SECOND REGULAR SESSION

SENATE BILL NO. 695

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

3901S.04I

ADRIANE D. CROUSE, Secretary

AN ACT


Be it enacted by the General Assembly of the State of Missouri, 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.
(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 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 tabulating or data processing equipment, including computerized voting systems;

(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 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) "Voter activity", registering to vote, voting in an election, signing a petition to form a new political party, signing a petition for the nomination of an
independent candidate for office, or signing an initiative petition;

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

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

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

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

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

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

4. A watcher may remain present until all closing certification forms are completed, all equipment is closed and taken down, the transportation case for the ballots is sealed, election materials are returned to the election authority or to the designated collection place for a polling place, and any other duties or procedures required
under sections 115.447 to 115.491 are completed. A watcher may also remain present at each location at which absentee ballots are counted and may remain present while such ballots are being prepared for counting and counted.

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

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

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

2. (1) The election authority shall provide challengers and watchers uniform and nondiscriminatory access to observe all stages of the election process, including but not limited to the certification of voting systems, testing of tabulating equipment, absentee voting in
person at the office of the election authority, canvassing, voter appeals, vote tabulation, ballot transport, audits, and recounts.

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

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

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

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

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

(7) A watcher or challenger is entitled to challenge any ballot in the same manner as qualifications to vote are challenged under section 115.429.
3. **An election official who violates this section is guilty of a class four election offense.**

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

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

   3. (1) The election authority shall send to each voter, except those who registered by mail and have not voted, a voter identification card no later than ninety days prior to the date of a primary or general election for federal office, unless the voter has received such a card during the preceding six months. The election authority shall send to each voter who registered by mail and has not voted the verification notice required under section 115.155 no later than ninety days prior to the date of a primary or general election for federal office. The voter identification card shall contain the voter's name, address, and precinct. The card also shall inform the voter of the personal identification requirement in section 115.427 and may also contain other voting information at the discretion of the election authority. The voter identification card shall be sent to a voter, except those who registered by mail and have not voted, after a new registration or a
change of address. If any voter, except those who registered by mail and have not voted, shall lose his voter identification card, the voter may request a new one from the election authority.

(2) The issuance of voter identification cards pursuant to subdivision (1) of this section may be used as subsection shall be considered a canvass of voters in lieu of the provisions set out in pursuant to sections 115.179 to 115.193.

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

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

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

[The election authority may utilize postal service]
contractors under the federal National Change of Address program to canvass the records.

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

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

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

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

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

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

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

115.193. 1. Upon completion of a canvass as provided for in this chapter, the election authority shall remove a registered voter's name [shall not be removed] from the list of registered voters on the precinct register on the ground that the voter has changed residence [unless] if:
(1) The voter confirms in writing that the voter has changed residence to a place outside the election authority's jurisdiction in which the voter is registered; or

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

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

3. The notice shall also contain the following statements:

"(1) Any voter who has not changed his or her residence, or has changed residence but remained in the same election authority's jurisdiction, shall return the card not later than the fourth Wednesday prior to the next election. If the card is not returned by this date, oral or written affirmation of the voter's address may be required at the polling place before the voter will be permitted to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice. Any voter who does not [vote in an election] engage in voter activity during that period, will have his or her name removed from the list of eligible voters;"
(2) For additional information on registering to vote, contact the election authority located in the county of your current residence. If you reside in the City of St. Louis, contact the St. Louis City election board."

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

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

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

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

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

   (4) The election authority receives sufficient information to remove the voter from the list of registered voters pursuant to this section or section 115.165, or
return the voter to the active list of registered voters in the jurisdiction.

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

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

   (2) The proportional costs of elections; or

   (3) Mailing information to registered voters.

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

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

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

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

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, 2023, except that election authorities may allow the machines to be used by voters with disabilities as long as the machines are functional. Replacement of equipment for use by voters with disabilities shall be with paper ballot marking devices designed to assist voters.

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, 2023, the official ballot shall be a paper ballot that is hand-marked by the voter, or in the case of voters with disabilities who need assistance, by a paper ballot marking device designed to assist voters, except as provided in subsection 5 of 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.

115.277. 1. Except as provided in subsections 2, 3, 4, and 5 of this section, any registered voter of this state may vote by 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:

(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, including a person who is primarily responsible for the physical care of a person who is incapacitated or confined due to illness or disability;

(3) Religious belief or practice;

(4) Employment as 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;

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

(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. 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. 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. 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. No individual, group, or party, including any election authority, shall:

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

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

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.] 4. Except as provided in subsection 3 of section 115.281, all applications for absentee ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed in accordance with section 115.281. No application for an absentee ballot received in the office of the election authority by mail, by facsimile transmission, by electronic mail, or by a guardian or relative after 5:00 p.m. on the second Wednesday immediately prior to the election shall be accepted by any election authority. No application for an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the election shall be accepted by any election
authority, except as provided in subsections [6, 8 and] 7, 9, and 10 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)"

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.

9. 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 ________________
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
digits of the voter's Social Security number. If the reason
6 for the voter voting absentee is due to the reasons
7 established under subdivision (6) of subsection 1 of section
8 115.277, the voter shall state the voter's identification
9 information provided by the address confidentiality program
10 in lieu of the applicant's name, voting address, and mailing
11 address. On the form, the voter shall also state under
12 penalties of perjury that the voter is qualified to vote in
13 the election, that the voter has not previously voted and
14 will not vote again in the election, that the voter has
15 personally marked the voter's ballot in secret or supervised
16 the marking of the voter's ballot if the voter is unable to
17 mark it, that the ballot has been placed in the ballot
18 envelope and sealed by the voter or under the voter's
19 supervision if the voter is unable to seal it, and that all
20 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 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, including caring for a person who is incapacitated or confined due to illness or disability;

_____ religious belief or practice;

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

_____ 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    Signature of Person

Assisting Voter

__________________  (if applicable)
Signed _____

__________________  Subscribed and sworn
Signed _____
to before me this

__________________  ____________________
Address of Voter      day of _____,

________

__________________  ____________________
__________________  ____________________
Mailing addresses    Signature of notary or
(if different)        other officer

Signature of notary or
authorized to

administer oaths

__________________

Driver's License Number
or last four digits of
Social Security Number

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.

__________________ Subscribed to and sworn before me this ____ day of ______

Signature of Voter
__________________

Address of Voter
__________________

Signature of notary or
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, including caring for a person who is incapacitated or confined due to illness or disability;
religious belief or practice;

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

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.

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

Signature of Voter

__________________

Address Signature of notary or other officer authorized to administer oaths

__________________

Signature of Person
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.] 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 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.

115.291. 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, [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.

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

2. Each unique identifier required by subsection 1 of this section shall include all of the following identifying information followed by a randomly generated number:
   (1) An identification of the election;
   (2) An identification of the precinct at which the ballot was cast;
   (3) An identification of the type of ballot used;
   (4) An identification of the party ballot cast, in the case of a primary election;
   (5) An identification of the language used for the ballot;
   (6) The page number of the ballot.

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

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

5. 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, 2022, shall be invalid and void.

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 115.257, at the office of the election
authority, by presenting a form of personal identification
to election officials. No form of personal identification
other than the forms listed in this section shall be
accepted to establish a voter's qualifications to vote.
Forms of personal 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;

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

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

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

(b) Identification issued by the United States government or agency thereof;
(c) Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;
(d) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that contains the name and address of the individual;
(e) Other identification approved by the secretary of state under rules promulgated pursuant to this section.
(2) For any individual who appears at a polling place without a form of personal identification described in subsection 1 of this section and who is otherwise qualified to vote at that polling place, the election authority may take a picture of such individual and keep it as part of that individual's voter registration file at the election authority.
(3) Any individual who chooses not to execute the statement described in subdivision (1) of this subsection may cast a provisional ballot. Such provisional ballot shall be counted, provided that it meets the requirements of subsection 4 of this section.
(4) For the purposes of this section, the term "election official" shall include any person working under the authority of the election authority.
3. The statement to be used for voting under subdivision (1) of subsection 2 of this section shall be substantially in the following form:
"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
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 pursuant to this subsection. 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 described in subdivision (1) of this subsection shall be entitled to receive a provisional ballot until such person has completed a provisional ballot affidavit on the provisional ballot envelope described in subdivision (3) of this subsection. All provisional ballots cast pursuant to this subsection shall be marked with a conspicuous stamp or mark that makes them distinguishable from other ballots.
(3) (a) The provisional ballot envelope shall be completed by the voter for use in determining the voter's eligibility to cast a ballot.

(b) 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) 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:

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

b. The document contains my photograph;

c. The document contains 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

(d) Identification containing my photograph issued to me by the Missouri National Guard, the United States Armed Forces, or the United States Department of Veteran Affairs as a member or former member of the Missouri National Guard or the United
Once voted, the provisional ballot shall be sealed in the provisional ballot envelope and deposited in the ballot box.

3. 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 United States Armed Forces and that is not expired or does not have an expiration date; or

(2) 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

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

_________________________    ______
Signature of Voter        Date

______________________________
Signatures of Elections Officials"
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.] 4. (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 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 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.] 5. 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.] 6. 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.] 7. The secretary of state shall promulgate rules 
to effectuate the provisions of this section.

[10.] 8. 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.] 9. 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.]

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

2. (1) If the election for which an audit is requested is for presidential and vice presidential electors, United States senator, governor, lieutenant governor, attorney general, secretary of state, state treasurer, or state auditor, the petition shall be filed with the secretary state prior to the date on which the results for the election in question are certified. Such
petition shall contain the signatures of at least five percent of the registered voters in each of two-thirds of the congressional districts, based upon the total vote at the last gubernatorial election, preceding the election in question.

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

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

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

4. Except as provided in subsection 5 of this section, the results of an election shall not be certified if an
election authority or the secretary of state has determined
that a petition has been filed that meets the requirements
of subsection 2 of this section calling for an audit of such
election.

5. Nothing in this section shall prohibit:
(1) Presidential and vice presidential electors from
meeting as required by federal law pursuant to 3 U.S.C.
Section 7; or
(2) The board of state canvassers pursuant to article
IV, section 18 of the Constitution of Missouri, from meeting
to open and canvass the returns of an election for governor,
lieutenant governor, secretary of state, state auditor,
state treasurer, or attorney general and proclaiming the
results of such election.

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.]

[115.302. 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.
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.