

# SENATE BILL NO. 182

## 103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

0346S.01I

KRISTINA MARTIN, Secretary

### AN ACT

To repeal sections 115.125, 115.127, 115.277, 115.284, 115.430, and 115.453, RSMo, and to enact in lieu thereof seven 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Section A. Sections 115.125, 115.127, 115.277, 115.284, 115.430, and 115.453, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 115.125, 115.127, 115.277, 115.284, 115.430, 115.453, and 115.638, to read as follows:

115.125. 1. Not later than 5:00 p.m. on the tenth Tuesday prior to any election, except a special election to decide an election contest, tie vote or an election to elect seven members to serve on a school board of a district pursuant to section 162.241, or a delay in notification pursuant to subsection 3 of this section, or pursuant to the provisions of section 115.399, the officer or agency calling the election shall notify the election authorities responsible for conducting the election. The notice shall be in writing, shall specify the name of the officer or agency calling the election and shall include a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127. The notice and any other information required by this section may, with the prior notification to the election authority receiving the notice, be accepted by **email or** facsimile transmission prior to 5:00

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

17 p.m. on the tenth Tuesday prior to the election, provided  
18 that the original copy of the notice and a certified copy of  
19 the legal notice to be published shall be received in the  
20 office of the election authority within three business days  
21 from the date of the facsimile transmission.

22 2. In lieu of a certified copy of the legal notice to  
23 be published pursuant to subsection 2 of section 115.127,  
24 each notice of a special election to fill a vacancy shall  
25 include the name of the office to be filled, the date of the  
26 election and the date by which candidates must be selected  
27 or filed for the office. Not later than the sixth Tuesday  
28 prior to any special election to fill a vacancy called by a  
29 political subdivision or special district, the officer or  
30 agency calling the election shall certify a sample ballot to  
31 the election authorities responsible for conducting the  
32 election.

33 3. Except as provided for in sections 115.247 and  
34 115.359, if there is no additional cost for the printing or  
35 reprinting of ballots or if the political subdivision or  
36 special district calling for the election agrees to pay any  
37 printing or reprinting costs, a political subdivision or  
38 special district may, at any time after certification of the  
39 notice of election required in subsection 1 of this section,  
40 but no later than 5:00 p.m. on the eighth Tuesday before the  
41 election, be permitted to make late notification to the  
42 election authority pursuant to court order, which, except  
43 for good cause shown by the election authority in opposition  
44 thereto, shall be freely given upon application by the  
45 political subdivision or special district to the circuit  
46 court of the area of such subdivision or district. No court  
47 shall have the authority to order an individual or issue be

48 placed on the ballot less than eight weeks before the date  
49 of the election.

115.127. 1. Except as provided in subsection 4 of  
2 this section, upon receipt of notice of a special election  
3 to fill a vacancy submitted pursuant to subsection 2 of  
4 section 115.125, the election authority shall cause legal  
5 notice of the special election to be published in a  
6 newspaper of general circulation in its jurisdiction. The  
7 notice shall include the name of the officer or agency  
8 calling the election, the date and time of the election, the  
9 name of the office to be filled and the date by which  
10 candidates must be selected or filed for the office. Within  
11 one week prior to each special election to fill a vacancy  
12 held in its jurisdiction, the election authority shall cause  
13 legal notice of the election to be published in two  
14 newspapers of different political faith and general  
15 circulation in the jurisdiction. The legal notice shall  
16 include the date and time of the election, the name of the  
17 officer or agency calling the election and a sample ballot.  
18 If there is only one newspaper of general circulation in the  
19 jurisdiction, the notice shall be published in the newspaper  
20 within one week prior to the election. If there are two or  
21 more newspapers of general circulation in the jurisdiction,  
22 but no two of opposite political faith, the notice shall be  
23 published in any two of the newspapers within one week prior  
24 to the election.

25 2. Except as provided in subsections 1 and 4 of this  
26 section and in sections 115.521, 115.549 and 115.593, the  
27 election authority shall cause legal notice of each election  
28 held in its jurisdiction to be published. The notice shall  
29 be published in two newspapers of different political faith  
30 and qualified pursuant to chapter 493 which are published

31 within the bounds of the area holding the election. If  
32 there is only one so-qualified newspaper, then notice shall  
33 be published in only one newspaper. If there is no  
34 newspaper published within the bounds of the election area,  
35 then the notice shall be published in two qualified  
36 newspapers of different political faith serving the area.  
37 Notice shall be published twice, the first publication  
38 occurring in the second week prior to the election, and the  
39 second publication occurring within one week prior to the  
40 election. Each such legal notice shall include the date and  
41 time of the election, the name of the officer or agency  
42 calling the election and a sample ballot; and, unless notice  
43 has been given as provided by section 115.129, the second  
44 publication of notice of the election shall include the  
45 location of polling places. The election authority may  
46 provide any additional notice of the election it deems  
47 desirable.

48 3. The election authority shall print the official  
49 ballot as the same appears on the sample ballot, and no  
50 candidate's name or ballot issue which appears on the sample  
51 ballot or official printed ballot shall be stricken or  
52 removed from the ballot except on death of a candidate or by  
53 court order, but in no event shall a candidate or issue be  
54 stricken or removed from the ballot less than eight weeks  
55 before the date of the election.

56 4. In lieu of causing legal notice to be published in  
57 accordance with any of the provisions of this chapter, the  
58 election authority in jurisdictions which have less than  
59 seven hundred fifty registered voters and in which no  
60 newspaper qualified pursuant to chapter 493 is published,  
61 may cause legal notice to be mailed during the second week  
62 prior to the election, by first class mail, to each

63 registered voter at the voter's voting address. All such  
64 legal notices shall include the date and time of the  
65 election, the location of the polling place, the name of the  
66 officer or agency calling the election and a sample ballot.

67 5. If the opening date for filing a declaration of  
68 candidacy for any office in a political subdivision or  
69 special district is not required by law or charter, the  
70 opening filing date shall be 8:00 a.m., the [seventeenth]  
71 **sixteenth** Tuesday prior to the election. If the closing  
72 date for filing a declaration of candidacy for any office in  
73 a political subdivision or special district is not required  
74 by law or charter, the closing filing date shall be 5:00  
75 p.m., the [fourteenth] **thirteenth** Tuesday prior to the  
76 election, **or if the thirteenth Tuesday prior to the election**  
77 **is a state or federal holiday, the closing filing date shall**  
78 **be 5:00 p.m. on the next day that is not a state or federal**  
79 **holiday.** The political subdivision or special district  
80 calling an election shall, before the [seventeenth]  
81 **sixteenth** Tuesday, prior to any election at which offices  
82 are to be filled, notify the general public of the opening  
83 filing date, the office or offices to be filled, the proper  
84 place for filing and the closing filing date of the  
85 election. Such notification may be accomplished by legal  
86 notice published in at least one newspaper of general  
87 circulation in the political subdivision or special district.

88 6. Except as provided for in sections 115.247 and  
89 115.359, if there is no additional cost for the printing or  
90 reprinting of ballots or if the candidate agrees to pay any  
91 printing or reprinting costs, a candidate who has filed for  
92 an office or who has been duly nominated for an office may,  
93 at any time after the certification of the notice of  
94 election required in subsection 1 of section 115.125 but no

95 later than 5:00 p.m. on the eighth Tuesday before the  
96 election, withdraw as a candidate pursuant to a court order,  
97 which, except for good cause shown by the election authority  
98 in opposition thereto, shall be freely given upon  
99 application by the candidate to the circuit court of the  
100 area of such candidate's residence.

115.277. 1. A registered voter of this state may cast  
2 an absentee ballot in person at a location designated by the  
3 election authority for all candidates and issues for which  
4 such voter is eligible to vote at the polling place if such  
5 voter expects to be prevented from going to the polls to  
6 vote on election day due to one of the reasons listed in  
7 subsection 3 of this section. A registered voter casting a  
8 ballot under the provisions of this subsection shall provide  
9 a form of personal photo identification that is consistent  
10 with subsection 1 of section 115.427. Beginning on the  
11 second Tuesday prior to an election, a reason listed under  
12 subsection 3 of this section shall not be required, provided  
13 that, the provisions of section 1.140 to the contrary  
14 notwithstanding, this sentence and section 115.427 shall be  
15 nonseverable, and if any provision of section 115.427 is for  
16 any reason held to be invalid, such decision shall  
17 invalidate this sentence.

18 2. Except as provided in subsections 4, 5, and 6 of  
19 this section, a registered voter of this state may cast an  
20 absentee ballot not in person at a location designated by  
21 the election authority for all candidates and issues for  
22 which such voter would be eligible to vote at the polling  
23 place if such voter expects to be prevented from going to  
24 the polls to vote on election day due to one of the reasons  
25 listed in subsection 3 of this section. An absentee ballot  
26 that is not requested and completed in person at the office

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

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

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

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

45 (3) Religious belief or practice;

46 (4) Employment as:

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

50 (b) A first responder;

51 (c) A health care worker; or

52 (d) A member of law enforcement;

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

55 (6) Certified participation in the address  
56 confidentiality program established under sections 589.660  
57 to 589.681 because of safety concerns.

58           4. Any covered voter who is eligible to register and  
59 vote in this state may vote in any election for federal  
60 office, statewide office, state legislative office, or  
61 statewide ballot initiatives by submitting a federal  
62 postcard application to apply to vote by absentee ballot or  
63 by submitting a federal postcard application at the [polling  
64 place] **office of the election authority on election day**,  
65 even though the person is not registered. A federal  
66 postcard application submitted by a covered voter pursuant  
67 to this subsection shall also serve as a voter registration  
68 application under section 115.908 and the election authority  
69 shall, if satisfied that the applicant is entitled to  
70 register, place the voter's name on the voter registration  
71 file. Each covered voter may vote by absentee ballot or,  
72 upon submitting an affidavit that the person is qualified to  
73 vote in the election, may vote at the person's polling place.

74           5. Any interstate former resident may vote by absentee  
75 ballot **or at the office of the election authority on**  
76 **election day** for presidential and vice presidential electors.

77           6. Any new resident may vote by absentee ballot **or at**  
78 **the office of the election authority on election day** for  
79 presidential and vice presidential electors after  
80 registering to vote in such resident's new jurisdiction of  
81 residence.

115.284. 1. There is hereby established an absentee  
2 voting process to assist persons with permanent disabilities  
3 in the exercise of their voting rights.

4           2. The local election authority shall send an  
5 application to participate in the absentee voting process  
6 set out in this section to any registered voter residing  
7 within the election authority's jurisdiction upon request.



8           3. Upon receipt of a properly completed application,  
 9 the election authority shall enter the voter's name on a  
 10 list of voters qualified to participate as absentee voters  
 11 pursuant to this section.

12           4. The application to participate in the absentee  
 13 voting process shall be in substantially the following form:

14           State of \_\_\_\_\_

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

16           I, \_\_\_\_\_ (print applicant's name), declare  
 17 that I am a resident and registered voter of  
 18 \_\_\_\_\_ County, Missouri, and am permanently  
 19 disabled. I hereby request that my name be placed  
 20 on the election authority's list of voters  
 21 qualified to participate as absentee voters  
 22 pursuant to section 115.284, and that I be  
 23 delivered an absentee ballot application for each  
 24 election in which I am eligible to vote.

25           \_\_\_\_\_

26           Signature of Voter

27           \_\_\_\_\_

28           \_\_\_\_\_

29           Voter's Address

30           5. Not earlier than ten weeks before an election but  
 31 prior to the fourth Tuesday prior to an election, the  
 32 election authority shall deliver to each voter qualified to  
 33 participate as absentee voters pursuant to this section an  
 34 absentee ballot application if the voter is eligible to vote  
 35 in that election. If the voter returns the absentee request  
 36 application to the election authority not later than 5:00  
 37 p.m. on the second Wednesday before an election and has  
 38 retained the necessary qualifications to vote, the election

39 authority shall provide the voter with an absentee ballot  
40 pursuant to this chapter.

41 6. The election authority shall remove from the list  
42 of voters qualified to participate as absentee voters  
43 pursuant to this section any voter who:

44 (1) Asks to be removed from the list;

45 (2) Dies;

46 (3) Becomes disqualified from voting pursuant to this  
47 chapter; or

48 (4) No longer resides at the address of his or her  
49 voter registration.

50 **7. All lists of applications under this section shall**  
51 **be kept confidential. Such lists of applications shall not**  
52 **be posted or displayed in an area open to the general**  
53 **public, nor shall such lists of applications be shown to any**  
54 **unauthorized person.**

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

6 2. (1) A voter claiming to be properly registered in  
7 the jurisdiction of the election authority and eligible to  
8 vote in an election, but whose eligibility at that precinct  
9 cannot be immediately established upon examination of the  
10 precinct register, shall be entitled to vote a provisional  
11 ballot after providing a form of personal identification  
12 required pursuant to section 115.427 or upon executing an  
13 affidavit under section 115.427, or may vote at a central  
14 polling place as established in section 115.115 where the  
15 voter may vote his or her appropriate ballot for his or her  
16 precinct of residence upon verification of eligibility or

17 vote a provisional ballot if eligibility cannot be  
18 determined. The provisional ballot provided to a voter  
19 under this section shall be the ballot provided to a  
20 resident of the voter's precinct determined by reference to  
21 the affidavit provided for in this section. If the voter  
22 declares that the voter is eligible to vote and the election  
23 authority determines that the voter is eligible to vote at  
24 another polling place, the voter shall be directed to the  
25 correct polling place or a central polling place as  
26 established by the election authority pursuant to subsection  
27 5 of section 115.115. If the voter refuses to go to the  
28 correct polling place or a central polling place, the voter  
29 shall be permitted to vote a provisional ballot at the  
30 incorrect polling place, but such ballot shall not be  
31 counted if the voter was not eligible to vote at that  
32 polling place.

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

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

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

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

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

68           (5) Prior to accepting any provisional ballot at the  
69 polling place, the election judges shall determine that the  
70 information provided on the provisional ballot envelope by  
71 the provisional voter is consistent with the identification  
72 provided by such person under section 115.427.

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

77           (2) The secretary of state shall produce appropriate  
78 sizes of provisional ballot envelopes and distribute them to  
79 each election authority according to their tabulating

80 system. All provisional ballot envelopes shall be printed  
81 on a distinguishable color of paper that is different from  
82 the color of the regular ballot. The provisional ballot  
83 envelope shall be in the form required by subsection 4 of  
84 this section. All provisional ballots shall be marked with  
85 a conspicuous stamp or other distinguishing mark that makes  
86 them readily distinguishable from the regular ballots.

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

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

96 STATE OF \_\_\_\_\_

97 COUNTY OF \_\_\_\_\_

98 I do solemnly swear (or affirm) that my name is  
99 \_\_\_\_\_; that my date of birth is \_\_\_\_\_; that the  
100 last four digits of my Social Security Number are  
101 \_\_\_\_\_; that I am registered to vote in \_\_\_\_\_  
102 County or City (if a City not within a County),  
103 Missouri; that I am a qualified voter of said  
104 County (or City not within a County); that I am  
105 eligible to vote at this polling place; and that I  
106 have not voted in this election.

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

114

\_\_\_\_\_

115

(Signature of Voter)

116

\_\_\_\_\_

117

(Current Address)

118

Subscribed and affirmed before me this \_\_\_\_\_ day

119

of \_\_\_\_\_, 20\_\_\_\_\_

120

\_\_\_\_\_

121

(Signature of Election Official)

122

The voter may provide additional information to further

123

assist the election authority in determining eligibility,

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including the place and date the voter registered to vote,

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if known.

126

5. (1) Prior to counting any provisional ballot, the

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election authority shall determine if the voter is

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registered and eligible to vote and if the vote was properly

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cast. The eligibility of provisional votes shall be

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determined according to the requirements for a voter to cast

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a ballot in the election as set forth in sections 115.133

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and 115.135. A provisional voter ballot shall not be

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eligible to be counted until the election authority has

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determined that:

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(a) The voter cast such provisional ballot at a

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polling place established for the voter or the central

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polling place established by the election authority under

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subsection 5 of section 115.115;

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(b) The individual who cast the provisional ballot is

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an individual registered to vote in the respective election

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at the polling place where the ballot was cast;

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

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

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

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

169 (4) If the election authority determines that the  
170 provisional voter is registered and eligible to vote in the  
171 election, the election authority shall provide documentation  
172 verifying the voter's eligibility. Such documentation shall

173 be noted on the copy of the provisional ballot envelope and  
174 shall contain substantially the following information:

175 (a) The name of the provisional voter;

176 (b) The name of the reviewer;

177 (c) The date and time; and

178 (d) A description of evidence found that supports the  
179 voter's eligibility.

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

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

191 (a) The name of the provisional voter;

192 (b) The name of the reviewer;

193 (c) The date and time;

194 (d) A description of why the voter is ineligible.

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

199 (8) If rejected, a photocopy of the envelope shall be  
200 made and used by the election authority as a mail-in voter  
201 registration. The actual provisional ballot envelope shall  
202 be kept as ballot material, and the copy of the envelope  
203 shall be used by the election authority for registration  
204 record keeping.



205           6. All provisional ballots cast by voters whose  
206 eligibility has been verified as provided in this section  
207 shall be counted in accordance with the rules governing  
208 ballot tabulation. Provisional ballots shall not be counted  
209 until all provisional ballots are determined either eligible  
210 or ineligible and all provisional ballots must be processed  
211 before the election is certified. The provisional ballot  
212 shall be counted only if the election authority determines  
213 that the voter is registered and eligible to vote.  
214 Provisional ballots voted in the wrong polling place shall  
215 not be counted. If the voter is not registered but is  
216 qualified to register for future elections, the affidavit  
217 shall be considered a mail-in application to register to  
218 vote pursuant to this chapter.

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

232           (2) If the person named on the provisional ballot  
233 affidavit is found to have been properly qualified and  
234 registered to cast a ballot in the election and the  
235 provisional ballot otherwise qualifies to be counted under  
236 the provisions of this section, the envelope shall be

237 opened, and the ballot shall be placed in a ballot box to be  
238 counted.

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

248 (4) The votes shall be tallied and the returns made as  
249 provided in sections 115.447 to 115.525 for paper ballots.  
250 After the vote on all ballots assigned to a team have been  
251 counted, the ballots, ballot envelopes, and copies of ballot  
252 envelopes with the eligibility information provided by the  
253 election authority shall be enclosed in sealed containers  
254 marked "Voted provisional ballots and ballot envelopes from  
255 the election held \_\_\_\_\_, 20\_\_\_\_\_". All rejected  
256 provisional ballots, ballot envelopes, and copies of ballot  
257 envelopes with the eligibility information provided by the  
258 election authority shall be enclosed in sealed containers  
259 marked "Rejected provisional ballots and ballot envelopes  
260 from the election held \_\_\_\_\_, 20\_\_\_\_\_". On the outside of  
261 each voted ballot and rejected ballot container, each member  
262 of the team shall write their name and all such containers  
263 shall be returned to the election authority. Upon receipt  
264 of the returns and ballots, the election authority shall  
265 tabulate the provisional votes.

266 8. Challengers and watchers, as provided by sections  
267 115.105 and 115.107, may be present during all times that  
268 the bipartisan counting teams are reviewing or counting the

269 provisional ballots, the provisional ballot envelopes, or  
270 copies of the provisional ballot envelopes that include  
271 eligibility information provided by the election authority.  
272 Challengers and watchers shall be permitted to observe the  
273 determination of the eligibility of all provisional  
274 ballots. The election authority shall notify the county  
275 chair of each major political party of the time and location  
276 when bipartisan counting teams will be reviewing or counting  
277 the provisional ballots, the provisional ballot envelopes,  
278 or the copies of the provisional ballot envelopes that  
279 include the eligibility information provided by the election  
280 authority.

281 9. The certificate of ballot cards shall:

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

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

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

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

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

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

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

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

115.453. Election judges shall count votes for all  
2 candidates in the following manner:

3 (1) No candidate shall be counted as voted for, except  
4 a candidate before whose name a distinguishing mark appears  
5 preceding the name and a distinguishing mark does not appear  
6 in the square preceding the name of any candidate for the  
7 same office in another column. Except as provided in this  
8 subdivision and subdivision (2) of this section, each  
9 candidate with a distinguishing mark preceding his or her  
10 name shall be counted as voted for;

11 (2) If distinguishing marks appear next to the names  
12 of more candidates for an office than are entitled to fill

13 the office, no candidate for the office shall be counted as  
14 voted for. If more than one candidate is to be nominated or  
15 elected to an office, and any voter has voted for the same  
16 candidate more than once for the same office at the same  
17 election, no votes cast by the voter for the candidate shall  
18 be counted;

19 (3) No vote shall be counted for any candidate that is  
20 not marked substantially in accordance with the provisions  
21 of this section. The judges shall count votes marked  
22 substantially in accordance with this section and section  
23 115.456 when the intent of the voter seems clear.  
24 Regulations promulgated by the secretary of state shall be  
25 used by the judges to determine voter intent. No ballot  
26 containing any proper votes shall be rejected for containing  
27 fewer marks than are authorized by law;

28 (4) Write-in votes shall be counted only for  
29 candidates for election to office who have filed a  
30 declaration of intent to be a write-in candidate for  
31 election to office with the proper election authority, who  
32 shall then notify the proper filing officer of the write-in  
33 candidate prior to 5:00 p.m. on the second Friday  
34 immediately preceding the election day; except that, write-  
35 in votes shall be counted only for candidates for election  
36 to state or federal office who have filed a declaration of  
37 intent to be a write-in candidate for election to state or  
38 federal office with the secretary of state pursuant to  
39 section 115.353 prior to 5:00 p.m. on the second Friday  
40 immediately preceding the election day. No person who filed  
41 as a party or independent candidate for nomination or  
42 election to an office may, without withdrawing as provided  
43 by law, file as a write-in candidate for election to the  
44 same office for the same term. No candidate who files for

45 nomination to an office and is not nominated at a primary  
46 election may file a declaration of intent to be a write-in  
47 candidate for the same office at the general election. When  
48 declarations are properly filed with the secretary of state,  
49 the secretary of state shall promptly transmit copies of all  
50 such declarations to the proper election authorities for  
51 further action pursuant to this section. The election  
52 authority shall furnish a list to the election judges and  
53 counting teams prior to election day of all write-in  
54 candidates who have filed such declaration. [This  
55 subdivision shall not apply to elections wherein candidates  
56 are being elected to an office for which no candidate has  
57 filed.] No person shall file a declaration of intent to be  
58 a write-in candidate for election to any municipal office  
59 unless such person is qualified to be certified as a  
60 candidate under section 115.306;

61 (5) Write-in votes shall be cast and counted for a  
62 candidate without party designation. Write-in votes for a  
63 person cast with a party designation shall not be counted.  
64 Except for candidates for political party committees, no  
65 candidate shall be elected as a write-in candidate unless  
66 such candidate receives a separate plurality of the votes  
67 without party designation regardless of whether or not the  
68 total write-in votes for such candidate under all party and  
69 without party designations totals a majority of the votes  
70 cast;

71 (6) When submitted to the election authority, each  
72 declaration of intent to be a write-in candidate for the  
73 office of United States president shall include the name of  
74 a candidate for vice president and the name of nominees for  
75 presidential elector equal to the number to which the state  
76 is entitled. At least one qualified resident of each

77 congressional district shall be nominated as presidential  
78 elector. Each such declaration of intent to be a write-in  
79 candidate shall be accompanied by a declaration of candidacy  
80 for each presidential elector in substantially the form set  
81 forth in subsection 3 of section 115.399. Each declaration  
82 of candidacy for the office of presidential elector shall be  
83 subscribed and sworn to by the candidate before the election  
84 official receiving the declaration of intent to be a write-  
85 in, notary public or other officer authorized by law to  
86 administer oaths.

**115.638. 1. A person commits the offense of tampering  
2 with an election official if, with the purpose to harass or  
3 intimidate an election official in the performance of such  
4 official's official duties, such person:**

**5 (1) Threatens or causes harm to such election official  
6 or members of such election official's family;**

**7 (2) Uses force, threats, or deception against or  
8 toward such election official or members of such election  
9 official's family;**

**10 (3) Attempts to induce, influence, or pressure an  
11 election official or members of an election official's  
12 family to violate this chapter;**

**13 (4) Engages in conduct reasonably calculated to harass  
14 or alarm such election official or such election official's  
15 family, including stalking pursuant to section 565.225 or  
16 565.227; or**

**17 (5) Disseminates through any means, including by  
18 posting on the internet, the personal information of an  
19 election official or any member of an election official's  
20 family. For purposes of this section, "personal  
21 information" includes a home address, home telephone number,  
22 mobile telephone number, personal email address, Social**

23 Security number, federal tax identification number, checking  
24 and savings account numbers, credit card numbers, marital  
25 status, or identity of a child under eighteen years of age.

26 2. For the purposes of this section, the term  
27 "election official" includes the election authority,  
28 election judges, and other volunteers or employees of an  
29 election authority.

30 3. The offense of tampering with an election official  
31 is a class one election offense. If a violation of this  
32 section results in death or bodily injury to an election  
33 official or a member of the official's family, the offense  
34 shall be a class B felony.

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