

SECOND REGULAR SESSION

SENATE BILL NO. 836

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

4195S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 115.123, 115.125, 115.127, 115.233, 115.277, 115.284, 115.351, 115.427, 115.430, 115.453, 115.637, 115.776, and 115.904, RSMo, and to enact in lieu thereof twenty-one 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 115.123, 115.125, 115.127, 115.233, 115.277, 115.284, 115.351, 115.427, 115.430, 115.453, 115.637, 115.776, and 115.904, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 115.123, 115.125, 115.127, 115.233, 115.277, 115.284, 115.351, 115.427, 115.430, 115.453, 115.637, 115.755, 115.758, 115.761, 115.765, 115.767, 115.770, 115.773, 115.776, 115.785, and 115.904, to read as follows:

115.123. 1. All public elections shall be held on Tuesday. Except as provided in subsection 2 of this section, and section 247.180, all public elections shall be held on the general election day, the primary election day, the general municipal election day, the first Tuesday after the first Monday in November, or on another day expressly provided by city or county charter, and in nonprimary years on the first Tuesday after the first Monday in August. Bond elections may be held on the first Tuesday after the first Monday in February but no other issue shall be included on the ballot for such election.

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

12 2. **Notwithstanding the provisions of subsection 1 of**
13 **this section to the contrary, an election for a presidential**
14 **preference primary held pursuant to sections 115.755 to**
15 **115.785 shall be held on the first Tuesday in March of each**
16 **presidential election year.**

17 3. The following elections shall be exempt from the
18 provisions of subsection 1 of this section:

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

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

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

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

28 [3.] 4. Nothing in this section prohibits a charter
29 city or county from having its primary election in March if
30 the charter provided for a March primary before August 28,
31 1999.

32 [4.] 5. Nothing in this section shall prohibit
33 elections held pursuant to section 65.600, but no other
34 issues shall be on the March ballot except pursuant to this
35 chapter.

115.125. 1. Not later than 5:00 p.m. on the tenth
2 Tuesday prior to any election, except a special election to
3 decide an election contest, tie vote or an election to elect
4 seven members to serve on a school board of a district
5 pursuant to section 162.241, or a delay in notification
6 pursuant to subsection [3] 2 of this section, or pursuant to
7 the provisions of section 115.399, the officer or agency
8 calling the election shall notify the election authorities

9 responsible for conducting the election. The notice shall
10 be in writing, shall specify the name of the officer or
11 agency calling the election and shall include a certified
12 copy of the legal notice to be published pursuant to
13 subsection 2 of section 115.127. The notice and any other
14 information required by this section may, with the prior
15 notification to the election authority receiving the notice,
16 be accepted by **email or** facsimile transmission prior to 5:00
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.] 2. 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

published in any two of the newspapers within one week prior to the election.

2. Except as provided in subsections 1 and 4 of this section and in sections 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each election held in its jurisdiction to be published. The notice shall be published in two newspapers of different political faith and qualified pursuant to chapter 493 which are published within the bounds of the area holding the election. If there is only one so-qualified newspaper, then notice shall be published in only one newspaper. If there is no newspaper published within the bounds of the election area, then the notice shall be published in two qualified newspapers of different political faith serving the area. Notice shall be published twice, the first publication occurring in the second week prior to the election, and the second publication occurring within one week prior to the election. Each such legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot; and, unless notice has been given as provided by section 115.129, the second publication of notice of the election shall include the location of polling places. The election authority may provide any additional notice of the election it deems desirable.

3. The election authority shall print the official ballot as the same appears on the sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or official printed ballot shall be stricken or removed from the ballot except on death of a candidate or by 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

notice published in at least one newspaper of general circulation in the political subdivision or special district.

6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed for an office or who has been duly nominated for an office may, at any time after the certification of the notice of election required in subsection 1 of section 115.125 but no later than 5:00 p.m. on the eighth Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the circuit court of the area of such candidate's residence.

115.233. **[Within]** **At least** fourteen days prior to an election **and no less than one week prior to an election** at which an electronic voting system is to be used, the election authority shall have the automatic tabulating equipment tested to ascertain that the equipment is in compliance with the law and that it will correctly count the votes cast for all offices and on all questions. At least forty-eight hours prior to the test, notice of the time and place of the test shall be mailed to each independent and new party candidate and the chairman of the county committee of each established political party named on the ballot. The test shall be observed by at least two persons designated by the election authority, one from each major political party, and shall be open to representatives of the political parties, candidates, the news media and the public. The test shall be conducted by processing a preaudited group of ballots. If any error is detected, the

18 cause shall be ascertained and corrected, and an errorless
19 count shall be made before the tabulating equipment is
20 approved.

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] fourth** Tuesday prior to an election, a reason
12 listed under subsection 3 of this section shall not be
13 required, provided that, the provisions of section 1.140 to
14 the contrary notwithstanding, this sentence and section
15 115.427 shall be nonseverable, and if any provision of
16 section 115.427 is for any reason held to be invalid, such
17 decision shall 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

envelope notarized as required under section 115.283, except that absentee ballots requested under subdivisions (2) and (5) of subsection 3 of this section shall not require notarization. This subsection shall apply only in the case of absentee ballots that are not cast in person.

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

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

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

(3) Religious belief or practice;

(4) Employment as:

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

(b) A first responder;

(c) A health care worker; or

(d) A member of law enforcement;

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

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

4. Any covered voter who is eligible to register and vote in this state may vote in any election for federal office, statewide office, state legislative office, or statewide ballot initiatives by submitting a federal

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
20 placed on the election authority's list of
21 voters qualified to participate as absentee
22 voters pursuant to section 115.284, and that I
23 be delivered an absentee ballot application for
24 each 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.**

 115.351. No person who files as a party candidate for
2 nomination or election to an office shall, without
3 withdrawing, file as another party's candidate or an
4 independent candidate for nomination or election to the
5 office for the same term. No person who files as an
6 independent candidate for election to an office shall,
7 without withdrawing, file as a party candidate for
8 nomination or election to the office for the same term. No
9 person shall file for one office and, without withdrawing,
10 file for another office to be filled at the same election.

11 **A person who files a request to be included on the**
12 **presidential preference primary ballot is not prohibited by**
13 **this section from filing or appearing on any ballot as a**
14 **party candidate for nomination to another office.** Receipt
15 by the secretary of state of proper certification of
16 nomination pursuant to subsection 1 of section 115.399
17 constitutes withdrawal by operation of law pursuant to
18 subsection 1 of section 115.359 of any presidential or vice

19 presidential nominee from any other office for which such
20 nominee is a candidate at the same election. Any person
21 violating any provision of this section shall be
22 disqualified from running for nomination or election to any
23 office at the primary and general election next succeeding
24 the violation.

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

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

27 (d) The document was issued by the United States or
28 the state of Missouri; or

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

36 2. (1) An individual who appears at a polling place
37 **or, if voting absentee in person pursuant to section**
38 **115.277, at the office of the election authority or other**
39 **authorized location designated by the election authority,**
40 without a form of personal identification described in
41 subsection 1 of this section and who is otherwise qualified
42 to vote at that [polling place] **location** shall be allowed to
43 cast a provisional ballot. The election judges **or election**
44 **authority** shall make a notation on the provisional ballot
45 envelope to indicate that the voter's identity was not
46 verified.

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

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

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

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

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

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

67 a. Nonexpired Missouri driver's license;

68 b. Nonexpired or nonexpiring Missouri
69 nondriver's license;

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

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

75 (ii) The document contains my photograph;

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

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

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

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

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

Signature of Voter Date

Signature of Election Officials

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

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

(1) (a) The voter returns to the polling place during the uniform polling hours established by section 115.407 **or, if voting by absentee ballot in person, the voter returns to the election authority's office by 7 p.m. on election day** 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] **location** 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 notice of the personal photo identification requirements described in subsection 1 of this section on the official state internet website of the secretary of state.

6. (1) Notwithstanding the provisions of section 136.055 and section 302.181 to the contrary, the state and all fee offices shall provide one nondriver's license at no cost to any otherwise qualified voter who does not already possess such identification and who desires the identification for voting.

(2) This state and its agencies shall provide one copy of each of the following, free of charge, if needed by an individual seeking to obtain a form of personal photo identification described in subsection 1 of this section in order to vote:

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

and

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

Any individual seeking one of the above documents in order to obtain a form of personal photo identification described in subsection 1 of this section 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) Any applicant who requests a nondriver's license for voting shall not be required to pay a fee. The state of Missouri shall pay the legally required fees for any such applicant. 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. 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. 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.

181 PRECINCT

182 WARD OR TOWNSHIP _____

183 GENERAL (SPECIAL, PRIMARY) ELECTION

184 Held _____, 20_____

185 Date

186 I hereby certify that I am qualified to vote at
187 this election by signing my name and verifying my
188 address by signing my initials next to my
189 address.

190 9. The secretary of state shall promulgate rules to
191 effectuate the provisions of this section.

192 10. Any rule or portion of a rule, as that term is
193 defined in section 536.010, that is created under the
194 authority delegated in this section shall become effective
195 only if it complies with and is subject to all of the
196 provisions of chapter 536 and, if applicable, section
197 536.028. This section and chapter 536 are nonseverable and
198 if any of the powers vested with the general assembly
199 pursuant to chapter 536 to review, to delay the effective
200 date or to disapprove and annul a rule are subsequently held
201 unconstitutional, then the grant of rulemaking authority and
202 any rule proposed or adopted after August 28, 2002, shall be
203 invalid and void.

204 11. If any voter is unable to sign his name at the
205 appropriate place on the certificate or computer printout,
206 an election judge **or election authority** shall print the name
207 and address of the voter in the appropriate place on the
208 precinct register, the voter shall make his mark in lieu of

209 signature, and the voter's mark shall be witnessed by the
210 signature of an election judge **or election authority**.

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,
124 including the place and date the voter registered to vote,
125 if known.

126 5. (1) Prior to counting any provisional ballot, the
127 election authority shall determine if the voter is
128 registered and eligible to vote and if the vote was properly
129 cast. The eligibility of provisional votes shall be
130 determined according to the requirements for a voter to cast
131 a ballot in the election as set forth in sections 115.133
132 and 115.135. A provisional [voter] ballot shall not be
133 eligible to be counted until the election authority has
134 determined that:

135 (a) The voter cast such provisional ballot at a
136 polling place established for the voter or the central
137 polling place established by the election authority under
138 subsection 5 of section 115.115;

139 (b) The individual who cast the provisional ballot is
140 an individual registered to vote in the respective election
141 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

team consisting of one member of each major political party shall photocopy each provisional ballot envelope, such photocopy to be used by the election authority to determine provisional voter eligibility. The sealed provisional ballot envelopes shall be placed by the team in a sealed container and shall remain therein until tabulation.

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

(4) If the election authority determines that the provisional voter is registered and eligible to vote in the election, the election authority shall provide documentation verifying the voter's eligibility. Such documentation shall be noted on the copy of the provisional ballot envelope and shall contain substantially the following information:

- (a) The name of the provisional voter;
- (b) The name of the reviewer;
- (c) The date and time; and
- (d) A description of evidence found that supports the voter's eligibility.

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

(4) The votes shall be tallied and the returns made as provided in sections 115.447 to 115.525 for paper ballots. After the vote on all ballots assigned to a team have been counted, the ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "Voted provisional ballots and ballot envelopes from the election held _____, 20____". All rejected provisional ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "Rejected provisional ballots and ballot envelopes from the election held _____, 20____". On the outside of each voted ballot and rejected ballot container, each member of the team shall write their name and all such containers shall be returned to the election authority. Upon receipt of the returns and ballots, the election authority shall tabulate the provisional votes.

8. Challengers and watchers, as provided by sections 115.105 and 115.107, may be present during all times that the bipartisan counting teams are reviewing or counting the provisional ballots, the provisional ballot envelopes, or copies of the provisional ballot envelopes that include eligibility information provided by the election authority. Challengers and watchers shall be permitted to observe the determination of the eligibility of all provisional ballots. The election authority shall notify the county chair of each major political party of the time and location when bipartisan counting teams will be reviewing or counting the provisional ballots, the provisional ballot envelopes, or the copies of the provisional ballot envelopes that

include the eligibility information provided by the election authority.

9. The certificate of ballot cards shall:

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

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

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

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

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

13. Pursuant to the Help America Vote Act of 2002, the secretary of state shall ensure a free access system is established, such as a toll-free number or an internet website, that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted. At the time an individual casts a provisional ballot, the election authority shall give the voter written information that states that any individual who casts a provisional ballot will be able to ascertain under such free access system whether the vote was counted, and if the vote was not counted, the reason that the vote was not counted.

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

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

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

(2) If distinguishing marks appear next to the names of more candidates for an office than are entitled to fill the office, no candidate for the office shall be counted as voted for. If more than one candidate is to be nominated or elected to an office, and any voter has voted for the same candidate more than once for the same office at the same election, no votes cast by the voter for the candidate shall be counted;

(3) No vote shall be counted for any candidate that is not marked substantially in accordance with the provisions of this section. The judges shall count votes marked

substantially in accordance with this section and section 115.456 when the intent of the voter seems clear. Regulations promulgated by the secretary of state shall be used by the judges to determine voter intent. No ballot containing any proper votes shall be rejected for containing fewer marks than are authorized by law;

(4) Write-in votes shall be counted only for candidates for election to office who have filed a declaration of intent to be a write-in candidate for election to office with the proper election authority, who shall then notify the proper filing officer of the write-in candidate prior to 5:00 p.m. on the second Friday immediately preceding the election day; except that, write-in votes shall be counted only for candidates for election to state or federal office who have filed a declaration of intent to be a write-in candidate for election to state or federal office with the secretary of state pursuant to section 115.353 prior to 5:00 p.m. on the second Friday immediately preceding the election day. No person who filed as a party or independent candidate for nomination or election to an office may, without withdrawing as provided by law, file as a write-in candidate for election to the same office for the same term. No candidate who files for nomination to an office and is not nominated at a primary election may file a declaration of intent to be a write-in candidate for the same office at the general election. When declarations are properly filed with the secretary of state, the secretary of state shall promptly transmit copies of all such declarations to the proper election authorities for further action pursuant to this section. The election authority shall furnish a list to the election judges and 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.

115.637. The following offenses, and any others
2 specifically so described by law, shall be class four
3 election offenses and are deemed misdemeanors not connected
4 with the exercise of the right of suffrage. Conviction for
5 any of these offenses shall be punished by imprisonment of
6 not more than one year or by a fine of not more than two
7 thousand five hundred dollars or by both such imprisonment
8 and fine:

9 (1) Stealing or willfully concealing, defacing,
10 mutilating, or destroying any sample ballots that may be
11 furnished by an organization or individual at or near any
12 voting place on election day, except that this subdivision
13 shall not be construed so as to interfere with the right of
14 an individual voter to erase or cause to be erased on a
15 sample ballot the name of any candidate and substituting the
16 name of the person for whom he or she intends to vote; or to
17 dispose of the received sample ballot;

18 (2) Printing, circulating, or causing to be printed or
19 circulated, any false and fraudulent sample ballots which
20 appear on their face to be designed as a fraud upon voters;

21 (3) Purposefully giving a printed or written sample
22 ballot to any qualified voter which is intended to mislead
23 the voter;

24 (4) On the part of any candidate for election to any
25 office of honor, trust, or profit, offering or promising to
26 discharge the duties of such office for a less sum than the
27 salary, fees, or emoluments as fixed by law or promising to
28 pay back or donate to any public or private interest any
29 portion of such salary, fees, or emolument as an inducement
30 to voters;

31 (5) On the part of any canvasser appointed to canvass
32 any registration list, willfully failing to appear, refusing
33 to continue, or abandoning such canvass or willfully
34 neglecting to perform his duties in making such canvass or
35 willfully neglecting any duties lawfully assigned to him or
36 her;

37 (6) On the part of any employer, making, enforcing, or
38 attempting to enforce any order, rule, or regulation or
39 adopting any other device or method to prevent an employee
40 from engaging in political activities, accepting candidacy
41 for nomination to, election to, or the holding of, political
42 office, holding a position as a member of a political
43 committee, soliciting or receiving funds for political
44 purpose, acting as chairman or participating in a political
45 convention, assuming the conduct of any political campaign,
46 signing, or subscribing his or her name to any initiative,
47 referendum, or recall petition, or any other petition
48 circulated pursuant to law;

49 (7) On the part of any person authorized or employed
50 to print official ballots, or any person employed in
51 printing ballots, giving, delivering, or knowingly
52 permitting to be taken any ballot to or by any person other
53 than the official under whose direction the ballots are
54 being printed, any ballot in any form other than that
55 prescribed by law, or with unauthorized names, with names
56 misspelled, or with the names of candidates arranged in any
57 way other than that authorized by law;

58 (8) On the part of any election authority or official
59 charged by law with the duty of distributing the printed
60 ballots, or any person acting on his or her behalf,
61 knowingly distributing or causing to be distributed any
62 ballot in any manner other than that prescribed by law;

63 (9) Any person having in his or her possession any
64 official ballot, except in the performance of his or her
65 duty as an election authority or official, or in the act of
66 exercising his or her individual voting privilege;

67 (10) Willfully mutilating, defacing, or altering any
68 ballot before it is delivered to a voter;

69 (11) On the part of any election judge, being
70 willfully absent from the polls on election day without good
71 cause or willfully detaining any election material or
72 equipment and not causing it to be produced at the voting
73 place at the opening of the polls or within fifteen minutes
74 thereafter;

75 (12) On the part of any election authority or
76 official, willfully neglecting, refusing, or omitting to
77 perform any duty required of him or her by law with respect
78 to holding and conducting an election, receiving and
79 counting out the ballots, or making proper returns;

80 (13) On the part of any election judge, or party
81 watcher or challenger, furnishing any information tending in
82 any way to show the state of the count to any other person
83 prior to the closing of the polls;

84 (14) On the part of any voter, except as otherwise
85 provided by law, allowing his or her ballot to be seen by
86 any person with the intent of letting it be known how he or
87 she is about to vote or has voted, or knowingly making a
88 false statement as to his or her inability to mark a ballot;

89 (15) On the part of any election judge, disclosing to
90 any person the name of any candidate for whom a voter has
91 voted;

92 (16) Interfering, or attempting to interfere, with any
93 voter inside a polling place;

(17) On the part of any person at any registration site, polling place, counting location or verification location, causing any breach of the peace or engaging in disorderly conduct, violence, or threats of violence whereby such registration, election, count or verification is impeded or interfered with;

(18) Exit polling, surveying, sampling, electioneering, distributing election literature, posting signs or placing vehicles bearing signs with respect to any candidate or question to be voted on at an election on election day inside the building in which a polling place is located or within [twenty-five] **fifty** feet of the building's outer door closest to the polling place, or, on the part of any person, refusing to remove or permit removal from property owned or controlled by such person, any such election sign or literature located within such distance on such day after request for removal by any person;

(19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign on private property, except that this subdivision shall not be construed to interfere with the right of any private property owner to take any action with regard to campaign yard signs on the owner's property and this subdivision shall not be construed to interfere with the right of any candidate, or the candidate's designee, to remove the candidate's campaign yard sign from the owner's private property after the election day.

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

115.758. On or before the tenth Tuesday prior to the date of the presidential preference primary election, the

3 secretary of state shall announce the official list of
4 presidential candidates for each established political party
5 as provided in section 115.761.

115.761. 1. The official list of presidential
2 candidates for each established political party shall
3 include the names of all constitutionally qualified
4 candidates for whom, on or after 8:00 a.m. on the fifteenth
5 Tuesday prior to the presidential preference primary
6 election, and on or before 5:00 p.m., on the eleventh
7 Tuesday prior to the presidential preference primary
8 election, a written request to be included on the
9 presidential preference primary ballot is filed with the
10 secretary of state along with:

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

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

26 I (We) the undersigned, do hereby request that the
27 name of _____ be placed upon the March
28 _____, _____, presidential preference primary
29 ballot as candidate for nomination as the nominee

for President of the United States on the _____
party ticket.

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

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

4. The filing times set out in this section shall only apply to presidential preference primary elections, and are in lieu of those established in section 115.349.

115.765. On or before the tenth Tuesday prior to a presidential preference primary election, the secretary of state shall transmit to each election authority a certified list containing the names of all candidates whose names shall appear on the presidential preference primary ballot of each party. The names of the candidates shall appear in the order in which their request to be included on the presidential preference primary ballot was received in the

9 office of the secretary of state, except that, in the case
10 of candidates who file a request to be included on the
11 presidential preference primary ballot with the secretary of
12 state prior to 5:00 p.m. on the first day for filing, the
13 secretary of state shall determine by random drawing the
14 order in which such candidates' names shall appear on the
15 ballot. The drawing shall be conducted so that each
16 candidate, or candidate's representative, may draw a number
17 at random at the time of filing. The secretary of state
18 shall record the number drawn with the candidate's request
19 to be included on the presidential preference primary
20 ballot. The names of candidates filing on the first day for
21 filing on each party ballot shall be listed in ascending
22 order of the numbers so drawn.

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

115.770. The conduct of the presidential preference
2 primary election and the count and canvass of the votes cast
3 therein shall conform as nearly as is practicable to that
4 prescribed for the conduct of the primary election for state
5 officers. All primary election laws not inconsistent with
6 the provisions of sections 115.750 to 115.785 shall be
7 applicable to the conduct of this election, and the form of
8 the ballot insofar as is practicable shall be substantially
9 as that prescribed by section 115.395. In a presidential
10 preference primary election, each voter shall be entitled to
11 receive the ballot of one and only one established political
12 party, designated by the voter before receiving such voter's
13 ballot.

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

115.776. The state party organization which is the
2 state organization recognized by the national organization
3 of that established political party shall, **after the primary**
4 **and** before the national convention, conduct a series of
5 caucuses culminating in congressional and state conventions
6 [for the purpose of nominating a candidate for the president
7 of the United States]. Delegates to the national
8 conventions shall be chosen at the congressional district
9 and state conventions pursuant to rules established by the
10 political parties.

115.785. All costs of a presidential preference
2 primary election shall be paid by the state, except that,
3 pursuant to section 115.065, costs shall be shared
4 proportionately by the state and any political subdivisions
5 and special districts holding an election on the same day as
6 any such primary.

115.904. The voting procedures in sections 115.900 to
2 115.936 shall apply to:

3 (1) A general, special, **presidential preference** or
4 primary election for federal office;

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

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

✓