

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 346

90TH GENERAL ASSEMBLY

Reported from the Committee on Elections, Veterans' Affairs and Corrections, February 18, 1999, with recommendation that the Senate Committee Substitute do pass.

S146L03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 115.105, 115.195, 115.199, 115.325, 115.349, 115.369, 115.375, 115.377, 115.381, 115.437, 115.637 and 115.647, RSMo 1994, and sections 105.492, 115.013, 115.019, 115.123, 115.151, 115.155, 115.157, 115.158, 115.283, 115.285, 115.351, 115.359, 115.453, 115.507, 115.615, 115.621, 115.635, 115.750, 115.755, 115.761, 115.770, 115.773, 115.776, 115.780 and 115.785, RSMo Supp. 1998, relating to elections, and to enact in lieu thereof thirty-three new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 115.105, 115.195, 115.199, 115.325, 115.349, 115.369, 115.375, 115.377, 115.381, 115.437, 115.637 and 115.647, RSMo 1994, and sections 105.492, 115.013, 115.019, 115.123, 115.151, 115.155, 115.157, 115.158, 115.283, 115.285, 115.351, 115.359, 115.453, 115.507, 115.615, 115.621, 115.635, 115.750, 115.755, 115.761, 115.770, 115.773, 115.776, 115.780 and 115.785, RSMo Supp. 1998, are repealed and thirty-three new sections enacted in lieu thereof, to be known as sections 105.492, 115.013, 115.019, 115.105, 115.123, 115.151, 115.155, 115.157, 115.158, 115.195, 115.199, 115.283, 115.285, 115.325, 115.349, 115.351, 115.359, 115.369, 115.377, 115.381, 115.453, 115.507, 115.615, 115.621, 115.635, 115.637, 115.647, 115.755, 115.761, 115.770, 115.773, 115.776 and 115.785, RSMo Supp. 1998, to read as follows:

105.492. 1. Any person required in sections 105.483 to 105.492 to file a financial interest statement who fails to file such statement by the times required in section 105.487 shall, if such person receives any compensation or other remuneration from public funds for the person's services, not be paid such compensation or receive such remuneration until the person has filed a financial interest statement as required by sections 105.483 to 105.492. Any person required in

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

sections 105.483 to 105.492 to file a financial statement who fails to file such statement by the time required in section 105.487 and continues to fail to file the required financial interest statement for thirty or more days after receiving notice from the commission shall be subject to suspension from office in the manner otherwise provided by law or the constitution. The attorney general or prosecuting or circuit attorney, at the request of the commission, may take appropriate legal action to enforce the provisions of this section.

2. If a candidate for office does not file a financial interest statement by the close of business on the [twenty-fifth] **twenty-first** day after the last day for filing for election for which the person is a candidate, the commission shall notify the official who accepted such candidate's declaration of candidacy that the candidate is disqualified. Such election official shall remove the candidate's name from the ballot.

3. Failure of any elected official or judge to file a financial interest statement thirty days after notice from the appropriate filing officer shall be grounds for removal from office as may be otherwise provided by law or the constitution.

4. Any person who knowingly misrepresents or omits any facts required to be contained in any financial interest statement filed as required by sections 105.483 to 105.496 is guilty of a class B misdemeanor. Venue for any criminal proceeding brought pursuant to this section shall be the county in which the defendant resided at the time the defendant filed the financial interest statement.

5. Any lobbyist who fails to timely file a lobbying disclosure report as required by section 105.473 shall be assessed a late filing fee of ten dollars for every day such report is late.

115.013. As used in [sections 115.001 to 115.641] **this chapter**, unless the context clearly implies otherwise, the following terms shall mean:

(1) "Automatic tabulating equipment" includes the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results;

(2) "Ballot" includes the ballot card or paper ballot on which each voter may cast all votes to which he is entitled at an election;

(3) "Ballot card" is a ballot which is voted by making a punch or sensor mark which can be tabulated by automatic tabulating equipment;

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

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

(6) "County" means any one of the several counties of this state or the city of St. Louis;

(7) "Disqualified" means a determination made by a court of competent jurisdiction, the Missouri ethics commission, an election authority or any other body authorized by law to make

such a determination that a candidate is ineligible to hold office or not entitled to be voted on for office;

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

(9) "Electronic voting system" is a system of casting votes by use of marking devices, and counting votes by use of automatic tabulating or data processing equipment;

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

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

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

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

(14) "Marking device" is either an apparatus in which ballots are inserted and voted by use of a punch apparatus, or any approved device for marking paper ballots with ink or other substance which will enable the votes to be counted by automatic tabulating equipment;

(15) "New party" shall mean any political group which has filed a valid petition and is entitled to place its list of candidates on the ballot at the next general or special election;

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

(17) "Political party" shall mean any established political party and any new party;

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

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

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

(21) "Public office" means any office established by constitution, statute or charter and any employment under the United States, the state of Missouri, or any political subdivision or special district, but does not include any office in the reserve forces or the national guard or the office of notary public;

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

(23) "Relative within the second degree by consanguinity or affinity" includes a spouse, each grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child and grandchild of a person;

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

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

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

115.019. 1. Any group of registered voters from any county of the first class not having a board of election commissioners may circulate a petition for the formation of a board.

2. The petition shall be signed by the number of registered voters in the county equal to at least fifteen percent of the total votes cast in the county for governor at the last gubernatorial election.

3. Petitions proposing the formation of a board of election commissioners in any county of the first class shall be filed with the election authority of the county not later than 5:00 p.m. on the thirteenth Tuesday preceding a general election.

4. Each petition for the formation of a board of election commissioners shall consist of sheets of uniform size. The space for signatures on either side of a petition page shall be no larger than 8 ½ x 14 inches, and each page shall contain signatures of registered voters from only one county. Each page of each petition for the formation of a board of election commissioners shall be in substantially the following form:

To the Honorable, county clerk of County:

We, the undersigned, citizens and registered voters of County, respectfully order that the following question be placed on the official ballot, for acceptance or rejection, at the next general election to be held on the day of, [19]

"Should a board of election commissioners be established in County to assume responsibility for the registration of voters and the conduct of elections?";

and each for himself says: I have personally signed this petition; I am a registered voter of the state of Missouri and County; my registered voting address and the name of the city, town or village in which I live are correctly written after my name. CIRCULATOR'S AFFIDAVIT STATE OF MISSOURI, COUNTY OF I,, [a Missouri registered voter and] a resident of the state of Missouri, being first duly sworn, say (print or type names of signers)

REGISTERED VOTING

NAME	DATE	ADDRESS	ZIP	CONGR.	NAME
(Signature)	SIGNED	(Street) (City,	CODE	DIST.	(Printed
		Town or Village)			or typed)

(Here follow numbered lines for signers)

signed this page of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and County.

.....

Signature of Affiant

(Person obtaining signatures)

.....

Address of Affiant

Subscribed and sworn to before me this day of, A.D.

.....

Signature of Notary

Notary Public (Seal)

My commission expires

If this form is followed substantially, it shall be sufficient, disregarding clerical and merely technical errors.

5. The validity of each petition filed pursuant to provisions of this section shall be determined in the manner provided for new party and independent candidate petitions in sections 115.333, 115.335 and 115.337.

6. Upon the filing of a valid petition for the formation of a board of election commissioners, it shall be the duty of the election authority to have the following question placed on the official ballot, in the same manner other questions are placed, at the next general election:

"Should a board of election commissioners be established in County to assume responsibility for the registration of voters and the conduct of elections?"

7. The votes for and against the question shall be counted and certified in the same manner as votes on other questions.

8. If the question is approved by a majority of the voters at the election, a board of election commissioners shall be appointed as provided in this subchapter and shall have the same rights and responsibilities provided by law for all boards of election commissioners.

9. Any person who is a registered voter of a county of the first class not having a board of election commissioners may sign a petition for the formation of a board in the county. Any person who signs a name other than the person's own to any petition or knowingly signs the person's name more than once to the same petition or who knows the person is not a registered voter at the

time of signing such petition, or any officer or person willfully violating any provision of this section shall be guilty of a class two election offense.

115.105. 1. The [chairman] **chair** of the county committee of each political party named on the ballot shall have the right to designate a challenger for each polling place, who may be present during the hours of voting, and a challenger for each location at which absentee ballots are counted, who may be present while the ballots are being prepared for counting and counted. The designating chairman may substitute challengers at his discretion during such hours.

2. Challenges may only be made when the challenger believes the election laws of this state have been or will be violated, and each challenger shall report any such belief to the election judges, or to the election authority if not satisfied with the decision of the election judges.

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

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

[4.] **5.** All persons selected as challengers shall have the same qualifications required by section 115.085 for election judges.

115.123. 1. All public elections shall be held on Tuesday. Except as provided in subsections 2, 3 [and], **4 and 5** of this section, and section 247.180, RSMo, 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 February or November, or on another day expressly provided by city or county charter.

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

[2.] **3.** Notwithstanding the provisions of subsection 1 of this section, school districts may hold elections on the first Tuesday after the first Monday in June and in nonprimary years on the first Tuesday after the first Monday in August, and municipalities may hold elections in nonprimary years on the first Tuesday after the first Monday in August.

[3.] **4.** The following elections shall be exempt from the provisions of subsection 1 of this section:

- (1) Bond elections necessitated by fire, vandalism or natural disaster;
- (2) Elections for which ownership of real property is required by law for voting; and
- (3) Special elections to fill vacancies and to decide tie votes or election contests.

[4.] **5.** After August 28, 1997, no city or county shall adopt a charter or charter

amendment which calls for elections to be held on dates other than those established in subsection 1 of this section.

[5.] 6. Nothing in this section prohibits a charter city or county from having its primary election in March if the charter provided for a March primary before August 28, 1997.

[6.] 7. Nothing in this section shall prohibit elections held pursuant to section 65.600, RSMo, but no other issues shall be on the March ballot **except as provided in this chapter.**

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

2. Each applicant who registers by mail shall be deemed to be registered as of the date the application is postmarked, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section [115.159] **115.155** is not returned as undeliverable by the postal service.

3. Each applicant who registers at a voter registration agency or the division of motor vehicle and drivers licensing of the department of revenue shall be deemed to be registered as of the date the application is signed by the applicant, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section [115.159] **115.155** is not returned as undeliverable by the postal service.

115.155. 1. The election authority shall provide for the registration of each voter. Each application shall be in substantially the following form:

APPLICATION FOR REGISTRATION

.....
	Township (or Ward)
.....
Name	Precinct
.....
Home Address	Required Personal
	Identification Information
.....	
City ZIP	
.....
Date of Birth	Place of Birth (Optional)
.....
Telephone Number	Mother's Maiden Name
(Optional)	(Optional)
.....
Occupation (Optional)	Last Place Previously

Registered

.....

.....

**Last four digits of
Social Security Number
[(Optional)] (Required
for Registration unless
no Social Security
Number exists for
Applicant**

Under What Name

Remarks:

Unofficial

When

I am a citizen of the United States and a resident of the state of Missouri. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I do solemnly swear that all statements made on this card are true to the best of my knowledge and belief.

.....

Signature of Voter

Date

Bill

.....

Signature of Election Official

2. After supplying all information necessary for the registration records, each applicant who appears in person before the election authority shall swear or affirm the statements on the registration application by signing his or her full name, witnessed by the signature of the election authority or such authority's deputy registration official. Each applicant who applies to register by mail pursuant to section 115.159, or pursuant to the provisions of section 115.160 or 115.162, shall attest to the statements on the application by his or her signature.

3. Upon receipt by mail of a completed and signed voter registration application, a voter registration application forwarded by the division of motor vehicle and drivers licensing of the department of revenue pursuant to section 115.160, or a voter registration agency pursuant to section 115.162, the election authority shall, if satisfied that the applicant is entitled to register, transfer all data necessary for the registration records from the application to its registration system. Within seven business days after receiving the application, the election authority shall send the applicant a verification notice. If such notice is returned as undeliverable by the postal service within the time established by the election authority, the election authority shall not place the applicant's name on the voter registration file.

4. If, upon receipt by mail of a voter registration application or a voter registration

Copy

application forwarded pursuant to section 115.160 or 115.162, the election authority determines that the applicant is not entitled to register, such authority shall, within seven business days after receiving the application, so notify the applicant by mail and state the reason such authority has determined the applicant is not qualified. The applicant may have such determination reviewed pursuant to the provisions of section 115.223.

5. It shall be the responsibility of the secretary of state to prescribe specifications for voter registration documents so that they are uniform throughout the state of Missouri and comply with the National Voter Registration Act of 1993, including the reporting requirements, and so that registrations, name changes and transfers of registrations within the state may take place as allowed by law.

6. All voter registration applications shall be preserved in the office of the election authority.

115.157. The election authority may place all information on any registration cards in computerized form in accordance with subsection 2 of section 115.158. No election authority or secretary of state shall furnish to any member of the public [a tape or printout] **electronic media or printouts** showing any registration information, except as provided in this section. The election authority or secretary of state shall make available [tapes, printouts and mailing labels] **electronic media or printouts** showing unique voter identification numbers, voters' names, dates of birth, addresses, townships or wards, and precincts [for a reasonable fee determined by the secretary of state]. Electronic data shall be maintained in at least the following separate fields:

- (1) Voter identification number;
- (2) First name;
- (3) Middle initial;
- (4) Last name;
- (5) Suffix;
- (6) Street number;
- (7) Street direction;
- (8) Street name;
- (9) Street suffix;
- (10) Apartment number;
- (11) City;
- (12) State;
- (13) Zip code;
- (14) Township;
- (15) Ward;
- (16) Precinct;

- (17) Senatorial district;
- (18) Representative district;
- (19) Congressional district.

[Mailing labels shall include a unique voter identification number for each name. All revenues collected by the secretary of state as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account.] **Not later than six months after the date of an election, each election authority shall enter voter history in such election authority's computerized registration system and shall forward such data to the "Centralized Voter Registration System" established in section 115.158.**

The election authority shall also furnish[, for a reasonable fee, a printout, mailing labels or other record] **electronic media or printouts** showing the names, dates of birth and addresses of voters, or any part thereof, within the jurisdiction of the election authority who voted in any specific election, including primary elections, by township, ward or precinct[, provided that the election authority enters such data into the computer database]. The amount of fees charged for information provided in this section shall be established [by rules promulgated by the office of the secretary of state, which shall be subject to the rulemaking provisions of chapter 536, RSMo. Each election authority that has registration records in computerized form shall have printed in even-numbered years a copy of the voter registration list for its jurisdiction. One copy of the computerized printout, if available, shall be supplied to all candidates and party committees upon request for a reasonable charge. Any election authority who has a computerized registration system and who, as of June 13, 1996, has all or any part of the information contained in subdivisions (1) to (19) of this section within the computerized registration system, shall make that information available, pursuant to chapter 610, RSMo, for use in the 1996 general election, and all subsequent elections. Any] **in accordance with the provisions of chapter 610, RSMo. All revenues collected by the secretary of state as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account, established pursuant to the provisions of section 28.160, RSMo. In even-numbered years, each election authority shall, upon request, supply the voter registration list for its jurisdiction to all candidates and party committees for a charge established pursuant to chapter 610, RSMo. All** election [authority who has a computerized registration system but who does not have such information within the computerized registration system on June 13, 1996,] **authorities** shall make [such] **the information described in this section** available [for use in all elections following the 1996 general election] **pursuant to chapter 610, RSMo.** Any election authority who fails to comply with the requirements of this section shall be subject to the provisions of chapter 610, RSMo.

115.158. 1. On or before July 1, 1996, the secretary of state may begin to procure and develop an electronic data processing system and programs capable of maintaining a centralized

database of all registered voters in the state. This system shall be known as the "Centralized Voter Registration System". In addition to maintaining a centralized voter registration database, the election authorities and secretary of state may use the system for the collection and dissemination of election results and other pertinent information. Any information contained in any state or local voter registration system, limited to the master voter registration list or any other list generated from the information, subject to chapter 610, RSMo, shall not be used for commercial purposes; provided, however, that the information can be used for elections, for candidates, or for ballot measures, furnished at a reasonable fee. [The amount of fees charged for information provided in this section shall be established by rules promulgated by the office of the secretary of state, which shall be subject to the rulemaking provisions of chapter 536, RSMo.] Violation of this section shall be a class B misdemeanor.

2. The secretary of state may adopt rules and regulations necessary to administer the system required in subsection 1 **of this section**. The rules and regulations must at least:

(1) Provide for voters to submit their registration to those offices and agencies authorized in this chapter and the National Voter Registration Act of 1993;

(2) Provide for the establishment and maintenance of a centralized database for all voter registration information;

(3) Provide procedures for entering data into the centralized database;

(4) Provide for the interaction with other state agencies and departments to facilitate voter registration;

(5) Allow election authorities and the secretary of state to add, modify, and delete information from the system to provide for accurate and up-to-date information;

(6) Allow election authorities and the secretary of state access to the centralized database for review and search capabilities;

(7) Provide security and protection of all information in the centralized database and monitor the centralized database to ensure unauthorized entry is not allowed;

(8) Provide a system for each election authority to identify the precinct to which a voter should be assigned for voting purposes;

(9) Provide a procedure for phasing in or converting existing manual and computerized voter registration systems to the centralized voter registration system; and

(10) Provide a procedure for transferring data from election authorities' existing computerized voter registration systems located in first class counties to the centralized voter registration system.

3. The secretary of state shall be responsible for the implementation and maintenance of the centralized voter registration system.

4. The secretary of state shall by rule and regulation establish an advisory committee to assist in the establishment and maintenance of a centralized voter registration system.

115.195. 1. At least once each month, the election authority shall obtain from the state or local registrar of vital statistics, a list of the name and address, if known, of each person over eighteen years of age in its jurisdiction whose death has been reported to him.

2. At least once each month, the election authority shall obtain from the clerk of the circuit court the name and address, if known, of each person over eighteen years of age in its jurisdiction who has been convicted of any felony, or of a misdemeanor connected with the right of suffrage.

3. At least once each month, the election authority shall obtain from the clerk of the probate division of the circuit court the name and address, if known, of each person over eighteen years of age in its jurisdiction who has been [adjudicated] **adjudged** incapacitated and has not been restored to capacity.

4. All state and local registrars and all clerks of probate divisions of the circuit courts and circuit courts shall provide the information specified in this section, without charge, when requested by an election authority.

115.199. Each election authority shall remove from its registration records the names of voters reported dead or [adjudicated incompetent] **adjudged incapacitated** and shall determine the voting qualifications of those reported convicted or pardoned.

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state the voter's name, the voter's voting address, the voter's mailing address and the voter's reason for voting an absentee ballot. On the form, the voter shall also state, under penalties of perjury that the voter is qualified to vote in the election, that the voter has not previously voted and will not vote again in the election, that the voter has personally marked the voter's ballot in secret or supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable to seal it, and that all information contained in the statement is true. Persons authorized to vote only for federal and statewide officers shall also state their former Missouri residence.

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

State of Missouri

County (City) of

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

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

..... incapacity or confinement due to illness or physical disability;

..... religious belief or practice;

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

..... incarceration, although I have retained all the necessary qualifications for voting.

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

.....
Signature of Voter

Signature of Person Assisting

.....
Voter (if applicable)

Subscribed and sworn to

.....
before me this day

before me this day

Address of Voter

of , [19].....

.....

.....

Mailing addresses

Signature of notary or other

(if different)

officer authorized to administer

oaths

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

State of Missouri

County (City) of

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

(1) I am a resident of the state of Missouri and (check one):

..... am a member of the U.S. armed forces in active service;

..... am an active member of the U.S. merchant marine;

..... am a civilian employee of the U.S. government working outside the United States;

..... am an active member of a religious or welfare organization assisting servicemen;

..... have been honorably discharged or terminated my service in one of the groups mentioned above within sixty days of this election;

..... am a spouse or dependent of one of the above;

by federal law or postal regulations. **Mailing envelopes for use in returning ballots shall be printed with business reply permits so that any ballot returned by mail does not require postage. All fees and costs for establishing and maintaining the business reply and postage free mail for all ballots cast shall be paid by the secretary of state through state appropriations.**

115.325. 1. Each petition filed under the provisions of this subchapter shall consist of pages of uniform size. The space for signatures on either side of a petition page shall be no larger than 8 ½ x 14 inches, and each page shall contain signatures of registered voters from only one county. When submitted for filing, the pages of each petition shall be numbered in sequence for each county.

2. Each page of each petition for the formation of a new party shall be in substantially the following form: It is a felony for anyone to sign any petition for the formation of a new party with any name other than his own, or knowingly to sign his name more than once to the same petition, or to sign a petition when he knows he is not a registered voter. Signing this petition does not obligate you to vote for any candidate or party.

PETITION FOR PLACING A NEW PARTY ON THE BALLOT

To the Honorable (title of official with whom petition is to be filed) for (the state of Missouri or appropriate county):

We, the undersigned, citizens and registered voters of the state of Missouri, County and (district if appropriate), respectfully order that the (name of new political party) and its candidates be placed on the ballot, for election or rejection to such public offices at the next election, to be held on the day of, [19]....., and each for himself says: I have personally signed this petition; I am a registered voter of the state of Missouri, County and (district if appropriate); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI,
COUNTY OF

I,, [a Missouri registered voter and] a resident of the state of Missouri, being first duly sworn, say (print or type names of signers)

REGISTERED VOTING

NAME	DATE	ADDRESS	ZIP	CONGR.	NAME
(Signature)	SIGNED	(Street)(City, Town or Village)	CODE	DIST.	(Printed or Typed)

(Here follow numbered lines for signers)

signed this page of the foregoing petition, and each of them signed his name thereto in my

presence; I believe that each has stated his name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and County.

.....

Signature of Affiant
(Person obtaining signatures)

.....

Address of Affiant

Subscribed and sworn to before me this day of, A.D. [19].....

.....

Signature of Notary

Notary Public (Seal)

My commission expires

If this form is followed substantially, it shall be sufficient, disregarding clerical and merely technical errors.

3. Each sheet of each petition for nomination of an independent candidate for public office shall be in substantially the following form:

It is a felony for anyone to sign any petition for the nomination of an independent candidate with any name other than his own, or knowingly to sign his name more than once to the same petition, or to sign a petition when he knows he is not a registered voter.

PETITION FOR THE NOMINATION OF
AN INDEPENDENT CANDIDATE

To the Honorable (title of official with whom petition is to be filed) for (the state of Missouri or appropriate county):

We, the undersigned, citizens and registered voters of the state of Missouri, County and (district if appropriate), nominate (name of independent candidate), **residing at (address of candidate)**, as an independent candidate for (name of public office for which candidate is to be nominated) and respectfully order that the name of (name of candidate) be placed on the ballot, for election or rejection to such office at the next election, to be held on the day of, [19]....., and each for himself says: I have personally signed this petition; I am a registered voter of the state of Missouri, County and (district if appropriate); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI,
COUNTY OF

I,, [a Missouri registered voter and] a resident of the state of Missouri, being first duly sworn, say (print or type names of signers)

REGISTERED VOTING

NAME	DATE	ADDRESS	ZIP	CONGR.	NAME
(Signature)	SIGNED	(Street)(City,	CODE	DIST.	(Printed
		Town or Village)			or Typed)

(Here follow numbered lines for signers)

signed this page of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and County.

Unofficial

.....
Signature of Affiant

(Person obtaining signatures)

.....
Address of Affiant

Subscribed and sworn to before me this day of, A.D. [19].....

Bill

.....
Signature of Notary

Notary Public (Seal)

My commission expires

If this form is followed substantially, it shall be sufficient, disregarding clerical and merely technical errors.

4. When any registered voter wishes to sign a petition for the formation of a new party or nomination of an independent candidate and is unable to sign his name, the required information shall be printed on the petition by the circulator of the petition page. The voter shall then sign the petition by making his mark, witnessed by the signature of the circulator. For purposes of this subchapter, all marks made and witnessed in accordance with this subsection shall be considered signatures.

115.349. 1. Except as otherwise provided in sections 115.361 to 115.383 **or sections 115.755 to 115.785**, no candidate's name shall be printed on any official primary ballot unless the candidate has filed a written declaration of candidacy in the office of the appropriate election official by 5:00 p.m. on the last Tuesday in March immediately preceding the primary election.

2. No declaration of candidacy for nomination in a primary election shall be accepted for filing prior to 8:00 a.m. on the last Tuesday in February immediately preceding the primary election.

3. Each declaration of candidacy for nomination in a primary election shall state the

candidate's full name, residence address, office for which he proposes to be a candidate, the party ticket on which he wishes to be a candidate and that if nominated and elected he will qualify. The declaration shall be in substantially the following form:

I,, a resident and registered voter of the [..... precinct of the town of, or the precinct of the ward of the city of, or the precinct of township of the] county of and the state of Missouri **residing at**, do announce myself a candidate for the office of on the party ticket, to be voted for at the primary election to be held on the day of, [19]....., and I further declare that if nominated and elected to such office I will qualify.

.....
Signature of candidate
.....
Residence address

Subscribed and sworn to
before me this day
of, [19].....
.....

.....
Residence address

Signature of election
official or other officer
authorized to administer
oaths

.....
Mailing address if different
.....

Telephone Number (Optional)

If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate before an official authorized to accept his declaration of candidacy. If the declaration is to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it shall be subscribed and sworn to by the candidate before a notary public or other officer authorized by law to administer oaths.

115.351. No person who files as a party candidate for nomination or election to an office shall, without withdrawing, file as another party's candidate or an independent candidate for nomination or election to the office for the same term. No person who files as an independent candidate for election to an office shall, without withdrawing, file as a party candidate for nomination or election to the office for the same term. No person shall file for one office and, without withdrawing, file for another office to be filled at the same election. [A person who files a request to be included on the presidential primary ballot is not prohibited by this section from filing as a party candidate for nomination to another office.] **A person who files a request to be included on the presidential primary ballot is not prohibited by this section from filing or from appearing on any ballot as a party candidate for nomination to another office. Receipt by the secretary of state of proper certification of nomination pursuant**

to subsection 1 of section 115.399 constitutes withdrawal by operation of law pursuant to the provisions of subsection 1 of section 115.359 of any presidential or vice-presidential nominee from any other office for which such nominee is a candidate at the same election. Any person violating any provision of this section shall be disqualified from running for nomination or election to any office at the primary and general election next succeeding the violation.

115.359. 1. Any person who has filed a declaration of candidacy for nomination and who wishes to withdraw as a candidate shall, not later than the eleventh Tuesday prior to the primary election, file a written, sworn statement of withdrawal in the office of the official who accepted such candidate's declaration of candidacy. Any person nominated for an office who wishes to withdraw as a candidate shall, not later than the eleventh Tuesday prior to the general election, file a written, sworn statement of withdrawal in the office of the official who accepted such candidate's declaration of candidacy. In addition, any person who has filed a declaration of candidacy for nomination or who is nominated for an office who wishes to withdraw as a candidate due to being named as the party candidate for a different office by a party nominating committee pursuant to sections 115.363 to 115.377 may withdraw as a candidate **[within five days] no later than 5:00 p.m. on the fifth day** after being named as the party candidate for a different office by the party nominating committee.

2. Except as provided for in section 115.247, 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 or is nominated for an office may, at any time after the [certification required in section 115.125] **respective time limits set forth in subsection 1 of this section** but no later than 5:00 p.m. on the sixth 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 in the county of such candidate's residence. No withdrawal pursuant to this subsection shall be effective until such candidate files a copy of the court's order in the office of the official who accepted such candidate's declaration of candidacy.

3. The name of a person who has properly filed a declaration of candidacy, or of a person nominated for office, who has not given notice of withdrawal as provided in subsection 1 or 2 of this section shall, except in case of death or disqualification, be printed on the official primary or general election ballot, as the case may be.

115.369. Upon notification of a vacancy authorized to be filled by a nominating committee under the provisions of section 115.363, the secretary of state or the election authority shall, not later than twenty-four hours after receiving such notification, notify the chairman of the appropriate nominating committee. If it is impossible to notify the chairman of the nominating committee, the secretary of state or the election authority shall notify the vice chairman of the

[chairman's county] **appropriate nominating** committee. If it is impossible to notify the vice chairman, the secretary of state or the election authority shall notify any member of the nominating committee **or the chair of the county committee**. The chairman of the nominating committee shall, as soon as possible, but in no case later than two weeks after being notified of the vacancy, call a meeting of the nominating committee for the purpose of selecting a candidate to fill the vacancy. The meeting shall be called at a place located in the area the candidate is to represent. If the chairman does not call a meeting within the time specified, any member of the nominating committee may do so. The person calling the meeting shall notify each member of the nominating committee of the time and place of the meeting.

[115.375. 1. When a vacancy is created by death or disqualification after 9:00 a.m. on the second Monday before an election and at or before 9:00 a.m. on the Friday immediately prior to an election and a party nominating committee would be authorized to fill the vacancy had it occurred at 9:00 a.m. on the second Monday before the election, the chairman of the party nominating committee shall have authority to select a candidate to fill the vacancy. The chairman of the nominating committee shall make an affidavit covering the facts before the judge of a court of record who shall, under his hand and the seal of the court, grant a certificate covering the facts. Except as provided in subsection 2 of this section, the certificate and the certification and declaration of candidacy required in section 115.377 shall be filed with the secretary of state or proper election authority no later than 5:00 p.m. on the Friday immediately prior to the election.

2. Should the exigency of time be so great as to require it, notice of compliance with subsection 1 of this section and the certification provided for in section 115.377 may be conveyed to the secretary of state or proper election authority by telegraphic message no later than 5:00 p.m. on the Friday immediately prior to the election. The secretary of state or proper election authority shall proceed immediately upon receipt of such telegram to take action as though all required papers had been filed. If all required papers have not been filed with the secretary of state or proper election authority before the time set for the opening of the polls on election day, no votes for the candidate selected by the nominating committee chairman shall be counted. Any false or corrupt use of the telegraph to mislead any officer in regard to a vacancy or substitution of a name upon a ballot shall be deemed a class one election offense.]

115.377. 1. Each selection of a candidate made by a party nominating committee under the provisions of section 115.363 shall be certified by the chairman or acting chairman of the nominating committee and filed with the election official authorized to receive declarations of candidacy for the office. Each such certification shall be subscribed and sworn to by the chairman or acting chairman before the election official accepting the certification or a notary public and shall be in substantially the following form:

I,, Chairman (Acting Chairman) of the party nominating committee duly authorized to nominate a candidate to fill the vacancy created by the death (withdrawal, disqualification, resignation) of, do hereby certify that on the day of, [19]....., the nominating committee met and duly selected as the party candidate for nomination (election) to (fill the unexpired term in) the office of, district, at the primary (general, special) election to be held on the day of, [19]..... .

I further certify that before the meeting, each member of the nominating committee was properly notified of the time and place of the meeting, a majority **vote** of the members of the nominating committee were present at the meeting, and was duly selected by a majority of the members present at the meeting.

.....
Signature of chairman
or acting chairman

Subscribed and sworn to before
me this day of
....., [19]..... .

.....
Signature of election official
or notary public

2. Each selection of a candidate made by the chairman of a party nominating committee under the provisions of section 115.375 shall be certified by the chairman of the nominating committee and filed in the office of the election official authorized to receive declarations of candidacy for the office. Each such certification shall be subscribed and sworn to by the chairman before the election official accepting the certification or a notary public and shall be as far as practicable in the form provided in subsection 1 of this section.

3. When submitted for filing, each certification made by the chairman or acting chairman of a party nominating committee under the provisions of this section shall be accompanied by a declaration of candidacy and any filing fee required for the candidate selected by the nominating committee or its chairman. The declaration candidacy shall state the candidate's full name, residence address, office for which he proposes to be a candidate, the party upon whose ticket he is to be a candidate and that if nominated and elected he will qualify. Each such declaration shall be in substantially [the following form:

I,, a resident and registered voter of the precinct of the town of, or the precinct of the ward of the city of, or the precinct of the township of the county of and the state of Missouri, do announce myself a candidate for the office of on the party ticket, to be voted for at the primary (general, special) election to be held on the day of, 19...., and I further declare that if nominated and elected (elected) to such office I will qualify.

Signature of candidate

Subscribed and sworn to before
me this day of
....., 19.... .

.....

Residence address

.....

Signature of election official

or officer authorized to

administer oaths] **the form set forth in**

section 115.349.

Each such declaration shall be subscribed and sworn to by the candidate before the election official accepting the certification, a notary public or other officer authorized by law to administer oaths.

4. Neither the secretary of state nor any election authority shall accept any certification, declaration of candidacy or filing fee submitted by the chairman or acting chairman of a party nominating committee after the deadline provided for submitting such certification in section 115.373 or 115.375. Any selection made by a party nominating committee or by the chairman of a party committee which is not made in accordance with the provisions of sections 115.363 to 115.377 shall be null and void.

115.381. Whenever [a selection is] **the selections are** properly certified to the secretary of state by the chairman or acting chairman of [a] **the party nominating [committee] committees** for a special election or after the secretary of state has certified the names of candidates pursuant to section 115.387 or 115.401, the secretary of state shall [immediately] notify all appropriate election authorities of the selection **in a timely fashion.**

[115.437. An election judge shall enter the date of the vote in the appropriate place on the card.]

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

(1) If a cross (X) mark appears in the circle immediately below a party name at the head of a column, each candidate of the party shall be counted as voted for. If a cross (X) mark appears in the circle immediately below more than one party name, no candidate shall be counted as voted for, except a candidate before whose name a cross (X) mark appears in the square preceding the name and a cross (X) mark does not appear in the square preceding the name of any candidate for the same office in another column. If a cross (X) mark appears in the circle immediately below a party name at the head of a column, and a cross (X) mark appears in the square next to the name of any candidate in another column, each candidate of the party whose circle is marked shall be counted as voted for, except where a cross (X) mark appears in the square preceding the name of any candidate in another column. Except as provided in this subdivision and subdivision (2) of this section, each candidate with a cross (X) mark in the square preceding his name shall be counted as voted for.

(2) If no cross (X) mark appears in the circle immediately below any party name, but a cross (X) mark does appear in the square next to any candidate's name, the name of each candidate next to which a cross (X) mark appears shall be counted as voted for, and no other name shall be counted as voted for. If cross (X) 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 when the intent of the voter seems clear. 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] **appropriate filing officer as established in section 115.353** prior to 5:00 p.m. on the second Friday immediately preceding the election day. **As used in this subdivision, "appropriate filing officer" shall be the secretary of state for any office listed in subdivision (1) of section 115.353 and shall be the election authority conducting the election for such other offices.** 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 in accordance with this section.** The election authority shall furnish a list to the election judges and counting teams prior to election day of all write-in candidates who have filed such declaration. This subdivision shall not apply to elections wherein candidates are being elected to an office for which no candidate has filed.

(5) Write-in votes shall be cast and counted for a candidate without party designation. Write-in votes for a person cast with a party designation shall not be counted. Except for candidates for political party committees, no candidate shall be elected as a write-in candidate unless he receives a separate plurality of the votes without party designation regardless of whether or not the total write-in votes for such candidate under all party and without party designations totals a majority of the votes cast.

(6) When submitted to the election authority, each declaration of intent to be a write-in candidate for the office of United States president shall include the name of a candidate for vice president and the name of nominees for presidential elector equal to the number to which the state is entitled. At least one qualified resident of each congressional district shall be nominated as presidential elector. Each such declaration of intent to be a write-in candidate shall be accompanied by a declaration of candidacy for each presidential elector in substantially the form

set forth in subsection 3 of section 115.399. Each declaration of candidacy for the office of presidential elector shall be subscribed and sworn to by the candidate before the election official receiving the declaration of intent to be a write-in, notary public or other officer authorized by law to administer oaths.

115.507. 1. Not later than the second Tuesday after the election, the verification board shall issue a statement announcing the results of each election held within its jurisdiction and shall certify the returns to each political subdivision and special district submitting a candidate or question at the election.

2. The verification board shall prepare the returns by drawing an abstract of the votes cast for each candidate and on each question submitted to a vote of people in its jurisdiction by the state and by each political subdivision and special district at the election. The abstract of votes drawn by the verification board shall be the official returns of the election.

3. Not later than [the Thursday after] the second Tuesday after each election at which the name of a candidate for nomination or election to the office of president of the United States, United States senator, representative in Congress, governor, lieutenant governor, state senator, state representative, judge of the circuit court, secretary of state, attorney general, state treasurer, or state auditor, [or at which an initiative, referendum, constitutional amendment or question of retaining a judge subject to the provisions of article V, section 29 of the state constitution,] appears on the ballot in a jurisdiction, the election authority of the jurisdiction shall mail or deliver to the secretary of state the abstract of the votes given in its jurisdiction, by polling place, for each such office and on each such question. If mailed, the abstract shall be enclosed in a strong, sealed envelope or envelopes. On the outside of each envelope shall be printed: "Returns of election held in the county of (City of St. Louis, Kansas City) on the day of, [19].....[, for the offices of]", etc.

115.615. [After each primary election] **In years when a primary election is held pursuant to subsection 2 of section 115.121**, each county committee shall meet at the county seat on the third Tuesday of August [immediately following the primary]. In each city not situated in a county, the city committee shall meet on the same day at such place within the city as the chairman of the current city committee may designate. In all counties of the second and third classification the county courthouse shall be made available for such meetings and any other county political party meeting at no charge to the party committees. At the meeting, each committee shall organize by electing one of its members as chairman and one of its members as vice chairman, a man and a woman, and a secretary and a treasurer, a man and a woman, who may or may not be members of the committee. The county chairman and vice chairman so elected shall by virtue thereof become members of the party congressional, senatorial and judicial committees of the district of which their county is a part.

115.621. 1. The members of each congressional district committee shall meet at some place

within the district, to be designated by the current chairman of the committee, on the last Tuesday in August after each primary election. The county courthouse in counties of the second and third classification in which the meeting is to take place, as designated by the chairman, shall be made available for such meeting and any other congressional district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize by electing one of its members as chairman and one of its members as vice chairman, one of whom shall be a woman and one of whom shall be a man, and a secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, who may or may not be members of the committee.

2. The members of each legislative district committee shall meet at some place within the legislative district or within one of the counties in which the legislative district exists, to be designated by the current chairman of the committee, on the **third** Wednesday [after the third Tuesday in August] after each **August** primary election. The county courthouse in counties of the second and third classification in which the meeting is to take place, as designated by the chairman, shall be made available for such meeting and any other legislative district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize pursuant to subsection 1 of section 115.619.

3. The members of each senatorial district committee shall meet at some place within the district, to be designated by the current chairman of the committee, if there is one, and if not, by the chairman of the congressional district in which the senatorial district is principally located, on the **third** Saturday [after the third Tuesday in August] after each **August** primary election. The county courthouse in counties of the second and third classification in which the meeting is to take place, as so designated pursuant to this subsection, shall be made available for such meeting and any other senatorial district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize by electing one of its members as chairman and one of its members as vice chairman, one of whom shall be a woman and one of whom shall be a man, and a secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, who may or may not be members of the committee. The members of each senatorial district shall also meet at some place within the district, to be designated by the current chairman of the committee, if there is one, and if not, by the chairman of the congressional district in which the senatorial district is principally located, on the Saturday after the third Tuesday in November after each general election. At the meeting, the committee shall proceed to elect two registered voters of the district, one man and one woman, as members of the party's state committee.

4. The members of each judicial district may meet at some place within the judicial district or within one of the counties in which the judicial district exists, to be designated by the current chairman of the committee or the chairman of the congressional district committee, on the first Tuesday in September after each primary election, or at another time designated by the chairmen

of the committees. The county courthouse in counties of the second and third classification in which the meeting is to take place, as so designated pursuant to this subsection, shall be made available for such meeting and any other judicial district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize pursuant to subsection 1 of section 115.619.

115.635. The following offenses, and any others specifically so described by law, shall be class three election offenses and are deemed misdemeanors connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than one year or by fine of not more than two thousand five hundred dollars, or by both such imprisonment and fine:

(1) Giving, lending, agreeing to give or lend, offering, promising, or endeavoring to procure, any money or valuable consideration, office, or place of employment, to or for any voter, to or for any person on behalf of any voter, or to or for any person, in order to induce any voter to vote or refrain from voting or corruptly doing any such act on account of such voter having already voted or refrained from voting at any election;

(2) Making use of, or threatening to make use of, any force, violence, or restraint, or inflicting or threatening to inflict any injury, damage, harm or loss upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election;

(3) Impeding or preventing, or attempting to impede or prevent, by abduction, duress or any fraudulent device or contrivance, the free exercise of the franchise of any voter or, by abduction, duress, or any fraudulent device, compelling, inducing, or prevailing upon any voter to vote or refrain from voting at any election;

(4) Giving, or making an agreement to give, any money, property, right in action, or other gratuity or reward, in consideration of any grant or deputation of office;

(5) Bringing into this state any nonresident person with intent that such person shall vote at an election without possessing the requisite qualifications;

(6) Asking for, receiving, or taking any money or other reward by way of gift, loan, or other device or agreeing or contracting for any money, gift, office, employment, or other reward, for giving, or refraining from giving, his vote in any election;

(7) Removing, destroying or altering any supplies or information placed in or near a voting booth for the purpose of enabling a voter to prepare his ballot;

(8) Entering a voting booth or compartment except as specifically authorized by law;

(9) On the part of any election official, challenger, watcher or person assisting a person to vote, revealing or disclosing any information as to how any voter may have voted, **except as authorized in this chapter**, indicated that the person had voted, indicated an intent to vote or offered to vote, except to a grand jury or pursuant to a lawful subpoena in a court proceeding relating to an election offense;

(10) On the part of any registration or election official, refusing to permit any person to register to vote or to vote when such official knows the person is legally entitled to register or legally entitled to vote;

(11) Attempting to commit or participating in an attempt to commit any class one or class two election offense.

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

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

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

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

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

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

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

(7) On the part of any person authorized or employed to print official ballots, or any person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any ballot to or by any person other than the official under whose direction the ballots are being printed, any ballot in any form other than that prescribed by law, or with unauthorized names, with names

misspelled, or with the names of candidates arranged in any way other than that authorized by law;

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

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

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

(11) On the part of any election judge, willfully absenting himself from the polls on election day without good cause or willfully detaining any election material or equipment and not causing it to be produced at the voting place at the opening of the polls or within fifteen minutes thereafter;

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

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

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

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

(16) Interfering, or attempting to interfere, with any 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 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 him, any such election sign or literature located within such distance on such day after request for removal by any person;

(19) Violation of the provisions of section 115.647.

115.647. It shall be unlawful for any nonincumbent candidate for public office to publish, circulate, or distribute any printed matter or to disseminate any information on television or radio or by way of any visual or audible recording that would lead voters to believe that the candidate is an incumbent of the office sought. As used in this section, the term "printed material" shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, or other imprinted or lettered material. [The election authority of competent jurisdiction shall seize any printed material or visual or audio recording determined to violate this section.] **A violation of this section shall constitute a class four election offense.**

[115.750. As used in sections 115.750 to 115.785, "established political party" means a political party which, at the last general election for state and county officers, polled for its candidate for governor more than two percent of the entire vote cast for governor in this state.]

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

115.761. 1. The official list of presidential candidates for each established political party shall include the names of all constitutionally qualified candidates [who meet all of the requirements specified in the rules of the state or national party organization of each established political party] for whom, on or after 8:00 a.m. on the [second Tuesday in December in the year preceding] **fifteenth Tuesday prior to** the presidential primary, and on or before 5:00 p.m., on the eleventh Tuesday prior to the presidential primary, a written request to be included on the presidential primary ballot is filed with the secretary of state along with:

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

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

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

2. The state or national party organization of an established political party [which] **that** adopts rules imposing signature requirements to be met before a candidate can be listed as an

official candidate shall notify the secretary of state by October first of the year preceding the presidential primary.

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

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

115.770. The conduct of the presidential preference primary election and the count and canvass of the votes cast therein shall conform as nearly as is practicable to that prescribed for the conduct of the primary election for state officers. All primary election laws not inconsistent with the provisions of sections [115.750] **115.755** to 115.785 shall be applicable to the conduct of this election, and the form of the ballot insofar as is practicable shall be substantially as that prescribed by section 115.395. In a presidential preference primary, each voter shall be entitled to receive the ballot of one and only one established political party, designated by the voter before receiving such voter's ballot. [Each voter who participates in a presidential preference primary shall be entitled to vote on all questions and for any candidates submitted by political subdivisions and special districts at the general municipal election. Each voter who does not wish to participate in a presidential preference primary may vote on all questions and for any candidates submitted by a political subdivision or special district at the general municipal election.]

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

115.776. [1.] The state party organization, which is the state organization recognized by the national organization of that established political party, shall[,] after the primary and before the national convention[,] conduct a series of caucuses culminating in congressional and state conventions. Delegates to the national conventions shall be chosen at the congressional district and state conventions pursuant to rules established by the political parties[; provided, however that rules so established require national delegates to be pledged to support presidential candidates as provided by section 115.625 and sections 115.250 to 115.785. The delegates and alternates shall be selected as provided in this section; except that, if the rules of the national

committee of the established political party are in conflict with the provisions of this section, then the national committee rules shall govern the selection of delegates where in conflict with this section].

[2. Not less than three-fourths of the convention delegates from the state to the national convention shall be allocated equally to the state congressional districts. Those delegates not allotted to congressional districts must be allotted to the state as at-large delegates. Additional at-large delegates allocated to a state under national party rules shall not be included in the calculation of the proportion of the state's delegates allocated to congressional districts and at large.

3. Following the state presidential primary, a person seeking to be selected as national convention delegate or alternate must designate whether or not such person is committed, and, if committed, to which candidate such person is committed.

4. To qualify as a delegate from a congressional district, a person must be a properly registered voter of the congressional district from which he seeks to be a delegate. To qualify as an at-large delegate, a person must be a registered voter of this state.

5. If a delegate or alternate dies, withdraws or becomes disqualified after such person has been selected and before the national convention for which such person is selected has begun, such person shall be replaced by a qualified person committed to the same preference and selected by the party's congressional district committee or state committee, as the case may be.

6. Congressional district delegates and alternates shall be selected so that the proportion of the total district delegates and alternates that are committed to each candidate or are uncommitted equals as nearly as possible the proportion of the popular vote cast in the presidential primary election in that district for each candidate and for the uncommitted position; except that votes for a candidate or for the uncommitted position which total less than fifteen percent of the district total shall be counted as uncommitted in determining proportions of district delegates awarded if the sum of all such votes exceeds fifteen percent of the district total.

7. At-large delegates and alternates shall be selected in numerical order from each slate so that the proportion of the total at-large delegates and alternates that are uncommitted or committed to each candidate equals as nearly as possible the proportion of the popular vote for that established political party that was cast as uncommitted and for each candidate or uncommitted listing that total less than fifteen percent of the total shall be counted as uncommitted in determining proportions of district delegates awarded as if the sum of all such votes exceeds fifteen percent of the state total.

8. In determining the number of delegates and alternates to be awarded to each candidate and as the uncommitted delegates and alternates, the percentage of the vote received by each candidate and the percentage of the uncommitted vote in each congressional district or state at large, as the case may be, shall be multiplied by the total number of delegates allotted to the

congressional district or the state at large, as the case may be. The product arrived at for each candidate or the uncommitted vote shall be rounded off to the nearest whole number to arrive at the number of delegates to be awarded to a particular candidate or the uncommitted vote. The percentage of the vote received by each candidate and for uncommitted shall be determined in accordance with the provisions of this section and shall not take into consideration the votes for any candidate or uncommitted listing that total less than fifteen percent of the district total or the state at large as the case may be.

9. The delegates and alternates shall be selected and allocated as provided in this section; except that, if the rules of the national committee of the established political party are in conflict with the provisions of this section, then the national committee rules shall govern the selection and allocation of delegates where in conflict with this section.]

[115.780. 1. Each national convention delegate and alternate shall be bound to vote for the candidate for whom such person designated commitment, if any, when such person was selected as a delegate or alternate until that or another candidate received the party's nomination, two ballots have been taken or that candidate withdraws, suspends such candidate's campaign, releases such candidate's delegates, or receives less than fifteen percent of the votes cast on the first ballot, whichever first occurs.

2. Each delegate and alternate, within ten days after accepting selection as a delegate or alternate, shall file with the secretary of state such person's sworn pledge to abide by the provisions of sections 115.750 to 115.785.

3. If the rules of the national committee of an established political party prohibit any delegates from being bound to cast his or her vote for a candidate, then the provisions of the national committee rules shall govern.]

115.785. [The provisions of sections 115.061 to 115.077, to the contrary notwithstanding, a presidential preference primary shall impose on the state of Missouri only those costs which pertain directly to the presidential preference primary and the state shall not be liable for any costs ordinarily incurred by any local election authority conducting an election on the first Tuesday in April.] **All costs of a presidential preference primary shall be paid by the state, except that costs shall be shared proportionately by the state and the political subdivisions and special districts holding an election on the same day in the manner provided in section 115.065.**

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