

FIRST REGULAR SESSION

SENATE BILL NO. 346

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

1277S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 115.127, 115.205, 115.284, 115.427, 115.430, and 115.637, RSMo, and to enact in lieu thereof seven new sections relating to elections, with a penalty provision.

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

Section A. Sections 115.127, 115.205, 115.284, 115.427, 115.430, and 115.637, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 115.127, 115.205, 115.284, 115.427, 115.430, 115.637, and 115.638, to read as follows:

115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice of a special election to fill a vacancy submitted pursuant to subsection 2 of section 115.125, the election authority shall cause legal notice of the special election to be published in a newspaper of general circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the election, the date and time of the election, the name of the office to be filled and the date by which candidates must be selected or filed for the office. Within one week prior to each special election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to be published in two newspapers of different political faith and general circulation in the jurisdiction. The legal notice shall include the date and time of the election, the name of the

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

17 officer or agency calling the election and a sample ballot.
18 If there is only one newspaper of general circulation in the
19 jurisdiction, the notice shall be published in the newspaper
20 within one week prior to the election. If there are two or
21 more newspapers of general circulation in the jurisdiction,
22 but no two of opposite political faith, the notice shall be
23 published in any two of the newspapers within one week prior
24 to the election.

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

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

56 4. In lieu of causing legal notice to be published in
57 accordance with any of the provisions of this chapter, the
58 election authority in jurisdictions which have less than
59 seven hundred fifty registered voters and in which no
60 newspaper qualified pursuant to chapter 493 is published,
61 may cause legal notice to be mailed during the second week
62 prior to the election, by first class mail, to each
63 registered voter at the voter's voting address. All such
64 legal notices shall include the date and time of the
65 election, the location of the polling place, the name of the
66 officer or agency calling the election and a sample ballot.

67 5. If the opening date for filing a declaration of
68 candidacy for any office in a political subdivision or
69 special district is not required by law or charter, the
70 opening filing date shall be 8:00 a.m., the seventeenth
71 Tuesday prior to the election. If the closing date for
72 filing a declaration of candidacy for any office in a
73 political subdivision or special district is not required by
74 law or charter, the closing filing date shall be 5:00 p.m.,
75 the fourteenth Tuesday prior to the election **or, if the**
76 **fourteenth Tuesday prior to the election is a holiday, the**
77 **closing filing date shall be 5:00 p.m., on the next day that**
78 **is not a holiday.** The political subdivision or special
79 district calling an election shall, before the seventeenth

80 Tuesday, prior to any election at which offices are to be
81 filled, notify the general public of the opening filing
82 date, the office or offices to be filled, the proper place
83 for filing and the closing filing date of the election.

84 Such notification may be accomplished by legal notice
85 published in at least one newspaper of general circulation
86 in the political subdivision or special district.

87 6. Except as provided for in sections 115.247 and
88 115.359, if there is no additional cost for the printing or
89 reprinting of ballots or if the candidate agrees to pay any
90 printing or reprinting costs, a candidate who has filed for
91 an office or who has been duly nominated for an office may,
92 at any time after the certification of the notice of
93 election required in subsection 1 of section 115.125 but no
94 later than 5:00 p.m. on the eighth Tuesday before the
95 election, withdraw as a candidate pursuant to a court order,
96 which, except for good cause shown by the election authority
97 in opposition thereto, shall be freely given upon
98 application by the candidate to the circuit court of the
99 area of such candidate's residence.

115.205. 1. No person shall be paid or otherwise
2 compensated for soliciting voter registration applications,
3 other than a governmental entity or a person who is paid or
4 compensated by a governmental entity for such solicitation.
5 A voter registration solicitor, **other than a governmental**
6 **entity or a person who is paid or compensated by a**
7 **governmental entity for such solicitation**, who solicits more
8 than ten voter registration applications shall register for
9 every election cycle that begins on the day after the
10 general election and ends on the day of the general election
11 two years later. A voter registration solicitor shall be at

12 least eighteen years of age and shall be a registered voter
13 in the state of Missouri.

14 2. Each voter registration solicitor shall provide the
15 following information in writing to the secretary of state's
16 office:

17 (1) The name of the voter registration solicitor;

18 (2) The residential address, including street number,
19 city, state, and zip code;

20 (3) The mailing address, if different from the
21 residential address; and

22 (4) The signature of the voter registration solicitor.

23 3. The solicitor information required in subsection 2
24 of this section shall be submitted to the secretary of
25 state's office with the following oath and affirmation:

26 "I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF
27 PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE
28 AND CORRECT."

29 4. Any voter registration solicitor who knowingly
30 fails to register with the secretary of state is guilty of a
31 class three election offense. Voter registration
32 applications shall be accepted by the election authority if
33 such applications are otherwise valid, even if the voter
34 registration solicitor who procured the applications fails
35 to register with or submits false information to the
36 secretary of state.

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

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

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

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

14 State of _____

15 County (City) of _____

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

25 _____

26 Signature of Voter

27 _____

28 _____

29 Voter's Address

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

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

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

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

45 (2) Dies;

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

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

50 **7. All lists of applications under this section shall**
51 **be kept confidential to the extent that such lists of**
52 **applications shall not be posted or displayed in any area**
53 **open to the general public, nor shall such lists of**
54 **applications be shown to any person who is not entitled to**
55 **see such lists of applications, pursuant to any other**
56 **provisions of law.**

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

13 (1) Nonexpired Missouri driver's license;

14 (2) Nonexpired or nonexpiring Missouri nondriver's
15 license;

16 (3) A document that satisfies all of the following
17 requirements:

18 (a) The document contains the name of the individual
19 to whom the document was issued, and the name substantially
20 conforms to the most recent signature in the individual's
21 voter registration record;

22 (b) The document shows a photograph of the individual;

23 (c) The document includes an expiration date, and the
24 document is not expired, or, if expired, the document
25 expired after the date of the most recent general election;
26 and

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

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

36 2. (1) An individual who appears at a polling place
37 without a form of personal identification described in
38 subsection 1 of this section and who is otherwise qualified
39 to vote at that polling place shall be allowed to cast a
40 provisional ballot. The election judges shall make a
41 notation on the provisional ballot envelope to indicate that
42 the voter's identity was not verified.

43 (2) **For an individual requesting an absentee ballot in**
44 **person, such individual shall be entitled to cast a**
45 **provisional ballot if the individual appears to vote without**

46 **a form of personal identification described in subsection 1**
47 **of this section and is otherwise qualified to vote.**

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

54 [(3)] (4) The provisional ballot envelope shall be
55 completed by the voter for use in determining the voter's
56 eligibility to cast a ballot.

57 3. The provisional ballot envelope shall provide a
58 place for the voter's name, address, date of birth, and last
59 four digits of his or her Social Security number, followed
60 by a certificate in substantially the following form:

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

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

68 a. Nonexpired Missouri driver's license;

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

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

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

76 (ii) The document contains my photograph;

77 (iii) The document contains an expiration date
78 and is not expired, or if expired, the document

79 expired after the date of the most recent general
80 election; and

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

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

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

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

99 _____

100 Signature of Voter Date

101 _____

102 Signature of Election Officials

103 Once voted, the provisional ballot shall be sealed in the
104 provisional ballot envelope and placed in a separate secured
105 container by the election judge.

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

108 (1) (a) The voter returns to the polling place during
109 the uniform polling hours established by section 115.407 and
110 provides a form of personal identification that allows the

111 election judges to verify the voter's identity as provided
112 in subsection 1 of this section; or

113 (b) The election authority verifies the identity of
114 the individual by comparing that individual's signature to
115 the signature on file with the election authority and
116 determines that the individual was eligible to cast a ballot
117 at the polling place where the ballot was cast; and

118 (2) The provisional ballot otherwise qualifies to be
119 counted under section 115.430.

120 5. The secretary of state shall provide notice of the
121 personal photo identification requirements described in
122 subsection 1 of this section on the official state internet
123 website of the secretary of state.

124 6. (1) Notwithstanding the provisions of section
125 136.055 and section 302.181 to the contrary, the state and
126 all fee offices shall provide one nondriver's license at no
127 cost to any otherwise qualified voter who does not already
128 possess such identification and who desires the
129 identification for voting.

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

135 (a) A birth certificate;

136 (b) A marriage license or certificate;

137 (c) A divorce decree;

138 (d) A certificate of decree of adoption;

139 (e) A court order changing the person's name;

140 (f) A Social Security card reflecting an updated name;

141 and

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

144 Any individual seeking one of the above documents in order
145 to obtain a form of personal photo identification described
146 in subsection 1 of this section for voting may request the
147 secretary of state to facilitate the acquisition of such
148 documents. The secretary of state shall pay any fee or fees
149 charged by another state or its agencies, or any court of
150 competent jurisdiction in this state or any other state, or
151 the federal government or its agencies, in order to obtain
152 any of the above documents from such state or the federal
153 government.

154 (3) Any applicant who requests a nondriver's license
155 for voting shall not be required to pay a fee. The state of
156 Missouri shall pay the legally required fees for any such
157 applicant. The department of revenue and a local election
158 authority may enter into a contract that allows the local
159 election authority to assist the department in issuing
160 nondriver's license photo identifications.

161 7. The director of the department of revenue shall, by
162 January first of each year, prepare and deliver to each
163 member of the general assembly a report documenting the
164 number of individuals who have requested and received a
165 nondriver's license photo identification for the purposes of
166 voting under this section. The report shall also include
167 the number of persons requesting a nondriver's license for
168 purposes of voting under this section, but not receiving
169 such license, and the reason for the denial of the
170 nondriver's license.

171 8. The precinct register shall serve as the voter
172 identification certificate. The following form shall be
173 printed at the top of each page of the precinct register:

174 VOTER'S IDENTIFICATION CERTIFICATE

175 Warning: It is against the law for anyone to vote,
176 or attempt to vote, without having a lawful right
177 to vote.

178 PRECINCT

179 WARD OR TOWNSHIP _____

180 GENERAL (SPECIAL, PRIMARY) ELECTION

181 Held _____, 20_____

182 Date

183 I hereby certify that I am qualified to vote at
184 this election by signing my name and verifying my
185 address by signing my initials next to my address.

186 9. The secretary of state shall promulgate rules to
187 effectuate the provisions of this section.

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

200 11. If any voter is unable to sign his name at the
201 appropriate place on the certificate or computer printout,

202 an election judge shall print the name and address of the
203 voter in the appropriate place on the precinct register, the
204 voter shall make his mark in lieu of signature, and the
205 voter's mark shall be witnessed by the signature of an
206 election judge.

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

6 2. (1) A voter claiming to be properly registered in
7 the jurisdiction of the election authority and eligible to
8 vote in an election, but whose eligibility at that precinct
9 cannot be immediately established upon examination of the
10 precinct register, shall be entitled to vote a provisional
11 ballot after providing a form of personal identification
12 required pursuant to section 115.427 or upon executing an
13 affidavit under section 115.427, or may vote at a central
14 polling place as established in section 115.115 where the
15 voter may vote his or her appropriate ballot for his or her
16 precinct of residence upon verification of eligibility or
17 vote a provisional ballot if eligibility cannot be
18 determined. The provisional ballot provided to a voter
19 under this section shall be the ballot provided to a
20 resident of the voter's precinct determined by reference to
21 the affidavit provided for in this section. If the voter
22 declares that the voter is eligible to vote and the election
23 authority determines that the voter is eligible to vote at
24 another polling place, the voter shall be directed to the
25 correct polling place or a central polling place as
26 established by the election authority pursuant to subsection
27 5 of section 115.115. If the voter refuses to go to the

28 correct polling place or a central polling place, the voter
29 shall be permitted to vote a provisional ballot at the
30 incorrect polling place, but such ballot shall not be
31 counted if the voter was not eligible to vote at that
32 polling place.

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

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

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

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

60 cast at a polling place shall be counted only if the voter
61 was eligible to vote at such polling place as provided in
62 subsection 5 of this section.

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

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

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

77 (2) The secretary of state shall produce appropriate
78 sizes of provisional ballot envelopes and distribute them to
79 each election authority according to their tabulating
80 system. All provisional ballot envelopes shall be printed
81 on a distinguishable color of paper that is different from
82 the color of the regular ballot. The provisional ballot
83 envelope shall be in the form required by subsection 4 of
84 this section. All provisional ballots shall be marked with
85 a conspicuous stamp or other distinguishing mark that makes
86 them readily distinguishable from the regular ballots.

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

89 4. The provisional ballot in its envelope shall be
90 deposited in the ballot box. The provisional ballot
91 envelope shall be completed by the voter for use in

92 determining eligibility. The provisional ballot envelope
93 specified in this section shall contain a voter's
94 certificate which shall be in substantially the following
95 form:

96 STATE OF _____

97 COUNTY OF _____

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

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

114 _____

115 (Signature of Voter)

116 _____

117 (Current Address)

118 Subscribed and affirmed before me this _____ day
119 of _____, 20_____

120 _____

121 (Signature of Election Official)

122 The voter may provide additional information to further
123 assist the election authority in determining eligibility,

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

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

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

139 (b) The individual who cast the provisional ballot is
140 an individual registered to vote in the respective election
141 at the polling place where the ballot was cast;

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

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

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

156 provisional voter eligibility. The sealed provisional
157 ballot envelopes shall be placed by the team in a sealed
158 container and shall remain therein until tabulation.

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

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

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

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

184 (6) If the election authority determines that the
185 provisional voter is not registered or eligible to vote in
186 the election, the election authority shall provide
187 documentation verifying the voter's ineligibility. Such

188 documentation shall be noted on the copy of the provisional
189 ballot envelope and shall contain substantially the
190 following information:

191 (a) The name of the provisional voter;

192 (b) The name of the reviewer;

193 (c) The date and time;

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

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

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

205 6. All provisional ballots cast by voters whose
206 eligibility has been verified as provided in this section
207 shall be counted in accordance with the rules governing
208 ballot tabulation. Provisional ballots shall not be counted
209 until all provisional ballots are determined either eligible
210 or ineligible and all provisional ballots must be processed
211 before the election is certified. The provisional ballot
212 shall be counted only if the election authority determines
213 that the voter is registered and eligible to vote.

214 Provisional ballots voted in the wrong polling place shall
215 not be counted. If the voter is not registered but is
216 qualified to register for future elections, the affidavit
217 shall be considered a mail-in application to register to
218 vote pursuant to this chapter.

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

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

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

248 (4) The votes shall be tallied and the returns made as
249 provided in sections 115.447 to 115.525 for paper ballots.
250 After the vote on all ballots assigned to a team have been

251 counted, the ballots, ballot envelopes, and copies of ballot
252 envelopes with the eligibility information provided by the
253 election authority shall be enclosed in sealed containers
254 marked "Voted provisional ballots and ballot envelopes from
255 the election held _____, 20____". All rejected
256 provisional ballots, ballot envelopes, and copies of ballot
257 envelopes with the eligibility information provided by the
258 election authority shall be enclosed in sealed containers
259 marked "Rejected provisional ballots and ballot envelopes
260 from the election held _____, 20____". On the outside of
261 each voted ballot and rejected ballot container, each member
262 of the team shall write their name and all such containers
263 shall be returned to the election authority. Upon receipt
264 of the returns and ballots, the election authority shall
265 tabulate the provisional votes.

266 8. Challengers and watchers, as provided by sections
267 115.105 and 115.107, may be present during all times that
268 the bipartisan counting teams are reviewing or counting the
269 provisional ballots, the provisional ballot envelopes, or
270 copies of the provisional ballot envelopes that include
271 eligibility information provided by the election authority.
272 Challengers and watchers shall be permitted to observe the
273 determination of the eligibility of all provisional
274 ballots. The election authority shall notify the county
275 chair of each major political party of the time and location
276 when bipartisan counting teams will be reviewing or counting
277 the provisional ballots, the provisional ballot envelopes,
278 or the copies of the provisional ballot envelopes that
279 include the eligibility information provided by the election
280 authority.

281 9. The certificate of ballot cards shall:

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

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

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

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

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

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

310 14. In accordance with the Help America Vote Act of
311 2002, any individual who votes in an election as a result of
312 a court order or any other order extending the time
313 established for closing the polls in section 115.407 may

314 vote only by using a provisional ballot, and such
315 provisional ballot shall be separated and held apart from
316 other provisional ballots cast by those not affected by the
317 order. Such ballots shall not be counted until such time as
318 the ballots are determined to be valid. No state court
319 shall have jurisdiction to extend the polling hours
320 established by law, including section 115.407.

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

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

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

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

24 (4) On the part of any candidate for election to any
25 office of honor, trust, or profit, offering or promising to

26 discharge the duties of such office for a less sum than the
27 salary, fees, or emoluments as fixed by law or promising to
28 pay back or donate to any public or private interest any
29 portion of such salary, fees, or emolument as an inducement
30 to voters;

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

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

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

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

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

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

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

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

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

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

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

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

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

100 (18) Exit polling, surveying, sampling,
101 electioneering, distributing election literature, posting
102 signs or placing vehicles bearing signs with respect to any
103 candidate or question to be voted on at an election [on
104 election day] inside the building in which a polling place
105 is located **on election day or during the absentee voting**
106 **period** or within [twenty-five] **seventy-five** feet of the
107 building's outer door closest to the polling place **on**
108 **election day or during the absentee voting period**, or, on
109 the part of any person, refusing to remove or permit removal
110 from property owned or controlled by such person, any such
111 election sign or literature located within such distance on
112 such day after request for removal by any person;

113 (19) Stealing or willfully defacing, mutilating, or
114 destroying any campaign yard sign on private property,
115 except that this subdivision shall not be construed to
116 interfere with the right of any private property owner to
117 take any action with regard to campaign yard signs on the
118 owner's property and this subdivision shall not be construed
119 to interfere with the right of any candidate, or the
120 candidate's designee, to remove the candidate's campaign

121 yard sign from the owner's private property after the
122 election day.

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

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

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

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

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

17 (5) Disseminates through any means, including by
18 posting on the internet, the personal information of an
19 election official or any member of an election official's
20 family.

21 2. The offense of tampering with an election official
22 shall be a class D felony. If a violation of this section
23 results in death or bodily injury to an election official or
24 a member of the official's family, the offense shall be a
25 class B felony.

26 3. For purposes of this section, the following terms
27 mean:

28 (1) "Election official", includes election judges,
29 challengers, watchers, and other volunteers or employees of
30 an election authority;

31 (2) "Personal information", includes a home address,
32 home telephone number, mobile telephone number, personal
33 email address, Social Security number, federal tax
34 identification number, checking and savings account numbers,
35 credit card numbers, marital status, or identity of a child
36 under eighteen years of age.

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