

SENATE BILL NO. 695

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

3901S.04I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 115.013, 115.107, 115.111, 115.163, 115.179, 115.181, 115.193, 115.221, 115.225, 115.237, 115.277, 115.279, 115.283, 115.285, 115.291, 115.302, 115.427, and 115.652, RSMo, and to enact in lieu thereof twenty new sections relating to elections, with penalty provisions.

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

Section A. Sections 115.013, 115.107, 115.111, 115.163, 115.179, 115.181, 115.193, 115.221, 115.225, 115.237, 115.277, 115.279, 115.283, 115.285, 115.291, 115.302, 115.427, and 115.652, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 115.013, 115.062, 115.107, 115.111, 115.163, 115.179, 115.181, 115.193, 115.221, 115.225, 115.237, 115.277, 115.279, 115.283, 115.285, 115.291, 115.422, 115.427, 115.496, and 115.652, to read as follows:

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

(1) "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;

(2) "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;

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

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

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

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

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

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

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

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

35 (10) "Electronic voting system", a system of casting
36 votes by use of marking devices, and counting votes by use
37 of automatic tabulating or data processing equipment,
38 including computerized voting systems;

39 (11) "Established political party" for the state, a
40 political party which, at either of the last two general
41 elections, polled for its candidate for any statewide office
42 more than two percent of the entire vote cast for the

43 office. "Established political party" for any district or
44 political subdivision shall mean a political party which
45 polled more than two percent of the entire vote cast at
46 either of the last two elections in which the district or
47 political subdivision voted as a unit for the election of
48 officers or representatives to serve its area;

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

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

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

58 (15) "Marking device", any approved device which will
59 enable the votes to be counted by automatic tabulating
60 equipment;

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

63 (17) "New party", any political group which has filed
64 a valid petition and is entitled to place its list of
65 candidates on the ballot at the next general or special
66 election;

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

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

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

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

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

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

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

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

94 (26) "Special district", any school district, water
95 district, fire protection district, hospital district,
96 health center, nursing district, or other districts with
97 taxing authority, or other district formed pursuant to the
98 laws of Missouri to provide limited, specific services;

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

103 (28) **"Voter activity", registering to vote, voting in**
104 **an election, signing a petition to form a new political**
105 **party, signing a petition for the nomination of an**

106 **independent candidate for office, or signing an initiative**
107 **petition;**

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

115.062. 1. **Unless otherwise permitted by subsection**
2 **2 of this section, no election authority shall take or**
3 **accept funding, grants, or gifts of any kind from any source**
4 **other than from the governing body of a political**
5 **subdivision or the state of Missouri.**

6 2. **An election authority may accept funding, grants,**
7 **or gifts from the federal government or from any other**
8 **source only if such funding is approved by a concurrent**
9 **resolution adopted by a majority of the members of each**
10 **house of the general assembly.**

115.107. 1. At every election, the chairman of the
2 county committee of each political party named on the ballot
3 shall have the right to designate a watcher for each place
4 votes are counted.

5 2. Watchers are to observe the counting of the votes
6 and present any complaint of irregularity or law violation
7 to the election judges, or to the election authority if not
8 satisfied with the decision of the election judges. No
9 watcher may be substituted for another on election day.

10 3. No watcher shall report to anyone the name of any
11 person who has or has not voted.

12 4. A watcher may remain present until all closing
13 certification forms are completed, all equipment is closed
14 and taken down, the transportation case for the ballots is
15 sealed, election materials are returned to the election
16 authority or to the designated collection place for a
17 polling place, and any other duties or procedures required

18 under sections 115.447 to 115.491 are completed. A watcher
19 may also remain present at each location at which absentee
20 ballots are counted and may remain present while such
21 ballots are being prepared for counting and counted.

22 **5. No election authority shall prohibit any watcher**
23 **who has been appointed pursuant to this section from**
24 **entering a polling place or remove any watcher from a**
25 **polling place during the times when the watcher is entitled**
26 **to be in the polling place pursuant to this section.**
27 **Violations of this subsection shall be punished as a class**
28 **four election offense.**

29 **6. All persons selected as watchers shall have the**
30 **same qualifications required by section 115.085 for election**
31 **judges, except that such watcher shall be a registered voter**
32 **in the jurisdiction of the election authority for which the**
33 **watcher is designated as a watcher.**

115.111. **1. The election authority shall clearly**
2 **designate observation areas for challengers and watchers.**
3 **The observation areas shall be not less than three feet from**
4 **nor more than six feet from the table at which voters**
5 **announce their name and address at the polling place or**
6 **office of the election authority and not less than three**
7 **feet from nor more than six feet from the table at which a**
8 **person may register to vote at the polling place or office**
9 **of the election authority. The observation areas shall be**
10 **positioned to permit any challenger or watcher to readily**
11 **observe all public aspects of the voting process.**

12 **2. (1) The election authority shall provide**
13 **challengers and watchers uniform and nondiscriminatory**
14 **access to observe all stages of the election process,**
15 **including but not limited to the certification of voting**
16 **systems, testing of tabulating equipment, absentee voting in**

17 person at the office of the election authority, canvassing,
18 voter appeals, vote tabulation, ballot transport, audits,
19 and recounts.

20 (2) Watchers or challengers shall wear a badge with
21 the name of the individual and the name of the political
22 party or ballot measure committee the individual is
23 representing.

24 (3) A watcher or challenger shall not wear any
25 campaign material advocating voting for or against a
26 candidate or for or against any position on a ballot measure.

27 (4) If any watcher or challenger interferes with the
28 orderly process of voting, or is guilty of misconduct or any
29 law violation, the election judges shall ask the watcher or
30 challenger to leave the polling place or cease the
31 interference. If the interference continues, the election
32 judges shall notify the election authority, which shall take
33 such action as it deems necessary. It shall be the duty of
34 the police, if requested by the election authority or judges
35 of election, to exclude any watcher or challenger from the
36 polling place or the place where votes are being counted.
37 If any challenger is excluded, another may be substituted by
38 the designating committee chairman.

39 (5) A watcher or challenger shall not interfere with
40 any voter in the preparation or casting of the voter's
41 ballot or hinder or prevent the performance of the duties of
42 any election official.

43 (6) A watcher or challenger is entitled to bring in
44 voter lists to observe the voting process.

45 (7) A watcher or challenger is entitled to challenge
46 any ballot in the same manner as qualifications to vote are
47 challenged under section 115.429.

48 **3. An election official who violates this section is**
49 **guilty of a class four election offense.**

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

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

14 3. **(1)** The election authority shall send to each
15 voter, except those who registered by mail and have not
16 voted, a voter identification card no later than ninety days
17 prior to the date of a primary or general election for
18 federal office, unless the voter has received such a card
19 during the preceding six months. The election authority
20 shall send to each voter who registered by mail and has not
21 voted the verification notice required under section 115.155
22 no later than ninety days prior to the date of a primary or
23 general election for federal office. The voter
24 identification card shall contain the voter's name, address,
25 and precinct. The card also shall inform the voter of the
26 personal identification requirement in section 115.427 and
27 may also contain other voting information at the discretion
28 of the election authority. The voter identification card
29 shall be sent to a voter, except those who registered by
30 mail and have not voted, after a new registration or a

31 change of address. If any voter, except those who
32 registered by mail and have not voted, shall lose his voter
33 identification card, [he] **the voter** may request a new one
34 from the election authority.

35 (2) The **issuance of** voter identification [card
36 authorized] **cards** pursuant to **subdivision (1) of** this
37 [section may be used as] **subsection shall be considered** a
38 canvass of voters [in lieu of the provisions set out in]
39 **pursuant to** sections 115.179 to 115.193.

40 (3) Except as provided in subsection 2 of section
41 115.157, anyone, upon request and payment of a reasonable
42 fee, may obtain a printout, list and/or computer tape of
43 those newly registered voters or voters deleted from the
44 voting rolls, since the last canvass or updating of the
45 rolls.

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

115.179. [1.] The election authority shall [have]
2 **canvass** the registration records of all precincts in its
3 jurisdiction [canvassed] every two years [in accordance with
4 subsection 3 of section 115.163 and that it]. **Such canvass**
5 **shall** be completed no later than ninety days prior to the
6 date of a primary or general election for federal office.
7 [The election authority may utilize postal service

8 contractors under the federal National Change of Address
9 program to canvass the records.

10 2. In each jurisdiction without a board of election
11 commissioners, the county clerk shall have the registration
12 records of all precincts in its jurisdiction canvassed every
13 two years in accordance with subsection 3 of section 115.163
14 and that it be completed no later than ninety days prior to
15 the date of a primary or general election for federal
16 office.]

115.181. 1. In its discretion, the election authority
2 may order all or any part of a canvass to be made **using any**
3 **one of the following methods, or any combination thereof:**

4 (1) House-to-house, **pursuant to sections 115.185 and**
5 **115.187;**

6 (2) Through the United States Postal Service, [or by
7 both methods] **pursuant to section 115.189;**

8 (3) **Through the issuance of voter registration cards**
9 **pursuant to subsection 3 of section 115.163; or**

10 (4) **Through the utilization of postal service**
11 **contractors pursuant to the federal National Change of**
12 **Address program.**

13 2. At the discretion of the election authority, [the]
14 a canvass may be made by including only those voters who did
15 not vote at the last general election and those voters who
16 registered since the last general election.

115.193. 1. Upon completion of a canvass as provided
2 for in this chapter, **the election authority shall remove** a
3 registered voter's name [shall not be removed] from the list
4 of registered voters **on the precinct register** on the ground
5 that the voter has changed residence [unless] **if:**

6 (1) The voter confirms in writing that the voter has
7 changed residence to a place outside the election
8 authority's jurisdiction in which the voter is registered; or

9 (2) The voter fails to respond to a notice described
10 in **subsection 3 of** this section and has not [voted in an
11 election] **engaged in voter activity** during the period
12 beginning on the date of the notice and ending on the day
13 after the date of the second general election that occurs
14 after the date of the notice.

15 2. The notice referred to in subsection 1, subdivision
16 (2) of this section shall contain a postage prepaid and
17 preaddressed return card, sent by forwardable mail, on which
18 the voter may state the voter's current address.

19 3. The notice shall also contain the following
20 statements:

21 "(1) Any voter who has not changed his or her
22 residence, or has changed residence but remained
23 in the same election authority's jurisdiction,
24 shall return the card not later than the fourth
25 Wednesday prior to the next election. If the
26 card is not returned by this date, oral or
27 written affirmation of the voter's address may
28 be required at the polling place before the
29 voter will be permitted to vote in an election
30 during the period beginning on the date of the
31 notice and ending on the day after the date of
32 the second general election that occurs after
33 the date of the notice. Any voter who does not
34 [vote in an election] **engage in voter activity**
35 during that period, will have his or her name
36 removed from the list of eligible voters;

37 (2) For additional information on registering
38 to vote, contact the election authority located
39 in the county of your current residence. If you
40 reside in the City of St. Louis, contact the St.
41 Louis City election board."

42 4. If the election authority believes that the name of
43 any voter was improperly removed from the [registration
44 records] **list of registered voters on the precinct register**,
45 it may, by telephone or in writing on election day,
46 authorize election judges to permit the voter to vote. The
47 voter may be required to execute an affidavit of
48 qualification on a form prescribed by the election authority
49 before being permitted to vote.

50 5. An election authority may designate any voter as an
51 inactive voter if the election authority receives from the
52 United States Postal Service notification that the voter no
53 longer resides at the address last known to the election
54 authority and no forwarding address is available, or the
55 voter fails to respond to the notice authorized in
56 subdivision (2) of subsection 1 of this section within
57 thirty days after the election authority sends such notice.
58 Such voter may be designated as an inactive voter only until:

59 (1) The voter returns such notice to the election
60 authority;

61 (2) The voter provides the election authority with his
62 or her new address pursuant to the provisions of this
63 chapter;

64 (3) The voter provides a written affirmation that the
65 voter has not changed residence; or

66 (4) The election authority receives sufficient
67 information to remove the voter from the list of registered
68 voters pursuant to this section or section 115.165, or

69 return the voter to the active list of registered voters in
70 the jurisdiction.

71 6. An election authority may exclude inactive voters
72 to determine only:

73 (1) The number of ballots to be printed pursuant to
74 section 115.247;

75 (2) The proportional costs of elections; or

76 (3) Mailing information to registered voters.

115.221. [Notwithstanding any other provisions of law
2 to the contrary,]

3 1. Each election authority may [have] **inspect** the
4 voting records [inspected and may] **of all precincts in its**
5 **jurisdiction.**

6 2. (1) **Each election authority shall** investigate the
7 qualifications of any person who has not [voted] **engaged in**
8 **voter activity** or **has** transferred his **or her** registration
9 within the [four] **two** preceding calendar years.

10 (2) **If an election authority determines that a**
11 **registered voter has not engaged in voter activity within**
12 **the two preceding calendar years, the election authority**
13 **shall include such registered voter in any canvass conducted**
14 **pursuant to section 115.181.**

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

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

9 (1) Permits voting in absolute secrecy;

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

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

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

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

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

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

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

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

32 (10) Has been tested and is certified by an
33 independent authority that meets the voting system standards
34 developed by the Federal Election Commission or its
35 successor agency. The provisions of this subdivision shall
36 not be required for any system purchased prior to August 28,
37 2002.

38 3. The secretary of state shall promulgate rules and
39 regulations to allow the use of a computerized voting
40 system. The procedures shall provide for the use of a
41 computerized voting system with the ability to provide a

42 paper audit trail. Notwithstanding any provisions of this
43 chapter to the contrary, such a system may allow for the
44 storage of processed ballot materials in an electronic form.

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

57 **5. If any election authority uses any touchscreen,**
58 **direct-recording, electronic vote-counting machine, the**
59 **election authority may continue to use such machine. Upon**
60 **the removal of such voting machine from the election**
61 **authority's inventory because of mechanical malfunction,**
62 **wear and tear, or any other reason, the machine shall not be**
63 **replaced and no additional direct-recording electronic**
64 **voting machine shall be added to the election authority's**
65 **inventory. Such machines shall not be used beginning**
66 **January 1, 2023, except that election authorities may allow**
67 **the machines to be used by voters with disabilities as long**
68 **as the machines are functional. Replacement of equipment**
69 **for use by voters with disabilities shall be with paper**
70 **ballot marking devices designed to assist voters.**

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

4 all offices and candidates certified or filed pursuant to
5 this chapter and no other. **Beginning January 1, 2023, the**
6 **official ballot shall be a paper ballot that is hand-marked**
7 **by the voter, or in the case of voters with disabilities who**
8 **need assistance, by a paper ballot marking device designed**
9 **to assist voters, except as provided in subsection 5 of**
10 **section 115.225.** As far as practicable, all questions and
11 the names of all offices and candidates for which each voter
12 is entitled to vote shall be printed on one page except for
13 the ballot for political party committee persons in polling
14 places not utilizing an electronic voting system which may
15 be printed separately and in conformity with the
16 requirements contained in this section. As far as
17 practicable, ballots containing only questions and the names
18 of nonpartisan offices and candidates shall be printed in
19 accordance with the provisions of this section, except that
20 the ballot information may be listed in vertical or
21 horizontal rows. The names of candidates for each office
22 shall be listed in the order in which they are filed.

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

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

34 4. Where electronic voting systems are used and when
35 write-in votes are authorized by law, a write-in ballot,

36 which may be in the form of a separate paper ballot, card,
37 or envelope, may be provided by the election authority to
38 permit each voter to write in the names of persons whose
39 names do not appear on the ballot.

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

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

57 7. Any rule or portion of a rule, as that term is
58 defined in section 536.010, that is created under the
59 authority delegated in this section shall become effective
60 only if it complies with and is subject to all of the
61 provisions of chapter 536 and, if applicable, section
62 536.028. This section and chapter 536 are nonseverable and
63 if any of the powers vested with the general assembly
64 pursuant to chapter 536 to review, to delay the effective
65 date or to disapprove and annul a rule are subsequently held
66 unconstitutional, then the grant of rulemaking authority and

67 any rule proposed or adopted after August 28, 2002, shall be
68 invalid and void.

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

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

10 (2) Incapacity or confinement due to illness or
11 physical disability, including a person who is primarily
12 responsible for the physical care of a person who is
13 incapacitated or confined due to illness or disability;

14 (3) Religious belief or practice;

15 (4) Employment as an election authority, as a member
16 of an election authority, or by an election authority at a
17 location other than such voter's polling place;

18 (5) Incarceration, provided all qualifications for
19 voting are retained; **or**

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

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

28 2. Any covered voter who is eligible to register and
29 vote in this state may vote in any election for federal
30 office, statewide office, state legislative office, or

31 statewide ballot initiatives by submitting a federal
32 postcard application to apply to vote by absentee ballot or
33 by submitting a federal postcard application at the polling
34 place even though the person is not registered. A federal
35 postcard application submitted by a covered voter pursuant
36 to this subsection shall also serve as a voter registration
37 application under section 115.908 and the election authority
38 shall, if satisfied that the applicant is entitled to
39 register, place the voter's name on the voter registration
40 file. Each covered voter may vote by absentee ballot or,
41 upon submitting an affidavit that the person is qualified to
42 vote in the election, may vote at the person's polling place.

43 3. Any interstate former resident may vote by absentee
44 ballot for presidential and vice presidential electors.

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

52 5. Any new resident may vote by absentee ballot for
53 presidential and vice presidential electors after
54 registering to vote in such resident's new jurisdiction of
55 residence.

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

60 (1) Are sixty-five years of age or older;

61 (2) Live in a long-term care facility licensed under
62 chapter 198;

- 63 (3) Have chronic lung disease or moderate to severe
64 asthma;
- 65 (4) Have serious heart conditions;
- 66 (5) Are immunocompromised;
- 67 (6) Have diabetes;
- 68 (7) Have chronic kidney disease and are undergoing
69 dialysis; or
- 70 (8) Have liver disease.]

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

8 2. **No individual, group, or party, including any**
9 **election authority, shall:**

10 (1) **Solicit a person to obtain an absentee ballot**
11 **application; or**

12 (2) **Send or deliver an absentee ballot application to**
13 **any person without such person affirmatively requesting such**
14 **application, except as allowed pursuant to section 115.284.**

15 3. Each application shall be made to the election
16 authority of the jurisdiction in which the person is or
17 would be registered. Each application shall be in writing
18 and shall state the applicant's name, address at which he or
19 she is or would be registered, his or her reason for voting
20 an absentee ballot, the address to which the ballot is to be
21 mailed, if mailing is requested, and for absent uniformed
22 services and overseas applicants, the applicant's email
23 address if electronic transmission is requested. If the
24 reason for the applicant voting absentee is due to the

25 reasons established under subdivision (6) of subsection 1 of
26 section 115.277, the applicant shall state the voter's
27 identification information provided by the address
28 confidentiality program in lieu of the applicant's name,
29 address at which he or she is or would be registered, and
30 address to which the ballot is to be mailed, if mailing is
31 requested. Each application to vote in a primary election
32 shall also state which ballot the applicant wishes to
33 receive. If any application fails to designate a ballot,
34 the election authority shall, within three working days
35 after receiving the application, notify the applicant by
36 mail that it will be unable to deliver an absentee ballot
37 until the applicant designates which political party ballot
38 he or she wishes to receive. If the applicant does not
39 respond to the request for political party designation, the
40 election authority is authorized to provide the voter with
41 that part of the ballot for which no political party
42 designation is required.

43 [3.] 4. Except as provided in subsection 3 of section
44 115.281, all applications for absentee ballots received
45 prior to the sixth Tuesday before an election shall be
46 stored at the office of the election authority until such
47 time as the applications are processed in accordance with
48 section 115.281. No application for an absentee ballot
49 received in the office of the election authority by mail, by
50 facsimile transmission, by electronic mail, or by a guardian
51 or relative after 5:00 p.m. on the second Wednesday
52 immediately prior to the election shall be accepted by any
53 election authority. No application for an absentee ballot
54 submitted by the applicant in person after 5:00 p.m. on the
55 day before the election shall be accepted by any election

56 authority, except as provided in subsections [6, 8 and] 7,
57 9, and 10 of this section.

58 [4.] 5. Each application for an absentee ballot shall
59 be signed by the applicant or, if the application is made by
60 a guardian or relative pursuant to this section, the
61 application shall be signed by the guardian or relative, who
62 shall note on the application his or her relationship to the
63 applicant. If an applicant, guardian or relative is blind,
64 unable to read or write the English language or physically
65 incapable of signing the application, he or she shall sign
66 by mark, witnessed by the signature of an election official
67 or person of his or her own choosing. Any person who
68 knowingly makes, delivers or mails a fraudulent absentee
69 ballot application shall be guilty of a class one election
70 offense.

71 [5.] 6. (1) Notwithstanding any law to the contrary,
72 any resident of the state of Missouri who resides outside
73 the boundaries of the United States or who is on active duty
74 with the Armed Forces of the United States or members of
75 their immediate family living with them may request an
76 absentee ballot for both the primary and subsequent general
77 election with one application.

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

83 (3) Notwithstanding any other law to the contrary, if
84 a standard oath regarding material misstatements of fact is
85 adopted for uniformed and overseas voters pursuant to the
86 Help America Vote Act of 2002, the election authority shall

87 accept such oath for voter registration, absentee ballot, or
88 other election-related materials.

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

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

106 [6.] 7. An application for an absentee ballot by a new
107 resident shall be submitted in person by the applicant in
108 the office of the election authority in the election
109 jurisdiction in which such applicant resides. The
110 application shall be received by the election authority no
111 later than 7:00 p.m. on the day of the election. Such
112 application shall be in the form of an affidavit, executed
113 in duplicate in the presence of the election authority or
114 any authorized officer of the election authority, and in
115 substantially the following form:

116 "STATE OF _____
117 COUNTY OF _____ , ss.

118 I, _____, do solemnly swear that:

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

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

127 (3) I believe I am entitled pursuant to the laws of
 128 this state to vote in the presidential election
 129 to be held November _____, _____ (year);

130 (4) I hereby make application for a presidential
 131 and vice presidential ballot. I have not voted
 132 and shall not vote other than by this ballot at
 133 such election.

134 Signed _____
 135 (Applicant)
 136 _____
 137 (Residence Address)

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

140 Signed _____
 141 (Title and name of officer authorized to
 142 administer oaths)"

143 **[7.] 8.** The election authority in whose office an
 144 application is filed pursuant to subsection **[6] 7** of this
 145 section shall immediately send a duplicate of such
 146 application to the appropriate official of the state in
 147 which the new resident applicant last resided and shall file
 148 the original of such application in its office.

149 **[8.] 9.** An application for an absentee ballot by an
 150 intrastate new resident shall be made in person by the

151 applicant in the office of the election authority in the
 152 election jurisdiction in which such applicant resides. The
 153 application shall be received by the election authority no
 154 later than 7:00 p.m. on the day of the election. Such
 155 application shall be in the form of an affidavit, executed
 156 in duplicate in the presence of the election authority or an
 157 authorized officer of the election authority, and in
 158 substantially the following form:

159 "STATE OF _____

160 COUNTY OF _____, ss.

161 I, _____, do solemnly swear that:

- 162 (1) Before becoming a resident of this election
 163 jurisdiction, I resided at _____ (residence
 164 address) in _____ (town, township, village or
 165 city) of _____ county in the state of _____;
- 166 (2) I moved to this election jurisdiction after the
 167 last day to register to vote in such election;
- 168 (3) I believe I am entitled pursuant to the laws of
 169 this state to vote in the election to be held
 170 _____ (date);
- 171 (4) I hereby make application for an absentee
 172 ballot for candidates and issues on which I am
 173 entitled to vote pursuant to the laws of this
 174 state. I have not voted and shall not vote
 175 other than by this ballot at such election.

176 Signed _____

177 (Applicant)

178 _____

179 (Residence Address)

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

182 Signed _____

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

185 [9.] 10. An application for an absentee ballot by an
186 interstate former resident shall be received in the office
187 of the election authority where the applicant was formerly
188 registered by 5:00 p.m. on the second Wednesday immediately
189 prior to the election, unless the application is made in
190 person by the applicant in the office of the election
191 authority, in which case such application shall be made no
192 later than 7:00 p.m. on the day of the election.

115.283. 1. Each ballot envelope shall bear a
2 statement on which the voter shall state the voter's name,
3 the voter's voting address, the voter's mailing address
4 [and], the voter's reason for voting an absentee ballot, **and**
5 **either the voter's driver's license number or the last four**
6 **digits of the voter's Social Security number.** If the reason
7 for the voter voting absentee is due to the reasons
8 established under subdivision (6) of subsection 1 of section
9 115.277, the voter shall state the voter's identification
10 information provided by the address confidentiality program
11 in lieu of the applicant's name, voting address, and mailing
12 address. On the form, the voter shall also state under
13 penalties of perjury that the voter is qualified to vote in
14 the election, that the voter has not previously voted and
15 will not vote again in the election, that the voter has
16 personally marked the voter's ballot in secret or supervised
17 the marking of the voter's ballot if the voter is unable to
18 mark it, that the ballot has been placed in the ballot
19 envelope and sealed by the voter or under the voter's
20 supervision if the voter is unable to seal it, and that all
21 information contained in the statement is true. In

22 addition, any person providing assistance to the absentee
 23 voter shall include a statement on the envelope identifying
 24 the person providing assistance under penalties of perjury.
 25 Persons authorized to vote only for federal and statewide
 26 officers shall also state their former Missouri residence.

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

30 State of Missouri

31 County (City) of _____

32 I, _____ (print name), a registered voter of
 33 _____ County (City of St. Louis, Kansas City),
 34 declare under the penalties of perjury that I
 35 expect to be prevented from going to the polls on
 36 election day due to (check one):

37 _____ absence on election day from the
 38 jurisdiction of the election authority in
 39 which I am registered;

40 _____ incapacity or confinement due to illness
 41 or physical disability, including caring
 42 for a person who is incapacitated or
 43 confined due to illness or disability;

44 _____ religious belief or practice;

45 _____ employment as an election authority or by
 46 an election authority at a location other
 47 than my polling place;

48 _____ incarceration, although I have retained
 49 all the necessary qualifications for
 50 voting;

51 _____ certified participation in the address
 52 confidentiality program established under
 53 sections 589.660 to 589.681 because of
 54 safety concerns.

55 I hereby state under penalties of perjury that I am
 56 qualified to vote at this election; I have not

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

65
66

67 Signature of Voter

Signature of Person

68

Assisting Voter

69

(if applicable)

70 Signed _____

Subscribed and sworn

71 Signed _____

to before me this

72 Address of Voter

_____ day of _____,

73

74

75

76 Mailing addresses

Signature of notary or

77 (if different)

other officer

78

authorized to

79

administer oaths

80

81 **Driver's License Number**
 82 **or last four digits of**
 83 **Social Security Number**

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

88 State of Missouri

89 County (City) of _____

90 I, _____ (print name), declare under the penalties
91 of perjury that I am a citizen of the United States
92 and eighteen years of age or older. I am not
93 adjudged incapacitated by any court of law, and if
94 I have been convicted of a felony or of a
95 misdemeanor connected with the right of suffrage, I
96 have had the voting disabilities resulting from
97 such conviction removed pursuant to law. I hereby
98 state under penalties of perjury that I am
99 qualified to vote at this election.

100 I am (check one):

101 _____ a resident of the state of Missouri and a
102 registered voter in _____ County and
103 moved from that county to _____ County,
104 Missouri, after the last day to register
105 to vote in this election.

106 _____ an interstate former resident of Missouri
107 and authorized to vote for presidential
108 and vice presidential electors.

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

118 _____ Subscribed to and
119 Signature of Voter sworn before me this
120 _____ day of
121 _____, _____

122 _____
123 _____
124 Address of Voter Signature of notary or

125 other officer
 126 authorized to
 127 administer oaths
 128 _____
 129 Mailing Address (if
 130 different) _____
 131 _____
 132 _____
 133 Signature of Person Address of Last
 134 Assisting Voter Missouri Residence
 135 (if applicable)
 136 _____
 137 **Driver's License Number**
 138 **or last four digits of**
 139 **Social Security Number**

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

144 State of Missouri
 145 County (City) of _____
 146 I, _____ (print name), declare under the penalties
 147 of perjury that I expect to be prevented from going
 148 to the polls on election day due to (check one):
 149
 150 _____ absence on election day from the
 151 jurisdiction of the election authority in
 152 which I am directed to vote;
 153 _____ incapacity or confinement due to illness
 154 or physical disability, including caring
 155 for a person who is incapacitated or
 156 confined due to illness or disability;

157 _____ religious belief or practice;
 158 _____ employment as an election authority or by
 159 an election authority at a location other
 160 than my polling place;
 161 _____ incarceration, although I have retained
 162 all the necessary qualifications of
 163 voting;
 164 _____ certified participation in the address
 165 confidentiality program established under
 166 sections 589.660 to 589.681 because of
 167 safety concerns.

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

179
 180 _____ Subscribed and sworn
 181 Signature of Voter to before me this
 182 _____ day of
 183 _____, _____
 184 _____
 185 _____
 186 Address Signature of notary or
 187 other officer
 188 authorized to
 189 administer oaths
 190 _____
 191 Signature of Person

192 Assisting Voter
193 (if applicable)

194

195 _____

196 **Driver's License Number**
197 **or last four digits of**
198 **Social Security Number**

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

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

211 Reason why voter needed assistance: _____

212 ASSISTING PERSON SIGN HERE

- 213 1. _____ (signature of assisting person)
- 214 2. _____ (assisting person's name printed)
- 215 3. _____ (assisting person's residence)
- 216 4. _____ (assisting person's home city or town).

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

222 7.] Notwithstanding any other provision of this
223 section, any covered voter as defined in section 115.902 or

224 persons who have declared themselves to be permanently
225 disabled pursuant to section 115.284, otherwise entitled to
226 vote, shall not be required to obtain a notary seal or
227 signature on his or her absentee ballot.

228 [8.] 7. Notwithstanding any other provision of this
229 section or section 115.291 to the contrary, the
230 subscription, signature and seal of a notary or other
231 officer authorized to administer oaths shall not be required
232 on any ballot, ballot envelope, or statement required by
233 this section if the reason for the voter voting absentee is
234 due to the reasons established pursuant to subdivision (2)
235 [or (7)] of subsection 1 of section 115.277.

236 [9.] 8. No notary shall charge or collect a fee for
237 notarizing the signature on any absentee ballot or absentee
238 voter registration.

239 [10.] 9. A notary public who charges more than the
240 maximum fee specified or who charges or collects a fee for
241 notarizing the signature on any absentee ballot or absentee
242 voter registration is guilty of official misconduct.

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

11 [Notwithstanding any provision of law to the contrary, a
12 ballot envelope used under section 115.302 shall be the same
13 ballot envelope used for absentee ballots, provided an

14 option shall be listed on the envelope to clearly indicate
15 whether the voter is casting an absentee ballot or a mail-in
16 ballot.]

115.291. 1. Upon receiving an absentee ballot by
2 mail, the voter shall mark the ballot in secret, place the
3 ballot in the ballot envelope, seal the envelope and fill
4 out the statement on the ballot envelope. The affidavit of
5 each person voting an absentee ballot shall be subscribed
6 and sworn to before the election official receiving the
7 ballot, a notary public or other officer authorized by law
8 to administer oaths, unless the voter is voting absentee due
9 to incapacity or confinement due to the provisions of
10 section 115.284, illness or physical disability, [for an
11 election that occurs during the year 2020, the voter has
12 contracted or is in an at-risk category for contracting or
13 transmitting severe acute respiratory syndrome coronavirus
14 2, as defined in section 115.277,] or the voter is a covered
15 voter as defined in section 115.902. If the voter is blind,
16 unable to read or write the English language, or physically
17 incapable of voting the ballot, the voter may be assisted by
18 a person of the voter's own choosing. Any person assisting
19 a voter who is not entitled to such assistance, and any
20 person who assists a voter and in any manner coerces or
21 initiates a request or a suggestion that the voter vote for
22 or against or refrain from voting on any question, ticket or
23 candidate, shall be guilty of a class one election offense.
24 If, upon counting, challenge or election contest, it is
25 ascertained that any absentee ballot was voted with unlawful
26 assistance, the ballot shall be rejected. [For purposes of
27 this subsection, the voters who are in an at-risk category
28 for contracting or transmitting severe acute respiratory
29 syndrome coronavirus 2 are voters who:

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

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

55 3. In cases of an emergency declared by the President
56 of the United States or the governor of this state where the
57 conduct of an election may be affected, the secretary of
58 state may provide for the delivery and return of absentee
59 ballots by use of a facsimile transmission device or
60 system. Any rule promulgated pursuant to this subsection

61 shall apply to a class or classes of voters as provided for
62 by the secretary of state.

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

115.422. 1. All ballots shall contain a unique
2 identifier for the purpose of preventing ballots from being
3 copied and harvested.

4 2. Each unique identifier required by subsection 1 of
5 this section shall include all of the following identifying
6 information followed by a randomly generated number:

7 (1) An identification of the election;

8 (2) An identification of the precinct at which the
9 ballot was cast;

10 (3) An identification of the type of ballot used;

11 (4) An identification of the party ballot cast, in the
12 case of a primary election;

13 (5) An identification of the language used for the
14 ballot;

15 (6) The page number of the ballot.

16 3. In no case shall a unique identifier contain any
17 information particular to a specific voter.

18 4. The secretary of state shall promulgate rules for
19 the purpose of standardizing the identifying codes to be
20 used on ballots as required by this section.

21 5. Any rule or portion of a rule, as that term is
22 defined in section 536.010, that is created under the
23 authority delegated in this section shall become effective
24 only if it complies with and is subject to all of the
25 provisions of chapter 536 and, if applicable, section
26 536.028. This section and chapter 536 are nonseverable and

27 if any of the powers vested with the general assembly
28 pursuant to chapter 536 to review, to delay the effective
29 date, or to disapprove and annul a rule are subsequently
30 held unconstitutional, then the grant of rulemaking
31 authority and any rule proposed or adopted after August 28,
32 2022, shall be invalid and void.

115.427. 1. Persons seeking to vote in a public
2 election shall establish their identity and eligibility to
3 vote at the polling place, **or, if voting absentee in person**
4 **under section 115.257, at the office of the election**
5 **authority**, by presenting a form of personal identification
6 to election officials. No form of personal identification
7 other than the forms listed in this section shall be
8 accepted to establish a voter's qualifications to vote.
9 Forms of personal identification that satisfy the
10 requirements of this section are any one of the following:

- 11 (1) Nonexpired Missouri driver's license;
- 12 (2) Nonexpired or nonexpiring Missouri nondriver's
13 license;
- 14 (3) A document that satisfies all of the following
15 requirements:
 - 16 (a) The document contains the name of the individual
17 to whom the document was issued, and the name substantially
18 conforms to the most recent signature in the individual's
19 voter registration record;
 - 20 (b) The document shows a photograph of the individual;
 - 21 (c) The document includes an expiration date, and the
22 document is not expired, or, if expired, the document
23 expired after the date of the most recent general election;
24 and
 - 25 (d) The document was issued by the United States or
26 the state of Missouri; or

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

34 2. (1) An individual who appears at a polling place
35 without a form of personal identification described in
36 subsection 1 of this section and who is otherwise qualified
37 to vote at that polling place [may execute a statement,
38 under penalty of perjury, averring that the individual is
39 the person listed in the precinct register; averring that
40 the individual does not possess a form of personal
41 identification described in subsection 1 of this section;
42 acknowledging that the individual is eligible to receive a
43 Missouri nondriver's license free of charge if desiring it
44 in order to vote; and acknowledging that the individual is
45 required to present a form of personal identification, as
46 described in subsection 1 of this section, in order to
47 vote. Such statement shall be executed and sworn to before
48 the election official receiving the statement. Upon
49 executing such statement, the individual may cast a regular
50 ballot, provided such individual presents one of the
51 following forms of identification:

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

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

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

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

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

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

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

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

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

83 "State of _____

84 County of _____

85 I do solemnly swear (or affirm) that my name is
86 _____; that I reside at _____; that I am the
87 person listed in the precinct register under this
88 name and at this address; and that, under penalty

89 of perjury, I do not possess a form of personal
 90 identification approved for voting. As a person
 91 who does not possess a form of personal
 92 identification approved for voting, I acknowledge
 93 that I am eligible to receive free of charge a
 94 Missouri nondriver's license at any fee office if
 95 desiring it in order to vote. I furthermore
 96 acknowledge that I am required to present a form
 97 of personal identification, as prescribed by law,
 98 in order to vote.

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

102 _____

103 Signature of voter

104 Subscribed and affirmed before me this _____ day
 105 of _____, 20_____

106 _____

107 Signature of election official"

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

114 (2) No person described in subdivision (1) of this
 115 subsection shall be entitled to receive a provisional ballot
 116 until such person has completed a provisional ballot
 117 affidavit on the provisional ballot envelope described in
 118 subdivision (3) of this subsection. All provisional ballots
 119 cast pursuant to this subsection shall be marked with a
 120 conspicuous stamp or mark that makes them distinguishable
 121 from other ballots.

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

125 (b) The provisional ballot envelope shall provide a
126 place for the voter's name, address, date of birth, and last
127 four digits of his or her Social Security number, followed
128 by a certificate in substantially the following form:

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

133 (1) I return to this polling place today between
134 6:00 a.m. and 7:00 p.m. and provide one of the
135 following forms of identification:

136 (a) Nonexpired Missouri driver's license;

137 (b) Nonexpired or nonexpiring Missouri nondriver's
138 license;

139 (c) A document that satisfies all of the following
140 requirements:

141 a. The document contains my name, in substantially
142 the same form as the most recent signature on my
143 voter registration record;

144 b. The document contains my photograph;

145 c. The document contains an expiration date and
146 the document is not expired, or if expired, the
147 document expired after the date of the most recent
148 general election; and

149 d. The document was issued by the United States or
150 the state of Missouri; or

151 (d) Identification containing my photograph issued
152 to me by the Missouri National Guard, the United
153 States Armed Forces, or the United States
154 Department of Veteran Affairs as a member or former
155 member of the Missouri National Guard or the United

156 States Armed Forces and that is not expired or does
157 not have an expiration date; or

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

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

165 _____
166
167 Signature of Voter Date

168 _____
169 Signatures of Elections Officials"

170 Once voted, the provisional ballot shall be sealed in the
171 provisional ballot envelope and deposited in the ballot box.

172 3. The provisional ballot cast by such voter shall not
173 be counted unless:

174 (1) (a) The voter returns to the polling place during
175 the uniform polling hours established by section 115.407 and
176 provides a form of personal identification that allows the
177 election judges to verify the voter's identity as provided
178 in subsection 1 of this section; or

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

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

186 [5. The secretary of state shall provide advance
187 notice of the personal identification requirements of

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

197 6.] 4. (1) Notwithstanding the provisions of section
198 136.055 and section 302.181 to the contrary, the state and
199 all fee offices shall provide one nondriver's license at no
200 cost to any otherwise qualified voter who does not already
201 possess such identification and who desires the
202 identification [in order to vote] **for voting.**

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

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

214 and

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

217 Any individual seeking one of the above documents in order
218 to obtain a form of personal identification described in

219 subsection 1 of this section [in order to vote] **for voting**
220 may request the secretary of state to facilitate the
221 acquisition of such documents. The secretary of state shall
222 pay any fee or fees charged by another state or its
223 agencies, or any court of competent jurisdiction in this
224 state or any other state, or the federal government or its
225 agencies, in order to obtain any of the above documents from
226 such state or the federal government.

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

233 (4) Any applicant who requests a nondriver's license
234 for [the purpose of] voting shall not be required to pay a
235 fee [if the applicant executes a statement, under penalty of
236 perjury, averring that the applicant does not have any other
237 form of personal identification that meets the requirements
238 of this section]. The state of Missouri shall pay the
239 legally required fees for any such applicant. [The director
240 of the department of revenue shall design a statement to be
241 used for this purpose. The total cost associated with
242 nondriver's license photo identification under this
243 subsection shall be borne by the state of Missouri from
244 funds appropriated to the department of revenue for that
245 specific purpose.] The department of revenue and a local
246 election authority may enter into a contract that allows the
247 local election authority to assist the department in issuing
248 nondriver's license photo identifications.

249 [7.] 5. The director of the department of revenue
250 shall, by January first of each year, prepare and deliver to

251 each member of the general assembly a report documenting the
 252 number of individuals who have requested and received a
 253 nondriver's license photo identification for the purposes of
 254 voting under this section. The report shall also include
 255 the number of persons requesting a nondriver's license for
 256 purposes of voting under this section, but not receiving
 257 such license, and the reason for the denial of the
 258 nondriver's license.

259 [8.] 6. The precinct register shall serve as the voter
 260 identification certificate. The following form shall be
 261 printed at the top of each page of the precinct register:

262 VOTER'S IDENTIFICATION CERTIFICATE

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

266 PRECINCT

267 WARD OR TOWNSHIP _____

268 GENERAL (SPECIAL, PRIMARY) ELECTION

269 Held _____, 20_____

270 Date

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

274 [9.] 7. The secretary of state shall promulgate rules
 275 to effectuate the provisions of this section.

276 [10.] 8. Any rule or portion of a rule, as that term
 277 is defined in section 536.010, that is created under the
 278 authority delegated in this section shall become effective
 279 only if it complies with and is subject to all of the
 280 provisions of chapter 536 and, if applicable, section
 281 536.028. This section and chapter 536 are nonseverable and

282 if any of the powers vested with the general assembly
283 pursuant to chapter 536 to review, to delay the effective
284 date or to disapprove and annul a rule are subsequently held
285 unconstitutional, then the grant of rulemaking authority and
286 any rule proposed or adopted after August 28, 2002, shall be
287 invalid and void.

288 [11.] 9. If any voter is unable to sign his name at
289 the appropriate place on the certificate or computer
290 printout, an election judge shall print the name and address
291 of the voter in the appropriate place on the precinct
292 register, the voter shall make his mark in lieu of
293 signature, and the voter's mark shall be witnessed by the
294 signature of an election judge.

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

115.496. 1. At any time prior to the certification of
2 election results by the appropriate body, any registered
3 voter may file a petition with the election authority or the
4 secretary of state, as the case may be, requesting an audit
5 for a particular election.

6 2. (1) If the election for which an audit is
7 requested is for presidential and vice presidential
8 electors, United States senator, governor, lieutenant
9 governor, attorney general, secretary of state, state
10 treasurer, or state auditor, the petition shall be filed
11 with the secretary state prior to the date on which the
12 results for the election in question are certified. Such

13 petition shall contain the signatures of at least five
14 percent of the registered voters in each of two-thirds of
15 the congressional districts, based upon the total vote at
16 the last gubernatorial election, preceding the election in
17 question.

18 (2) If the election for which an audit is requested is
19 for representative in Congress, state senator, or state
20 representative, the petition shall be filed with the
21 secretary of state prior to the date on which the results
22 for the election in question are certified. Such petition
23 shall contain the signatures of at least five percent of the
24 registered voters in the Congressional, state senate, or
25 state representative district, based upon the total vote at
26 the last gubernatorial election, preceding the election in
27 question.

28 (3) If the election for which an audit is requested is
29 for any other office not listed in subdivision (1) or (2) of
30 this subsection, the petition shall be filed with the
31 election authority prior to the date on which the results
32 for the election in question are certified. Such petition
33 shall contain the signatures of at least five percent of the
34 registered voters in the jurisdiction, based upon the total
35 vote in the jurisdiction at the last gubernatorial election,
36 preceding the election in question.

37 3. If, after determining that the requisite number of
38 signatures have been gathered, the election authority or the
39 secretary of state, as the case may be, shall order an audit
40 of the election in question. Such audit shall include a
41 recount of all votes cast in the election and a full
42 examination of all equipment used in the election.

43 4. Except as provided in subsection 5 of this section,
44 the results of an election shall not be certified if an

45 election authority or the secretary of state has determined
46 that a petition has been filed that meets the requirements
47 of subsection 2 of this section calling for an audit of such
48 election.

49 5. Nothing in this section shall prohibit:

50 (1) Presidential and vice presidential electors from
51 meeting as required by federal law pursuant to 3 U.S.C.
52 Section 7; or

53 (2) The board of state canvassers pursuant to article
54 IV, section 18 of the Constitution of Missouri, from meeting
55 to open and canvass the returns of an election for governor,
56 lieutenant governor, secretary of state, state auditor,
57 state treasurer, or attorney general and proclaiming the
58 results of such election.

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

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

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

11 (3) The election is nonpartisan;

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

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

17 [2. Notwithstanding the provisions of subsection 1 of
18 this section or any other provision of law to the contrary,

19 an election may be conducted by mail as authorized under
20 section 115.302, during the year 2020, to avoid the risk of
21 contracting or transmitting severe acute respiratory
22 syndrome coronavirus 2. This subsection shall expire
23 December 31, 2020.]

2 [115.302. 1. Any registered voter of this
3 state may cast a mail-in ballot as provided in
4 this section. Nothing in this section shall
5 prevent a voter from casting an absentee ballot,
6 provided such person has not cast a ballot
7 pursuant to this section. Application for a
8 mail-in ballot may be made by the applicant in
9 person, or by United States mail, or on behalf
10 of the applicant by his or her guardian or
11 relative within the second degree of
12 consanguinity or affinity.

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

20 3. All applications for mail-in ballots
21 received prior to the sixth Tuesday before an
22 election shall be stored at the office of the
23 election authority until such time as the
24 applications are processed under section
25 115.281. No application for a mail-in ballot
26 received in the office of the election authority
27 after 5:00 p.m. on the second Wednesday
28 immediately prior to the election shall be
29 accepted by any election authority.

30 4. Each application for a mail-in ballot
31 shall be signed by the applicant or, if the
32 application is made by a guardian or relative
33 under this section, the application shall be
34 signed by the guardian or relative, who shall
35 note on the application his or her relationship
36 to the applicant. If an applicant, guardian, or
37 relative is blind, unable to read or write the
38 English language, or physically incapable of
39 signing the application, he or she shall sign by
40 mark that is witnessed by the signature of an
41 election official or person of his or her
42 choice. Knowingly making, delivering, or
43 mailing a fraudulent mail-in-ballot application
44 is a class one election offense.

45 5. Not later than the sixth Tuesday prior
46 to each election, or within fourteen days after
47 candidate names or questions are certified under
48 section 115.125, the election authority shall
cause to have printed and made available a

49 sufficient quantity of ballots, ballot
 50 envelopes, and mailing envelopes. As soon as
 51 possible after a proper official calls a special
 52 state or county election, the election authority
 53 shall cause to have printed and made available a
 54 sufficient quantity of mail-in ballots, ballot
 55 envelopes, and mailing envelopes.

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

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

69 State of Missouri

70 County (City) of _____

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

85 _____

86 Signature of Voter Signature of Person

87 Assisting Voter

88 (if applicable)

89 Subscribed and sworn to before me this
 90 _____ day of _____, _____.

91 _____

92 Signature of notary or other officer
 93 authorized to administer oaths.

94 _____

95 _____

96 Mailing addresses
97 (if different)

98 8. Upon receipt of a signed application
99 for a mail-in ballot and if satisfied that the
100 applicant is entitled to vote by mail-in ballot,
101 the election authority shall, within three
102 working days after receiving the application,
103 or, if mail-in ballots are not available at the
104 time the application is received, within five
105 working days after such ballots become
106 available, deliver to the voter a mail-in
107 ballot, ballot envelope and such instructions as
108 are necessary for the applicant to vote. If the
109 election authority is not satisfied that any
110 applicant is entitled to vote by mail-in ballot,
111 the authority shall not deliver a mail-in ballot
112 to the applicant. Within three working days of
113 receiving such an application, the election
114 authority shall notify the applicant and state
115 the reason he or she is not entitled to vote by
116 mail-in ballot. The applicant may file a
117 complaint with the elections division of the
118 secretary of state's office under section
119 115.219.

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

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

128 11. Upon receiving a mail-in ballot by
129 mail, the voter shall mark the ballot in secret,
130 place the ballot in the ballot envelope, seal
131 the envelope and fill out the statement on the
132 ballot envelope. The statement required under
133 subsection 7 of this section shall be subscribed
134 and sworn to before a notary public or other
135 officer authorized by law to administer oaths.
136 If the voter is blind, unable to read or write
137 the English language, or physically incapable of
138 voting the ballot, the voter may be assisted by
139 a person of the voter's own choosing. Any
140 person who assists a voter and in any manner
141 coerces or initiates a request or suggestion
142 that the voter vote for or against, or refrain
143 from voting on, any question or candidate, shall
144 be guilty of a class one election offense. If,
145 upon counting, challenge, or election contest,
146 it is ascertained that any mail-in ballot was
147 voted with unlawful assistance, the ballot shall
148 be rejected.

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

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

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

174 15. If sufficient evidence is shown to an
175 election authority that any mail-in voter has
176 died prior to the opening of the polls on
177 election day, the ballot of the deceased voter
178 shall be rejected if it is still sealed in the
179 ballot envelope. Any such rejected ballot,
180 still sealed in its ballot envelope, shall be
181 sealed with the application and any other papers
182 connected therewith in an envelope marked
183 "Rejected ballot of _____, a mail-in voter
184 of _____ voting district". The reason for
185 rejection shall be noted on the envelope, which
186 shall be kept by the election authority with the
187 other ballots from the election until the
188 ballots are destroyed according to law.

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

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

196 18. Mail-in ballots shall be counted using
197 the procedures set out in sections 115.297,
198 115.299, 115.300, and 115.303.

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

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

211 21. The provisions of this section
212 terminate and shall be repealed on December 31,
213 2020, and shall not apply to any election
214 conducted after that date.]

✓