitute challenger, shall sign off on the official designation forms, unless the challenger is found not to have the qualifications established by subsection 5 of this section. If the election authority determines that a challenger does not meet the qualifications of subsection 5 of this section, the designating party chair may designate a replacement challenger and provide the local election authority with the name of the replacement challenger before 5:00 p.m. of the Monday preceding the election. The designating chair may substitute challengers at his or her discretion during such hours.

2. Challenges may only be made when the challenger believes the election laws of this state have been or will

be violated, and each challenger shall report any such belief to the election judges, or to the election authority if not satisfied with the decision of the election judges.

3. Prior to the close of the polls, challengers may list and give out the names of those who have voted. The listing and giving out of names of those who have voted by a challenger shall not be considered giving information tending to show the state of the count.

4. [In a presidential primary election, challengers may collect information about the party ballot selected by the voter and may disclose party affiliation information after the polls close.]

5.] All persons selected as challengers shall have the same qualifications required by section 115.085 for election judges, except that such challenger shall be a registered voter in the jurisdiction of the election authority for which the challenger is designated as a challenger.

[6.] 5. Any challenge by a challenger to a voter's identification for validity shall be made only to the election judges or other election authority. If the poll challenger is not satisfied with the decision of the election judges, then he or she may report his or her belief that the election laws of this state have been or will be violated to the election authority as allowed under this section.

115.123. 1. All public elections shall be held on Tuesday. Except as provided in subsections 2 and 3 of this section, and section 247.180, all public elections shall be held on the general election day, the primary election day, the general municipal election day, the first Tuesday after the first Monday in November, or on another day expressly provided by city or county charter, and in nonprimary years on the first Tuesday after the first Monday in August. Bond

elections may be held on the first Tuesday after the first Monday in February but no other issue shall be included on the ballot for such election.

2. [Notwithstanding the provisions of subsection 1 of this section, an election for a presidential primary held pursuant to sections 115.755 to 115.785 shall be held on the second Tuesday after the first Monday in March of each presidential election year.

3.1 The following elections shall be exempt from the provisions of subsection 1 of this section:

(1) Bond elections necessitated by fire, vandalism or natural disaster;

(2) Elections for which ownership of real property is required by law for voting;

(3) Special elections to fill vacancies and to decide tie votes or election contests; and

(4) Tax elections necessitated by a financial hardship due to a five percent or greater decline in per-pupil state revenue to a school district from the previous year.

[4.] 3. Nothing in this section prohibits a charter city or county from having its primary election in March if the charter provided for a March primary before August 28, 1999.

[5.] 4. Nothing in this section shall prohibit elections held pursuant to section 65.600, but no other issues shall be on the March ballot except pursuant to this chapter.

115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the [jurisdiction of his or her

residence] state of Missouri no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an interstate former resident, [an intrastate new resident,] a new resident, or a covered voter, as defined in section 115.275. [Except as provided in subsection 4 of this section, in no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election.] Any person registering after such date shall be eligible to vote in subsequent elections.

2. A person applying to register with an election authority or a deputy registration official shall identify himself or herself by presenting a copy of 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 at the time of registration.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence [prior to the deadline to register to vote].

4. A covered voter as defined in section 115.275 who has been discharged from military service, has returned from a military deployment or activation, or has separated from employment outside the territorial limits of the United States after the deadline to register to vote, and who is otherwise qualified to register to vote, may register to vote in an election in person before the election authority until 5:00 p.m. on the Friday before such election. Such persons shall produce sufficient documentation showing

evidence of qualifying for late registration pursuant to this section.

115.151. 1. Each qualified applicant who appears before the election authority shall be deemed registered as of the time the applicant's completed, signed and sworn registration application is witnessed by the election authority or deputy registration official.

2. Each applicant who registers by mail shall be deemed to be registered as of the date the application is postmarked, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service.

3. Each applicant who registers at a voter registration agency or the division of motor vehicle and drivers licensing of the department of revenue shall be deemed to be registered as of the date the application is signed by the applicant, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service. Voter registration agencies [and the division of motor vehicle and drivers licensing of the department of revenue] shall transmit voter registration application forms to the appropriate election authority not later than five business days after the form is completed by the applicant.

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 only unique voter identification numbers, voters' names, [dates] year 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.

2. All election authorities shall enter voter history in their computerized registration systems and shall, not more than [six] three 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 only the names, [dates] year of birth and addresses 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 and shall not be used for commercial purposes.

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 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.] 5. 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.

115.160. 1. All Missouri driver's license applicants shall receive a voter registration application form as a simultaneous part of the application for a driver's license, renewal of driver's license, change of address, duplicate request and a nondriver's license.

2. If a single application form is used, the voter registration application portion of any application described in subsection 1 of this section may not require any information that duplicates information required in the driver's license portion of the form, except a second signature or other information required by law.

3. After conferring with the secretary of state as the chief state election official responsible for overseeing of the voter registration process, the director of revenue shall adopt rules and regulations pertaining to the format of the voter registration application used by the department. The director of revenue shall utilize electronic voter registration application forms and provide for secure electronic transfer of voter registration information to election authorities. The secretary of state and the director of revenue shall ensure the confidentiality

and integrity of the voter registration data collected, maintained, received, or transmitted under this section.

4. No information relating to the failure of an applicant for a driver's license or nondriver's license to sign a voter registration application may be used for any purpose other than voter registration.

5. Any voter registration application received pursuant to the provisions of this section shall be forwarded, in a secure and electronic manner, to the election authority located within that county or any city not within a county, or if there is more than one election authority within the county, then to the election authority located nearest to the location where the driver's license application was received. Voter registration information, including an electronic image of the signature of the applicant, shall be transmitted in a format compatible with the Missouri voter registration system established in section 115.158 that allows for review by the election authority and does not require the election authority to manually reenter the information, provided that the election authority shall print out a paper copy of the information and retain such information in the manner required by section 115.145. The election authority receiving the application forms shall review the applications and forward, in a secure and electronic manner, any applications pertaining to a different election authority to that election authority.

6. A completed voter registration application accepted in the driver's licensing process shall be transmitted to the election authority described in subsection 5 of this section not later than **[five]** three business days after the form is completed by the applicant.

7. Any person registering to vote when applying for or renewing a Missouri driver's license shall submit with the application form a copy of a birth certificate, a Native American tribal document, or other proof of United States citizenship, a valid Missouri driver's license, or other form of personal identification. Any person who, at the time of a transaction with the division of motor vehicle and driver licensing of the department of revenue, provides a document that establishes noncitizenship shall not be offered the opportunity to register to vote as part of the transaction.

115.165. 1. If the voter files a change of address application in person at the office of the election authority, at the polling place, or pursuant to section 115.159, 115.160, 115.162 or 115.193, or otherwise provides signed written notice of the move, including notice by facsimile, electronic, or online transmission, an election authority may change the address on a voter registration record for a voter who moves within the election authority's jurisdiction after comparing and verifying the signature. Before changing the address on a voter record, the election authority shall be satisfied that the record is that of the person providing the change of address information.

2. A registered voter who has changed his or her residence within an election authority's jurisdiction and has not been removed from the list of registered voters pursuant to this chapter shall be permitted to file a change of address with the election authority or before an election judge at a polling place and vote at a central polling place or at the polling place that serves his or her new address upon written or oral affirmation by the voter of the new address.

3. A registered voter who has changed his or her residence within the state and has not been removed from the list of registered voters under this chapter shall be permitted to file a change of address in person at the office of the election authority on election day. In order to change an address in person on election day under this subsection, a registered voter shall provide a form of personal photo identification required under subsection 1 of section 115.427.

4. If the applicant for registration was last registered in another jurisdiction within this state or another state, the election authority shall send notice of the registration to the election authority where the applicant was previously registered. The election authority sending the notice shall provide identifying information to assist the election authority receiving the notice to determine whether the person named was previously registered in such jurisdiction and whether, based on the identifying information provided, the application can be removed from the voting record in the former jurisdiction.

[4.] 5. Upon receipt of a notice from another election authority that a voter has registered in another jurisdiction in this state or another state, the election authority shall determine whether sufficient information is provided in the notice to identify the person named in such notice as previously registered in the election authority's jurisdiction and presently removable from the voting records in the election authority's jurisdiction. Every election authority is authorized to examine the information provided in a notice of duplicate registration provided by the Missouri voter registration system authorized pursuant to section 115.158 to determine if a voter in one election authority's voter registration records has subsequently

registered in another jurisdiction. If, after reviewing the information provided, the election authority is satisfied that the person identified in the notice is listed as a registered voter in the election authority's jurisdiction but has subsequently registered in another jurisdiction, the election authority may remove the person's registration from the list of registered voters.

115.205. 1. [Any] No person [who is] shall be paid or otherwise compensated for soliciting [more than ten] voter registration applications, other than a governmental entity or a person who is paid or compensated by a governmental entity for such solicitation[, shall be registered with the secretary of state as a voter registration solicitor]. A voter registration solicitor who solicits more than ten voter registration applications shall register for every election cycle that begins on the day after the general election and ends on the day of the general election two years later. A voter registration solicitor shall be at least eighteen years of age and shall be a registered voter in the state of Missouri.

2. Each voter registration solicitor shall provide the following information in writing to the secretary of state's office:

- (1) The name of the voter registration solicitor;
- (2) The residential address, including street number, city, state, and zip code;
- (3) The mailing address, if different from the residential address; and
- (4) [Whether the voter registration solicitor expects to be paid for soliciting voter registrations;
- (5) If the voter registration solicitor expects to be paid, the identity of the payor; or
- (6)] The signature of the voter registration solicitor.

3. The solicitor information required in subsection 2 of this section shall be submitted to the secretary of state's office with the following oath and affirmation:

"I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT.".

4. Any voter registration solicitor who knowingly fails to register with the secretary of state is guilty of a class three election offense. Voter registration applications shall be accepted by the election authority if such applications are otherwise valid, even if the voter registration solicitor who procured the applications fails to register with or submits false information to the secretary of state.

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.

5. If any election authority uses any touchscreen direct-recording electronic vote-counting machine, the election authority may continue to use such machine. Upon the removal of such voting machine from the election authority's inventory because of mechanical malfunction, wear and tear, or any other reason, the machine shall not be replaced and no additional direct-recording electronic voting machine shall be added to the election authority's inventory. Such machines shall not be used beginning January 1, 2024.

6. The secretary of state shall have authority to require cyber security testing, including penetration testing, of vendor machines, programs, and systems. Failure to participate in such testing shall result in a revocation of vendor certification. Upon notice from another jurisdiction of cyber security failures or certification withholds or revocation, the secretary of state shall have authority to revoke or withhold certification for vendors. The requirements of this section shall be subject to appropriation for the purpose of cyber security testing.

7. All election authorities and the secretary of state shall be members of the Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC). If the EI-ISAC ceases to exist, the secretary of state may designate a new organization of which each election authority shall be a member, provided such organization shall have substantially the same purpose and mission as the EI-ISAC.

115.237. 1. Each ballot printed or designed for use with an electronic voting system for any election pursuant to this chapter shall contain all questions and the names of

all offices and candidates certified or filed pursuant to this chapter and no other. Beginning January 1, 2024, the official ballot shall be a paper ballot that is hand marked by the voter or by a paper ballot marking device as authorized under section 115.225. As far as practicable, all questions and the names of all offices and candidates for which each voter is entitled to vote shall be printed on one page except for the ballot for political party committee persons in polling places not utilizing an electronic voting system which may be printed separately and in conformity with the requirements contained in this section. As far as practicable, ballots containing only questions and the names of nonpartisan offices and candidates shall be printed in accordance with the provisions of this section, except that the ballot information may be listed in vertical or horizontal rows. The names of candidates for each office shall be listed in the order in which they are filed.

2. In polling places using electronic voting systems, the ballot information may be arranged in vertical or horizontal rows or on a number of separate pages or screens. In any event, the name of each candidate, the candidate's party, the office for which he or she is a candidate, and each question shall be indicated clearly on the ballot.

3. Nothing in this subchapter shall be construed as prohibiting the use of a separate paper ballot for questions [or for the presidential preference primary] in any polling place using an electronic voting system.

4. Where electronic voting systems are used and when write-in votes are authorized by law, a write-in ballot, which may be in the form of a separate paper ballot, card, or envelope, may be provided by the election authority to

permit each voter to write in the names of persons whose names do not appear on the ballot.

5. No ballot printed or designed for use with an electronic voting system for any partisan election held under this chapter shall allow a person to vote a straight political party ticket. For purposes of this subsection, a "straight political party ticket" means voting for all of the candidates for elective office who are on the ballot representing a single political party by a single selection on the ballot.

6. The secretary of state shall promulgate rules that specify uniform standards for ballot layout for each electronic or computerized ballot counting system approved under the provisions of section 115.225 so that the ballot used with any counting system is, where possible, consistent with the intent of this section. Nothing in this section shall be construed to require the format specified in this section if it does not meet the requirements of the ballot counting system used by the election authority.

7. 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.

115.257. 1. In jurisdictions where electronic voting machines are used, the election authority shall cause the

voting machines to be put in order, set, adjusted and made ready for voting before they are delivered to polling places.

2. At least five days before preparing electronic voting machines for any election, notice of the time and place of such preparation shall be mailed to each independent candidate and the chairman of the county committee of each established political party named on the ballot. The preparation shall be watched by two observers designated by the election authority, one from each major political party, and shall be open to representatives of the political parties, candidates, the news media and the public.

3. When an electronic voting machine has been examined by such observers and shown to be in good working order, the machine shall be locked against voting. The observers shall certify the vote count on each machine is set at zero.

4. After an electronic voting machine has been properly prepared and locked, its keys shall be retained by the election authority and delivered to the election judges along with the other election supplies.

5. For the purpose of processing absentee ballots, cast by voters in person in the office of the election authority that is deemed designated as a polling place, the election authority may cause voting machines, if used, to be put in order, set, adjusted, tested, and made ready for voting within one business day of the printing of absentee ballots as provided in section 115.281. The election authority shall have the recording counter except for the protective counter on the voting machine set to zero (000). After the voting machines have been made ready for voting, the election authority shall not permit any person to handle any voting machine, except voters while they are voting and others expressly authorized by the election authority. The election authority shall neither be nor permit any other

person to be in any position or near any position that enables the authority or person to see how any absentee voter votes or has voted.

6. Nothing in this section shall prohibit the on-site storage of electronic voting machines and the preparation of the electronic machines for voting, provided the electronic voting machines are put in order, set, adjusted and made ready for voting as provided in subsections 1, 2, 3, 4, and 5 of this section.

115.275. As used in sections 115.275 to 115.304, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Absentee ballot", any [of the ballots] ballot a person is authorized to cast [away from a polling place] in the office of the election authority, by mail, or at another authorized location designated by the election authority pursuant to the provisions of sections 115.275 to 115.304;

(2) "Covered voter":

(a) A uniformed services voter who is registered to vote in this state;

(b) A uniformed services voter defined in this section whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements;

(c) An overseas voter;

(d) Civilian employees of the United States government working outside the boundaries of the United States, and their spouses and dependents;

(e) Active members of religious or welfare organizations assisting servicemen, and their spouses and dependents; or

(f) Persons who have been honorably discharged from the Armed Forces, including the Space Force, or who have terminated their service or employment in any group

mentioned in this section within sixty days of an election, and their spouses and dependents;

(3) "Interstate former resident", a former resident and registered voter in this state who moves from Missouri to another state after the deadline to register to vote in any presidential election in the new state and who otherwise possesses the qualifications to register and vote in such state;

(4) ["Intrastate new resident", a registered voter of this state who moves from one election authority's jurisdiction in the state to another election authority's jurisdiction in the state after the last day authorized in this chapter to register to vote in an election and otherwise possesses the qualifications to vote;

(5)] "New resident", a person who moves to this state after the last date authorized in this chapter to register to vote in any presidential election;

[(6)] (5) "Overseas voter":

(a) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(b) A person who resides outside the United States and, but for such residence, would be qualified to vote in the last place in which the person was domiciled before leaving the United States;

[(7)] (6) "Uniformed services":

(a) Active and reserve components of the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard of the United States;

(b) The Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or

(c) The Missouri National Guard;

[(8)] (7) "Uniformed services voter", an individual who is qualified to vote and is:

(a) A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard of the United States who is on active duty;

(b) A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;

(c) A member on activated status of the National Guard; or

(d) A spouse or dependent of a member referred to in this subdivision;

[(9)] (8) "United States", used in the territorial sense, the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

115.277. 1. Any registered voter of this state may cast an absentee ballot in person at a location designated by the election authority for all candidates and issues for which such voter is eligible to vote at the polling place. Any registered voter casting a ballot under the provisions of this subsection shall provide a form of personal photo identification that is consistent with subsection 1 of section 115.427.

2. Except as provided in subsections [2, 3,] 4, [and] 5, and 6 of this section, any registered voter of this state may [vote by] cast an absentee ballot for all candidates and issues for which such voter would be eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day [due to:]. Any

absentee ballot that is not requested and completed in person at the office of the election authority with a form of personal photo identification that is consistent with subsection 1 of section 115.427 shall have the statement on the ballot envelope notarized as required under section 115.283, except that absentee ballots requested under subdivisions (2) and (5) of subsection 3 of this section shall not require notarization. This subsection shall apply only in the case of absentee ballots that are not cast in person.

3. A voter may request an absentee ballot for any of the following reasons:

(1) Absence on election day from the jurisdiction of the election authority in which such voter is registered to vote;

(2) Incapacity or confinement due to illness or physical disability on election day, including a person who is primarily responsible for the physical care of a person who is incapacitated or confined due to illness or disability and resides at the same address;

(3) Religious belief or practice;

(4) Employment as:

(a) An election authority, as a member of an election authority, or by an election authority at a location other than such voter's polling place;

(b) A first responder;

(c) A health care worker; or

(d) A member of law enforcement;

(5) Incarceration, provided all qualifications for voting are retained;

(6) Certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns[; or



(7) For an election that occurs during the year 2020, the voter has contracted or is in an at-risk category for contracting or transmitting severe acute respiratory syndrome coronavirus 2. This subdivision shall expire on December 31, 2020].

[2.] 4. Any covered voter who is eligible to register and vote in this state may vote in any election for federal office, statewide office, state legislative office, or statewide ballot initiatives by submitting a federal postcard application to apply to vote by absentee ballot or by submitting a federal postcard application at the polling place even though the person is not registered. A federal postcard application submitted by a covered voter pursuant to this subsection shall also serve as a voter registration application under section 115.908 and the election authority shall, if satisfied that the applicant is entitled to register, place the voter's name on the voter registration file. Each covered voter may vote by absentee ballot or, upon submitting an affidavit that the person is qualified to vote in the election, may vote at the person's polling place.

[3.] 5. Any interstate former resident may vote by absentee ballot for presidential and vice presidential electors.

[4. Any intrastate new resident may vote by absentee ballot at the election for presidential and vice presidential electors, United States senator, representative in Congress, statewide elected officials and statewide questions, propositions and amendments from such resident's new jurisdiction of residence after registering to vote in such resident's new jurisdiction of residence.

5.] 6. Any new resident may vote by absentee ballot for presidential and vice presidential electors after

registering to vote in such resident's new jurisdiction of residence.

[6. For purposes of this section, the voters who are in an at-risk category for contracting or transmitting severe acute respiratory syndrome coronavirus 2 are voters who:

- (1) Are sixty-five years of age or older;
- (2) Live in a long-term care facility licensed under chapter 198;
- (3) Have chronic lung disease or moderate to severe asthma;
- (4) Have serious heart conditions;
- (5) Are immunocompromised;
- (6) Have diabetes;
- (7) Have chronic kidney disease and are undergoing dialysis; or
- (8) Have liver disease. ]

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. Notwithstanding section 115.284, no individual, group, or party shall solicit a voter into obtaining an absentee ballot application. Absentee ballot applications shall not have the information pre-filled prior to it being provided to a voter.

3. 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,] 4. 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] 7, 8, and 9 of this section.

[4.] 5. 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.] 6. (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.] 7.** 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.] 8.** The election authority in whose office an application is filed pursuant to subsection **[6] 7** 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.

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state the voter's name, the voter's voting address, the voter's mailing address and the voter's reason for voting an absentee ballot. If the reason for the voter voting absentee is due to the reasons established under subdivision (6) of subsection ~~[1]~~ 2 of section 115.277, the voter shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, voting address, and mailing address. On the form, the voter shall also state under penalties of perjury that the voter is qualified to vote in the election, that the voter has not previously voted and will not vote again in the election, that the voter has personally marked the voter's ballot in secret or supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable to seal it, and that all information contained in the statement is true. In addition, any person providing assistance to the absentee voter shall include a statement on the envelope identifying the person providing assistance under penalties of perjury. Persons authorized to vote only for federal and statewide officers shall also state their former Missouri residence.



2. The statement for persons voting absentee ballots who are registered voters shall be in substantially the following form:

State of Missouri

County (City) of \_\_\_\_\_

I, \_\_\_\_\_ (print name), a registered voter of \_\_\_\_\_ County (City of St. Louis, Kansas City), declare under the penalties of perjury that I am voting in person at a location designated by the local election authority or I expect to be prevented from going to the polls on election day due to (check one):

\_\_\_\_\_ absence on election day from the jurisdiction of the election authority in which I am registered;

\_\_\_\_\_ incapacity or confinement due to illness or physical disability on election day, including caring for a person who is incapacitated or confined due to illness or disability and resides at the same address;

\_\_\_\_\_ religious belief or practice;

\_\_\_\_\_ employment as an election authority [or], by an election authority at a location other than my polling place, as a first responder, as a health care worker, or as a member of law enforcement;

\_\_\_\_\_ incarceration, although I have retained all the necessary qualifications for voting;

\_\_\_\_\_ certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns.

I hereby state under penalties of perjury that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of

my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

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

Signed \_\_\_\_\_

Signed \_\_\_\_\_

Address of Voter

\_\_\_\_\_  
\_\_\_\_\_

Mailing addresses  
  
(if different)

\_\_\_\_\_  
Signature of  
Person

Assisting Voter  
(if applicable)

Subscribed and  
sworn

to before me  
this

\_\_\_\_\_ day of  
\_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signature of  
notary or  
  
other officer  
authorized to  
administer oaths

3. The statement for persons voting absentee ballots pursuant to the provisions of subsection 2, 3, 4, or 5 of section 115.277 without being registered shall be in substantially the following form:

State of Missouri

County (City) of \_\_\_\_\_

I, \_\_\_\_\_ (print name), declare under the penalties of perjury that I am a citizen of the United States and eighteen years of age or older. I am not adjudged incapacitated by any court of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of

suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I hereby state under penalties of perjury that I am qualified to vote at this election.

I am [(check one)]:

[ ] a resident of the state of Missouri and a registered voter in \_\_\_\_\_ County and moved from that county to \_\_\_\_\_ County, Missouri, after the last day to register to vote in this election.

[ ] an interstate former resident of Missouri and authorized to vote for presidential and vice presidential electors.

I further state under penalties of perjury that I have not voted and will not vote other than by this ballot at this election; I marked the enclosed ballot in secret or am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

\_\_\_\_\_

Signature of  
Voter

Subscribed to  
and

sworn before me  
this

\_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_

Address of Voter

\_\_\_\_\_  
Signature of  
notary or  
other officer  
authorized to  
administer oaths

\_\_\_\_\_  
Mailing Address (if different)

\_\_\_\_\_  
\_\_\_\_\_

_____	_____
Signature of	Address of Last
Person	
Assisting Voter	Missouri
	Residence
	(if applicable)

4. The statement for persons voting absentee ballots who are entitled to vote at the election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially the following form:

State of Missouri

County (City) of \_\_\_\_\_

I, \_\_\_\_\_ (print name), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

\_\_\_\_\_ absence on election day from the jurisdiction of the election authority in which I am directed to vote;

\_\_\_\_\_ incapacity or confinement due to illness or physical disability on election day, including caring for a person who is incapacitated or confined due to illness or disability and resides at the same address;

\_\_\_\_\_ religious belief or practice;

\_\_\_\_\_ employment as an election authority [or], by an election authority at a location other than my polling place, as a first responder, as a health care worker, or as a member of law enforcement;

\_\_\_\_\_ incarceration, although I have retained all the necessary qualifications of voting;

\_\_\_\_\_ certified participation in the address  
confidentiality program established under  
sections 589.660 to 589.681 because of  
safety concerns.

I hereby state under penalties of perjury that I  
own property in the \_\_\_\_\_ district and am  
qualified to vote at this election; I have not  
voted and will not vote other than by this ballot  
at this election. I further state that I marked  
the enclosed ballot in secret or that I am blind,  
unable to read and write English, or physically  
incapable of marking the ballot, and the person of  
my choosing indicated below marked the ballot at  
my direction; all of the information on this  
statement is, to the best of my knowledge and  
belief, true.

\_\_\_\_\_

Signature of  
Voter

Subscribed and  
sworn

to before me  
this

\_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_

Address

\_\_\_\_\_  
Signature of  
notary or  
other officer  
authorized to  
administer oaths

\_\_\_\_\_

Signature of Person  
Assisting Voter  
(if applicable)

5. The statement for persons providing assistance to  
absentee voters shall be in substantially the following form:

The voter needed assistance in marking the ballot and signing above, because of blindness, other physical disability, or inability to read or to read English. I marked the ballot enclosed in this envelope at the voter's direction, when I was alone with the voter, and I had no other communication with the voter as to how he or she was to vote. The voter swore or affirmed the voter affidavit above and I then signed the voter's name and completed the other voter information above. Signed under the penalties of perjury.

Reason why voter needed assistance: \_\_\_\_\_

ASSISTING PERSON SIGN HERE

1. \_\_\_\_\_ (signature of assisting person)
2. \_\_\_\_\_ (assisting person's name printed)
3. \_\_\_\_\_ (assisting person's residence)
4. \_\_\_\_\_ (assisting person's home city or town).

[6. The election authority shall, for an election held during 2020, adjust the forms described in this section to account for voters voting absentee due to the reason established pursuant to subdivision (7) of subsection 1 of section 115.277.

7.] 6. Notwithstanding any other provision of this section, any covered voter as defined in section 115.902 or persons who have declared themselves to be permanently disabled pursuant to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his or her absentee ballot.

[8.] 7. Notwithstanding any other provision of this section or section 115.291 to the contrary, the subscription, signature and seal of a notary or other officer authorized to administer oaths shall not be required on any ballot, ballot envelope, or statement required by this section if the reason for the voter voting absentee is

due to the reasons established pursuant to subdivision (2) [or (7)] of subsection [1] 3 of section 115.277.

[9.] 8. No notary shall charge or collect a fee for notarizing the signature on any absentee ballot or absentee voter registration.

[10.] 9. A notary public who charges more than the maximum fee specified or who charges or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration is guilty of official misconduct.

115.285. The secretary of state may prescribe uniform regulations with respect to the printing of ballot envelopes and mailing envelopes, which shall comply with standards established by federal law or postal regulations. Mailing envelopes for use in returning ballots shall be printed with business reply permits so that any ballot returned by mail does not require postage. All fees and costs for establishing and maintaining the business reply and postage-free mail for all ballots cast shall be paid by the secretary of state through state appropriations.

[Notwithstanding any provision of law to the contrary, a ballot envelope used under section 115.302 shall be the same ballot envelope used for absentee ballots, provided an option shall be listed on the envelope to clearly indicate whether the voter is casting an absentee ballot or a mail-in ballot.]

115.286. Absentee ballots under sections 115.275 to 115.304 received by the election authority in person or other authorized location designated by the election authority are deemed cast when received prior to election day. Absentee ballots received by the election authority through a common carrier such as the United States Postal Service are deemed cast when received prior to the time fixed by law for the closing of the polls on election day.

Absentee ballots received by the election authority through a common carrier such as the United States Postal Service shall be received prior to the time fixed by law for the closing of polls on election day. The election authority shall hand mark or stamp each absentee ballot envelope as it is received, indicating the date and time the absentee ballot was received.

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. 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 on election day, 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] shall 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.

115.291. 1. Upon receiving an absentee ballot by mail, the voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall be subscribed and sworn to before the election official receiving the ballot, a notary public or other officer authorized by law to administer oaths, unless the voter is voting absentee due to incapacity or confinement due to the provisions of section 115.284, illness or physical disability on election day, [for an election that occurs during the year 2020, the voter has contracted or is in an at-risk category for contracting or transmitting severe acute respiratory syndrome coronavirus 2, as defined in section 115.277,] or the voter is a covered voter as defined in section 115.902. If the voter is blind, unable to read or write the English language, or physically incapable of voting the ballot, the voter may be assisted by a person of the voter's own choosing. Any person assisting a voter who is not entitled to such assistance, and any person who assists a voter and in any manner coerces or initiates a request or a suggestion that the voter vote for or against or refrain from voting on any question, ticket or candidate, shall be guilty of a class one election offense. If, upon counting, challenge or election contest, it is ascertained that any absentee ballot was voted with unlawful assistance, the ballot shall be

rejected. [For purposes of this subsection, the voters who are in an at-risk category for contracting or transmitting severe acute respiratory syndrome coronavirus 2 are voters who:

- (1) Sixty-five years of age or older;
- (2) Live in a long-term care facility licensed under chapter 198;
- (3) Have chronic lung disease or moderate to severe asthma;
- (4) Have serious heart conditions;
- (5) Are immunocompromised;
- (6) Have diabetes;
- (7) Have chronic kidney disease and are undergoing dialysis; or
- (8) Have liver disease. ]

2. Except as provided in subsection 4 of this section, each absentee ballot that is not cast by the voter in person in the office of the election authority shall be returned to the election authority in the ballot envelope and shall only be returned by the voter in person, or in person by a relative of the voter who is within the second degree of consanguinity or affinity, by mail or registered carrier or by a team of deputy election authorities; except that covered voters, when sent from a location determined by the secretary of state to be inaccessible on election day, shall be allowed to return their absentee ballots cast by use of facsimile transmission or under a program approved by the Department of Defense for electronic transmission of election materials.

3. In cases of an emergency declared by the President of the United States or the governor of this state where the conduct of an election may be affected, the secretary of state may provide for the delivery and return of absentee

ballots by use of a facsimile transmission device or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of voters as provided for by the secretary of state.

4. No election authority shall refuse to accept and process any otherwise valid marked absentee ballot submitted in any manner by a covered voter solely on the basis of restrictions on envelope type.

115.302. [1. Any registered voter of this state may cast a mail-in ballot as provided in this section. Nothing in this section shall prevent a voter from casting an absentee ballot, provided such person has not cast a ballot pursuant to this section. Application for a mail-in ballot may be made by the applicant in person, or by United States mail, or on behalf of the applicant by his or her guardian or relative within the second degree of consanguinity or affinity.

2. Each application for a mail-in ballot shall be made to the election authority of the jurisdiction in which the person is registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is registered, the address to which the ballot is to be mailed.

3. All applications for mail-in 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 under section 115.281. No application for a mail-in ballot received in the office of the election authority after 5:00 p.m. on the second Wednesday immediately prior to the election shall be accepted by any election authority.

4. Each application for a mail-in ballot shall be signed by the applicant or, if the application is made by a

guardian or relative under 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 that is witnessed by the signature of an election official or person of his or her choice. Knowingly making, delivering, or mailing a fraudulent mail-in-ballot application is a class one election offense.

5. Not later than the sixth Tuesday prior to each election, or within fourteen days after candidate names or questions are certified under section 115.125, the election authority shall cause to have printed and made available a sufficient quantity of ballots, ballot envelopes, and mailing envelopes. As soon as possible after a proper official calls a special state or county election, the election authority shall cause to have printed and made available a sufficient quantity of mail-in ballots, ballot envelopes, and mailing envelopes.

6. Each ballot envelope shall bear a statement in substantially the same form described in subsection 9 of this section. In addition, any person providing assistance to the mail-in voter shall include a signature on the envelope identifying the person providing such assistance under penalties of perjury. Persons authorized to vote only for federal and statewide offices shall also state their former Missouri residence.

7. The statement for persons voting mail-in ballots who are registered voters shall be in substantially the following form:

State of Missouri

County (City) of \_\_\_\_\_

I, \_\_\_\_\_ (print name), a registered voter of \_\_\_\_\_ County (City of St. Louis, Kansas City), declare under the penalties of perjury that: I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

\_\_\_\_\_

Signature of Voter

\_\_\_\_\_

Signature of  
Person

Assisting Voter

(if applicable)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_

Signature of notary or other officer authorized to administer oaths.

\_\_\_\_\_

\_\_\_\_\_

Mailing addresses

(if different)

8. Upon receipt of a signed application for a mail-in ballot and if satisfied that the applicant is entitled to vote by mail-in ballot, the election authority shall, within three working days after receiving the application, or, if mail-in ballots are not available at the time the application is received, within five working days after such ballots become available, deliver to the voter a mail-in

ballot, ballot envelope and such instructions as are necessary for the applicant to vote. If the election authority is not satisfied that any applicant is entitled to vote by mail-in ballot, the authority shall not deliver a mail-in 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 mail-in ballot. The applicant may file a complaint with the elections division of the secretary of state's office under section 115.219.

9. On the mailing and ballot envelopes for each covered voter, the election authority shall stamp the words "ELECTION BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".

10. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with a mail-in ballot.

11. Upon receiving a mail-in ballot by mail, the voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The statement required under subsection 7 of this section shall be subscribed and sworn to before a notary public or other officer authorized by law to administer oaths. If the voter is blind, unable to read or write the English language, or physically incapable of voting the ballot, the voter may be assisted by a person of the voter's own choosing. Any person who assists a voter and in any manner coerces or initiates a request or suggestion that the voter vote for or against, or refrain from voting on, any question or candidate, shall be guilty of a class one election offense. If, upon counting, challenge, or election contest, it is ascertained that any

mail-in ballot was voted with unlawful assistance, the ballot shall be rejected.

12. Each mail-in ballot shall be returned to the election authority in the ballot envelope and shall only be returned by the voter by United States mail.

13. The secretary of state may prescribe uniform regulations with respect to the printing of ballot envelopes and mailing envelopes, which shall comply with standards established by federal law or postal regulations. Mailing envelopes for use in returning ballots shall be printed with business reply permits so that any ballot returned by mail does not require postage. All fees and costs for establishing and maintaining the business reply and postage-free mail for all ballots cast shall be paid by the secretary of state through state appropriations.

14. All votes on each mail-in ballot received by an election authority at or before the time fixed by law for the closing of the polls on election day shall be counted. No votes on any mail-in ballot received by an election authority after the time fixed by law for the closing of the polls on election day shall be counted.

15. If sufficient evidence is shown to an election authority that any mail-in voter has died prior to the opening of the polls on election day, the ballot of the deceased voter shall be rejected if it is still sealed in the ballot envelope. Any such rejected ballot, still sealed in its ballot envelope, shall be sealed with the application and any other papers connected therewith in an envelope marked "Rejected ballot of \_\_\_\_\_, a mail-in voter of \_\_\_\_\_ voting district". The reason for rejection shall be noted on the envelope, which shall be kept by the election authority with the other ballots from the election until the ballots are destroyed according to law.



16. As each mail-in ballot is received by the election authority, the election authority shall indicate its receipt on the list.

17. All mail-in ballot envelopes received by the election authority shall be kept together in a safe place and shall not be opened except as provided under this chapter.

18. Mail-in ballots shall be counted using the procedures set out in sections 115.297, 115.299, 115.300, and 115.303.

19. The false execution of a mail-in ballot is a class one election offense. The attorney general or any prosecuting or circuit attorney shall have the authority to prosecute such offense either in the county of residence of the person or in the circuit court of Cole County.

20. The provisions of this section shall apply only to an election that occurs during the year 2020, to avoid the risk of contracting or transmitting severe acute respiratory syndrome coronavirus 2.

21. The provisions of this section terminate and shall be repealed on December 31, 2020, and shall not apply to any election conducted after that date.] Mail-in ballots shall not be authorized by any executive or administrative order and no authorization for the use of mail-in ballots shall be inferred from any general law. This section shall not preclude the use of absentee ballots authorized under this chapter. Any expansion of the use of mail-ballots subsequent to the effective date of this act shall require the repeal of this section by explicit reference thereto.

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

\_\_\_\_\_

Residence  
address

Subscribed and  
sworn

to before me  
this

\_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_

Signature of  
election

official or  
other officer

authorized to

administer oaths

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Mailing address (if different)

---

Telephone Number (Optional)

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.

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.

115.417. 1. Before the time fixed by law for the opening of the polls, the election authority shall deliver to each polling place a sufficient number of voter instruction cards which include the following information: [if paper ballots or an electronic voting system is used, the instructions shall inform the voter on] how to obtain a ballot for voting, how to vote and prepare the ballot for deposit in the ballot box, and how to obtain a new ballot to replace one accidentally spoiled.

2. The election authority at each polling place shall post in a conspicuous place voting instructions on a poster no smaller than twenty-four inches by thirty inches. Such instructions shall also inform the voter that the electronic voting equipment can be demonstrated upon request of the voter. The election authority shall also publicly post during the period of time in which a person may cast an absentee ballot and on election day a sample version of the ballot that will be used for that election, the date of the election, the hours during which the polling place will be open, instructions for mail-in registrants and first-time voters, general information on voting rights in accordance with the state plan filed by the secretary of state pursuant to the Help America Vote Act of 2002, general information on the right to cast a provisional ballot and instructions for provisional ballots, how to contact appropriate authorities if voting rights have been violated, and general information on federal and Missouri law regarding prohibitions on acts of fraud and misrepresentation. The secretary of state may promulgate rules to execute 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.

3. The secretary of state may develop multilingual voting instructions to be made available to election authorities.

115.427. 1. Persons seeking to vote in a public election shall establish their identity and eligibility to vote at the polling place or, if voting absentee in person under section 115.277, at the office of the election authority or other authorized location designated by the election authority by presenting a form of personal photo identification to election officials. No form of personal photo identification other than the forms listed in this section shall be accepted to establish a voter's qualifications to vote. Forms of personal photo identification that satisfy the requirements of this section are any one of the following:

- (1) Nonexpired Missouri driver's license;
  - (2) Nonexpired or nonexpiring Missouri nondriver's license;
  - (3) A document that satisfies all of the following requirements:
    - (a) The document contains the name of the individual 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, including the Space Force, 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, including the Space Force, 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:

"State of \_\_\_\_\_

County of \_\_\_\_\_

I do solemnly swear (or affirm) that my name is \_\_\_\_\_; that I reside at \_\_\_\_\_; that I am the person listed in the precinct register under this name and at this address; and that, under penalty of perjury, I do not possess a form of personal identification approved for voting. As a person

who does not possess a form of personal identification approved for voting, I acknowledge that I am eligible to receive free of charge a Missouri nondriver's license at any fee office if desiring it in order to vote. I furthermore acknowledge that I am required to present a form of personal identification, as prescribed by law, in order to vote.

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

\_\_\_\_\_  
Signature of voter

Subscribed and affirmed before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of election official"

4. A voter] shall be allowed to cast a provisional ballot [under section 115.430 even if the election judges cannot establish the voter's identity under this section]. The election judges shall make a notation on the provisional ballot envelope to indicate that the voter's identity was not verified.

(2) No person shall be entitled to receive a provisional ballot until such person has completed a provisional ballot affidavit on the provisional ballot envelope. All provisional ballots shall be marked with a conspicuous stamp or mark that makes them distinguishable from other ballots.

(3) The provisional ballot envelope shall be completed by the voter for use in determining the voter's eligibility to cast a ballot.

3. The provisional ballot envelope shall provide a place for the voter's name, address, date of birth, and last



four digits of his or her Social Security number, followed  
by a certificate in substantially the following form:

I do solemnly swear that I am the person  
identified above and the information provided is  
correct. I understand that my vote will not be  
counted unless:

(1) (a) I return to this polling place today  
between 6:00 a.m. and 7:00 p.m. and provide one of  
the following forms of identification:

a. Nonexpired Missouri driver's license;

b. Nonexpired or nonexpiring Missouri nondriver's  
license;

c. A document that satisfies all of the following  
requirements:

(i) The document contains my name, in  
substantially the same form as the most recent  
signature on my voter registration record;

(ii) The document contains my photograph;

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

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

d. Identification containing my photograph issued  
to me by the Missouri National Guard, the United  
States Armed Forces, including Space Force, or the  
United States Department of Veteran Affairs as a  
member or former member of the Missouri National  
Guard or the United States Armed Forces that is  
not expired or does not have an expiration date;  
or

(b) The election authority verifies my identity  
by comparing my signature on this envelope to the  
signature on file with the election authority and  
determines that I was eligible to cast a ballot at  
this polling place; and

(2) This provisional ballot otherwise qualifies to be counted under the laws of the state of Missouri.

_____ <u>Signature of Voter</u>	_____ <u>Date</u>
_____ <u>Signatures of Election Officials</u>	_____

Once voted, the provisional ballot shall be sealed in the provisional ballot envelope and placed in a separate secured container by the election judge.

4. The provisional ballot cast by such voter shall not be counted unless:

(1) (a) The voter returns to the polling place during the uniform polling hours established by section 115.407 and 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] for voting.

(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 photo identification described in subsection 1 of this section in order to vote:

- (a) A birth certificate;
- (b) A marriage license or certificate;
- (c) A divorce decree;
- (d) A certificate of decree of adoption;
- (e) A court order changing the person's name;
- (f) A Social Security card reflecting an updated name;

and

(g) Naturalization papers or other documents from the United States Department of State proving citizenship.

Any individual seeking one of the above documents in order to obtain a form of personal photo identification described in subsection 1 of this section [in order to vote] for voting may request the secretary of state to facilitate the acquisition of such documents. The secretary of state shall pay any fee or fees charged by another state or its agencies, or any court of competent jurisdiction in this state or any other state, or the federal government or its

agencies, in order to obtain any of the above documents from such state or the federal government.

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

(4) Any applicant who requests a nondriver's license for [the purpose of] voting shall not be required to pay a fee [if the applicant executes a statement, under penalty of perjury, averring that the applicant does not have any other form of personal identification that meets the requirements of this section]. The state of Missouri shall pay the legally required fees for any such applicant. [The director of the department of revenue shall design a statement to be used for this purpose. The total cost associated with 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.] 6. 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.]** 7. 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, 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.

**[9.]** 8. The secretary of state shall promulgate rules to effectuate the provisions of this section.

**[10.]** 9. 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.

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

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

115.435. After initialing the voter's identification certificate and after completing any procedures required by section 115.433, the election judges shall allow the voter to proceed to the voting booth and vote. Once the ballot has been completed by the voter and he or she successfully submits the ballot, the ballot is deemed cast.

115.447. 1. As used in this subchapter, unless the context clearly implies otherwise, the following terms shall mean:

(1) "Counting judges" are the two judges, one from each major political party, who read each vote received by all candidates and each vote for and against all questions at a polling place;

(2) "Receiving judges" are the two judges, one from each major political party, who initial each voter's ballot at a polling place;

(3) "Recording judges" are the two judges, one from each major political party, who tally the votes received by each candidate and for and against each question at a

polling place. These terms describe functions rather than individuals, and any election judge may perform more than one function at a polling place on election day.

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

(1) "Defective ballot" is any ballot [card] on which the number of write-in votes and votes cast on the ballot [card] for any office exceed the number allowed by law, and any ballot [card] which is bent or damaged so that it cannot be properly counted by automatic tabulating equipment;

(2) "Rejected ballot" is any ballot on which no votes are counted because the ballot fails to have the initials of the proper election judges, because the number of votes for all offices and on all questions exceeds the number authorized by law, because the voter is deemed by the election judges to be unqualified, because it is an absentee ballot not accompanied by a completed and signed affidavit, or because the ballot was voted with unlawful assistance;

(3) "Spoiled ballot" is any ballot accidentally spoiled by a voter and replaced by election judges in the manner provided in subsection 2 of section 115.439.

115.652. [1.] An election shall not be conducted under sections 115.650 to 115.660 unless:

(1) The officer or agency calling the election submits a written request that the election be conducted by mail. Such request shall be submitted not later than the date specified in section 115.125 for submission of the notice of election and sample ballot;

(2) The election authority responsible for conducting the election authorizes the use of mailed ballots for the election;

(3) The election is nonpartisan;

(4) The election is not one at which any candidate is elected, retained or recalled; and

(5) The election is an issue election at which all of the qualified voters of any one political subdivision are the only voters eligible to vote.

[2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law to the contrary, an election may be conducted by mail as authorized under section 115.302, during the year 2020, to avoid the risk of contracting or transmitting severe acute respiratory syndrome coronavirus 2. This subsection shall expire December 31, 2020.]

115.902. As used in sections 115.900 to 115.936, the following terms shall mean:

(1) "Covered voter":

(a) A uniformed services voter who is registered to vote in this state;

(b) A uniformed services voter defined in this section whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements; or

(c) An overseas voter;

(2) "Dependent", an individual recognized as a dependent by a uniformed service;

(3) "Federal postcard application", the application prescribed under Section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff(b)(2);

(4) "Federal write-in absentee ballot", the ballot described in Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff-2;

(5) "Military-overseas ballot":

(a) A federal write-in absentee ballot;



(b) A ballot specifically prepared or distributed for use by a covered voter in accordance with sections 115.900 to 115.936; and

(c) A ballot cast by a covered voter in accordance with sections 115.900 to 115.936;

(6) "Overseas voter":

(a) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(b) A person who resides outside the United States and, but for such residence, would be qualified to vote in the last place in which the person was domiciled before leaving the United States;

(7) "State", a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States;

(8) "Uniformed services":

(a) Active and reserve components of the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard of the United States;

(b) The Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or

(c) The Missouri National Guard;

(9) "Uniformed services voter", an individual who is qualified to vote and is:

(a) A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard of the United States who is on active duty;

(b) A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned

corps of the National Oceanic and Atmospheric Administration of the United States;

(c) A member on activated status of the National Guard; or

(d) A spouse or dependent of a member referred to in this subdivision;

(10) "United States", used in the territorial sense, the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

115.904. The voting procedures in sections 115.900 to 115.936 shall apply to:

(1) A general, special, [presidential preference,] or primary election for federal office;

(2) A general, special, or primary election for statewide or state legislative office or state ballot measure; or

(3) Any election in which absentee voting is conducted pursuant to sections 115.275 to 115.304.

115.960. 1. An election authority is authorized to accept voter registration applications with a signature submitted to the election authority under the provisions of sections 432.200 to 432.295 as provided in this section:

(1) Sections 432.200 to 432.295 shall only apply to transactions between parties that have agreed to conduct transactions by electronic means;

(2) Except as provided in subsection 2 of this section, as used in this section and sections 432.200 to 432.295, the parties who agree to conduct voter registration transactions by electronic means shall be the local election authority who is required to accept or reject a voter

registration application and the prospective voter submitting the application;

(3) A local election authority is authorized to develop, maintain, and approve systems that transmit voter registration applications electronically under sections 432.200 to 432.295;

(4) Except as provided in subsection 2 of this section and section 115.160, no officer, agency, or organization shall collect or submit a voter registration application with an electronic signature to an election authority without first obtaining approval of the data and signature format from the local election authority and the approval of the voter to collect and store the signature and data; and

(5) Local election authorities who maintain a voter registration application system shall direct voter registration applicants from other jurisdictions to the system used by the local election authority for that jurisdiction to accept voter registration applications electronically.

2. [A system maintained by the secretary of state's office shall be used to accept voter registration applications electronically subsequent to approval from the committee formed as set forth in this subsection:

(1) Within thirty days of, but in no event prior to January 1, 2017, the president of the Missouri Association of County Clerks and Election Authorities shall appoint fourteen of its members to serve on a committee to approve and develop uniform standards, systems, and modifications that shall be used by the secretary of state in any electronic voter registration application system offered by that office. The committee may also make recommendations regarding the purchase, maintenance, integration, and operation of electronic databases, software, and hardware

used by local election authorities and the secretary of state's office including, but not limited to, systems used for military and overseas voting and for building and conducting election operations. The committee shall have fourteen local election authorities, including representatives of each classification of counties, a representative from an election board, and at least one member who has experience processing online voter registration transactions. In addition, one representative appointed by the secretary of state's office shall serve on the committee;

(2) The committee shall immediately meet to approve electronic signature formats and a minimum set of data collection standards for use in a voter registration application system maintained by the secretary of state;

(3) Once the format and data collection standards are approved by the committee and implemented for the system maintained by the secretary of state, local election authorities shall accept the transmission of voter registration applications submitted to the approved system under the provisions of sections 432.200 to 432.295;

(4) The secretary of state's office shall direct eligible voters to a local election authority's system to accept voter registration applications electronically if the local election authority has a system in place as of August 28, 2016, or implements a system that meets the same standards and format that has been approved by the committee for the secretary of state's system;

(5) The committee shall meet not less than semiannually through June 30, 2019, to recommend and approve changes and enhancements proposed by the secretary of state or election authorities to the electronic voter registration application system. Vacancies that occur on the committee

shall be filled by the president of the Missouri Association of County Clerks and Election Authorities at the time of the vacancy;

(6) To improve the accuracy of voter registration application data and reduce costs for local election authorities, the system maintained by the secretary of state shall, as soon as is practical, provide a method where the data entered by the voter registration applicant does not have to be re-entered by the election authority to the state voter registration database.

3.] Each applicant who registers using an approved electronic voter registration application system shall be deemed to be registered as of the date the signed application is submitted to the system, if such application is accepted and not rejected by the election authority and the verification notice required under section 115.155 is not returned as undeliverable by the postal service.

[4.] 3. This section shall not apply to voter registration and absentee records submitted by voters authorized under federal law, section 115.291, or sections 115.900 to 115.936 to submit electronic records and signatures.

[5.] 4. High quality copies, including electronic copies, of signatures made on paper documents may be used for petition signature verification purposes and retained as records.

[6.] 5. Any signature required for petition submission under chapter 116 shall be handwritten on a paper document.

[7. Notwithstanding the provisions of section 432.230]  
6. Except as provided under sections 115.160 and 432.230,  
nothing in this section shall require the election authority to accept voter registration records or signatures created, generated, sent, communicated, received, stored, or

otherwise processed, or used by electronic means or in electronic form from any officer, agency, or organization not authorized under subsection 2 of this section without prior approval from the election authority. Election authorities shall accept and process voter registration records, including electronic images of applicant signatures, transmitted electronically by the division of motor vehicle and driver licensing of the department of revenue under section 115.160. Except as provided in subsection 2 of this section and section 115.160, no officer, agency, or organization shall give the voter the opportunity to submit a voter registration application with an electronic signature without first obtaining the approval of the local election authority.

8. An election authority that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means.

9. No election authority or the secretary of state shall furnish to any member of the public any data collected under a voter registration application system except as authorized in subsections 1 to 5 of section 115.157.

10. Nothing in this section shall be construed to require the secretary of state to cease operating a voter registration application in place as of the effective date of this act.

[115.755. A statewide presidential preference primary shall be held on the second Tuesday after the first Monday in March of each presidential election year.]

[115.758. On or before the tenth Tuesday prior to the date of the presidential preference primary, the secretary of state shall announce the official list of presidential candidates for each established political party as provided in section 115.761.]

[115.761. 1. The official list of presidential candidates for each established political party shall include the names of all

constitutionally qualified candidates for whom, on or after 8:00 a.m. on the fifteenth Tuesday prior to the presidential primary, and on or before 5:00 p.m., on the eleventh Tuesday prior to the presidential primary, a written request to be included on the presidential primary ballot is filed with the secretary of state along with:

(1) Receipt of payment to the state committee of the established political party on whose ballot the candidate wishes to appear of a filing fee of five thousand dollars; or

(2) A written statement, sworn to before an officer authorized by law to administer oaths, that the candidate is unable to pay the filing fee and does not have funds in a campaign fund or committee to pay the filing fee and a petition signed by not less than five thousand registered Missouri voters, as determined by the secretary of state, that the candidate's name be placed on the ballot of the specified established political party for the presidential preference primary. The request to be included on the presidential primary ballot shall include each signer's printed name, registered address and signature and shall be in substantially the following form:

I (We) the undersigned, do hereby request that the name of \_\_\_\_\_ be placed upon the February \_\_\_\_\_, presidential primary ballot as candidate \_\_\_\_\_ for nomination as the nominee for President of the United States on the \_\_\_\_\_ party ticket.

2. The state or national party organization of an established political party that adopts rules imposing signature requirements to be met before a candidate can be listed as an official candidate shall notify the secretary of state by October first of the year preceding the presidential primary.

3. Any candidate or such candidate's authorized representative may have such candidate's name stricken from the presidential primary ballot by filing with the secretary of state on or before 5:00 p.m. on the eleventh Tuesday prior to the presidential primary election a written statement, sworn to before an officer authorized by law to administer oaths, requesting that such candidate's name not be printed on the official primary ballot. Thereafter, the secretary of state shall not include the name of that candidate in the official list announced pursuant to section 115.758 or in the certified list of candidates transmitted pursuant to section 115.765.

4. The filing times set out in this section shall only apply to presidential

preference primaries, and are in lieu of those established in section 115.349.]

[115.765. On or before the tenth Tuesday prior to a presidential preference primary, the secretary of state shall transmit to each election authority a certified list containing the names of all candidates whose names shall appear on the presidential preference primary ballot of each party. The names of the candidates shall appear in the order in which their request to be included on the presidential primary ballot was received in the office of the secretary of state, except that, in the case of candidates who file a request to be included on the presidential primary ballot 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, may draw a number at random at the time of filing. The secretary of state shall record the number drawn with the candidate's request to be included on the presidential primary ballot. The names of candidates filing on the first day for filing on each party ballot shall be listed in ascending order of the numbers so drawn.]

[115.767. Each election authority shall cause the name of candidates certified by the secretary of state to appear on the presidential preference primary ballot of each party, followed by a listing for an uncommitted vote.]

[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 the ballot of one and only one established political party, designated by the voter before receiving such voter's ballot. 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.]

[115.773. After the count and canvass of the votes cast, the secretary of state shall notify the state chair of each of the established political parties for whom a candidate was listed, of the number of votes recorded in that established political party's primary that each candidate and uncommitted listing received.]

[115.776. The state party organization which is the state organization recognized by the national organization of that established political party shall, after the primary and before the national convention, conduct a series of caucuses culminating in congressional and state conventions. Delegates to the national conventions shall be chosen at the congressional district and state conventions pursuant to rules established by the political parties.]

[115.785. All costs of a presidential preference primary shall be paid by the state, except that, pursuant to section 115.065, costs shall be shared proportionately by the state and any political subdivisions and special districts holding an election on the same day as any such primary. For any county with more than five hundred polling places, the state shall assist in assuring adequate poll workers and equipment.]