

FIRST REGULAR SESSION

SENATE BILL NO. 392

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

1372S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 115.137, 115.168, 115.225, 115.249, 115.279, 115.287, 115.327, 115.349, 115.351, 115.363, 115.395, 115.397, 115.409, and 115.429, RSMo, and to enact in lieu thereof fifteen new sections relating to elections, with an effective date for certain sections.

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

Section A. Sections 115.137, 115.168, 115.225, 115.249, 2 115.279, 115.287, 115.327, 115.349, 115.351, 115.363, 115.395, 3 115.397, 115.409, and 115.429, RSMo, are repealed and fifteen 4 new sections enacted in lieu thereof, to be known as sections 5 115.137, 115.168, 115.225, 115.249, 115.279, 115.287, 115.327, 6 115.349, 115.351, 115.363, 115.395, 115.397, 115.398, 115.409, 7 and 115.429, to read as follows:

115.137. 1. Except as provided in subsection 2 of 2 this section, any citizen who is entitled to register and 3 vote shall be entitled to register for and vote pursuant to 4 the provisions of this chapter in all statewide public 5 elections and all public elections held for districts and 6 political subdivisions within which he resides.

7 2. Any person who and only persons who fulfill the 8 ownership requirements shall be entitled to vote in 9 elections for which ownership of real property is required 10 by law for voting.

11 **3. Notwithstanding any other provision of law to the**
12 **contrary, no person shall be entitled to vote in a primary**

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

13 election of an established political party unless he or she
14 is affiliated with such party, as evidenced by his or her
15 voter registration.

115.168. 1. (1) If a registered voter chooses to
2 change his or her political party affiliation, the voter may
3 notify the election authority of such change. Any change of
4 political party affiliation shall be made by signed, written
5 notice in substantially the same manner as a change of
6 address application is filed under section 115.165.

7 (2) Beginning January 1, 2025, if a registered voter
8 changes his or her political party affiliation within twenty-
9 three weeks of a primary election of an established
10 political party, the voter's change of affiliation shall not
11 be applied by the election authority to his or her voter
12 registration until after such election. A registered voter
13 may only vote in the primary election of the established
14 political party with which he or she was affiliated on the
15 twenty-third Tuesday before such election.

16 (3) Beginning January 1, 2025, notwithstanding any
17 provision of this section to the contrary, any person who
18 was not previously registered to vote in this state who
19 submits a voter registration application by 5:00 p.m. on the
20 fourth Wednesday prior to the primary election of an
21 established political party may choose a political party
22 affiliation or unaffiliation and may vote in such election.

23 (4) Any person who was registered to vote in this
24 state as of August 28, 2023, who has not declared a
25 political party affiliation on his or her voter registration
26 shall be considered by the election authority to be
27 unaffiliated with an established political party unless such
28 person chooses to vote in a primary election of an
29 established political party, in which case the election

30 **authority shall make a notation on such person's voter**
31 **registration pursuant to section 115.398.**

32 2. For purposes of this section, the phrase "change
33 his or her political party affiliation" shall mean changing
34 affiliation from one established political party to another
35 established political party, changing from affiliation with
36 an established political party to unaffiliated, or changing
37 from unaffiliated to affiliation with an established
38 political party.

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

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

- 9 (1) Permits voting in absolute secrecy;
- 10 (2) Permits each voter to vote for as many candidates
11 for each office as a voter is lawfully entitled to vote for;
- 12 (3) Permits each voter to vote for or against as many
13 questions as a voter is lawfully entitled to vote on, and no
14 more;
- 15 (4) Provides facilities for each voter to cast as many
16 write-in votes for each office as a voter is lawfully
17 entitled to cast;
- 18 (5) Permits each voter in a primary election to vote
19 for the candidates of only one party [announced by the voter
20 in advance];
- 21 (6) Permits each voter at a presidential election to
22 vote by use of a single mark for the candidates of one party

23 or group of petitioners for president, vice president and
24 their presidential electors;

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

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

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

32 (10) Has been tested and is certified by an
33 independent authority that meets the voting system standards
34 developed by the Federal Election Commission or its
35 successor agency. The provisions of this subdivision shall
36 not be required for any system purchased prior to August 28,
37 2002.

38 3. The secretary of state shall promulgate rules and
39 regulations to allow the use of a computerized voting
40 system. The procedures shall provide for the use of a
41 computerized voting system with the ability to provide a
42 paper audit trail. Notwithstanding any provisions of this
43 chapter to the contrary, such a system may allow for the
44 storage of processed ballot materials in an electronic form.

45 4. Any rule or portion of a rule, as that term is
46 defined in section 536.010, that is created under the
47 authority delegated in this section shall become effective
48 only if it complies with and is subject to all of the
49 provisions of chapter 536 and, if applicable, section
50 536.028. This section and chapter 536 are nonseverable and
51 if any of the powers vested with the general assembly
52 pursuant to chapter 536 to review, to delay the effective
53 date or to disapprove and annul a rule are subsequently held
54 unconstitutional, then the grant of rulemaking authority and

55 any rule proposed or adopted after August 28, 2002, shall be
56 invalid and void.

57 5. If any election authority uses any touchscreen
58 direct-recording electronic vote-counting machine, the
59 election authority may continue to use such machine. Upon
60 the removal of such voting machine from the election
61 authority's inventory because of mechanical malfunction,
62 wear and tear, or any other reason, the machine shall not be
63 replaced and no additional direct-recording electronic vote-
64 counting machine shall be added to the election authority's
65 inventory. Such machines shall not be used beginning
66 January 1, 2024. Equipment that is designed for
67 accessibility shall provide a paper ballot audit trail.

68 6. (1) Each election authority that controls its own
69 information technology department shall, once every two
70 years, allow a cyber security review of their office by the
71 secretary of state or alternatively by an entity that
72 specializes in cyber security reviews. Each political
73 subdivision that controls the information technology
74 department for an election authority shall, once every two
75 years, allow a cyber security review of the information
76 technology department by the secretary of state or
77 alternatively by an entity that specializes in cyber
78 security reviews. The secretary of state shall, once every
79 two years, allow a cyber security review of its office by an
80 entity that specializes in cyber security reviews. For
81 purposes of this section, an entity specializes in cyber
82 security review if it employs one or more individuals who:

83 (a) Have at least five years management experience in
84 information security or five years' experience as an
85 information security analyst;

86 (b) Have worked in at least two of the domains listed
87 in paragraph (c) of this subdivision that are covered in the
88 exam required by such paragraph; and

89 (c) Have attained an information security
90 certification by passing an exam that covers at least three
91 of the following topics:

- 92 a. Information technology risk management,
93 identification, mitigation, and compliance;
94 b. Information security incident management;
95 c. Information security program development and
96 management;
97 d. Risk and control monitoring and reporting;
98 e. Access control systems and methodology;
99 f. Business continuity planning and disaster recovery
100 planning;
101 g. Physical security of election authority property;
102 h. Networking security; or
103 i. Security architecture application and systems
104 development.

105 (2) If an election authority or political subdivision
106 fails to have a cyber security review as required by this
107 subsection, the secretary of state may publish a notice of
108 noncompliance in a newspaper within the jurisdiction of the
109 election authority or in electronic format. The secretary
110 of state is also authorized to withhold funds from an
111 election authority in violation of this section unless such
112 funding is a federal mandate or part of a federal and state
113 agreement.

114 7. The secretary of state shall have authority to
115 require cyber security testing, including penetration
116 testing, of vendor machines, programs, and systems. Failure
117 to participate in such testing shall result in a revocation

118 of vendor certification. Upon notice from another
119 jurisdiction of cyber security failures or certification
120 withholds or revocation, the secretary of state shall have
121 authority to revoke or withhold certification for vendors.
122 The requirements of this section shall be subject to
123 appropriation for the purpose of cyber security testing.

124 8. The secretary of state may designate an
125 organization of which each election authority shall be a
126 member, provided there is no membership fee and the
127 organization provides information to increase cyber security
128 and election integrity efforts.

129 9. All audits required by subsection 6 of this section
130 that are conducted by the secretary of state shall be solely
131 paid for by state and federal funding.

115.249. No voting machine shall be used unless it:

2 (1) Permits voting in absolute secrecy;

3 (2) Permits each voter to vote for as many candidates
4 for each office as he is lawfully entitled to vote for, and
5 no other;

6 (3) Permits each voter to vote for or against as many
7 questions as he is lawfully entitled to vote on, and no more;

8 (4) Provides facilities for each voter to cast as many
9 write-in votes for each office as he is lawfully entitled to
10 cast;

11 (5) Permits each voter in a primary election to vote
12 for the candidates of only one party [announced by the voter
13 in advance];

14 (6) Correctly registers or records and accurately
15 counts all votes cast for each candidate and for and against
16 each question;

17 (7) Is provided with a lock or locks which prevent any
18 movement of the voting or registering mechanism and any
19 tampering with the mechanism;

20 (8) Is provided with a protective counter or other
21 device whereby any operation of the machine before or after
22 an election will be detected;

23 (9) Is provided with a counter which shows at all
24 times during the election how many people have voted on the
25 machine;

26 (10) Is provided with a proper light which enables
27 each voter, while voting, to clearly see the ballot labels.

115.279. 1. Application for an absentee ballot may be
2 made by the applicant in person, or by mail, or for the
3 applicant, in person, by his or her guardian or a relative
4 within the second degree by consanguinity or affinity. The
5 election authority shall accept applications by facsimile
6 transmission and by electronic mail within the limits of its
7 telecommunications capacity.

8 2. Notwithstanding section 115.284, no individual,
9 group, or party shall solicit a voter into obtaining an
10 absentee ballot application. Absentee ballot applications
11 shall not have the information prefilled prior to it being
12 provided to a voter. Nothing in this section shall be
13 interpreted to prohibit a state or local election authority
14 from assisting an individual voter.

15 3. Each application shall be made to the election
16 authority of the jurisdiction in which the person is or
17 would be registered. Each application shall be in writing
18 and shall state the applicant's name, address at which he or
19 she is or would be registered, his or her reason for voting
20 an absentee ballot, the address to which the ballot is to be
21 mailed, if mailing is requested, and for absent uniformed

22 services and overseas applicants, the applicant's email
23 address if electronic transmission is requested. If the
24 reason for the applicant voting absentee is due to the
25 reasons established under subdivision (6) of subsection 3 of
26 section 115.277, the applicant shall state the voter's
27 identification information provided by the address
28 confidentiality program in lieu of the applicant's name,
29 address at which he or she is or would be registered, and
30 address to which the ballot is to be mailed, if mailing is
31 requested. [Each application to vote in a primary election
32 shall also state which ballot the applicant wishes to
33 receive. If any application fails to designate a ballot,
34 the election authority shall, within three working days
35 after receiving the application, notify the applicant by
36 mail that it will be unable to deliver an absentee ballot
37 until the applicant designates which political party ballot
38 he or she wishes to receive. If the applicant does not
39 respond to the request for political party designation, the
40 election authority is authorized to provide the voter with
41 that part of the ballot for which no political party
42 designation is required.]

43 4. All applications for absentee ballots received
44 prior to the sixth Tuesday before an election shall be
45 stored at the office of the election authority until such
46 time as the applications are processed in accordance with
47 section 115.281. No application for an absentee ballot
48 received in the office of the election authority by mail, by
49 facsimile transmission, by electronic mail, or by a guardian
50 or relative after 5:00 p.m. on the second Wednesday
51 immediately prior to the election shall be accepted by any
52 election authority. No application for an absentee ballot
53 submitted by the applicant in person after 5:00 p.m. on the

54 day before the election shall be accepted by any election
55 authority, except as provided in subsections 7, 8, and 9 of
56 this section.

57 5. Each application for an absentee ballot shall be
58 signed by the applicant or, if the application is made by a
59 guardian or relative pursuant to this section, the
60 application shall be signed by the guardian or relative, who
61 shall note on the application his or her relationship to the
62 applicant. If an applicant, guardian or relative is blind,
63 unable to read or write the English language or physically
64 incapable of signing the application, he or she shall sign
65 by mark, witnessed by the signature of an election official
66 or person of his or her own choosing. Any person who
67 knowingly makes, delivers or mails a fraudulent absentee
68 ballot application shall be guilty of a class one election
69 offense.

70 6. (1) Notwithstanding any law to the contrary, any
71 resident of the state of Missouri who resides outside the
72 boundaries of the United States or who is on active duty
73 with the Armed Forces of the United States or members of
74 their immediate family living with them may request an
75 absentee ballot for both the primary and subsequent general
76 election with one application.

77 (2) The election authority shall provide each absent
78 uniformed services voter and each overseas voter who submits
79 a voter registration application or an absentee ballot
80 request, if the election authority rejects the application
81 or request, with the reasons for the rejection.

82 (3) Notwithstanding any other law to the contrary, if
83 a standard oath regarding material misstatements of fact is
84 adopted for uniformed and overseas voters pursuant to the
85 Help America Vote Act of 2002, the election authority shall

86 accept such oath for voter registration, absentee ballot, or
87 other election-related materials.

88 (4) Not later than sixty days after the date of each
89 regularly scheduled general election for federal office,
90 each election authority which administered the election
91 shall submit to the secretary of state in a format
92 prescribed by the secretary a report on the combined number
93 of absentee ballots transmitted to, and returned by, absent
94 uniformed services voters and overseas voters for the
95 election. The secretary shall submit to the Election
96 Assistance Commission a combined report of such information
97 not later than ninety days after the date of each regularly
98 scheduled general election for federal office and in a
99 standardized format developed by the commission pursuant to
100 the Help America Vote Act of 2002. The secretary shall make
101 the report available to the general public.

102 (5) As used in this section, the terms "absent
103 uniformed services voter" and "overseas voter" shall have
104 the meaning prescribed in 52 U.S.C. Section 20310.

105 7. An application for an absentee ballot by a new
106 resident shall be submitted in person by the applicant in
107 the office of the election authority in the election
108 jurisdiction in which such applicant resides. The
109 application shall be received by the election authority no
110 later than 7:00 p.m. on the day of the election. Such
111 application shall be in the form of an affidavit, executed
112 in duplicate in the presence of the election authority or
113 any authorized officer of the election authority, and in
114 substantially the following form:

115 "STATE OF _____

116 COUNTY OF _____, ss.

117 I, _____, do solemnly swear that:

118 (1) Before becoming a resident of this state, I
 119 resided at _____ (residence address) in _____
 120 (town, township, village or city) of _____
 121 County in the state of _____;

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

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

129 (4) I hereby make application for a presidential
 130 and vice presidential ballot. I have not voted
 131 and shall not vote other than by this ballot at
 132 such election.

133 Signed _____

134 (Applicant)

135 _____

136 (Residence
 137 Address)

138 Subscribed and sworn to before me this _____ day
 139 of _____, _____

140 Signed _____

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

143 8. The election authority in whose office an
 144 application is filed pursuant to subsection 7 of this
 145 section shall immediately send a duplicate of such
 146 application to the appropriate official of the state in
 147 which the new resident applicant last resided and shall file
 148 the original of such application in its office.

149 9. An application for an absentee ballot by an
150 interstate former resident shall be received in the office
151 of the election authority where the applicant was formerly
152 registered by 5:00 p.m. on the second Wednesday immediately
153 prior to the election, unless the application is made in
154 person by the applicant in the office of the election
155 authority, in which case such application shall be made no
156 later than 7:00 p.m. on the day of the election.

 115.287. 1. Upon receipt of a signed application for
2 an absentee ballot and if satisfied the applicant is
3 entitled to vote by absentee ballot, the election authority
4 shall, within three working days after receiving the
5 application, or if absentee ballots are not available at the
6 time the application is received, within five working days
7 after they become available, deliver to the voter an
8 absentee ballot, ballot envelope and such instructions as
9 are necessary for the applicant to vote. **For applications**
10 **for an absentee ballot to vote in a primary election, the**
11 **election authority shall only deliver to the voter the**
12 **ballot that corresponds to the established political party**
13 **with which the voter is affiliated, according to his or her**
14 **voter registration, or, if the voter is unaffiliated, the**
15 **unaffiliated ballot.** Delivery shall be made to the voter
16 personally in the office of the election authority or by
17 bipartisan teams appointed by the election authority, or by
18 first class, registered, or certified mail at the discretion
19 of the election authority, or in the case of a covered voter
20 as defined in section 115.902, the method of transmission
21 prescribed in section 115.914. Where the election authority
22 is a county clerk, the members of bipartisan teams
23 representing the political party other than that of county
24 clerk shall be selected from a list of persons submitted to

25 the county clerk by the county chairman of that party. If
26 no list is provided by the time that absentee ballots are to
27 be made available, the county clerk may select a person or
28 persons from lists provided in accordance with section
29 115.087. If the election authority is not satisfied that
30 any applicant is entitled to vote by absentee ballot, it
31 shall not deliver an absentee ballot to the applicant.
32 Within three working days of receiving such an application,
33 the election authority shall notify the applicant and state
34 the reason he or she is not entitled to vote by absentee
35 ballot. The applicant may file a complaint with the
36 elections division of the secretary of state's office under
37 and pursuant to section 115.219.

38 2. If, after 5:00 p.m. on the second Wednesday before
39 an election, any voter from the jurisdiction has become
40 hospitalized, becomes confined due to illness or injury, or
41 is confined in an intermediate care facility, residential
42 care facility, or skilled nursing facility on election day,
43 as such terms are defined in section 198.006, in the county
44 in which the jurisdiction is located or in the jurisdiction
45 of an adjacent election authority within the same county,
46 the election authority shall appoint a team to deliver,
47 witness the signing of and return the voter's application
48 and deliver, witness the voting of and return the voter's
49 absentee ballot. If the election authority receives ten or
50 more applications for absentee ballots from the same address
51 it shall appoint a team to deliver and witness the voting
52 and return of absentee ballots by voters residing at that
53 address, except when such addresses are for an apartment
54 building or other structure wherein individual living units
55 are located, each of which has its own separate cooking
56 facilities. Each team appointed pursuant to this subsection

57 shall consist of two registered voters, one from each major
58 political party. Both members of any team appointed
59 pursuant to this subsection shall be present during the
60 delivery, signing or voting and return of any application or
61 absentee ballot signed or voted pursuant to this subsection.

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

66 4. No information which encourages a vote for or
67 against a candidate or issue shall be provided to any voter
68 with an absentee ballot.

115.327. 1. When submitted for filing, each petition
2 for the nomination of an independent candidate or for the
3 formation of a new political party shall be accompanied by a
4 declaration of candidacy for each candidate to be nominated
5 by the petition or by the party, respectively. The party's
6 duly authorized chairman and treasurer shall also submit a
7 certified complete list of the names and addresses of all
8 their candidates and the office for which each seeks. The
9 party shall nominate its candidates in the manner prescribed
10 in the party's bylaws. If presidential electors are to be
11 nominated, at least one qualified resident of each
12 congressional district shall be named as a nominee for
13 presidential elector. The number of candidates to be
14 nominated shall equal the number of electors to which the
15 state is entitled. Each declaration of candidacy for the
16 office of presidential elector shall be in the form provided
17 in section 115.399. Each declaration of candidacy for an
18 office other than presidential elector shall state the
19 candidate's full name, residence address, office for which
20 he proposes to be a candidate, the party, if any, upon whose

21 ticket he is to be a candidate and that if nominated and
22 elected he will qualify. Each such declaration shall be in
23 substantially the following form:

24 I, _____, a resident and registered voter of the
25 _____ precinct of the town of _____ or the _____
26 precinct of the _____ ward of the city of _____, or
27 the _____ precinct of _____ township of the county
28 of _____ and the state of Missouri, do announce
29 myself a candidate for the office of _____ on the
30 _____ ticket, to be voted for at the general
31 (special) election to be held on the _____ day of
32 _____, 20_____, and I further declare that if
33 nominated and elected I will qualify.

34 _____ Subscribed and sworn
35 Signature of _____ to before me this
36 candidate _____

37 _____ day of
38 _____, 20_____

39 _____
40 Residence address _____ Signature of election
41 official or officer
42 authorized to
43 administer oaths

44 Each such declaration shall be subscribed and sworn to by
45 the candidate before the election official accepting the
46 candidate's petition, a notary public or other officer
47 authorized by law to administer oaths.

48 **2. Any person who files a declaration of candidacy as**
49 **an independent candidate or as the candidate of a new**
50 **political party for election to an office shall be**
51 **unaffiliated with any established political party, as**

52 **evidenced by his or her voter registration, no later than**
 53 **the twenty-third Tuesday prior to the last Tuesday in**
 54 **February immediately preceding the primary election.**

115.349. 1. Except as otherwise provided in sections
 2 115.361 to 115.383, no candidate's name shall be printed on
 3 any official primary ballot unless the candidate has filed a
 4 written declaration of candidacy in the office of the
 5 appropriate election official by 5:00 p.m. on the last
 6 Tuesday in March immediately preceding the primary election.

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

3. Each declaration of candidacy for nomination in a
 12 primary election shall state the candidate's full name,
 13 residence address, office for which such candidate proposes
 14 to be a candidate, the party ticket on which he or she
 15 wishes to be a candidate and that if nominated and elected
 16 he or she will qualify. The declaration shall be in
 17 substantially the following form:

18 I, _____, a resident and registered voter of the
 19 county of _____ and the state of Missouri,
 20 residing at _____, do announce myself a candidate
 21 for the office of _____ on the _____ party
 22 ticket, to be voted for at the primary election to
 23 be held on the _____ day of _____, _____, and I
 24 further declare that if nominated and elected to
 25 such office I will qualify.

26 _____ 27 Signature of candidate	Subscribed and sworn to before me this _____ day of _____, _____
---------------------------------------	--

30 _____ 31 Residence address	_____ Signature of election official or other
----------------------------------	---

32

33 officer authorized to
34 administer oaths

35 _____
36
37 Mailing address (if
38 different)
39
40 _____
41 Telephone Number
(Optional)

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

50 **4. Any person who files a declaration of candidacy as**
51 **a party candidate for nomination or election to an office**
52 **shall be affiliated with that political party, as evidenced**
53 **by his or her voter registration, no later than the twenty-**
54 **third Tuesday prior to the last Tuesday in February**
55 **immediately preceding the primary election.**

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

9 person shall file for one office and, without withdrawing,
10 file for another office to be filled at the same election.
11 Receipt by the secretary of state of proper certification of
12 nomination pursuant to subsection 1 of section 115.399
13 constitutes withdrawal by operation of law pursuant to
14 subsection 1 of section 115.359 of any presidential or vice
15 presidential nominee from any other office for which such
16 nominee is a candidate at the same election. Any person
17 violating any provision of this section shall be
18 disqualified from running for nomination or election to any
19 office at the primary and general election next succeeding
20 the violation.

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

5 (1) If there are no candidates for nomination as the
6 party candidate due to death of all the party's candidates
7 after 5:00 p.m. on the last day in which a person may file
8 as a candidate for nomination and at or before 5:00 p.m. on
9 the tenth Tuesday prior to the primary election;

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

16 (3) If there are no candidates for nomination as the
17 party candidate due to death or disqualification of all
18 candidates within seven days prior to the filing deadline
19 and if no person has filed for the party nomination within
20 that time;

21 (4) If there are no candidates for nomination as the
22 party candidate due to disqualification of all party
23 candidates after 5:00 p.m. on the last day on which a person
24 may file as a candidate for nomination, and at or before
25 5:00 p.m. on the tenth Tuesday prior to the primary
26 election; or

27 (5) If a candidate for the position of political party
28 committeeman or committeewoman dies or withdraws as provided
29 in subsection 1 or 2 of section 115.359 after the tenth
30 Tuesday prior to the primary election, leaving no candidate.

31 2. Any established political party may select a
32 candidate for nomination, if a candidate who is the
33 incumbent or only candidate dies, is disqualified or
34 withdraws pursuant to subsection 1 or 2 of section 115.359
35 after 5:00 p.m. on the tenth Tuesday prior to the primary
36 election, and at or before 5:00 p.m. on whatever day is
37 fixed by law as the final date for withdrawing as a
38 candidate for the office.

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

42 (1) If the person nominated as the party candidate
43 shall die at or before 5:00 p.m. on the tenth Tuesday prior
44 to the general election;

45 (2) If the person nominated as the party candidate is
46 disqualified at or before 5:00 p.m. on the tenth Tuesday
47 prior to the general election;

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

52 (4) If a candidate for nomination to an office in
53 which the person is the party's only candidate dies after
54 5:00 p.m. on the tenth Tuesday prior to any primary
55 election, withdraws as provided in subsection 1 of section
56 115.359 after 5:00 p.m. on the tenth Tuesday prior to any
57 primary election, or is disqualified after 5:00 p.m. on the
58 tenth Tuesday before any primary election.

59 4. If a person nominated as a party's candidate who is
60 unopposed shall die at or before 5:00 p.m. on the tenth
61 Tuesday prior to the general election, is disqualified at or
62 before 5:00 p.m. on the tenth Tuesday prior to the general
63 election, or shall withdraw at or before 5:00 p.m. on
64 whatever day may be fixed by law as the final date for
65 withdrawing as a candidate for the office, the party
66 nominating committee for any established political party may
67 select a party candidate.

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

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

72 (2) For an election held pursuant to the provisions of
73 section 105.030 to fill an unexpired term resulting from a
74 vacancy in an office that occurs within fourteen days prior
75 to the filing deadline for the primary election and not
76 later than the tenth Tuesday prior to the general election.
77 If such vacancy occurs prior to the fourteenth day before
78 the filing deadline for a primary election, filing for the
79 office shall be as provided for in sections 115.307 to
80 115.359.

81 **6. Any party candidate selected by a party nominating**
82 **committee pursuant to this section shall be affiliated with**

83 **the political party of the committee, as evidenced by his or**
84 **her voter registration.**

115.395. 1. At each primary election, there shall be
2 as many separate ballots as there are **established political**
3 **parties entitled to participate in the election.**
4 **Additionally, there shall be a separate ballot for**
5 **unaffiliated voters which shall contain only ballot measures**
6 **and nonpartisan candidates submitted by political**
7 **subdivisions and special districts.**

8 2. The names of the candidates for each office on each
9 party ballot shall be listed in the order in which they are
10 filed, except that, in the case of candidates who file a
11 declaration of candidacy with the secretary of state prior
12 to 5:00 p.m. on the first day for filing, the secretary of
13 state shall determine by random drawing the order in which
14 such candidates' names shall appear on the ballot. The
15 drawing shall be conducted so that each candidate, or
16 candidate's representative if the candidate filed under
17 subsection 2 of section 115.355, may draw a number at random
18 at the time of filing. The secretary of state shall record
19 the number drawn with the candidate's declaration of
20 candidacy. The names of candidates filing on the first day
21 for filing for each office on each party ballot shall be
22 listed in ascending order of the numbers so drawn. For the
23 purposes of this subsection, the election authority
24 responsible for oversight of the filing of candidates, other
25 than candidates that file with the secretary of state, shall
26 clearly designate where candidates, or a candidate's
27 representative if the candidate filed under subsection 2 of
28 section 115.355, shall form a line to effectuate such
29 filings and determine the order of such filings; except
30 that, in the case of candidates who file a declaration of

31 candidacy with the election authority prior to 5:00 p.m. on
32 the first day for filing, the election authority may
33 determine by random drawing the order in which such
34 candidates' names shall appear on the ballot. If a drawing
35 is conducted pursuant to this subsection, it shall be
36 conducted so that each candidate, or candidate's
37 representative if the candidate filed under subsection 2 of
38 section 115.355, may draw a number at random at the time of
39 filing. If such drawing is conducted, the election
40 authority shall record the number drawn with the candidate's
41 declaration of candidacy. If such drawing is conducted, the
42 names of candidates filing on the first day for filing for
43 each office on each party ballot shall be listed in
44 ascending order of the numbers so drawn.

45 3. Insofar as applicable, the provisions of sections
46 115.237 and 115.245 shall apply to each ballot prepared for
47 a primary election, except that the ballot information may
48 be placed in vertical or horizontal rows, no circle shall
49 appear under any party name and no write-in lines shall
50 appear under the name of any office for which a candidate is
51 to be nominated at the primary. At a primary election,
52 write-in votes shall be counted only for persons who can be
53 elected to an office at the primary.

115.397. **1.** In each primary election, each voter
2 shall be entitled to receive the ballot of [one and only
3 one] **the established** political party[, designated by the
4 voter before receiving his ballot] **with which such voter is**
5 **affiliated, as evidenced by his or her voter registration.**
6 **Any voter who has chosen to be unaffiliated shall only be**
7 **permitted to cast an unaffiliated ballot.**

8 **2.** Each voter who participates in a party primary
9 shall be entitled to vote on all questions and for any

10 nonpartisan candidates submitted by political subdivisions
11 and special districts at the primary election. Each voter
12 who does not wish to participate in a party primary may vote
13 on all questions and for any nonpartisan candidates
14 submitted by a political subdivision or special district at
15 the primary election.

115.398. 1. For any person who was registered to vote
2 in this state as of August 28, 2023, if such person
3 thereafter casts a ballot on the primary election day held
4 on the first Tuesday after the first Monday in August 2024,
5 such person may pick any ballot and the election authority
6 shall note the ballot designated and cast by such person and
7 make a notation on the person's voter registration as
8 follows:

9 (1) If the person participates in a party primary by
10 designating the ballot of an established political party,
11 then the election authority shall make a notation on the
12 person's voter registration to reflect that he or she is
13 affiliated with such party;

14 (2) If the person participates in the nonpartisan
15 primary by designating the unaffiliated ballot with only
16 questions and nonpartisan candidates, then the election
17 authority shall make a notation on the person's voter
18 registration to reflect that he or she is unaffiliated.

19 2. For any person who casts a ballot on the primary
20 election day held on the first Tuesday after the first
21 Monday in August 2024, the notation made by the election
22 authority pursuant to subsection 1 of this section at the
23 last primary election or presidential preference primary at
24 which the person casts a ballot shall dictate such person's
25 political party affiliation or unaffiliation for all primary
26 elections held after September 1, 2024.

115.409. Except election authority personnel, election
2 judges, watchers and challengers appointed pursuant to
3 section 115.105 or 115.107, law enforcement officials at the
4 request of election officials or in the line of duty, minor
5 children under the age of eighteen accompanying an adult who
6 is in the process of voting, international observers who
7 have registered as such with the election authority, persons
8 designated by the election authority to administer a
9 simulated youth election for persons ineligible to vote
10 because of their age, members of the news media who present
11 identification satisfactory to the election judges and who
12 are present only for the purpose of bona fide news coverage
13 except as provided in subdivision (18) of section 115.637,
14 provided that such coverage does not disclose how any voter
15 cast the voter's ballot on any question or candidate [or in
16 the case of a primary election on which party ballot they
17 voted] or does not interfere with the general conduct of the
18 election as determined by the election judges or election
19 authority, and registered voters who are eligible to vote at
20 the polling place, no person shall be admitted to a polling
21 place.

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

4 2. The identity or qualifications of any person
5 offering to vote may be challenged by any election authority
6 personnel, any registered voter, or any duly authorized
7 challenger at the polling place. No person whose right to
8 vote is challenged shall receive a ballot until his or her
9 identity and qualifications have been established.

10 3. Any question of doubt concerning the identity or
11 qualifications of a voter shall be decided by a majority of

12 the judges from the major political parties. If such
13 election judges decide not to permit a person to vote
14 because of doubt as to his or her identity or
15 qualifications, the person may apply to the election
16 authority as provided in section 115.193 or file a complaint
17 with the elections division of the secretary of state's
18 office under and pursuant to section 115.219.

19 4. If the election judges cannot reach a decision on
20 the identity or qualifications of any person, the question
21 shall be decided by the election authority.

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

34 **6. In the case of any primary election, the election**
35 **judges shall determine whether the voter's political party**
36 **affiliation is the same as the political party holding the**
37 **primary election.**

Section B. The repeal and reenactment of sections
2 115.137, 115.225, 115.249, 115.279, 115.287, 115.327,
3 115.349, 115.351, 115.363, 115.395, 115.397, 115.409, and
4 115.429 shall be effective January 1, 2025.

✓