

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 592

AN ACT

To repeal sections 65.610, 65.620, 88.770, 94.900, 115.001, 115.002, 115.003, 115.005, 115.007, 115.009, 115.013, 115.023, 115.049, 115.061, 115.063, 115.065, 115.077, 115.078, 115.124, 115.125, 115.127, 115.155, 115.157, 115.177, 115.225, 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299, 115.329, 115.335, 115.359, 115.361, 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 115.507, 115.515, 115.629, 115.631, 115.637, 115.641, 115.642, 115.910, and 162.441, RSMo, and to enact in lieu thereof forty-seven new sections relating to elections, with existing penalty provisions and effective dates for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 65.610, 65.620, 88.770, 94.900,
2 115.001, 115.002, 115.003, 115.005, 115.007, 115.009, 115.013,
3 115.023, 115.049, 115.061, 115.063, 115.065, 115.077, 115.078,
4 115.124, 115.125, 115.127, 115.155, 115.157, 115.177, 115.225,
5 115.227, 115.243, 115.247, 115.279, 115.284, 115.287, 115.299,
6 115.329, 115.335, 115.359, 115.361, 115.363, 115.373, 115.379,
7 115.421, 115.429, 115.453, 115.507, 115.515, 115.629, 115.631,
8 115.637, 115.641, 115.642, 115.910, and 162.441, RSMo, are
9 repealed and forty-seven new sections enacted in lieu thereof, to
10 be known as sections 65.610, 65.620, 88.770, 94.900, 115.003,
11 115.005, 115.007, 115.013, 115.023, 115.049, 115.063, 115.065,

1 115.077, 115.078, 115.124, 115.125, 115.127, 115.155, 115.157,
2 115.177, 115.225, 115.227, 115.243, 115.247, 115.279, 115.284,
3 115.287, 115.299, 115.329, 115.335, 115.359, 115.361, 115.363,
4 115.373, 115.379, 115.421, 115.429, 115.453, 115.507, 115.515,
5 115.629, 115.631, 115.637, 115.641, 115.642, 115.910, and
6 162.441, to read as follows:

7 65.610. 1. Upon the petition of at least ten percent of
8 voters at the last general election of any county having
9 heretofore adopted township organization, praying therefor, the
10 county commission shall submit the question of the abolition of
11 township organization to the voters of the county at a general or
12 special election. The question shall include a countywide tax
13 levy for road and bridge purposes. The total vote for governor
14 at the last general election before the filing of the petition
15 where a governor was elected shall be used to determine the
16 number of voters necessary to sign the petition. If the petition
17 is filed six months or more prior to a general election, the
18 proposition shall be submitted at a special election to be
19 ordered by the county commission within sixty days after the
20 petition is filed; if the petition is filed less than six months
21 before a general election, then the proposition shall be
22 submitted at the general election next succeeding the filing of
23 the petition. The election shall be conducted, the vote
24 canvassed and the result declared in the same manner as provided
25 by law in respect to elections of county officers. The clerk of
26 the county commission shall give notice that a proposition for
27 the abolition of township organization form of county government
28 in the county is to be voted upon by causing a copy of the order

1 of the county commission authorizing such election to be
2 published at least once each week for three successive weeks, the
3 last insertion to be not more than one week prior to the
4 election, in some newspaper published in the county where the
5 election is to be held, if there is a newspaper published in the
6 county and, if not, by posting printed or written handbills in at
7 least two public places in each election precinct in the county
8 at least twenty-one days prior to the date of election. The
9 clerk of the county commission shall provide the ballot which
10 shall be printed and in substantially the following form:

11 OFFICIAL BALLOT

12 (Check the one for which you wish to vote)

13 Shall township organization form of county government be
14 abolished in _____ County and a countywide tax at a
15 rate of collected for road and bridge purposes?

16 YES

NO

17

18 If a majority of the electors voting upon the proposition shall
19 vote for the abolition thereof the township organization form of
20 county government shall be declared to have been abolished; and
21 township organization shall cease in said county; and except as
22 provided in section 65.620 all laws in force in relation to
23 counties not having township organization shall immediately take
24 effect and be in force in such county.

25 2. No election or any proposal for either the adoption of
26 township organization or for the abolition of township
27 organization in any county shall be held within two years after
28 an election is held under this section.

1 65.620. 1. Whenever any county abolishes township
2 organization the county treasurer and ex officio collector shall
3 immediately settle his accounts as treasurer with the county
4 commission and shall thereafter perform all duties, exercise all
5 powers, have all rights and be subject to all liabilities imposed
6 and conferred upon the county collector of revenue under chapter
7 52 until the first Monday in March after the general election
8 next following the abolishment of township organization and until
9 a collector of revenue for the county is elected and qualified.
10 The person elected collector at the general election as
11 aforesaid, if that election is not one for collector of revenue
12 under chapter 52, shall serve until the first Monday in March
13 following the election and qualification of a collector of
14 revenue under chapter 52. Upon abolition of township
15 organization a county treasurer shall be appointed to serve until
16 the expiration of the term of such officer pursuant to chapter
17 54.

18 2. Upon abolition of township organization, title to all
19 property of all kinds theretofore owned by the several townships
20 of the county shall vest in the county and the county shall be
21 liable for all outstanding obligations and liabilities of the
22 several townships.

23 3. The terms of office of all township officers shall
24 expire on the abolition of township organization and the township
25 trustee of each township shall immediately settle his accounts
26 with the county clerk and all township officers shall promptly
27 deliver to the appropriate county officers, as directed by the
28 county commission, all books, papers, records and property

1 pertaining to their offices.

2 [4. For a period of one calendar year following the
3 abolition of the townships or until the voters of the county have
4 approved a tax levy for road and bridge purposes, whichever
5 occurs first, the county collector shall continue to collect a
6 property tax on a countywide basis in an amount equal to the tax
7 levied by the township that had the lowest total tax rate in the
8 county immediately prior to the abolishment of the townships.
9 The continued collection of the tax shall be considered a
10 continuation of an existing tax and shall not be considered a new
11 tax levy.]

12 88.770. 1. The board of aldermen may provide for and
13 regulate the lighting of streets and the erection of lamp posts,
14 poles and lights therefor, and may make contracts with any
15 person, association or corporation, either private or municipal,
16 for the lighting of the streets and other public places of the
17 city with gas, electricity or otherwise, except that each initial
18 contract shall be ratified by a majority of the voters of the
19 city voting on the question and any renewal contract or extension
20 shall be subject to voter approval of the majority of the voters
21 voting on the question, pursuant to the provisions of section
22 88.251. The board of aldermen may erect, maintain and operate
23 gas works, electric light works, or light works of any other kind
24 or name, and to erect lamp posts, electric light poles, or any
25 other apparatus or appliances necessary to light the streets,
26 avenues, alleys or other public places, and to supply private
27 lights for the use of the inhabitants of the city and its
28 suburbs, and may regulate the same, and may prescribe and

1 regulate the rates to be paid by the consumers thereof, and may
2 acquire by purchase, donation or condemnation suitable grounds
3 within or without the city upon which to erect such works and the
4 right-of-way to and from such works, and also the right-of-way
5 for laying gas pipes, electric wires under or above the grounds,
6 and erecting posts and poles and such other apparatus and
7 appliances as may be necessary for the efficient operation of
8 such works. The board of aldermen may, in its discretion, grant
9 the right to any person, persons or corporation, to erect such
10 works and lay the pipe, wires, and erect the posts, poles and
11 other necessary apparatus and appliances therefor, upon such
12 terms as may be prescribed by ordinance. Such rights shall not
13 extend for a longer time than twenty years, but may be renewed
14 for another period or periods not to exceed twenty years per
15 period. Every initial grant shall be approved by a majority of
16 the voters of the municipality voting on the question, and each
17 renewal or extension of such rights shall be subject to voter
18 approval of the majority of the voters voting on the question,
19 pursuant to the provisions of section 88.251. Nothing herein
20 contained shall be so construed as to prevent the board of
21 aldermen from contracting with any person, persons or corporation
22 for furnishing the city with gas or electric lights in cities
23 where franchises have already been granted, and where gas or
24 electric light plants already exist, without a vote of the
25 people, except that the board of aldermen may sell, convey,
26 encumber, lease, abolish or otherwise dispose of any public
27 utilities owned by the city including electric light systems,
28 electric distribution systems or transmission lines, or any part

1 of the electric light systems, electric or other heat systems,
2 electric or other power systems, electric or other railways, gas
3 plants, telephone systems, telegraph systems, transportation
4 systems of any kind, waterworks, equipments and all public
5 utilities not herein enumerated and everything acquired therefor,
6 after first having passed an ordinance setting forth the terms of
7 the sale, conveyance or encumbrance and when ratified by
8 two-thirds of the voters voting on the question, except for the
9 sale of a water or wastewater system, or the sale of a gas plant,
10 which shall be authorized by a simple majority vote of the voters
11 voting on the question. In the event of the proposed sale of a
12 water or wastewater system, or a gas plant, the board of alderman
13 shall hold a public meeting on such proposed sale at least thirty
14 days prior to the vote.

15 2. The ballots shall be substantially in the following form
16 and shall indicate the property, or portion thereof, and whether
17 the same is to be sold, leased or encumbered:

18 Shall _____
19 (Indicate the property by stating whether electric
20 distribution system, electric transmission lines or
21 waterworks, etc.) be _____ (Indicate whether
22 sold, leased or encumbered.)?

23 94.900. 1. (1) The governing body of the following cities
24 may impose a tax as provided in this section:

25 (a) Any city of the third classification with more than ten
26 thousand eight hundred but less than ten thousand nine hundred
27 inhabitants located at least partly within a county of the first
28 classification with more than one hundred eighty-four thousand

1 but less than one hundred eighty-eight thousand inhabitants;

2 (b) Any city of the fourth classification with more than
3 four thousand five hundred but fewer than five thousand
4 inhabitants;

5 (c) Any city of the fourth classification with more than
6 eight thousand nine hundred but fewer than nine thousand
7 inhabitants;

8 (d) Any home rule city with more than forty-eight thousand
9 but fewer than forty-nine thousand inhabitants;

10 (e) Any home rule city with more than seventy-three
11 thousand but fewer than seventy-five thousand inhabitants;

12 (f) Any city of the fourth classification with more than
13 thirteen thousand five hundred but fewer than sixteen thousand
14 inhabitants; [or]

15 (g) Any city of the fourth classification with more than
16 seven thousand but fewer than eight thousand inhabitants;

17 (h) Any city of the fourth classification with more than
18 four thousand but fewer than four thousand five hundred
19 inhabitants and located in any county of the first classification
20 with more than one hundred fifty thousand but fewer than two
21 hundred thousand inhabitants; or

22 (i) Any city of the third classification with more than
23 thirteen thousand but fewer than fifteen thousand inhabitants and
24 located in any county of the third classification without a
25 township form of government and with more than thirty-three
26 thousand but fewer than thirty-seven thousand inhabitants.

27 (2) The governing body of any city listed in subdivision
28 (1) of this subsection is hereby authorized to impose, by

1 ordinance or order, a sales tax in the amount of up to one-half
2 of one percent on all retail sales made in such city which are
3 subject to taxation under the provisions of sections 144.010 to
4 144.525 for the purpose of improving the public safety for such
5 city, including but not limited to expenditures on equipment,
6 city employee salaries and benefits, and facilities for police,
7 fire and emergency medical providers. The tax authorized by this
8 section shall be in addition to any and all other sales taxes
9 allowed by law, except that no ordinance or order imposing a
10 sales tax pursuant to the provisions of this section shall be
11 effective unless the governing body of the city submits to the
12 voters of the city, at a county or state general, primary or
13 special election, a proposal to authorize the governing body of
14 the city to impose a tax.

15 2. If the proposal submitted involves only authorization to
16 impose the tax authorized by this section, the ballot of
17 submission shall contain, but need not be limited to, the
18 following language:

19 Shall the city of _____ (city's name) impose a citywide
20 sales tax of _____ (insert amount) for the purpose of improving
21 the public safety of the city?

22 YES NO

23 If you are in favor of the question, place an "X" in the box
24 opposite "YES". If you are opposed to the question, place an "X"
25 in the box opposite "NO".

26
27 If a majority of the votes cast on the proposal by the qualified
28 voters voting thereon are in favor of the proposal submitted

1 pursuant to this subsection, then the ordinance or order and any
2 amendments thereto shall be in effect on the first day of the
3 second calendar quarter after the director of revenue receives
4 notification of adoption of the local sales tax. If a proposal
5 receives less than the required majority, then the governing body
6 of the city shall have no power to impose the sales tax herein
7 authorized unless and until the governing body of the city shall
8 again have submitted another proposal to authorize the governing
9 body of the city to impose the sales tax authorized by this
10 section and such proposal is approved by the required majority of
11 the qualified voters voting thereon. However, in no event shall
12 a proposal pursuant to this section be submitted to the voters
13 sooner than twelve months from the date of the last proposal
14 pursuant to this section.

15 3. All revenue received by a city from the tax authorized
16 under the provisions of this section shall be deposited in a
17 special trust fund and shall be used solely for improving the
18 public safety for such city for so long as the tax shall remain
19 in effect.

20 4. Once the tax authorized by this section is abolished or
21 is terminated by any means, all funds remaining in the special
22 trust fund shall be used solely for improving the public safety
23 for the city. Any funds in such special trust fund which are not
24 needed for current expenditures may be invested by the governing
25 body in accordance with applicable laws relating to the
26 investment of other city funds.

27 5. All sales taxes collected by the director of the
28 department of revenue under this section on behalf of any city,

1 less one percent for cost of collection which shall be deposited
2 in the state's general revenue fund after payment of premiums for
3 surety bonds as provided in section 32.087, shall be deposited in
4 a special trust fund, which is hereby created, to be known as the
5 "City Public Safety Sales Tax Trust Fund". The moneys in the
6 trust fund shall not be deemed to be state funds and shall not be
7 commingled with any funds of the state. The provisions of
8 section 33.080 to the contrary notwithstanding, money in this
9 fund shall not be transferred and placed to the credit of the
10 general revenue fund. The director of the department of revenue
11 shall keep accurate records of the amount of money in the trust
12 and which was collected in each city imposing a sales tax
13 pursuant to this section, and the records shall be open to the
14 inspection of officers of the city and the public. Not later
15 than the tenth day of each month the director of the department
16 of revenue shall distribute all moneys deposited in the trust
17 fund during the preceding month to the city which levied the tax;
18 such funds shall be deposited with the city treasurer of each
19 such city, and all expenditures of funds arising from the trust
20 fund shall be by an appropriation act to be enacted by the
21 governing body of each such city. Expenditures may be made from
22 the fund for any functions authorized in the ordinance or order
23 adopted by the governing body submitting the tax to the voters.

24 6. The director of the department of revenue may make
25 refunds from the amounts in the trust fund and credited to any
26 city for erroneous payments and overpayments made, and may redeem
27 dishonored checks and drafts deposited to the credit of such
28 cities. If any city abolishes the tax, the city shall notify the

1 director of the department of revenue of the action at least
2 ninety days prior to the effective date of the repeal and the
3 director of the department of revenue may order retention in the
4 trust fund, for a period of one year, of two percent of the
5 amount collected after receipt of such notice to cover possible
6 refunds or overpayment of the tax and to redeem dishonored checks
7 and drafts deposited to the credit of such accounts. After one
8 year has elapsed after the effective date of abolition of the tax
9 in such city, the director of the department of revenue shall
10 remit the balance in the account to the city and close the
11 account of that city. The director of the department of revenue
12 shall notify each city of each instance of any amount refunded or
13 any check redeemed from receipts due the city.

14 7. Except as modified in this section, all provisions of
15 sections 32.085 and 32.087 shall apply to the tax imposed
16 pursuant to this section.

17 115.003. The purpose of [sections 115.001 to 115.801] this
18 chapter is to simplify, clarify and harmonize the laws governing
19 elections. It shall be construed and applied so as to accomplish
20 its purpose.

21 115.005. Notwithstanding any other provision of law to the
22 contrary, [sections 115.001 to 115.801] the provisions of this
23 chapter shall apply to all public elections in the state, except
24 elections for which ownership of real property is required by law
25 for voting.

26 115.007. No [part of sections 115.001 to 115.801] provision
27 of this chapter shall be construed as impliedly amended or
28 repealed by subsequent legislation if such construction can be

1 reasonably avoided.

2 115.013. As used in this chapter, unless the context
3 clearly implies otherwise, the following terms mean:

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

8 (2) "Ballot", the ballot card, paper ballot, or ballot
9 designed for use with an electronic voting system on which each
10 voter may cast all votes to which he or she is entitled at an
11 election;

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

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

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

21 (6) "County", any [one of the several counties of] county
22 in this state or [the City of St. Louis] any city not within a
23 county;

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

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

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

9 (10) "Electronic voting system", a system of casting votes
10 by use of marking devices, and counting votes by use of automatic
11 tabulating or data processing equipment, [and includes] including
12 computerized voting systems;

13 (11) "Established political party" for the state, a
14 political party which, at either of the last two general
15 elections, polled for its candidate for any statewide office more
16 than two percent of the entire vote cast for the office.

17 "Established political party" for any district or political
18 subdivision shall mean a political party which polled more than
19 two percent of the entire vote cast at either of the last two
20 elections in which the district or political subdivision voted as
21 a unit for the election of officers or representatives to serve
22 its area;

23 (12) "Federal office", the office of presidential elector,
24 United States senator, or representative in Congress;

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

28 (14) "Major political party", the political party whose

1 candidates received the highest or second highest number of votes
2 at the last general election;

3 (15) "Marking device", [either an apparatus in which
4 ballots are inserted and voted by use of a punch apparatus, or]
5 any approved device which will enable the votes to be counted by
6 automatic tabulating equipment;

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

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

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

15 (19) "Political party", any established political party and
16 any new party;

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

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

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

24 (23) "Public office", any office established by
25 constitution, statute or charter and any employment under the
26 United States, the state of Missouri, or any political
27 subdivision or special district thereof, but does not include any
28 office in the reserve forces or the National Guard or the office

1 of notary public or city attorney in cities of the third
2 classification or cities of the fourth classification;

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

5 (25) ["Relative within the first degree by consanguinity or
6 affinity", a spouse, parent, or child of a person;

7 (26)] "Relative within the second degree by consanguinity
8 or affinity", a spouse, parent, child, grandparent, brother,
9 sister, grandchild, mother-in-law, father-in-law,
10 daughter-in-law, or son-in-law;

11 [(27)] (26) "Special district", any school district, water
12 district, fire protection district, hospital district, health
13 center, nursing district, or other districts with taxing
14 authority, or other district formed pursuant to the laws of
15 Missouri to provide limited, specific services;

16 [(28)] (27) "Special election", elections called by any
17 school district, water district, fire protection district, or
18 other district formed pursuant to the laws of Missouri to provide
19 limited, specific services; and

20 [(29)] (28) "Voting district", the one or more precincts
21 within which all voters vote at a single polling place for any
22 election.

23 115.023. 1. Except as provided in subsections 2 and 3 of
24 this section, each election authority shall conduct all public
25 elections within its jurisdiction.

26 2. When an election is to be conducted for a political
27 subdivision or special district, and the political subdivision or
28 special district is located within the jurisdiction of more than

1 one election authority, the election authority of the
2 jurisdiction with the greatest proportion of the political
3 subdivision's or special district's registered voters shall be
4 responsible for publishing any legal notice required in this
5 chapter.

6 3. When an election is to be conducted for a political
7 subdivision or special district, and the political subdivision or
8 special district is located within the jurisdiction of more than
9 one election authority, the affected election authorities may, by
10 contract, authorize one of their number to conduct the election
11 for all or any part of the political subdivision or special
12 district. In any election conducted pursuant to this subsection,
13 the election authority conducting part of an election in an area
14 outside its jurisdiction may consolidate precincts across
15 jurisdiction lines and shall have all powers and duties granted
16 pursuant to this chapter, except the provisions of sections
17 115.133 to ~~[115.223]~~ 115.221 and sections 115.279 and 115.297, in
18 the area outside its jurisdiction.

19 4. Notwithstanding ~~[the provision of section 493.030]~~ the
20 provisions of sections 493.025 and 493.027 to the contrary,
21 whenever the publication of a legal advertisement, legal notice,
22 order of court or public notice of any kind is allowed or
23 required pursuant to this chapter, a newspaper publishing such
24 notice shall charge and receive not more than its regular local
25 classified advertising rate. The regular local classified
26 advertising rate is that rate shown by the newspaper's rate
27 schedule as offered to the public, and shall have been in effect
28 for at least thirty days preceding publication of the particular

1 notice to which it is applied.

2 115.049. 1. Each board of election commissioners in
3 existence on January 1, 1978, shall set the salaries of its
4 employees. Except as provided in subsection 3 of this section,
5 the number of employees of each board and the total yearly amount
6 of all salaries paid to the board's employees shall not exceed
7 the number of employees and the total yearly amount of all
8 salaries authorized on January 1, 1982; except that, in any city
9 which has over three hundred thousand inhabitants and is located
10 in more than one county, the board of election commissioners
11 having jurisdiction in the part of the city situated in the
12 county containing the major portion of the city may set the
13 number of its employees and the total yearly amount of all
14 salaries authorized by [statute on January 1, 1982] ordinance.

15 2. Each board of election commissioners established after
16 January 1, 1978, shall set the salaries of its employees. Except
17 as provided in subsection 3 of this section, the number of
18 employees of each board and the total yearly amount of all
19 salaries paid to the board's employees shall not exceed the
20 number of employees and the total yearly amount of all salaries
21 authorized on December 31, 1977, for counties of the first class
22 not having a charter form of government [by sections 119.090 and
23 119.100].

24 3. If any board of election commissioners wishes to
25 increase the number of its employees or the total yearly amount
26 of all salaries paid to its employees, the board shall deliver a
27 notice of the fact to the presiding officer of the local
28 legislative body or bodies responsible for providing payment of

1 the election commissioners' salaries. The notice shall specify
2 the number of additional employees requested and the additional
3 yearly amount requested by the board and shall include a
4 justification of the increase and a day, not less than ninety
5 days after the notice is delivered, on which the increase is to
6 take effect. Unless any legislative body responsible for
7 approving payment of the election commissioners' salaries adopts
8 a resolution disapproving the increase, the increase shall take
9 effect on the day specified. Any board of election commissioners
10 may implement salary adjustments, after notice to the presiding
11 officer of the local legislative body or bodies responsible for
12 providing payment of the election commissioners' salaries, equal
13 to, but not more than, those adjustments granted to the employees
14 of the local legislative body or bodies without prior legislative
15 approval.

16 115.063. 1. When any question or candidate is submitted to
17 a vote by any political subdivision or special district and no
18 other question or candidate is submitted at the same election,
19 all costs of the election shall be paid from the general revenue
20 of the political subdivision or special district submitting a
21 question or candidate at the election.

22 2. All costs of [special] elections involving a statewide
23 candidate or statewide issue and all costs of [special] elections
24 involving candidates for state senator or state representative
25 shall be paid by the state, except that if a political
26 subdivision or special district holds an election on the same
27 day, the costs shall be shared proportionately by the state and
28 the political subdivisions and special districts affected in the

1 manner provided in section 115.065.

2 3. [The state shall not be liable for any costs of a
3 general election or primary election held in even-numbered years
4 as designated in subsections 1 and 2 of section 115.121.

5 4.] When a proposed political subdivision submits a
6 petition requesting an election as part of the formation thereof,
7 the petitioners shall submit together with the petition
8 sufficient security to pay all costs of the election. If such
9 proposition is successful, the political subdivision thereby
10 created shall reimburse those persons advancing funds to pay the
11 costs of the election.

12 115.065. 1. Except as provided in sections 115.069,
13 115.071, 115.073 and 115.077, when any question or candidate is
14 submitted to a vote by two or more political subdivisions or
15 special districts, or [except in primary and general elections]
16 by the state and one or more political subdivisions or special
17 districts at the same election, all costs of the election shall
18 be paid proportionally from the general revenues of the state and
19 all political subdivisions and special districts submitting a
20 question or candidate at the election, except that costs of
21 publications of legal notice of elections shall not be paid
22 proportionally. The state and each political subdivision and
23 each special district shall pay for publication of its legal
24 notice of election. At the discretion of the election authority,
25 ballot printing costs, if any, may be paid proportionally or the
26 state and each political subdivision and each special district
27 may pay for such ballot printing costs, if any.

28 2. Except as provided in sections 115.069, 115.071 and

1 115.073, when any question or candidate is submitted to a vote by
2 two or more political subdivisions or special districts at the
3 same election, all costs of the election shall be paid
4 proportionally from the general revenues of all political
5 subdivisions and special districts submitting a question or
6 candidate at the election.

7 3. Proportional election costs paid under the provisions of
8 subsection 2 of this section shall be assessed by charging each
9 political subdivision and special district the same percentage of
10 the total cost of the election as the number of registered voters
11 of the political subdivision or special district on the day of
12 the election is to the total number of registered voters on the
13 day of the election, derived by adding together the number of
14 registered voters in each political subdivision and special
15 district submitting a question or candidate at the election.

16 4. "Proportional costs" and "election costs", as used in
17 this chapter, are defined as those costs that require additional
18 out-of-pocket expense by the election authority in conducting an
19 election. It may include reimbursement to county general revenue
20 for the salaries of employees of the election authority for the
21 hours worked to conduct an election, the rental of any electronic
22 voting machine or electronic poll book, any indirect expenses
23 identified under an independent cost allocation study and an
24 amount not to exceed five percent of the total cost of election
25 to be credited to the election services fund of the county. The
26 election services fund shall be budgeted and expended at the
27 direction of the election authority and shall not be used to
28 substitute for or subsidize any allocation of general revenue for

1 the operation of the election authority's office without the
2 express consent of the election authority. The election services
3 fund may be audited by the appropriate auditing agency, and any
4 unexpended balance shall be left in the fund to accumulate from
5 year to year with interest. The election services fund shall be
6 used by the election authority for training programs and purchase
7 of additional supplies or equipment to improve the conduct of
8 elections, including anything necessarily pertaining thereto. In
9 addition to these costs, the state shall, subject to
10 appropriation, compensate the election services fund for
11 transactions submitted pursuant to the provisions of section
12 115.157.

13 115.077. 1. Special districts, cities, townships in
14 township organization counties, villages and the state shall pay
15 the election costs required by [this subchapter] sections 115.063
16 to 115.077 to each election authority conducting its elections.

17 2. If the state is required to pay election costs pursuant
18 to sections 115.063 to 115.065, the state shall, not later than
19 the seventh Tuesday prior to any such election, pay each election
20 authority conducting its elections an amount determined by the
21 office of the secretary of state, in consultation with the
22 election authority, to be a reasonable estimate of the cost of
23 conducting such election, using a method developed by the
24 secretary of state, in consultation with election authority, that
25 is reviewed at least every two years.

26 3. Not later than the fifth Tuesday prior to any election
27 to be conducted for [the state,] a special district or political
28 subdivision, the election authority shall [estimate] submit the

1 estimated cost of conducting the election for [the state and]
2 each political subdivision and special district submitting a
3 candidate or question at the election. Not later than the third
4 Tuesday prior to the election, [the state,] each special district
5 and political subdivision submitting a candidate or question at
6 the election, except the county, shall deposit with the election
7 authority an amount equal to the estimated cost of conducting the
8 election for [the state,] the political subdivision or special
9 district.

10 4. All payments of election costs received by an election
11 authority under the provisions of this [subsection] section shall
12 be placed by the election authority in a special account and used
13 by the election authority only to pay the costs incurred in
14 conducting the election. Not later than the tenth Tuesday
15 following an election, if the amount paid to an election
16 authority by the state or any political subdivision or special
17 district exceeds the cost of conducting the election for the
18 state, political subdivision or special district, the election
19 authority shall [promptly] refund to the state, political
20 subdivision or special district the difference between the amount
21 deposited with it and the cost of conducting the election. Not
22 later than the tenth Tuesday following an election, if the amount
23 deposited with an election authority by the state or any
24 political subdivision or special district is less than the cost
25 of conducting the election [for the state, political subdivision
26 or special district, the state, political subdivision or special
27 district shall, not later than the fifth Tuesday after the
28 election, pay to], the election authority shall submit a request

1 to the state and each political subdivision and special district
2 for the difference between the amount deposited and the cost of
3 conducting the election.

4 [3.] 5. (1) Within two weeks of receipt of actual cost and
5 required documentation of actual expenses from the election
6 authority, the state, political subdivision, or special district
7 shall approve for payment the difference between the amount
8 deposited and the cost of conducting the election.

9 (2) For the purposes of this section, the term "required
10 documentation" shall mean a detailed list of expenses that the
11 secretary of state intends to reimburse the election authority
12 for and a detailed description of the documentation that the
13 election authority shall produce following the election. For any
14 election in which the state is required to pay all or a
15 proportion of the cost, the secretary of state shall, not later
16 than the eleventh Tuesday prior to the election or, in case of a
17 special election, no later than five business days following the
18 issuance of a writ of election by the governor, transmit to the
19 election authority the detailed list and description described
20 above.

21 6. Except as provided in [section 115.061] sections 115.063
22 to 115.072, all payments of election costs received by an
23 election authority under the provisions of this section shall be
24 placed by the election authority in a special account and used by
25 the election authority only to pay the costs incurred in
26 conducting elections.

27 [4.] 7. When the state or any political subdivision or
28 special district willfully fails to make payment of an election

1 cost required by this subchapter by the time provided in this
2 subchapter, it shall pay a penalty of fifty dollars for each day
3 after the time provided in this subchapter proper payment is not
4 made. Any such penalty shall be payable to the election
5 authority authorized to receive payment of the election cost and
6 shall be deposited in the general revenue fund of such election
7 authority's city or county. For purposes of this subsection, the
8 state shall not be considered to have willfully failed to make
9 payment of an election cost if there is not sufficient cash or
10 appropriation authority to make such a payment.

11 [5.] 8. (1) There is hereby created the "State Election
12 Subsidy Fund" in the state treasury [which shall be funded by
13 appropriations from the general assembly for the purpose of the
14 state making advance payments of election costs as required by
15 this section].

16 (2) All unobligated funds in the state election subsidy
17 fund on January 1, 2019, shall be transferred to the elections
18 administration improvements fund authorized pursuant to section
19 115.078. To meet the state's funding obligation to maintain
20 expenditures pursuant to Section 254(a)(7) of the Help America
21 Vote Act of 2002, the commissioner of the office of
22 administration shall annually transfer from general revenue to
23 the [state election subsidy fund] election administration
24 improvement fund, established pursuant to section 115.078, an
25 amount not less than the amount expended in the fiscal year that
26 ended June 30, 2000. [At the end of each fiscal year, any
27 amounts in the state election subsidy fund not expended or
28 obligated to meet the state's obligations pursuant to section

1 115.065 and this section shall be transferred to the election
2 administration improvements fund authorized pursuant to section
3 115.078 and used to meet the maintenance of effort funding
4 requirements of Section 254(a)(7) of the Help America Vote Act of
5 2002.] Any other law to the contrary notwithstanding, the funds
6 received pursuant to Sections 251 and 252 of the Help America
7 Vote Act of 2002 shall be expended according to the state plan
8 developed pursuant to the provisions of Section 254 of said act.
9 The secretary of state shall develop the state plan through the
10 committee appointed by the secretary of state under the
11 provisions of Section 255 of the Help America Vote Act of 2002.

12 9. An election authority may rent or lease out any
13 electronic voting machine purchased by such election authority.

14 115.078. 1. There is hereby created in the state treasury
15 the "Election Administration Improvements Fund", which shall
16 consist of appropriations from the general assembly, any gifts,
17 contributions, grants, or bequests received from federal,
18 private, or other sources for the purpose of improving the
19 administration of elections within Missouri, including making
20 payments of election costs as required under sections 115.065 and
21 section 115.077. The state treasurer shall be custodian of the
22 fund and shall make disbursements from the fund in accordance
23 with sections 30.170 and 30.180. Money in the fund shall be used
24 exclusively for election administration improvements as directed
25 by the secretary of state, and to meet the state's obligations
26 under sections 115.065 and 115.077. No moneys obtained through
27 the provisions of this section shall be made a part of the
28 general operating budget of an election authority, or used to

1 supplant other federal, state, or local funds expended for
2 elections. The secretary of state may transfer moneys from the
3 fund to the election improvements revolving loan fund as the
4 secretary deems necessary to facilitate compliance with the Help
5 America Vote Act of 2002. Notwithstanding section 33.080 to the
6 contrary, any moneys remaining in the fund at the end of any
7 biennium shall not revert to the credit of the general revenue
8 fund. All yield, interest, income, increment, or gain received
9 from time deposit of moneys in the state treasury to the credit
10 of the fund shall be credited to the fund. Notwithstanding any
11 provision of law to the contrary, no amount of moneys in the fund
12 shall be transferred from the fund or charged for purposes of the
13 administration of central services for the state of Missouri.

14 2. There is hereby created in the state treasury the
15 "Election Improvements Revolving Loan Fund", which shall consist
16 of all moneys appropriated to it by the general assembly, all
17 repayment of moneys from eligible lenders and any moneys
18 deposited or transferred to the fund for the purpose of improving
19 the administration of elections through loans. The state
20 treasurer shall be custodian of the fund and shall make
21 disbursements from the fund in accordance with sections 30.170
22 and 30.180. Money in the fund shall be used solely for improving
23 the administration of elections through loans. Notwithstanding
24 section 33.080 to the contrary, any moneys remaining in the fund
25 shall not revert to the credit of the general revenue fund. All
26 yield, interest, income, increment, or gain received from time
27 deposit of moneys in the state treasury to the credit of the fund
28 shall be credited to the fund. Notwithstanding any provision of

1 law to the contrary, no amount of moneys in the fund shall be
2 transferred from the fund or charged for purposes of the
3 administration of central services for the state of Missouri.
4 The secretary of state is authorized to administer the fund in
5 accordance with this section and the Help America Vote Act of
6 2002, and to promulgate rules to execute this section. No rule
7 or portion of a rule promulgated pursuant to the authority of
8 this section shall become effective unless it has been
9 promulgated pursuant to chapter 536.

10 115.124. 1. Notwithstanding any other law to the contrary,
11 in a nonpartisan election in any political subdivision or special
12 district including municipal elections in any city, town, or
13 village with ~~[one]~~ two thousand or fewer inhabitants that have
14 adopted a proposal pursuant to subsection 3 of this section but
15 excluding municipal elections in any city, town, or village with
16 more than ~~[one]~~ two thousand inhabitants, if the notice provided
17 for in subsection 5 of section 115.127 has been published in at
18 least one newspaper of general circulation as defined in section
19 493.050 in the district, and ~~[if the number of candidates who~~
20 ~~have filed for a particular office is equal to the number of~~
21 ~~positions in that office to be filled by the election, no~~
22 ~~election shall be held for such office]~~ if the number of
23 candidates for each office in a particular political subdivision,
24 special district, or municipality is equal to the number of
25 positions for each office within the political subdivision,
26 special district, or municipality to be filled by the election
27 and no ballot measure is placed on the ballot such that a
28 particular political subdivision will owe no proportional

1 elections costs if an election is not held, no election shall be
2 held, and the candidates shall assume the responsibilities of
3 their offices at the same time and in the same manner as if they
4 had been elected. If no election is held for [such office] a
5 particular political subdivision, special district, or
6 municipality as provided in this section, the election authority
7 shall publish a notice containing the names of the candidates
8 that shall assume the responsibilities of office under this
9 section. Such notice shall be published in at least one
10 newspaper of general circulation as defined in section 493.050 in
11 such political subdivision or district by the first of the month
12 in which the election would have occurred, had it been contested.
13 Notwithstanding any other provision of law to the contrary, if at
14 any election the number of candidates filing for a particular
15 office exceeds the number of positions to be filled at such
16 election, the election authority shall hold the election as
17 scheduled, even if a sufficient number of candidates withdraw
18 from such contest for that office so that the number of
19 candidates remaining after the filing deadline is equal to the
20 number of positions to be filled.

21 2. The election authority or political subdivision
22 responsible for the oversight of the filing of candidates in any
23 nonpartisan election in any political subdivision or special
24 district shall clearly designate where candidates shall form a
25 line to effectuate such filings and determine the order of such
26 filings; except that, in the case of candidates who file a
27 declaration of candidacy with the election authority or political
28 subdivision prior to 5:00 p.m. on the first day for filing, the

1 election authority or political subdivision may determine by
2 random drawing the order in which such candidates' names shall
3 appear on the ballot. If a drawing is conducted pursuant to this
4 subsection, it shall be conducted so that each candidate, or
5 candidate's representative if the candidate filed under
6 subsection 2 of section 115.355, may draw a number at random at
7 the time of filing. If such drawing is conducted, the election
8 authority or political subdivision shall record the number drawn
9 with the candidate's declaration of candidacy. If such drawing
10 is conducted, the names of candidates filing on the first day of
11 filing for each office on each ballot shall be listed in
12 ascending order of the numbers so drawn.

13 3. The governing body of any city, town, or village with
14 ~~[one]~~ two thousand or fewer inhabitants may submit to the voters
15 at any available election, a question to adopt the provisions of
16 subsection 1 of this section for municipal elections. If a
17 majority of the votes cast by the qualified voters voting thereon
18 are in favor of the question, then the city, town, or village
19 shall conduct nonpartisan municipal elections as provided in
20 subsection 1 of this section for all nonpartisan elections
21 remaining in the year in which the proposal was adopted and for
22 the six calendar years immediately following such approval. At
23 the end of such six-year period, each such city, town, or village
24 shall be prohibited from conducting such elections in such a
25 manner unless such a question is again adopted by the majority of
26 qualified voters as provided in this subsection.

27 115.125. 1. Not later than 5:00 p.m. on the tenth Tuesday
28 prior to any election, except a special election to decide an

1 election contest, tie vote or an election to elect seven members
2 to serve on a school board of a district pursuant to section
3 162.241, or a delay in notification pursuant to subsection ~~[2]~~ 3
4 of this section, or pursuant to the provisions of section
5 115.399, the officer or agency calling the election shall notify
6 the election authorities responsible for conducting the election.
7 The notice shall be in writing, shall specify the name of the
8 officer or agency calling the election and shall include a
9 certified copy of the legal notice to be published pursuant to
10 subsection 2 of section 115.127. The notice and any other
11 information required by this section may, with the prior
12 notification to the election authority receiving the notice, be
13 accepted by facsimile transmission prior to 5:00 p.m. on the
14 tenth Tuesday prior to the election, provided that the original
15 copy of the notice and a certified copy of the legal notice to be
16 published shall be received in the office of the election
17 authority within three business days from the date of the
18 facsimile transmission.

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

1 [2.] 3. Except as provided for in sections 115.247 and
2 115.359, if there is no additional cost for the printing or
3 reprinting of ballots or if the political subdivision or special
4 district calling for the election agrees to pay any printing or
5 reprinting costs, a political subdivision or special district
6 may, at any time after certification of the notice of election
7 required in subsection 1 of this section, but no later than 5:00
8 p.m. on the [~~sixth~~] eighth Tuesday before the election, be
9 permitted to make late notification to the election authority
10 pursuant to court order, which, except for good cause shown by
11 the election authority in opposition thereto, shall be freely
12 given upon application by the political subdivision or special
13 district to the circuit court of the area of such subdivision or
14 district. No court shall have the authority to order an
15 individual or issue be placed on the ballot less than [~~six~~] eight
16 weeks before the date of the election[, except as provided in
17 sections 115.361 and 115.379].

18 115.127. 1. Except as provided in subsection 4 of this
19 section, upon receipt of notice of a special election to fill a
20 vacancy submitted pursuant to subsection 2 of section 115.125,
21 the election authority shall cause legal notice of the special
22 election to be published in a newspaper of general circulation in
23 its jurisdiction. The notice shall include the name of the
24 officer or agency calling the election, the date and time of the
25 election, the name of the office to be filled and the date by
26 which candidates must be selected or filed for the office.
27 Within one week prior to each special election to fill a vacancy
28 held in its jurisdiction, the election authority shall cause

1 legal notice of the election to be published in two newspapers of
2 different political faith and general circulation in the
3 jurisdiction. The legal notice shall include the date and time
4 of the election, the name of the officer or agency calling the
5 election and a sample ballot. If there is only one newspaper of
6 general circulation in the jurisdiction, the notice shall be
7 published in the newspaper within one week prior to the election.
8 If there are two or more newspapers of general circulation in the
9 jurisdiction, but no two of opposite political faith, the notice
10 shall be published in any two of the newspapers within one week
11 prior to the election.

12 2. Except as provided in subsections 1 and 4 of this
13 section and in sections 115.521, 115.549 and 115.593, the
14 election authority shall cause legal notice of each election held
15 in its jurisdiction to be published. The notice shall be
16 published in two newspapers of different political faith and
17 qualified pursuant to chapter 493 which are published within the
18 bounds of the area holding the election. If there is only one so
19 qualified newspaper, then notice shall be published in only one
20 newspaper. If there is no newspaper published within the bounds
21 of the election area, then the notice shall be published in two
22 qualified newspapers of different political faith serving the
23 area. Notice shall be published twice, the first publication
24 occurring in the second week prior to the election, and the
25 second publication occurring within one week prior to the
26 election. Each such legal notice shall include the date and time
27 of the election, the name of the officer or agency calling the
28 election and a sample ballot; and, unless notice has been given

1 as provided by section 115.129, the second publication of notice
2 of the election shall include the location of polling places.
3 The election authority may provide any additional notice of the
4 election it deems desirable.

5 3. The election authority shall print the official ballot
6 as the same appears on the sample ballot, and no candidate's name
7 or ballot issue which appears on the sample ballot or official
8 printed ballot shall be stricken or removed from the ballot
9 except on death of a candidate or by court order, but in no event
10 shall a candidate or issue be stricken or removed from the ballot
11 less than eight weeks before the date of the election.

12 4. In lieu of causing legal notice to be published in
13 accordance with any of the provisions of this chapter, the
14 election authority in jurisdictions which have less than seven
15 hundred fifty registered voters and in which no newspaper
16 qualified pursuant to chapter 493 is published, may cause legal
17 notice to be mailed during the second week prior to the election,
18 by first class mail, to each registered voter at the voter's
19 voting address. All such legal notices shall include the date
20 and time of the election, the location of the polling place, the
21 name of the officer or agency calling the election and a sample
22 ballot.

23 5. If the opening date for filing a declaration of
24 candidacy for any office in a political subdivision or special
25 district is not required by law or charter, the opening filing
26 date shall be 8:00 a.m., the sixteenth Tuesday prior to the
27 election, except that for any home rule city with more than four
28 hundred thousand inhabitants and located in more than one county

1 and any political subdivision or special district located in such
2 city, the opening filing date shall be 8:00 a.m., the fifteenth
3 Tuesday prior to the election. If the closing date for filing a
4 declaration of candidacy for any office in a political
5 subdivision or special district is not required by law or
6 charter, the closing filing date shall be 5:00 p.m., the eleventh
7 Tuesday prior to the election. The political subdivision or
8 special district calling an election shall, before the sixteenth
9 Tuesday, or the fifteenth Tuesday for any home rule city with
10 more than four hundred thousand inhabitants and located in more
11 than one county or any political subdivision or special district
12 located in such city, prior to any election at which offices are
13 to be filled, notify the general public of the opening filing
14 date, the office or offices to be filled, the proper place for
15 filing and the closing filing date of the election. Such
16 notification may be accomplished by legal notice published in at
17 least one newspaper of general circulation in the political
18 subdivision or special district.

19 6. Except as provided for in sections 115.247 and 115.359,
20 if there is no additional cost for the printing or reprinting of
21 ballots or if the candidate agrees to pay any printing or
22 reprinting costs, a candidate who has filed for an office or who
23 has been duly nominated for an office may, at any time after the
24 certification of the notice of election required in subsection 1
25 of section 115.125 but no later than 5:00 p.m. on the [sixth]
26 eighth Tuesday before the election, withdraw as a candidate
27 pursuant to a court order, which, except for good cause shown by
28 the election authority in opposition thereto, shall be freely

1 given upon application by the candidate to the circuit court of
2 the area of such candidate's residence.

3 115.155. 1. The election authority shall provide for the
4 registration of each voter. Each application shall be in
5 substantially the following form:

6 APPLICATION FOR REGISTRATION

7 Are you a citizen of the United States?

8 YES NO

9 Will you be 18 years of age on or before election day?

10 YES NO

11 IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THESE
12 QUESTIONS, DO NOT COMPLETE THIS FORM.

13 IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING
14 FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID
15 PHOTO IDENTIFICATION. IF YOU DO NOT SUBMIT SUCH INFORMATION, YOU
16 WILL BE REQUIRED TO PRESENT ADDITIONAL IDENTIFICATION UPON VOTING
17 FOR THE FIRST TIME SUCH AS A BIRTH CERTIFICATE, A NATIVE AMERICAN
18 TRIBAL DOCUMENT, OTHER PROOF OF UNITED STATES CITIZENSHIP, A
19 VALID MISSOURI DRIVERS LICENSE OR OTHER FORM OF PERSONAL
20 IDENTIFICATION.

21 _____
22 Township (or Ward)

23 _____
24 Name

23 _____
24 Precinct

25 _____
26 Home Address

25 _____
26 Required Personal
27 Identification
28 Information

1 _____

2 City ZIP

3 _____

4 Date of Birth Place of Birth

5 (Optional)

6 _____

7 Telephone Number Mother's Maiden

8 (Optional) Name (Optional)

9 _____

10 Occupation (Optional) Last Place Previously

11 Registered

12 _____

13 Last four digits of Under What Name

14 Social Security Number

15 (Required for registration

16 unless no Social Security number

17 exists for Applicant)

18 Remarks: _____

19 When

20 I am a citizen of the United States and a resident of the

21 state of Missouri. I have not been adjudged incapacitated by any

22 court of law. If I have been convicted of a felony or of a

23 misdemeanor connected with the right of suffrage, I have had the

24 voting disabilities resulting from such conviction removed

25 pursuant to law. I do solemnly swear that all statements made on

26 this card are true to the best of my knowledge and belief.

27 I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING THAT I AM

28 NOT LEGALLY ENTITLED TO REGISTER, I AM COMMITTING A CLASS ONE

1 ELECTION OFFENSE AND MAY BE PUNISHED BY IMPRISONMENT OF NOT MORE
2 THAN FIVE YEARS OR BY A FINE OF BETWEEN TWO THOUSAND FIVE HUNDRED
3 DOLLARS AND TEN THOUSAND DOLLARS OR BY BOTH SUCH IMPRISONMENT AND
4 FINE.

5 _____
6 Signature of Voter Date

7 _____
8 Signature of Election Official

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

18 3. Upon receipt by mail of a completed and signed voter
19 registration application, a voter registration application
20 forwarded by the division of motor vehicle and drivers licensing
21 of the department of revenue pursuant to section 115.160, or a
22 voter registration agency pursuant to section 115.162, the
23 election authority shall, if satisfied that the applicant is
24 entitled to register, transfer all data necessary for the
25 registration records from the application to its registration
26 system. Within seven business days after receiving the
27 application, the election authority shall send the applicant a
28 verification notice. If such notice is returned as undeliverable

1 by the postal service within the time established by the election
2 authority, the election authority shall not place the applicant's
3 name on the voter registration file.

4 4. If, upon receipt by mail of a voter registration
5 application or a voter registration application forwarded
6 pursuant to section 115.160 or 115.162, the election authority
7 determines that the applicant is not entitled to register, such
8 authority shall, within seven business days after receiving the
9 application, so notify the applicant by mail and state the reason
10 such authority has determined the applicant is not qualified.
11 The applicant may [have such determination reviewed pursuant to
12 the provisions of section 115.223] file a complaint with the
13 elections division of the secretary of state's office pursuant to
14 section 115.219. If an applicant for voter registration fails to
15 answer the question on the application concerning United States
16 citizenship, the election authority shall notify the applicant of
17 the failure and provide the applicant with an opportunity to
18 complete the form in a timely manner to allow for the completion
19 of the registration form before the next election.

20 5. [It shall be the responsibility of] The secretary of
21 state [to] shall prescribe specifications for voter registration
22 documents so that they are uniform throughout the state of
23 Missouri and comply with the National Voter Registration Act of
24 1993, including the reporting requirements, and so that
25 registrations, name changes and transfers of registrations within
26 the state may take place as allowed by law.

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

1 115.157. 1. The election authority may place all
2 information on any registration cards in computerized form in
3 accordance with section 115.158. No election authority or
4 secretary of state shall furnish to any member of the public
5 electronic media or printout showing any registration
6 information, except as provided in this section. Except as
7 provided in subsection 2 of this section, the election authority
8 or secretary of state shall make available electronic media or
9 printouts showing unique voter identification numbers, voters'
10 names, dates of birth, addresses, townships or wards, and
11 precincts. Electronic data shall be maintained in at least the
12 following separate fields:

- 13 (1) Voter identification number;
- 14 (2) First name;
- 15 (3) Middle initial;
- 16 (4) Last name;
- 17 (5) Suffix;
- 18 (6) Street number;
- 19 (7) Street direction;
- 20 (8) Street name;
- 21 (9) Street suffix;
- 22 (10) Apartment number;
- 23 (11) City;
- 24 (12) State;
- 25 (13) Zip code;
- 26 (14) Township;
- 27 (15) Ward;
- 28 (16) Precinct;

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

4 2. All election authorities shall enter voter history in
5 their computerized registration systems and shall, not more than
6 six months after the election, forward such data to the Missouri
7 voter registration system established in section 115.158. In
8 addition, election authorities shall forward registration and
9 other data in a manner prescribed by the secretary of state to
10 comply with the Help America Vote Act of 2002.

11 3. Except as provided in subsection [2] 6 of this section,
12 the election authority shall [also] furnish, for a fee,
13 electronic media or a printout showing the names, dates of birth
14 and addresses of voters, or any part thereof, within the
15 jurisdiction of the election authority who voted in any specific
16 election, including primary elections, by township, ward or
17 precinct, provided that nothing in this chapter shall require
18 such voter information to be released to the public over the
19 internet.

20 4. Except as provided in subsection 6 of this section, upon
21 a request by a candidate, a duly authorized representative of a
22 campaign committee, or a political party committee, the secretary
23 of state shall furnish, for a fee determined by the secretary of
24 state and in compliance with section 610.026, media in an
25 electronic format or, if so requested, in a printed format,
26 showing the names, addresses, and voter identification numbers of
27 voters within the jurisdiction of a specific election authority
28 who applied for an absentee ballot under section 115.279 for any

1 specific election involving a ballot measure or an office for
2 which the declaration of candidacy is required to be filed with
3 the secretary of state pursuant to section 115.353, including
4 primary elections, by township, ward, or precinct. Nothing in
5 this section shall require such voter information to be released
6 to the public over the internet. For purposes of this section,
7 the terms "candidate", "campaign committee", and "political party
8 committee" shall have the same meaning given to such terms in
9 section 130.011.

10 5. The amount of fees charged for information provided in
11 this section shall be established pursuant to chapter 610. All
12 revenues collected by the secretary of state pursuant to this
13 section shall be deposited in the state treasury and credited to
14 the secretary of state's technology trust fund account
15 established pursuant to section 28.160. In even-numbered years,
16 each election authority shall, upon request, supply the voter
17 registration list for its jurisdiction to all candidates and
18 party committees for a charge established pursuant to chapter
19 610. Except as provided in subsection [2] 6 of this section, all
20 election authorities shall make the information described in this
21 section available pursuant to chapter 610. Any election
22 authority who fails to comply with the requirements of this
23 section shall be subject to the provisions of chapter 610.

24 [2.] 6. Any person working as an undercover officer of a
25 local, state or federal law enforcement agency, persons in
26 witness protection programs, and victims of domestic violence and
27 abuse who have received orders of protection pursuant to chapter
28 455 shall be entitled to apply to the circuit court having

1 jurisdiction in his or her county of residence to have the
2 residential address on his or her voter registration records
3 closed to the public if the release of such information could
4 endanger the safety of the person. Any person working as an
5 undercover agent or in a witness protection program shall also
6 submit a statement from the chief executive officer of the agency
7 under whose direction he or she is serving. The petition to
8 close the residential address shall be incorporated into any
9 petition for protective order provided by circuit clerks pursuant
10 to chapter 455. If satisfied that the person filing the petition
11 meets the qualifications of this subsection, the circuit court
12 shall issue an order to the election authority to keep the
13 residential address of the voter a closed record and the address
14 may be used only for the purposes of administering elections
15 pursuant to this chapter. The election authority may require the
16 voter who has a closed residential address record to verify that
17 his or her residential address has not changed or to file a
18 change of address and to affirm that the reasons contained in the
19 original petition are still accurate prior to receiving a ballot.
20 A change of address within an election authority's jurisdiction
21 shall not require that the voter file a new petition. Any voter
22 who no longer qualifies pursuant to this subsection to have his
23 or her residential address as a closed record shall notify the
24 circuit court. Upon such notification, the circuit court shall
25 void the order closing the residential address and so notify the
26 election authority.

27 115.177. Nothing in this [subchapter] chapter shall be
28 construed in any way as interfering with or discontinuing any

1 person's valid registration which is in effect on January 1,
2 1978, until such time as the person is required to transfer his
3 or her registration or to reregister under the provisions of
4 [sections 115.001 to 115.641 and section 51.460] this chapter.

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

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

11 (1) Permits voting in absolute secrecy;

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

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

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

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

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

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

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

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

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

11 3. The secretary of state shall promulgate rules and
12 regulations to allow the use of a computerized voting system.
13 The procedures shall provide for the use of a computerized voting
14 system with the ability to provide a paper audit trail.
15 Notwithstanding any provisions of this chapter to the contrary,
16 such a system may allow for the storage of processed ballot
17 materials in an electronic form.

18 4. Any rule or portion of a rule, as that term is defined
19 in section 536.010, that is created under the authority delegated
20 in this section shall become effective only if it complies with
21 and is subject to all of the provisions of chapter 536 and, if
22 applicable, section 536.028. This section and chapter 536 are
23 nonseverable and if any of the powers vested with the general
24 assembly pursuant to chapter 536 to review, to delay the
25 effective date or to disapprove and annul a rule are subsequently
26 held unconstitutional, then the grant of rulemaking authority and
27 any rule proposed or adopted after August 28, 2002, shall be
28 invalid and void.

1 115.227. All provisions of law not inconsistent with
2 sections [8.001 to 8.040] 115.225 to 115.235 shall apply with
3 full force and effect to elections in each jurisdiction using an
4 electronic voting system.

5 115.243. 1. For the purposes of [sections 115.001 to
6 115.641 and sections 51.450 and 51.460] this chapter, the
7 candidates for president and vice president of the United States
8 from any political party or group of petitioners shall be
9 considered one candidate. The names of the candidates for
10 president and vice president from each political party or group
11 of petitioners shall be enclosed in a brace directly to the left
12 of the names in the appropriate column on the official ballot.
13 Directly to the left of each brace shall be printed one square,
14 the sides of which are not less than one-fourth inch in length.
15 The names of candidates for presidential electors shall not be
16 printed on the ballot but shall be filed with the secretary of
17 state in the manner provided in section 115.399.

18 2. A vote for any candidate for president and vice
19 president shall be a vote for their electors.

20 3. When presidential and vice-presidential candidates are
21 to be elected, the following instruction shall be printed on the
22 official ballot: "A vote for candidates for President and Vice
23 President is a vote for their electors.".

24 115.247. 1. Each election authority shall provide all
25 ballots for every election within its jurisdiction. Ballots
26 other than those printed by the election authority in accordance
27 with [sections 115.001 to 115.641 and section 51.460] the
28 provisions of this chapter shall not be cast or counted at any

1 election.

2 2. Whenever it appears that an error has occurred in any
3 publication required by [sections 115.001 to 115.641 and section
4 51.460] the provisions of this chapter, or in the printing of any
5 ballot, any circuit court may, upon the application of any voter,
6 order the appropriate election authorities to correct the error
7 or to show cause why the error should not be corrected.

8 3. For each election held in a county with a charter form
9 of government and with more than two hundred fifty thousand but
10 fewer than three hundred fifty thousand inhabitants, the election
11 authority may provide for each polling place in its jurisdiction
12 fifty-five ballots for each fifty and fraction of fifty voters
13 registered in the voting district at the time of the election.
14 For each election, except a general election, held in any county
15 other than a county with a charter form of government and with
16 more than two hundred fifty thousand but fewer than three hundred
17 fifty thousand inhabitants, the election authority shall provide
18 for each polling place in its jurisdiction a number of ballots
19 equal to at least one and one-third times the number of ballots
20 cast in the voting district served by such polling place at the
21 election held two years before at that polling place or at the
22 polling place that served the voting district in the previous
23 election. For each general election held in any county other
24 than a county with a charter form of government and with more
25 than two hundred fifty thousand but fewer than three hundred
26 fifty thousand inhabitants, the election authority shall provide
27 for each polling place in its jurisdiction a number of ballots
28 equal to one and one-third times the number of ballots cast in

1 the voting district served by such polling place or at the
2 polling place that served the voting district in the general
3 election held four years prior. When determining the number of
4 ballots to provide for each polling place, the election authority
5 shall consider any factors that would affect the turnout at such
6 polling place. The election authority shall keep a record of the
7 exact number of ballots delivered to each polling place. For
8 purposes of this subsection, the election authority shall not be
9 required to count registered voters designated as inactive
10 pursuant to section 115.193.

11 4. After the polls have closed on every election day, the
12 election judges shall return all unused ballots to the election
13 authority with the other election supplies.

14 5. All ballots cast in public elections shall be printed
15 and distributed at public expense, payable as provided in
16 sections ~~[115.061]~~ 115.063 to 115.077.

17 115.279. 1. Application for an absentee ballot may be made
18 by the applicant in person, or by mail, or for the applicant, in
19 person, by his or her guardian or a relative within the second
20 degree by consanguinity or affinity. The election authority
21 shall accept applications by facsimile transmission and by
22 electronic mail within the limits of its telecommunications
23 capacity.

24 2. Each application shall be made to the election authority
25 of the jurisdiction in which the person is or would be
26 registered. Each application shall be in writing and shall state
27 the applicant's name, address at which he or she is or would be
28 registered, his or her reason for voting an absentee ballot, the

1 address to which the ballot is to be mailed, if mailing is
2 requested, and for absent uniformed services and overseas
3 applicants, the applicant's email address if electronic
4 transmission is requested. If the reason for the applicant
5 voting absentee is due to the reasons established under
6 subdivision (6) of subsection 1 of section 115.277, the applicant
7 shall state the voter's identification information provided by
8 the address confidentiality program in lieu of the applicant's
9 name, address at which he or she is or would be registered, and
10 address to which the ballot is to be mailed, if mailing is
11 requested. Each application to vote in a primary election shall
12 also state which ballot the applicant wishes to receive. If any
13 application fails to designate a ballot, the election authority
14 shall, within three working days after receiving the application,
15 notify the applicant by mail that it will be unable to deliver an
16 absentee ballot until the applicant designates which political
17 party ballot he or she wishes to receive. If the applicant does
18 not respond to the request for political party designation, the
19 election authority is authorized to provide the voter with that
20 part of the ballot for which no political party designation is
21 required.

22 3. Except as provided in subsection 3 of section 115.281,
23 all applications for absentee ballots received prior to the sixth
24 Tuesday before an election shall be stored at the office of the
25 election authority until such time as the applications are
26 processed in accordance with section 115.281. No application for
27 an absentee ballot received in the office of the election
28 authority by mail, by facsimile transmission, by electronic mail,

1 or by a guardian or relative after 5:00 p.m. on the second
2 Wednesday immediately prior to the election shall be accepted by
3 any election authority. No application for an absentee ballot
4 submitted by the applicant in person after 5:00 p.m. on the day
5 before the election shall be accepted by any election authority,
6 except as provided in subsections 6, 8 and 9 of this section.

7 4. Each application for an absentee ballot shall be signed
8 by the applicant or, if the application is made by a guardian or
9 relative pursuant to this section, the application shall be
10 signed by the guardian or relative, who shall note on the
11 application his or her relationship to the applicant. If an
12 applicant, guardian or relative is blind, unable to read or write
13 the English language or physically incapable of signing the
14 application, he or she shall sign by mark, witnessed by the
15 signature of an election official or person of his or her own
16 choosing. Any person who knowingly makes, delivers or mails a
17 fraudulent absentee ballot application shall be guilty of a class
18 one election offense.

19 5. (1) Notwithstanding any law to the contrary, any
20 resident of the state of Missouri who resides outside the
21 boundaries of the United States or who is on active duty with the
22 Armed Forces of the United States or members of their immediate
23 family living with them may request an absentee ballot for both
24 the primary and subsequent general election with one application.

25 (2) The election authority shall provide each absent
26 uniformed services voter and each overseas voter who submits a
27 voter registration application or an absentee ballot request, if
28 the election authority rejects the application or request, with

1 the reasons for the rejection.

2 (3) Notwithstanding any other law to the contrary, if a
3 standard oath regarding material misstatements of fact is adopted
4 for uniformed and overseas voters pursuant to the Help America
5 Vote Act of 2002, the election authority shall accept such oath
6 for voter registration, absentee ballot, or other
7 election-related materials.

8 (4) Not later than sixty days after the date of each
9 regularly scheduled general election for federal office, each
10 election authority which administered the election shall submit
11 to the secretary of state in a format prescribed by the secretary
12 a report on the combined number of absentee ballots transmitted
13 to, and returned by, absent uniformed services voters and
14 overseas voters for the election. The secretary shall submit to
15 the Election Assistance Commission a combined report of such
16 information not later than ninety days after the date of each
17 regularly scheduled general election for federal office and in a
18 standardized format developed by the commission pursuant to the
19 Help America Vote Act of 2002. The secretary shall make the
20 report available to the general public.

21 (5) As used in this section, the terms "absent uniformed
22 services voter" and "overseas voter" shall have the meaning
23 prescribed in [42] 52 U.S.C. [Section 1973ff-6] 20310.

24 6. An application for an absentee ballot by a new
25 resident[, as defined in section 115.275,] shall be submitted in
26 person by the applicant in the office of the election authority
27 in the election jurisdiction in which such applicant resides.
28 The application shall be received by the election authority no

1 later than 7:00 p.m. on the day of the election. Such
2 application shall be in the form of an affidavit, executed in
3 duplicate in the presence of the election authority or any
4 authorized officer of the election authority, and in
5 substantially the following form:

6 "STATE OF _____
7 COUNTY OF _____, ss.

8 I, _____, do solemnly swear that:

9 (1) Before becoming a resident of this state, I resided at
10 _____ (residence address) in _____ (town, township, village or
11 city) of _____ County in the state of _____;

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

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

18 (4) I hereby make application for a presidential and vice
19 presidential ballot. I have not voted and shall not vote other
20 than by this ballot at such election.

21 Signed _____
22 (Applicant)

23 _____
24 (Residence Address)

25 Subscribed and sworn to before me this _____ day of _____,
26 _____

27 Signed _____
28 (Title and name of officer authorized to administer oaths)"

1 7. The election authority in whose office an application is
2 filed pursuant to subsection 6 of this section shall immediately
3 send a duplicate of such application to the appropriate official
4 of the state in which the new resident applicant last resided and
5 shall file the original of such application in its office.

6 8. An application for an absentee ballot by an intrastate
7 new resident[, as defined in section 115.275,] shall be made in
8 person by the applicant in the office of the election authority
9 in the election jurisdiction in which such applicant resides.
10 The application shall be received by the election authority no
11 later than 7:00 p.m. on the day of the election. Such
12 application shall be in the form of an affidavit, executed in
13 duplicate in the presence of the election authority or an
14 authorized officer of the election authority, and in
15 substantially the following form:

16 "STATE OF _____
17 COUNTY OF _____, ss.

18 I, _____, do solemnly swear that:

19 (1) Before becoming a resident of this election
20 jurisdiction, I resided at _____ (residence address) in _____
21 (town, township, village or city) of _____ county in the state
22 of _____;

23 (2) I moved to this election jurisdiction after the last
24 day to register to vote in such election;

25 (3) I believe I am entitled pursuant to the laws of this
26 state to vote in the election to be held _____ (date);

27 (4) I hereby make application for an absentee ballot for
28 candidates and issues on which I am entitled to vote pursuant to

1 the laws of this state. I have not voted and shall not vote other
2 than by this ballot at such election.

3 Signed _____

4 (Applicant)

5 _____

6 (Residence Address)

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

8 _____

9 Signed _____

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

11 9. An application for an absentee ballot by an interstate
12 former resident[, as defined in section 115.275,] shall be
13 received in the office of the election authority where the
14 applicant was formerly registered by 5:00 p.m. on the second
15 Wednesday immediately prior to the election, unless the
16 application is made in person by the applicant in the office of
17 the election authority, in which case such application shall be
18 made no later than 7:00 p.m. on the day of the election.

19 115.284. 1. There is hereby established an absentee voting
20 process to assist persons with permanent disabilities in the
21 exercise of their voting rights.

22 2. The local election authority shall send an application
23 to participate in the absentee voting process set out in this
24 section to any registered voter residing within the election
25 authority's jurisdiction upon request.

26 3. Upon receipt of a properly completed application, the
27 election authority shall enter the voter's name on a list of
28 voters qualified to participate as absentee voters pursuant to

1 this section.

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

4 State of _____

5 County (City) of _____

6 I, _____ (print applicant's name), declare that I am a
7 resident and registered voter of _____ County, Missouri, and am
8 permanently disabled. I hereby request that my name be placed on
9 the election authority's list of voters qualified to participate
10 as absentee voters pursuant to section 115.284, and that I be
11 delivered an absentee ballot application for each election in
12 which I am eligible to vote.

13 _____
14 Signature of Voter

15 _____
16 _____
17 Voter's Address

18 5. Not earlier than ten weeks before an election but prior
19 to the fourth Tuesday prior to an election, the election
20 authority shall deliver to each voter qualified to participate as
21 absentee voters pursuant to this section an absentee ballot
22 application if the voter is eligible to vote in that election.
23 If the voter returns the absentee request application to the
24 election authority not later than 5:00 p.m. on the second
25 Wednesday before an election and has retained the necessary
26 qualifications to vote, the election authority shall provide the
27 voter with an absentee ballot pursuant to this chapter.

28 6. The election authority shall remove from the list of

1 voters qualified to participate as absentee voters pursuant to
2 this section any voter who:

- 3 (1) Asks to be removed from the list;
- 4 (2) Dies;
- 5 (3) Becomes disqualified from voting pursuant to this
6 chapter; or

- 7 (4) No longer resides at the address of his or her voter
8 registration.

9 115.287. 1. Upon receipt of a signed application for an
10 absentee ballot and if satisfied the applicant is entitled to
11 vote by absentee ballot, the election authority shall, within
12 three working days after receiving the application, or if
13 absentee ballots are not available at the time the application is
14 received, within five working days after they become available,
15 deliver to the voter an absentee ballot, ballot envelope and such
16 instructions as are necessary for the applicant to vote.
17 Delivery shall be made to the voter personally in the office of
18 the election authority or by bipartisan teams appointed by the
19 election authority, or by first class, registered, or certified
20 mail at the discretion of the election authority, or in the case
21 of a covered voter as defined in section 115.902, the method of
22 transmission prescribed in section 115.914. Where the election
23 authority is a county clerk, the members of bipartisan teams
24 representing the political party other than that of county clerk
25 shall be selected from a list of persons submitted to the county
26 clerk by the county chairman of that party. If no list is
27 provided by the time that absentee ballots are to be made
28 available, the county clerk may select a person or persons from

1 lists provided in accordance with section 115.087. If the
2 election authority is not satisfied that any applicant is
3 entitled to vote by absentee ballot, it shall not deliver an
4 absentee ballot to the applicant. Within three working days of
5 receiving such an application, the election authority shall
6 notify the applicant and state the reason he or she is not
7 entitled to vote by absentee ballot. The applicant may [appeal
8 the decision of the election authority to the circuit court in
9 the manner provided in section 115.223] file a complaint with the
10 elections division of the secretary of state's office pursuant to
11 section 115.219.

12 2. If, after 5:00 p.m. on the Wednesday before an election,
13 any voter from the jurisdiction has become hospitalized, becomes
14 confined due to illness or injury, or is confined in an [adult
15 boarding facility,] intermediate care facility, residential care
16 facility, or skilled nursing facility, as such terms are defined
17 in section 198.006, in the county in which the jurisdiction is
18 located or in the jurisdiction or an adjacent election authority
19 within the same county, the election authority shall appoint a
20 team to deliver, witness the signing of and return the voter's
21 application and deliver, witness the voting of and return the
22 voter's absentee ballot. In counties with a charter form of
23 government and in cities not within a county, and in each city
24 which has over three hundred thousand inhabitants, and is
25 situated in more than one county, if the election authority
26 receives ten or more applications for absentee ballots from the
27 same address it may appoint a team to deliver and witness the
28 voting and return of absentee ballots by voters residing at that

1 address, except when such addresses are for an apartment building
2 or other structure wherein individual living units are located,
3 each of which has its own separate cooking facilities. Each team
4 appointed pursuant to this subsection shall consist of two
5 registered voters, one from each major political party. Both
6 members of any team appointed pursuant to this subsection shall
7 be present during the delivery, signing or voting and return of
8 any application or absentee ballot signed or voted pursuant to
9 this subsection.

10 3. On the mailing and ballot envelopes for each covered
11 voter, the election authority shall stamp prominently in black
12 the words "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage
13 Paid, 39 U.S.C. Section 3406".

14 4. No information which encourages a vote for or against a
15 candidate or issue shall be provided to any voter with an
16 absentee ballot.

17 115.299. 1. To count absentee votes on election day, the
18 election authority shall appoint a sufficient number of teams of
19 election judges comprised of an equal number of judges from each
20 major political party.

21 2. The teams so appointed shall meet on election day after
22 the time fixed by law for the opening of the polls at a central
23 location designated by the election authority. The election
24 authority shall deliver the absentee ballots to the teams, and
25 shall maintain a record of the delivery. The record shall
26 include the number of ballots delivered to each team and shall
27 include a signed receipt from two judges, one from each major
28 political party. The election authority shall provide each team

1 with a ballot box, tally sheets and statements of returns as are
2 provided to a polling place.

3 3. Each team shall count votes on all absentee ballots
4 designated by the election authority.

5 4. One member of each team, closely observed by another
6 member of the team from a different political party, shall open
7 each envelope and call the voter's name in a clear voice.
8 Without unfolding the ballot, two team members, one from each
9 major political party, shall initial the ballot, and an election
10 judge shall place the ballot, still folded, in a ballot box. No
11 ballot box shall be opened until all of the ballots a team is
12 counting have been placed in the box. The votes shall be tallied
13 and the returns made as provided in sections 115.447 to 115.525
14 for paper ballots. After the votes on all ballots assigned to a
15 team have been counted, the ballots and ballot envelopes shall be
16 [placed on a string and] enclosed in sealed containers marked
17 "voted absentee ballots and ballot envelopes from the election
18 held _____, 20_____". All rejected absentee ballots and
19 envelopes shall be enclosed and sealed in a separate container
20 marked "rejected absentee ballots and envelopes from the election
21 held _____, 20_____". On the outside of each voted ballot and
22 rejected ballot container, each member of the team shall write
23 his or her name, and all such containers shall be returned to the
24 election authority. Upon receipt of the returns and ballots, the
25 election authority shall tabulate the absentee vote along with
26 the votes certified from each polling place in its jurisdiction.

27 115.329. 1. The secretary of state or any election
28 authority shall not accept for filing any petition for the

1 formation of a new party or for the nomination of an independent
2 candidate which is submitted prior to 8:00 a.m. on the day
3 immediately following the general election next preceding the
4 general election for which the petition is submitted or which is
5 submitted after 5:00 p.m. on the fifteenth Monday immediately
6 preceding the general election for which the petition is
7 submitted.

8 2. When a special election to fill a vacancy is called,
9 [neither the secretary of state nor any] no election authority
10 shall accept for filing any petition for the formation of a new
11 party or for the nomination of an independent candidate which is
12 submitted after 5:00 p.m. on the day which is midway between the
13 day the election is called and the election day.

14 3. When a special election to fill a vacancy is called to
15 fill an unexpired term for state representative or state senator,
16 the secretary of state shall not accept for filing any petition
17 for the formation of a new party or for the nomination of an
18 independent candidate which is submitted after 5:00 p.m. on the
19 twenty-first day after the writ of election is issued by the
20 governor pursuant to article III, section 14 of the Missouri
21 Constitution, calculated by excluding the day the writ is issued.

22 115.335. 1. The secretary of state or the election
23 authority shall have specific authority to determine the validity
24 of signatures on petitions filed with his or her office and shall
25 have authority not to count those which are, in his or her
26 opinion, forged or fraudulent or the signatures of persons who
27 are not registered voters.

28 2. For the purpose of verifying signatures on any new party

1 or independent candidate petition filed with his or her office,
2 the secretary of state may send copies of petition pages [by
3 certified mail] to the appropriate election authorities for
4 registration verification. Each election authority receiving a
5 copy of petition pages shall check any signature indicated by the
6 secretary of state against the registration records and return
7 all such copies to the secretary of state [by certified mail] no
8 later than the day designated by the secretary of state. The
9 secretary of state shall not designate any deadline for returning
10 copies and certifications which is less than [ten or more than
11 forty] seven days after the copies have been received by the
12 election authority. If the secretary of state or an election
13 authority determines the congressional district number written
14 after the signature of any registered voter is not the
15 congressional district in which [he] the voter resides, the
16 secretary of state or the election authority shall correct the
17 congressional district number on the petition page. Failure of a
18 voter to give his or her correct congressional district number
19 shall not alone be sufficient reason to disqualify his or her
20 signature. Only valid signatures from the county named in the
21 circulator's affidavit shall be counted on any petition page.

22 3. The secretary of state or election authority shall have
23 authority to verify the signatures on petitions filed with his or
24 her office by use of random sampling. Random sampling may be
25 used on any petition on which five hundred or more signatures are
26 required. Petitions requiring fewer than five hundred signatures
27 shall have each signature checked and random sampling shall not
28 be used. The random sample of signatures to be verified shall be

1 drawn in such a manner that every signature contained on the
2 filed petition shall be given an equal opportunity to be included
3 in the sample. Such a random sampling shall include an
4 examination of not less than five percent of the signatures so
5 filed.

6 4. If the random sample verification establishes that the
7 number of valid signatures is less than ninety-five percent of
8 the number of qualified voters needed to find the petition
9 sufficient, the petition shall be deemed to have failed to
10 qualify.

11 5. If the random sample verification establishes that the
12 number of valid signatures total more than one hundred five
13 percent of the number of qualified voters needed to find the
14 petition sufficient, the petition shall be deemed to qualify in
15 that district.

16 6. If the random sample verification establishes that the
17 number of valid signatures is more than ninety-five percent but
18 less than one hundred five percent of the number of qualified
19 voters needed to find the petition sufficient, each signature
20 filed shall be examined and verified.

21 7. The secretary of state is authorized to adopt rules to
22 ensure uniform, complete and accurate checking of petition
23 signatures either by actual counting or random sampling.

24 8. If copies of petition pages are sent to any local
25 election authority for registration verification under the
26 provisions of this subchapter, the secretary of state's final
27 determination on the number of valid signatures submitted on the
28 petition from the election authority's jurisdiction shall be

1 based on the certification made by the election authority.

2 115.359. 1. Any person who has filed a declaration of
3 candidacy for nomination and who wishes to withdraw as a
4 candidate shall, not later than the eleventh Tuesday prior to the
5 primary election, file a written, sworn statement of withdrawal
6 in the office of the official who accepted such candidate's
7 declaration of candidacy. Any person nominated for an office who
8 wishes to withdraw as a candidate shall, not later than the
9 eleventh Tuesday prior to the general election, file a written,
10 sworn statement of withdrawal in the office of the official who
11 accepted such candidate's declaration of candidacy. In addition,
12 any person who has filed a declaration of candidacy for
13 nomination or who is nominated for an office who wishes to
14 withdraw as a candidate due to being named as the party candidate
15 for a different office by a party nominating committee pursuant
16 to sections 115.363 to 115.377 may withdraw as a candidate no
17 later than 5:00 p.m. on the fifth day after being named as the
18 party candidate for a different office by the party nominating
19 committee.

20 2. Except as provided for in section 115.247, if there is
21 no additional cost for the printing or reprinting of ballots, or
22 if the candidate agrees to pay any printing or reprinting costs,
23 a candidate who has filed or is nominated for an office may, at
24 any time after the time limits set forth in subsection 1 of this
25 section but no later than 5:00 p.m. on the ~~[sixth]~~ eighth Tuesday
26 before the election, withdraw as a candidate pursuant to a court
27 order, which, except for good cause shown by the election
28 authority in opposition thereto, shall be freely given upon

1 application by the candidate to the circuit court in the county
2 of such candidate's residence. No withdrawal pursuant to this
3 subsection shall be effective until such candidate files a copy
4 of the court's order in the office of the official who accepted
5 such candidate's declaration of candidacy.

6 3. The name of a person who has properly filed a
7 declaration of candidacy, or of a person nominated for office,
8 who has not given notice of withdrawal as provided in subsection
9 1 or 2 of this section shall, except in case of death or
10 disqualification, be printed on the official primary or general
11 election ballot, as the case may be.

12 115.361. 1. Except as provided in subsections 2 and 3 of
13 this section, if a candidate for nomination to an office in which
14 the candidate is the incumbent or the only candidate dies,
15 withdraws as provided in subsection 1 or 2 of section 115.359, or
16 is disqualified after 5:00 p.m. on the last day in which a person
17 may file as a candidate for nomination, and at or before 5:00
18 p.m. on the [eighth] tenth Tuesday prior to any primary election,
19 or if any candidate for the position of political party
20 committeeman or committeewoman dies or withdraws as provided in
21 subsection 1 or 2 of section 115.359, or is disqualified after
22 5:00 p.m. on the last day in which a person may file as a
23 candidate for nomination, and at or before 5:00 p.m. on the
24 [eighth] tenth Tuesday prior to any primary election, leaving
25 less candidates for the available committee positions than the
26 number of available committee positions, filing for the office or
27 position shall be reopened for a period of five working days,
28 excluding holidays and weekends, following the death, withdrawal

1 or disqualification during which period new candidates may file
2 declarations of candidacy.

3 2. If a candidate for nomination to an office in which the
4 candidate is the only candidate dies, withdraws as provided in
5 subsection 1 or 2 of section 115.359, or is disqualified after
6 5:00 p.m. on the [~~sixth~~] tenth Tuesday prior to the primary
7 election, the election and canvass shall not proceed, and a
8 vacancy shall exist on the general election ballot to be filled
9 in the manner provided in sections 115.363 to 115.377.

10 3. If a candidate for the position of political party
11 committeeman or committeewoman becomes disqualified after the
12 [~~eighth~~] tenth Tuesday prior to the primary election, the
13 election and canvass shall proceed, and the disqualified
14 candidate's name shall be physically eradicated from the ballot
15 so that no vote may be cast for that candidate.

16 4. If after filing a declaration of candidacy, a candidate
17 files a statement of withdrawal within two working days prior to
18 the deadline for the close of filing set forth in section
19 115.349, the time of filing for that office shall cease at said
20 deadline. There shall be a reopening of filing on the first
21 Tuesday after the deadline for the close of filing set forth in
22 section 115.349 which shall last until 5:00 p.m. on the Friday
23 immediately following the first Tuesday after said deadline.

24 115.363. 1. Except as provided in section 115.361, a party
25 nominating committee of a political party may select a party
26 candidate for nomination to an office on the primary election
27 ballot in the following cases:

28 (1) If there are no candidates for nomination as the party

1 candidate due to death of all the party's candidates after 5:00
2 p.m. on the last day in which a person may file as a candidate
3 for nomination and at or before 5:00 p.m. on the **[fourth]** tenth
4 Tuesday prior to the primary election;

5 (2) If there are no candidates for nomination as the party
6 candidate due to withdrawal after 5:00 p.m. on the last day in
7 which a person may file as a candidate for nomination and at or
8 before 5:00 p.m. on whatever day may be fixed by law as the final
9 date for withdrawing as a candidate for the office;

10 (3) If there are no candidates for nomination as the party
11 candidate due to death or disqualification of all candidates
12 within seven days prior to the filing deadline and if no person
13 has filed for the party nomination within that time;

14 (4) If there are no candidates for nomination as the party
15 candidate due to disqualification of all party candidates after
16 5:00 p.m. on the last day on which a person may file as a
17 candidate for nomination, and at or before 5:00 p.m. on the
18 **[sixth]** tenth Tuesday prior to the primary election; or

19 (5) If a candidate for the position of political party
20 committeeman or committeewoman dies or withdraws as provided in
21 subsection 1 or 2 of section 115.359 after the **[eighth]** tenth
22 Tuesday prior to the primary election, leaving no candidate.

23 2. Any established political party may select a candidate
24 for nomination, if a candidate who is the incumbent or only
25 candidate dies, is disqualified or withdraws pursuant to
26 subsection 1 or 2 of section 115.359 after 5:00 p.m. on the
27 **[eighth]** tenth Tuesday prior to the primary election, and at or
28 before 5:00 p.m. on whatever day is fixed by law as the final

1 date for withdrawing as a candidate for the office.

2 3. A party nominating committee may select a party
3 candidate for election to an office on the general election
4 ballot in the following cases:

5 (1) If the person nominated as the party candidate shall
6 die at or before 5:00 p.m. on the [fourth] tenth Tuesday prior to
7 the general election;

8 (2) If the person nominated as the party candidate is
9 disqualified at or before 5:00 p.m. on the [sixth] tenth Tuesday
10 prior to the general election;

11 (3) If the person nominated as the party candidate shall
12 withdraw at or before 5:00 p.m. on whatever day may be fixed by
13 law as the final date for withdrawing as a candidate for the
14 office;

15 (4) If a candidate for nomination to an office in which the
16 person is the party's only candidate dies after 5:00 p.m. on the
17 [fourth] tenth Tuesday prior to any primary election, withdraws
18 as provided in subsection 1 of section 115.359 after 5:00 p.m. on
19 the [fourth] tenth Tuesday prior to any primary election, or is
20 disqualified after 5:00 p.m. on the [sixth] tenth Tuesday before
21 any primary election.

22 4. If a person nominated as a party's candidate who is
23 unopposed shall die at or before 5:00 p.m. on the [fourth] tenth
24 Tuesday prior to the general election, is disqualified at or
25 before 5:00 p.m. on the [sixth] tenth Tuesday prior to the
26 general election, or shall withdraw at or before 5:00 p.m. on
27 whatever day may be fixed by law as the final date for
28 withdrawing as a candidate for the office, the party nominating

1 committee for any established political party may select a party
2 candidate.

3 5. A party nominating committee may select a party
4 candidate for election to an office in the following cases:

5 (1) For an election called to fill a vacancy in an office;

6 (2) For an election held pursuant to the provisions of
7 section 105.030 to fill an unexpired term resulting from a
8 vacancy in an office that occurs within fourteen days prior to
9 the filing deadline for the primary election and not later than
10 the [eighth] tenth Tuesday prior to the general election. If
11 such vacancy occurs prior to the fourteenth day before the filing
12 deadline for a primary election, filing for the office shall be
13 as provided for in sections 115.307 to 115.359.

14 115.373. 1. The name of a candidate selected by a party
15 nominating committee for a primary or general election to fill a
16 vacancy created by death, withdrawal or disqualification shall be
17 filed with the secretary of state or proper election authority no
18 later than 5:00 p.m. on the twenty-eighth day after the vacancy
19 occurs or no later than 5:00 p.m. on the [fourth] eighth Friday
20 prior to the election, whichever occurs sooner.

21 2. The name of a person selected by a party nominating
22 committee as a candidate to fill an unexpired term shall be filed
23 with the [secretary of state or] proper election authority no
24 later than 5:00 p.m. on the day which is midway between the day
25 the election is called and election day.

26 [2.] 3. The name of a person selected by a party nominating
27 committee as a candidate to fill an unexpired term for state
28 representative or state senator in a special election shall be

1 filed with the secretary of state no later than 5:00 p.m. on the
2 twenty-first day after the writ of election is issued by the
3 governor pursuant to article III, section 14 of the Missouri
4 Constitution, calculated by excluding the day the writ is issued.

5 4. If the candidate selected by a party nominating
6 committee for a primary, general or special election ballot dies
7 prior to the election, the vacancy created by such death may be
8 filled in the manner provided for filling vacancies created by
9 death on the primary and general election ballots.

10 115.379. 1. Whenever the only candidate of a party for
11 nomination or election to an office at a primary election,
12 general election or special election to fill a vacancy dies after
13 the filing deadline and before the election, his or her name
14 shall be printed on the primary, general or special election
15 ballot, as the case may be, unless another candidate has filed
16 for the office pursuant to the provisions of section 115.361 or a
17 new candidate has been selected pursuant to the provisions of
18 sections 115.363 to 115.377. Whenever any other candidate for
19 nomination or election to an office at a primary election,
20 general election or special election to fill a vacancy dies after
21 5:00 p.m. on the ~~fourth~~ eighth Tuesday prior to the election,
22 his or her name shall be printed on the primary, general or
23 special election ballot, as the case may be. The election and
24 canvass shall proceed, and, if a sufficient number of votes are
25 cast for the deceased candidate to entitle the candidate to
26 nomination or election had the candidate not died, a vacancy
27 shall exist on the general election ballot or in the office to be
28 filled in the manner provided by law.

1 2. Whenever a candidate for nomination or election to an
2 office is disqualified after 5:00 p.m. on the [~~sixth~~] eighth
3 Tuesday prior to a primary election, general election or special
4 election to fill a vacancy, his or her name shall be printed on
5 the primary, general or special election ballot, as the case may
6 be. The election and canvass shall proceed, and, if a sufficient
7 number of votes are cast for the disqualified candidate to
8 entitle him or her to nomination or election had the candidate
9 not become disqualified, a vacancy shall exist on the general
10 election ballot or in the office to be filled in the manner
11 provided by law.

12 3. Except as provided in subsection 3 of section 115.359,
13 subsection 2 of section 115.361 and subsections 1 and 2 of this
14 section, whenever a candidate for nomination or election to an
15 office dies, withdraws or is disqualified prior to a primary
16 election, general election or special election to fill a vacancy,
17 all appropriate election authorities shall see that such
18 candidate's name is removed from the primary, general or special
19 election ballot, as the case may be.

20 115.421. Before the time fixed by law for the opening of
21 the polls, the election judges shall:

22 (1) Set up the voting equipment, arrange the furniture,
23 supplies and records and make all other arrangements necessary to
24 open the polls at the time fixed by law;

25 (2) Post a voter instruction card in each voting booth or
26 machine and in at least one other conspicuous place within the
27 polling place and post a sample ballot in a conspicuous place
28 near the voting booths;

1 (3) Certify the number of ballots received at each polling
2 place. In each polling place using voting machines, the election
3 judges shall, in lieu of certifying the number of ballots
4 received, certify the number on each voting machine received at
5 the polling place, the number on the seal of each voting machine,
6 the number on the protective counter of each voting machine and
7 that all recording counters on all voting machines at the polling
8 place are set at zero. If a recording counter on any voting
9 machine is not set at zero, the election judges shall immediately
10 notify the election authority and proceed as it directs;

11 (4) Compare the ballot, ballot label or ballot card and
12 ballot label with the sample ballots, see that the names, numbers
13 and letters agree and certify thereto in the tally book. If the
14 names, numbers or letters do not agree, the election judges shall
15 immediately notify the election authority and proceed as it
16 directs; and

17 (5) Sign the tally book in the manner provided in the form
18 for tally books in section 115.461[,] or 115.473 [or 115.487].
19 If any election judge, challenger or watcher has not been
20 previously sworn as the law directs, he or she shall take and
21 subscribe the oath of his or her office as provided in section
22 115.091 or 115.109, and the oath shall be returned to the
23 election authority with the tally book.

24 115.429. 1. The election judges shall not permit any
25 person to vote unless satisfied that such person is the person
26 whose name appears on the precinct register.

27 2. The identity or qualifications of any person offering to
28 vote may be challenged by any election authority personnel, any

1 registered voter, or any duly authorized challenger at the
2 polling place. No person whose right to vote is challenged shall
3 receive a ballot until his or her identity and qualifications
4 have been established.

5 3. Any question of doubt concerning the identity or
6 qualifications of a voter shall be decided by a majority of the
7 judges from the major political parties. If such election judges
8 decide not to permit a person to vote because of doubt as to his
9 or her identity or qualifications, the person may apply to the
10 election authority [or to the circuit court] as provided in
11 [sections] section 115.193 [and 115.223] or file a complaint with
12 the elections division of the secretary of state's office
13 pursuant to section 115.219.

14 4. If the election judges cannot reach a decision on the
15 identity or qualifications of any person, the question shall be
16 decided by the election authority, subject to appeal to the
17 circuit court as provided in section 115.223.

18 5. The election judges or the election authority may
19 require any person whose right to vote is challenged to execute
20 an affidavit affirming his or her qualifications. The election
21 authority shall furnish to the election judges a sufficient
22 number of blank affidavits of qualification, and the election
23 judges shall enter any appropriate information or comments under
24 the title "Remarks" which shall appear at the bottom of the
25 affidavit. All executed affidavits of qualification shall be
26 returned to the election authority with the other election
27 supplies. Any person who makes a false affidavit of
28 qualification shall be guilty of a class one election offense.

1 115.453. Election judges shall count votes for all
2 candidates in the following manner:

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

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

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

26 (4) Write-in votes shall be counted only for candidates for
27 election to office who have filed a declaration of intent to be a
28 write-in candidate for election to office with the proper

1 election authority, who shall then notify the proper filing
2 officer of the write-in candidate prior to 5:00 p.m. on the
3 second Friday immediately preceding the election day; except
4 that, write-in votes shall be counted only for candidates for
5 election to state or federal office who have filed a declaration
6 of intent to be a write-in candidate for election to state or
7 federal office with the secretary of state pursuant to section
8 115.353 prior to 5:00 p.m. on the second Friday immediately
9 preceding the election day. No person who filed as a party or
10 independent candidate for nomination or election to an office
11 may, without withdrawing as provided by law, file as a write-in
12 candidate for election to the same office for the same term. No
13 candidate who files for nomination to an office and is not
14 nominated at a primary election may file a declaration of intent
15 to be a write-in candidate for the same office at the general
16 election. When declarations are properly filed with the
17 secretary of state, the secretary of state shall promptly
18 transmit copies of all such declarations to the proper election
19 authorities for further action pursuant to this section. The
20 election authority shall furnish a list to the election judges
21 and counting teams prior to election day of all write-in
22 candidates who have filed such declaration. This subdivision
23 shall not apply to elections wherein candidates are being elected
24 to an office for which no candidate has filed. No person shall
25 file a declaration of intent to be a write-in candidate for
26 election to any municipal office unless such person is qualified
27 to be certified as a candidate under section [115.346] 115.306;

28 (5) Write-in votes shall be cast and counted for a

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

9 (6) When submitted to the election authority, each
10 declaration of intent to be a write-in candidate for the office
11 of United States president shall include the name of a candidate
12 for vice president and the name of nominees for presidential
13 elector equal to the number to which the state is entitled. At
14 least one qualified resident of each congressional district shall
15 be nominated as presidential elector. Each such declaration of
16 intent to be a write-in candidate shall be accompanied by a
17 declaration of candidacy for each presidential elector in
18 substantially the form set forth in subsection 3 of section
19 115.399. Each declaration of candidacy for the office of
20 presidential elector shall be subscribed and sworn to by the
21 candidate before the election official receiving the declaration
22 of intent to be a write-in, notary public or other officer
23 authorized by law to administer oaths.

24 115.507. 1. Not later than the second Tuesday after the
25 election, the verification board shall issue a statement
26 announcing the results of each election held within its
27 jurisdiction and shall certify the returns to each political
28 subdivision and special district submitting a candidate or

1 question at the election. The statement shall include a
2 categorization of the number of regular and absentee votes cast
3 in the election, and how those votes were cast; provided however,
4 that absentee votes shall not be reported separately where such
5 reporting would disclose how any single voter cast his or her
6 vote. When absentee votes are not reported separately the
7 statement shall include the reason why such reporting did not
8 occur. Nothing in this section shall be construed to require the
9 election authority to tabulate absentee ballots by precinct on
10 election night.

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

17 3. Any home rule city with more than four hundred thousand
18 inhabitants and located in more than one county may by ordinance
19 designate one of the election authorities situated partially or
20 wholly within that home rule city to be the verification board
21 that shall certify the returns of such city submitting a
22 candidate or question at any election and shall notify each
23 verification board within the city of that designation by
24 providing each with a copy of such duly adopted ordinance. Not
25 later than the second Tuesday after any election in any city
26 making such a designation, each verification board within the
27 city shall certify the returns of such city submitting a
28 candidate or question at the election to the election authority

1 so designated by the city to be its verification board, and such
2 election authority shall announce the results of the election and
3 certify the cumulative returns to the city in conformance with
4 subsections 1 and 2 of this section not later than ten days
5 thereafter.

6 4. Not later than the second Tuesday after each election at
7 which the name of a candidate for nomination or election to the
8 office of president of the United States, United States senator,
9 representative in Congress, governor, lieutenant governor, state
10 senator, state representative, judge of the circuit court,
11 secretary of state, attorney general, state treasurer, or state
12 auditor, or at which an initiative, referendum, constitutional
13 amendment or question of retaining a judge subject to the
14 provisions of Article V, [Section 29] Sections 25(a) to 25(g) of
15 the State Constitution, appears on the ballot in a jurisdiction,
16 the election authority of the jurisdiction shall mail or deliver
17 to the secretary of state the abstract of the votes given in its
18 jurisdiction, by polling place or precinct, for each such office
19 and on each such question. If mailed, the abstract shall be
20 enclosed in a strong, sealed envelope or envelopes. On the
21 outside of each envelope shall be printed: "Returns of election
22 held in the county of _____ (City of St. Louis, Kansas City) on
23 the _____ day of _____, _____," etc.

24 115.515. 1. If two or more persons receive an equal number
25 of votes for nomination as a party's candidate for any federal
26 office, governor, lieutenant governor, secretary of state,
27 attorney general, state treasurer, state auditor, circuit judge
28 not subject to the provisions of Article V, [Section 29] Sections

1 25(a) to 25(g) of the State Constitution, state senator or state
2 representative, and a higher number of votes than any other
3 candidate for the same office on the same party ballot, the
4 governor shall, immediately after the results of the election
5 have been announced, issue a proclamation stating the fact and
6 ordering a special primary election to determine the party's
7 nominee for the office. The proclamation shall set the date of
8 the election, which shall be not less than fourteen or more than
9 thirty days after the proclamation is issued, and shall be sent
10 by the governor to each election authority responsible for
11 conducting the special primary election. In [his] the
12 proclamation, the governor shall specify the name of each
13 candidate for the office to be voted on at the election, and the
14 special primary election shall be conducted and the votes counted
15 as in other primary elections.

16 2. If two or more persons receive an equal number of votes
17 for nomination as a party's candidate for any other office,
18 except party committeeman or committeewoman, and a higher number
19 of votes than any other candidate for the same office on the same
20 party ballot, the officer with whom such candidates filed their
21 declarations of candidacy shall, immediately after the results of
22 the election have been certified, issue a proclamation stating
23 the fact and ordering a special primary election to determine the
24 party's nominee for the office. The proclamation shall set the
25 date of the election, which shall be not less than fourteen or
26 more than thirty days after the proclamation is issued, and shall
27 be sent by the officer to each election authority responsible for
28 conducting the special primary election. In [his] the

1 proclamation, the officer shall specify the name of each
2 candidate for the office to be voted on at the election, and the
3 special primary election shall be conducted and the votes counted
4 as in other primary elections.

5 3. As an alternative to the procedure prescribed in
6 subsections 1 and 2 of this section, if the candidates who
7 received an equal number of votes in such election agree to the
8 procedure prescribed in this subsection, the officer with whom
9 such candidates filed their declarations of candidacy may, after
10 notification of the time and place of such drawing given to each
11 such candidate at least five days before such drawing, determine
12 the winner of such election by lot. Any candidate who received
13 an equal number of votes may decline to have his or her name put
14 into such drawing.

15 115.629. There shall be four classes of election offenses
16 consisting of all offenses arising under [sections 115.001 to
17 115.641 and sections 51.450 and 51.460] this chapter, and such
18 other offenses as are specified by law.

19 115.631. The following offenses, and any others
20 specifically so described by law, shall be class one election
21 offenses and are deemed felonies connected with the exercise of
22 the right of suffrage. Conviction for any of these offenses
23 shall be punished by imprisonment of not more than five years or
24 by fine of not less than two thousand five hundred dollars but
25 not more than ten thousand dollars or by both such imprisonment
26 and fine:

27 (1) Willfully and falsely making any certificate,
28 affidavit, or statement required to be made pursuant to any

1 provision of [sections 115.001 to 115.641] this chapter,
2 including but not limited to statements specifically required to
3 be made "under penalty of perjury"; or in any other manner
4 knowingly furnishing false information to an election authority
5 or election official engaged in any lawful duty or action in such
6 a way as to hinder or mislead the authority or official in the
7 performance of official duties. If an individual willfully and
8 falsely makes any certificate, affidavit, or statement required
9 to be made under section 115.155, including but not limited to
10 statements specifically required to be made "under penalty of
11 perjury", such individual shall be guilty of a class D felony;

12 (2) Voting more than once or voting at any election knowing
13 that the person is not entitled to vote or that the person has
14 already voted on the same day at another location inside or
15 outside the state of Missouri;

16 (3) Procuring any person to vote knowing the person is not
17 lawfully entitled to vote or knowingly procuring an illegal vote
18 to be cast at any election;

19 (4) Applying for a ballot in the name of any other person,
20 whether the name be that of a person living or dead or of a
21 fictitious person, or applying for a ballot in his or her own or
22 any other name after having once voted at the election inside or
23 outside the state of Missouri;

24 (5) Aiding, abetting or advising another person to vote
25 knowing the person is not legally entitled to vote or knowingly
26 aiding, abetting or advising another person to cast an illegal
27 vote;

28 (6) An election judge knowingly causing or permitting any

1 ballot to be in the ballot box at the opening of the polls and
2 before the voting commences;

3 (7) Knowingly furnishing any voter with a false or
4 fraudulent or bogus ballot, or knowingly practicing any fraud
5 upon a voter to induce him or her to cast a vote which will be
6 rejected, or otherwise defrauding him or her of his or her vote;

7 (8) An election judge knowingly placing or attempting to
8 place or permitting any ballot, or paper having the semblance of
9 a ballot, to be placed in a ballot box at any election unless the
10 ballot is offered by a qualified voter as provided by law;

11 (9) Knowingly placing or attempting to place or causing to
12 be placed any false or fraudulent or bogus ballot in a ballot box
13 at any election;

14 (10) Knowingly removing any legal ballot from a ballot box
15 for the purpose of changing the true and lawful count of any
16 election or in any other manner knowingly changing the true and
17 lawful count of any election;

18 (11) Knowingly altering, defacing, damaging, destroying or
19 concealing any ballot after it has been voted for the purpose of
20 changing the lawful count of any election;

21 (12) Knowingly altering, defacing, damaging, destroying or
22 concealing any poll list, report, affidavit, return or
23 certificate for the purpose of changing the lawful count of any
24 election;

25 (13) On the part of any person authorized to receive, tally
26 or count a poll list, tally sheet or election return, receiving,
27 tallying or counting a poll list, tally sheet or election return
28 the person knows is fraudulent, forged or counterfeit, or

1 knowingly making an incorrect account of any election;

2 (14) On the part of any person whose duty it is to grant
3 certificates of election, or in any manner declare the result of
4 an election, granting a certificate to a person the person knows
5 is not entitled to receive the certificate, or declaring any
6 election result the person knows is based upon fraudulent,
7 fictitious or illegal votes or returns;

8 (15) Willfully destroying or damaging any official ballots,
9 whether marked or unmarked, after the ballots have been prepared
10 for use at an election and during the time they are required by
11 law to be preserved in the custody of the election judges or the
12 election authority;

13 (16) Willfully tampering with, disarranging, altering the
14 information on, defacing, impairing or destroying any voting
15 machine or marking device after the machine or marking device has
16 been prepared for use at an election and during the time it is
17 required by law to remain locked and sealed with intent to impair
18 the functioning of the machine or marking device at an election,
19 mislead any voter at the election, or to destroy or change the
20 count or record of votes on such machine;

21 (17) Registering to vote knowing the person is not legally
22 entitled to register or registering in the name of another
23 person, whether the name be that of a person living or dead or of
24 a fictitious person;

25 (18) Procuring any other person to register knowing the
26 person is not legally entitled to register, or aiding, abetting
27 or advising another person to register knowing the person is not
28 legally entitled to register;

1 (19) Knowingly preparing, altering or substituting any
2 computer program or other counting equipment to give an untrue or
3 unlawful result of an election;

4 (20) On the part of any person assisting a blind or
5 disabled person to vote, knowingly failing to cast such person's
6 vote as such person directs;

7 (21) On the part of any registration or election official,
8 permitting any person to register to vote or to vote when such
9 official knows the person is not legally entitled to register or
10 not legally entitled to vote;

11 (22) On the part of a notary public acting in his or her
12 official capacity, knowingly violating any of the provisions of
13 **[sections 115.001 to 115.627]** this chapter or any provision of
14 law pertaining to elections;

15 (23) Violation of any of the provisions of sections 115.275
16 to 115.303, or of any provision of law pertaining to absentee
17 voting;

18 (24) Assisting a person to vote knowing such person is not
19 legally entitled to such assistance, or while assisting a person
20 to vote who is legally entitled to such assistance, in any manner
21 coercing, requesting or suggesting that the voter vote for or
22 against, or refrain from voting on any question, ticket or
23 candidate;

24 (25) Engaging in any act of violence, destruction of
25 property having a value of five hundred dollars or more, or
26 threatening an act of violence with the intent of denying a
27 person's lawful right to vote or to participate in the election
28 process; and

1 (26) Knowingly providing false information about election
2 procedures for the purpose of preventing any person from going to
3 the polls.

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

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

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

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

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

1 fees, or emolument as an inducement to voters;

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

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

18 (7) On the part of any person authorized or employed to
19 print official ballots, or any person employed in printing
20 ballots, giving, delivering, or knowingly permitting to be taken
21 any ballot to or by any person other than the official under
22 whose direction the ballots are being printed, any ballot in any
23 form other than that prescribed by law, or with unauthorized
24 names, with names misspelled, or with the names of candidates
25 arranged in any way other than that authorized by law;

26 (8) On the part of any election authority or official
27 charged by law with the duty of distributing the printed ballots,
28 or any person acting on his or her behalf, knowingly distributing

1 or causing to be distributed any ballot in any manner other than
2 that prescribed by law;

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

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

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

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

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

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

28 (15) On the part of any election judge, disclosing to any

1 person the name of any candidate for whom a voter has voted;

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

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

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

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

1 115.641. Any duty or requirement imposed by [sections
2 115.001 to 115.641 and sections 51.450 and 51.460] the provisions
3 of this chapter which is not fulfilled and for which no other or
4 different punishment is prescribed shall constitute a class four
5 election offense.

6 115.642. 1. Any person may file a complaint with the
7 secretary of state stating the name of any person who has
8 violated any of the provisions of sections 115.629 to 115.646 and
9 stating the facts of the alleged offense, sworn to, under penalty
10 of perjury.

11 2. Within thirty days of receiving a complaint, the
12 secretary of state shall notify the person filing the complaint
13 whether or not the secretary has dismissed the complaint or will
14 commence an investigation. The secretary of state shall dismiss
15 frivolous complaints. For purposes of this subsection,
16 "frivolous complaint" shall mean an allegation clearly lacking
17 any basis in fact or law. Any person who makes a frivolous
18 complaint pursuant to this section shall be liable for actual and
19 compensatory damages to the alleged violator for holding the
20 alleged violator before the public in a false light. If
21 reasonable grounds appear that the alleged offense was committed,
22 the secretary of state may issue a probable cause statement. If
23 the secretary of state issues a probable cause statement, he or
24 she may refer the offense to the appropriate prosecuting
25 attorney.

26 [2.] 3. Notwithstanding the provisions of section 27.060,
27 56.060, or 56.430 to the contrary, when requested by the
28 prosecuting attorney or circuit attorney, the secretary of state

1 or his or her authorized representatives may aid any prosecuting
2 attorney or circuit attorney in the commencement and prosecution
3 of election offenses as provided in sections 115.629 to 115.646.

4 [3.] 4. The secretary of state may investigate any
5 suspected violation of any of the provisions of sections 115.629
6 to 115.646.

7 115.910. 1. A covered voter who is registered to vote in
8 this state may apply for a military-overseas ballot using either
9 the application for absentee ballot under section 115.279 or the
10 federal postcard application or the application's electronic
11 equivalent.

12 2. A covered voter who is not registered to vote in this
13 state may use a federal postcard application or the application's
14 electronic equivalent to apply simultaneously to register to vote
15 under section 115.908 and for a military-overseas ballot.

16 3. The secretary of state shall ensure that the electronic
17 transmission system described in section 115.906 is capable of
18 accepting the submission of both a federal postcard application
19 and any other approved electronic military-overseas ballot
20 application sent to the appropriate election official. The voter
21 may use the electronic transmission system or any other approved
22 method to apply for a military-overseas ballot.

23 4. A covered voter may use the declaration accompanying a
24 federal write-in absentee ballot as an application for a
25 military-overseas ballot simultaneously with the submission of
26 the federal write-in absentee ballot, if the declaration is
27 received by the appropriate election official by 5:00 p.m. on the
28 second Wednesday immediately prior to the election.

1 5. To receive the benefits of sections 115.900 to 115.936,
2 a covered voter shall inform the election authority that the
3 voter is a covered voter. Methods of informing the election
4 authority that a voter is a covered voter include:

5 (1) The use of a federal postcard application or federal
6 write-in absentee ballot;

7 (2) The use of an overseas address on an approved voter
8 registration application or ballot application; or

9 (3) The inclusion on an approved voter registration
10 application or ballot application of other information sufficient
11 to identify the voter as a covered voter.

12 162.441. 1. If any school district desires to be attached
13 to a community college district organized under sections 178.770
14 to 178.890 or to one or more adjacent seven-director school
15 districts for school purposes, upon the receipt of a petition
16 setting forth such fact, signed either by voters of the district
17 equal in number to ten percent of those voting in the last school
18 election at which school board members were elected or by a
19 majority of the voters of the district, whichever is the lesser,
20 the school board of the district desiring to be so attached shall
21 submit the question to the voters.

22 2. As an alternative to the procedure in subsection 1 of
23 this section, a seven-director district may, by a majority vote
24 of its board of education, propose a plan to the voters of the
25 district to attach the district to one or more adjacent
26 seven-director districts and call [for] an election upon the
27 question of such plan.

28 3. As an alternative to the procedures in subsection 1 or 2

1 of this section, a community college district organized under
2 sections 178.770 to 178.890 may, by a majority vote of its board
3 of trustees, propose a plan to the voters of the school district
4 to attach the school district to the community college district,
5 levy the tax rate applicable to the community college district at
6 the time of the vote of the board of trustees, and call an
7 election upon the question of such plan. The community college
8 district shall be responsible for the costs associated with the
9 election.

10 4. A plat of the proposed changes to all affected districts
11 shall be published and posted with the notice of election.

12 [4.] 5. The question shall be submitted in substantially
13 the following form:

14 Shall the _____ school district be annexed to the _____
15 school districts effective the _____ day of _____, _____?

16 [5.] 6. If a majority of the votes cast in the district
17 proposing annexation favor annexation, the secretary shall
18 certify the fact, with a copy of the record, to the board of the
19 district and to the boards of the districts to which annexation
20 is proposed; whereupon the boards of the seven-director districts
21 to which annexation is proposed shall meet to consider the
22 advisability of receiving the district or a portion thereof, and
23 if a majority of all the members of each board favor annexation,
24 the boundary lines of the seven-director school districts from
25 the effective date shall be changed to include the district, and
26 the board shall immediately notify the secretary of the district
27 which has been annexed of its action.

28 [6.] 7. Upon the effective date of the annexation, all

1 indebtedness, property and money on hand belonging thereto shall
2 immediately pass to the seven-director school district. If the
3 district is annexed to more than one district, the provisions of
4 sections 162.031 and 162.041 shall apply.

5 [115.001. Sections 115.001 to 115.641 and
6 sections 51.450 and 51.460 shall be known as the
7 "Comprehensive Election Act of 1977".]
8

9 [115.002. Sections 115.002, 115.024, 115.105,
10 115.124, 115.159, 115.163, 115.203, 115.205, 115.219,
11 115.225, 115.237, 115.247, 115.249, 115.427, 115.430,
12 115.431, 115.439, 115.445, 115.449, 115.453, 115.456,
13 and 115.631, may be cited as the "Missouri Voter
14 Protection Act".]
15

16 [115.009. The effective date of sections 115.001
17 to 115.641 and sections 51.450 and 51.460 shall be
18 January 1, 1978. Any amendment made to a provision
19 repealed by sections 115.001 to 115.641 and sections
20 51.450 and 51.460 shall remain in force only until
21 January 1, 1978.]
22

23 [115.061. 1. When any question or candidate is
24 submitted to a vote of all voters in the state and no
25 other question or candidate is submitted at the same
26 election, all costs of the election shall be paid from
27 the general revenue of the state.

28 2. After an audit by the commissioner of
29 administration, the state treasurer shall pay the
30 amounts claimed by and due the respective counties and
31 cities out of moneys appropriated by the general
32 assembly for the purpose.]
33
34

35 Section B. The repeal and reenactment of sections 115.003,
36 115.005, 115.007, 115.013, 115.023, 115.049, 115.125, 115.127,
37 115.155, 115.177, 115.225, 115.227, 115.243, 115.247, 115.279,
38 115.284, 115.287, 115.299, 115.329, 115.335, 115.359, 115.361,
39 115.363, 115.373, 115.379, 115.421, 115.429, 115.453, 115.507,
40 115.515, 115.629, 115.631, 115.637, 115.641, 115.642, and
41 115.910, and the repeal of sections 115.001, 115.002, 115.009,
42 and 115.493 shall become effective November 7, 2018.

1 Section C. The repeal of section 115.061 and the repeal and
2 reenactment of sections 115.063, 115.065, 115.077, and 115.078
3 shall become effective January 1, 2019.