

FIRST REGULAR SESSION

SENATE BILL NO. 98

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

0515S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 115.013, 115.045, 115.051, 115.065, 115.076, 115.081, 115.157, 115.158, 115.225, 115.227, 115.229, 115.233, 115.235, 115.237, 115.249, 115.255, 115.257, 115.259, 115.261, 115.263, 115.265, 115.267, 115.269, 115.271, 115.273, 115.287, 115.299, 115.415, 115.417, 115.419, 115.421, 115.423, 115.430, 115.433, 115.436, 115.439, 115.443, 115.447, 115.449, 115.451, 115.456, 115.459, 115.461, 115.467, 115.469, 115.471, 115.473, 115.475, 115.477, 115.479, 115.481, 115.483, 115.493, 115.495, 115.501, 115.503, 115.527, 115.531, 115.541, 115.553, 115.585, 115.631, 115.633, and 115.655, RSMo, and to enact in lieu thereof forty new sections relating to elections, with penalty provisions.

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

Section A. Sections 115.013, 115.045, 115.051, 115.065,
2 115.076, 115.081, 115.157, 115.158, 115.225, 115.227, 115.229,
3 115.233, 115.235, 115.237, 115.249, 115.255, 115.257, 115.259,
4 115.261, 115.263, 115.265, 115.267, 115.269, 115.271, 115.273,
5 115.287, 115.299, 115.415, 115.417, 115.419, 115.421, 115.423,
6 115.430, 115.433, 115.436, 115.439, 115.443, 115.447, 115.449,
7 115.451, 115.456, 115.459, 115.461, 115.467, 115.469, 115.471,
8 115.473, 115.475, 115.477, 115.479, 115.481, 115.483, 115.493,
9 115.495, 115.501, 115.503, 115.527, 115.531, 115.541, 115.553,
10 115.585, 115.631, 115.633, and 115.655, RSMo, are repealed and
11 forty new sections enacted in lieu thereof, to be known as
12 sections 28.900, 115.013, 115.045, 115.051, 115.065, 115.076,
13 115.081, 115.157, 115.158, 115.225, 115.226, 115.237, 115.287,
14 115.299, 115.415, 115.417, 115.419, 115.421, 115.423, 115.430,

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

15 115.433, 115.436, 115.439, 115.443, 115.447, 115.449, 115.451,
16 115.456, 115.459, 115.461, 115.493, 115.501, 115.527, 115.531,
17 115.541, 115.553, 115.585, 115.631, 115.633, and 115.655, to
18 read as follows:

28.900. **The secretary of state, including any deputy or employee thereof, shall not enter into any contract with a foreign entity on behalf of the office of the secretary of state or the state of Missouri that would aid in administering any provision of chapter 115 or chapter 116.**

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

(1) ["Air-gap" or "air-gapped", a security measure in which equipment is physically and technically isolated from any network and is not directly connected to the internet nor is it connected to any other system that is connected to the internet. Data can only be passed to an air-gapped device physically via a USB or other removable media;

(2) "Automatic tabulating equipment", the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results and which are air-gapped and not physically able to be connected to a network;

(3) "Ballot", the paper ballot[, or ballot designed for use with an electronic voting system] on which each voter may cast all votes to which he or she is entitled at an election;

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

22 **[(5)] (3)** "Counting location", a location selected by
23 the election authority for the automatic processing or
24 counting, or both, of ballots;

25 **[(6)] (4)** "County", any county in this state or any
26 city not within a county;

27 **[(7)] (5)** "Disqualified", a determination made by a
28 court of competent jurisdiction, the Missouri ethics
29 commission, an election authority or any other body
30 authorized by law to make such a determination that a
31 candidate is ineligible to hold office or not entitled to be
32 voted on for office;

33 **[(8)] (6)** "District", an area within the state or
34 within a political subdivision of the state from which a
35 person is elected to represent the area on a policy-making
36 body with representatives of other areas in the state or
37 political subdivision;

38 **[(9)]** "Electronic voting machine", any part of an air-
39 gapped electronic voting system on which a voter is able to
40 cast a ballot under this chapter;

41 **(10)** "Electronic voting system", a system of casting
42 votes by use of marking devices, and counting votes by use
43 of automatic air-gapped tabulating or air-gapped data
44 processing equipment, including computerized voting systems
45 that mark or tabulate ballots;

46 **[(11)] (7)** "Established political party" for the state,
47 a political party which, at either of the last two general
48 elections, polled for its candidate for any statewide office
49 more than two percent of the entire vote cast for the
50 office. "Established political party" for any district or
51 political subdivision shall mean a political party which
52 polled more than two percent of the entire vote cast at
53 either of the last two elections in which the district or

54 political subdivision voted as a unit for the election of
55 officers or representatives to serve its area;

56 **[(12)] (8)** "Federal office", the office of
57 presidential elector, United States senator, or
58 representative in Congress;

59 **[(13)] (9)** "Independent", a candidate who is not a
60 candidate of any political party and who is running for an
61 office for which political party candidates may run;

62 **[(14)] (10)** "Major political party", the political
63 party whose candidates received the highest or second
64 highest number of votes at the last general election;

65 **[(15)]** "Marking device", any device approved by the
66 secretary of state under section 115.225 which will enable
67 the votes to be counted by automatic tabulating equipment;

68 **[(16)] (11)** "Municipal" or "municipality", a city,
69 village, or incorporated town of this state;

70 **[(17)] (12)** "New party", any political group which has
71 filed a valid petition and is entitled to place its list of
72 candidates on the ballot at the next general or special
73 election;

74 **[(18)] (13)** "Nonpartisan", a candidate who is not a
75 candidate of any political party and who is running for an
76 office for which party candidates may not run;

77 **[(19)] (14)** "Political party", any established
78 political party and any new party;

79 **[(20)] (15)** "Political subdivision", a county, city,
80 town, village, or township of a township organization county;

81 **[(21)] (16)** "Polling place", the voting place
82 designated for all voters residing in one or more precincts
83 for any election;

84 **[(22)] (17)** "Precincts", the geographical areas into
85 which the election authority divides its jurisdiction for
86 the purpose of conducting elections;

87 **[(23)] (18)** "Public office", any office established by
88 constitution, statute or charter and any employment under
89 the United States, the state of Missouri, or any political
90 subdivision or special district thereof, but does not
91 include any office in the Missouri state defense force or
92 the National Guard or the office of notary public or city
93 attorney in cities of the third classification or cities of
94 the fourth classification;

95 **[(24)] (19)** "Question", any measure on the ballot
96 which can be voted "YES" or "NO";

97 **[(25)] (20)** "Relative within the second degree by
98 consanguinity or affinity", a spouse, parent, child,
99 grandparent, brother, sister, grandchild, mother-in-law,
100 father-in-law, daughter-in-law, or son-in-law;

101 **[(26)] (21)** "Special district", any school district,
102 water district, fire protection district, hospital district,
103 health center, nursing district, or other districts with
104 taxing authority, or other district formed pursuant to the
105 laws of Missouri to provide limited, specific services;

106 **[(27)] (22)** "Special election", elections called by
107 any school district, water district, fire protection
108 district, or other district formed pursuant to the laws of
109 Missouri to provide limited, specific services; and

110 **[(28)] (23)** "Voting district", the one or more
111 precincts within which all voters vote at a single polling
112 place for any election.

115.045. Each election authority shall have the
2 authority to employ such attorneys and other employees as
3 may be necessary to promptly and correctly perform the

4 duties of the election authority. Where [an electronic
5 voting system or] voting machines **authorized under section**
6 **115.226** are used, the election authority shall designate
7 competent employees to have custody of and supervise
8 maintenance of the voting equipment. Board of election
9 commissioners' employees shall be subject to the same
10 restrictions and subscribe the same oath as members of the
11 board of election commissioners, except that no employee of
12 a board of election commissioners shall be required to post
13 bond or reside and be a registered voter within the
14 jurisdiction of the election authority unless directed to do
15 so by the board. Employee oaths and any bonds shall be
16 filed and preserved in the office of the board.

115.051. 1. In each county which does not have a
2 board of election commissioners, the county clerk shall have
3 the right to employ such deputies and assistants as are
4 necessary to promptly and correctly register voters and
5 conduct elections. Where [an electronic voting system or]
6 voting machines **authorized under section 115.226** are used,
7 the county clerk shall designate competent employees to have
8 custody of and supervise maintenance of the voting
9 equipment. Each deputy shall be subject to the same
10 restrictions and subscribe the same oath as the county
11 clerk, except that no employee shall be required to post
12 bond or reside and be a registered voter within the
13 jurisdiction of the election authority unless directed to do
14 so by the clerk. Employee oaths and any bonds shall be
15 filed and preserved in the office of the county clerk.

16 2. Within the total amount for deputies and assistants
17 approved by the county commission, the salary of each deputy
18 and assistant shall be set by the county clerk.

115.065. 1. Except as provided in sections 115.069, 115.071, 115.073 and 115.077, when any question or candidate is submitted to a vote by two or more political subdivisions or special districts, or by the state and one or more political subdivisions or special districts at the same election, all costs of the election shall be paid proportionally from the general revenues of the state and all political subdivisions and special districts submitting a question or candidate at the election, except that costs of publications of legal notice of elections shall not be paid proportionally. The state and each political subdivision and each special district shall pay for publication of its legal notice of election. At the discretion of the election authority, ballot printing costs, if any, may be paid proportionally or the state and each political subdivision and each special district may pay for such ballot printing costs, if any.

2. Except as provided in sections 115.069, 115.071 and 115.073, when any question or candidate is submitted to a vote by two or more political subdivisions or special districts at the same election, all costs of the election shall be paid proportionally from the general revenues of all political subdivisions and special districts submitting a question or candidate at the election.

3. Proportional election costs paid under the provisions of subsection 2 of this section shall be assessed by charging each political subdivision and special district the same percentage of the total cost of the election as the number of registered voters of the political subdivision or special district on the day of the election is to the total number of registered voters on the day of the election, derived by adding together the number of registered voters

33 in each political subdivision and special district
34 submitting a question or candidate at the election.

35 4. "Proportional costs" and "election costs", as used
36 in this chapter, are defined as those costs that require
37 additional out-of-pocket expense by the election authority
38 in conducting an election. It may include reimbursement to
39 county general revenue for the salaries of employees of the
40 election authority for the hours worked to conduct an
41 election, the rental of any [electronic] voting machine
42 authorized under section 115.226 or electronic poll book,
43 any indirect expenses identified under an independent cost
44 allocation study and an amount not to exceed five percent of
45 the total cost of election to be credited to the election
46 services fund of the county. The election services fund
47 shall be budgeted and expended at the direction of the
48 election authority and shall not be used to substitute for
49 or subsidize any allocation of general revenue for the
50 operation of the election authority's office without the
51 express consent of the election authority. The election
52 services fund may be audited by the appropriate auditing
53 agency, and any unexpended balance shall be left in the fund
54 to accumulate from year to year with interest. The election
55 services fund shall be used by the election authority for
56 training programs and purchase of additional supplies or
57 equipment to improve the conduct of elections, including
58 anything necessarily pertaining thereto. In addition to
59 these costs, the state shall, subject to appropriation,
60 compensate the election services fund for transactions
61 submitted pursuant to the provisions of section 115.157.

115.076. 1. (1) Subject to appropriation of federal
2 funds, the secretary of state shall administer a grant,

3 loan, or other aid program for the purpose of providing
4 funds to election authorities:

5 **[(1)] (a)** To purchase electronic voting machines that
6 are accessible to all individuals with disabilities,
7 including people who are blind or visually impaired;

8 **[(2)] (b)** To make polling places, including path of
9 travel, entrances, exits and voting areas of each polling
10 facility accessible to individuals with disabilities,
11 including the blind and visually impaired, in a manner that
12 provides the same opportunity for access and secret,
13 independent and verifiable participation, including privacy
14 and independence, as for other voters;

15 **[(3)] (c)** To provide individuals with disabilities and
16 individuals who are blind and visually impaired with
17 information about the accessibility of polling places,
18 including outreach programs to inform individuals about the
19 availability of accessible polling places and to train
20 election officials, poll workers, and election volunteers on
21 how to best promote the access and participation of
22 individuals in elections, and to provide assistance in all
23 accommodations needed by voters with disabilities.

24 **(2)** Such funding may be in the form of matching
25 grants. The secretary of state when awarding grants shall
26 give priority to jurisdictions which have the highest number
27 of residents, according to the most recent federal census,
28 with an income below the federal poverty level as
29 established by the federal Department of Health and Human
30 Services or its successor agency. The secretary of state
31 may promulgate rules to effectuate the provisions of this
32 section.

33 2. Any rule or portion of a rule, as that term is
34 defined in section 536.010, that is created under the

35 authority delegated in this section shall become effective
36 only if it complies with and is subject to all of the
37 provisions of chapter 536 and, if applicable, section
38 536.028. This section and chapter 536 are nonseverable and
39 if any of the powers vested with the general assembly
40 pursuant to chapter 536 to review, to delay the effective
41 date or to disapprove and annul a rule are subsequently held
42 unconstitutional, then the grant of rulemaking authority and
43 any rule proposed or adopted after August 28, 2002, shall be
44 invalid and void.

115.081. 1. **[Each election authority] The committee
2 of each major political party** shall appoint election judges
3 for each polling place within **[its] each** jurisdiction in
4 accordance with the provisions of this section.

5 2. In all **[primary and general]** elections, the
6 **[election authority] committee of each major political party**
7 shall appoint at least two judges **[from each major political
8 party]** to serve at each polling place. **[The committee of
9 each major political party within the jurisdiction of an
10 election authority is authorized to provide the election
11 authority with a list of election judge candidates who meet
12 the requirements under section 115.085.]** The candidates
13 shall not be required to reside within the jurisdiction of
14 the election authority, as authorized under section
15 115.085. If a committee of a major political party within
16 the jurisdiction of an election authority fails to **[provide]**
17 **appoint** the prescribed number of **[qualified names to fill
18 all]** election **[judge positions before the date established
19 by the election authority]** **judges at least ninety days prior
20 to the election,** the election authority may select judges to
21 fill the positions as provided by law. If the election
22 authority determines that **[a name submitted]** **an election**

23 **judge appointed** by a committee of a major political party is
24 not qualified to serve as an election judge, the election
25 authority shall allow the party to [submit another name]
26 **appoint another judge** before filling the position as
27 provided by law. No major political party shall have a
28 majority of the judges at any polling place. No established
29 party shall have a greater number of judges at any polling
30 place than any major political party.

31 3. [In any election that is not a primary or general
32 election, the election authority shall appoint at least one
33 judge from each major political party to serve at each
34 polling place. No major political party shall have a
35 majority of the judges at any polling place. No established
36 party shall have a greater number of judges at any polling
37 place than any major political party.]

38 4.] The election authority shall designate two of the
39 judges appointed for each polling place, one from each major
40 political party, as supervisory judges. Supervisory judges
41 shall be responsible for the return of election supplies
42 from the polling place to the election authority and shall
43 have any additional duties prescribed by the election
44 authority.

45 [5.] 4. Election judges may be employed to serve for
46 the first half or last half of any election day. Such
47 judges shall be paid one-half the regular rate of pay. If
48 part-time judges are employed, the election authority shall
49 employ such judges and shall see that a sufficient number
50 for each period are present at all times so as to have the
51 proper total number of judges present at each polling place
52 throughout each election day. The election authority shall
53 require that at each polling place at least one election
54 judge from each political party serve a full day and that at

55 all times during the day there be an equal number of
56 election judges from each political party.

57 [6.] 5. An election authority may appoint additional
58 election judges representing other established political
59 parties and additional election judges who do not claim a
60 political affiliation. Any question which requires a
61 decision by the majority of judges shall only be made by the
62 judges from the major political parties.

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

- 14 (1) Voter identification number;
- 15 (2) First name;
- 16 (3) Middle initial;
- 17 (4) Last name;
- 18 (5) Suffix;
- 19 (6) Street number;
- 20 (7) Street direction;
- 21 (8) Street name;
- 22 (9) Street suffix;
- 23 (10) Apartment number;
- 24 (11) City;

- 25 (12) State;
- 26 (13) Zip code;
- 27 (14) Township;
- 28 (15) Ward;
- 29 (16) Precinct;
- 30 (17) Senatorial district;
- 31 (18) Representative district;
- 32 (19) Congressional district; and
- 33 (20) Political party affiliation.

34 2. All election authorities shall enter voter history
35 in their computerized registration systems and shall, not
36 more than three months after the election, forward such data
37 to the Missouri voter registration system established in
38 section 115.158. In addition, election authorities shall
39 forward registration and other data in a manner prescribed
40 by the secretary of state to comply with the Help America
41 Vote Act of 2002.

42 3. Except as provided in subsection 6 of this section,
43 the election authority shall furnish, for a fee, electronic
44 media or a printout showing only the names, year of birth,
45 addresses, and political party affiliations of voters, or
46 any part thereof, within the jurisdiction of the election
47 authority who voted in any specific election, including
48 primary elections, by township, ward or precinct, provided
49 that nothing in this chapter shall require such voter
50 information to be released to the public over the internet
51 and shall not be used for commercial purposes. **Such**
52 **electronic media or printout shall be updated and made**
53 **available for a fee not later than forty-eight hours**
54 **following such election.**

55 4. Except as provided in subsection 6 of this section,
56 upon a request by a candidate, a duly authorized

57 representative of a campaign committee, or a political party
58 committee, the secretary of state shall furnish, for a fee
59 determined by the secretary of state and in compliance with
60 section 610.026, media in an electronic format or, if so
61 requested, in a printed format, showing the names,
62 addresses, and voter identification numbers of voters within
63 the jurisdiction of a specific election authority who
64 applied for an absentee ballot under section 115.279 for any
65 specific election involving a ballot measure or an office
66 for which the declaration of candidacy is required to be
67 filed with the secretary of state pursuant to section
68 115.353, including primary elections, by township, ward, or
69 precinct. Nothing in this section shall require such voter
70 information to be released to the public over the internet.
71 For purposes of this section, the terms "candidate",
72 "campaign committee", and "political party committee" shall
73 have the same meaning given to such terms in section 130.011.

74 5. The amount of fees charged for information provided
75 in this section shall be established pursuant to chapter
76 610. All revenues collected by the secretary of state
77 pursuant to this section shall be deposited in the state
78 treasury and credited to the secretary of state's technology
79 trust fund account established pursuant to section 28.160.
80 In even-numbered years, each election authority shall, upon
81 request, supply the voter registration list for its
82 jurisdiction to all candidates and party committees for a
83 charge established pursuant to chapter 610. Except as
84 provided in subsection 6 of this section, all election
85 authorities shall make the information described in this
86 section available pursuant to chapter 610. Any election
87 authority who fails to comply with the requirements of this
88 section shall be subject to the provisions of chapter 610.

89 6. Any person working as an undercover officer of a
90 local, state or federal law enforcement agency, persons in
91 witness protection programs, and victims of domestic
92 violence and abuse who have received orders of protection
93 pursuant to chapter 455 shall be entitled to apply to the
94 circuit court having jurisdiction in his or her county of
95 residence to have the residential address on his or her
96 voter registration records closed to the public if the
97 release of such information could endanger the safety of the
98 person. Any person working as an undercover agent or in a
99 witness protection program shall also submit a statement
100 from the chief executive officer of the agency under whose
101 direction he or she is serving. The petition to close the
102 residential address shall be incorporated into any petition
103 for protective order provided by circuit clerks pursuant to
104 chapter 455. If satisfied that the person filing the
105 petition meets the qualifications of this subsection, the
106 circuit court shall issue an order to the election authority
107 to keep the residential address of the voter a closed record
108 and the address may be used only for the purposes of
109 administering elections pursuant to this chapter. The
110 election authority may require the voter who has a closed
111 residential address record to verify that his or her
112 residential address has not changed or to file a change of
113 address and to affirm that the reasons contained in the
114 original petition are still accurate prior to receiving a
115 ballot. A change of address within an election authority's
116 jurisdiction shall not require that the voter file a new
117 petition. Any voter who no longer qualifies pursuant to
118 this subsection to have his or her residential address as a
119 closed record shall notify the circuit court. Upon such

120 notification, the circuit court shall void the order closing
121 the residential address and so notify the election authority.

115.158. 1. The secretary of state shall implement a
2 centralized, interactive computerized statewide voter
3 registration list. This computerized list shall be known as
4 the "Missouri Voter Registration System". The system shall
5 be implemented by January 1, 2004, unless a waiver is
6 obtained pursuant to the Help America Vote Act of 2002. If
7 a waiver is obtained, the system shall be implemented by
8 January 1, 2006. The system shall be maintained and
9 administered by the secretary of state and contain the name
10 and registration information of every legally registered
11 voter in Missouri. In addition, the system shall:

12 (1) Assign a unique identifier to each legally
13 registered voter in Missouri;

14 (2) Serve as the single system for storing and
15 managing the official list of registered voters throughout
16 Missouri;

17 (3) Be coordinated with other agency databases in
18 Missouri;

19 (4) Allow any election official in Missouri, including
20 local election authorities, immediate electronic access to
21 the information contained in the system;

22 (5) Allow all voter registration information obtained
23 by any local election official in Missouri to be
24 electronically entered into the system on an expedited basis
25 at the time the information is provided to the local
26 official. The secretary of state, as the chief state
27 election official, shall provide such support as may be
28 required so that local election officials are able to enter
29 the registration information; and

30 (6) Serve as the official voter registration list for
31 the conduct of all elections in Missouri.

32 2. The secretary of state and local election
33 authorities shall perform system maintenance on a regular
34 basis, which shall include:

35 (1) Removing names in accordance with the provisions
36 and procedures of the National Voter Registration Act of
37 1993 and coordinating system maintenance activities with
38 state agency records on death and felony status;

39 (2) Requiring the name of each registered voter to
40 appear in the system;

41 (3) Removing only voters who are not registered or who
42 are not eligible to vote; and

43 (4) Eliminating duplicate names from the system.

44 3. The secretary of state shall provide adequate
45 technological security measures to prevent the unauthorized
46 access to the system established pursuant to this section.

47 4. The secretary of state shall develop procedures to
48 ensure that voter registration records within the system are
49 accurate and updated regularly. At a minimum, the
50 procedures shall include:

59 (2) Safeguards to ensure that eligible voters are not
60 removed in error.

61 5. Voter registration information shall be verified in
62 accordance with the Help America Vote Act of 2002.

63 (1) Except as provided in subdivision (2) of this
64 subsection, an application for voter registration may not be
65 accepted or processed unless the application includes:

66 (a) In the case of an applicant who has been issued a
67 current and valid driver's license, the applicant's driver's
68 license number; or

69 (b) In the case of any other applicant, other than an
70 applicant to whom subdivision (2) applies, the last four
71 digits of the applicant's Social Security number.

72 (2) If an applicant for voter registration has not
73 been issued a current and valid driver's license or a Social
74 Security number, the applicant shall be assigned a number
75 which will serve to identify the applicant for voter
76 registration purposes. The number assigned under this
77 subdivision shall be used as the unique identifying number
78 within the system.

79 (3) The secretary of state and the director of the
80 department of revenue shall enter into an agreement to match
81 information in the database of the voter registration system
82 with information in the database of the motor vehicle system
83 to enable the secretary to verify the accuracy of
84 information provided on applications for voter registration.

85 (4) The director of the department of revenue shall
86 enter into an agreement with the commissioner of Social
87 Security and comply with the Help America Vote Act of 2002.

88 6. In addition to using the system for voter
89 registration, the election authorities and secretary of
90 state may use the system for the collection and
91 dissemination of election results and other pertinent
92 information. Any information contained in any state or

93 local voter registration system, limited to the master voter
94 registration list or any other list generated from the
95 information, subject to chapter 610, shall not be used for
96 commercial purposes; provided, however, that the information
97 may be used for elections, for candidates, or for ballot
98 measures, furnished at a reasonable fee. Violation of this
99 section shall be a class B misdemeanor. For purposes of
100 this section, "commercial purposes" means the use of a
101 public record for the purpose of sale or resale or for the
102 purpose of producing a document containing all or part of
103 the copy, printout, or photograph for sale or the obtaining
104 of names and addresses from public records for the purpose
105 of solicitation or the sale of names and addresses to
106 another for the purpose of solicitation or for any purpose
107 in which the purchaser can reasonably anticipate the receipt
108 of monetary gain from the direct or indirect use of the
109 public record.

110 7. The secretary of state shall establish an advisory
111 committee to assist in the establishment and maintenance of
112 the Missouri voter registration system.

113 8. The secretary of state may promulgate rules to
114 execute this section. No rule or portion of a rule
115 promulgated pursuant to the authority of this section shall
116 become effective unless it has been promulgated pursuant to
117 chapter 536.

118 9. Election authorities and any agency required under
119 the National Voter Registration Act of 1993 to accept voter
120 registration applications shall forward registration and
121 other data in a manner prescribed by the secretary of state
122 to assist with administering and maintaining the Missouri
123 voter registration system in accordance with the Help
124 America Vote Act of 2002.

125 10. (1) The secretary of state shall not enter into
126 an agreement with any organization that would involve the
127 sharing of voter registration data in the possession of the
128 secretary of state, including, but not limited to, the
129 Electronic Registration Information Center, Incorporated.
130 Any such agreement previously entered into may continue for
131 the duration of the agreement but shall not be renewed.

132 (2) The secretary of state may coordinate or
133 collaborate with another state in order to verify the
134 accuracy of voter registration data in the possession of the
135 secretary of state, provided such coordination or
136 collaboration is conducted by the office of the secretary of
137 state.

138 11. The secretary of state shall not acquire any
139 information from any credit agency that contains the address
140 or other identifying information of any registered voter.

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.] 2.** (1) Each election authority that controls its
69 own 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.] 3. 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.] 4. 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.] 5. All audits required by subsection [6] 2 of
130 this section that are conducted by the secretary of state
131 shall be solely paid for by state and federal funding.

115.226. 1. **Each election authority shall ensure that**
2 **each polling place has in its jurisdiction a sufficient**
3 **number of voting machines that are designed for**
4 **accessibility for all elections. Such machines shall comply**
5 **with the provisions of Section 301 of the federal Help**
6 **America Vote Act, 52 U.S.C. Section 21081. Additionally,**
7 **such machines shall print out a paper ballot for each voter**
8 **who casts a ballot using the machine that is identical to**
9 **the ballot required by section 115.237. The ballot printed**
10 **out shall contain a distinguishing mark beside each**
11 **candidate and question the voter has voted for.**

12 2. The secretary of state shall maintain a database
13 containing the names of all individuals who are eligible to
14 use a voting machine designed for accessibility pursuant to
15 this section. Registered voters may submit requests to be
16 included in such database. The database shall be updated as
17 changes are made and every thirty days election authorities
18 shall be given an updated list of registered voters in the
19 jurisdiction of the election authority who are eligible to
20 use such machines. Only registered voters who appear on the
21 list may cast a ballot using a voting machine authorized
22 under this section.

115.237. 1. [Each ballot printed or designed for use
2 with an electronic voting system for any election pursuant
3 to this chapter shall contain all questions and the names of
4 all offices and candidates certified or filed pursuant to
5 this chapter and no other.] Beginning January 1, 2023, the
6 official ballot shall be a paper ballot that is hand-marked
7 by the voter or by the voter's designee as permitted in
8 section 115.445[, unless such voter chooses to use a ballot-
9 marking device as provided in section 115.225]. All ballots
10 shall be produced in the United States of America and shall
11 contain a watermark, not to exceed one inch by one inch, in
12 the top right corner that shows the seal of the state of
13 Missouri as described in section 10.060. The secretary of
14 state may not have any financial relationship with the
15 entity producing the ballots whether in his or her
16 professional capacity as secretary of state or in an
17 individual capacity. As far as practicable, all questions
18 and the names of all offices and candidates for which each
19 voter is entitled to vote shall be printed on one page
20 except for the ballot for political party committee persons
21 [in polling places not utilizing an electronic voting

22 ~~system]~~ which may be printed separately and in conformity
23 with the requirements contained in this section. As far as
24 practicable, ballots containing only questions and the names
25 of nonpartisan offices and candidates shall be printed in
26 accordance with the provisions of this section, except that
27 the ballot information may be listed in vertical or
28 horizontal rows. The names of candidates for each office
29 shall be listed in the order in which they are filed.

30 2. ~~[In polling places using electronic voting systems,~~
31 ~~the ballot information may be arranged in vertical or~~
32 ~~horizontal rows or on a number of separate pages or~~
33 ~~screens. In any event,]~~ The name of each candidate, the
34 candidate's party, the office for which he or she is a
35 candidate, and each question shall be indicated clearly on
36 the ballot.

37 3. ~~[Nothing in this subchapter shall be construed as~~
38 ~~prohibiting the use of a separate paper ballot for questions~~
39 ~~or for the presidential preference primary in any polling~~
40 ~~place using an electronic voting system.~~

41 4. ~~Where electronic voting systems are used and]~~ When
42 write-in votes are authorized by law, a write-in ballot,
43 which may be in the form of a separate paper ballot, card,
44 or envelope, may be provided by the election authority to
45 permit each voter to write in the names of persons whose
46 names do not appear on the ballot.

47 4. ~~[5.]~~ ~~No ballot [printed or designed for use with an~~
48 ~~electronic voting system for any partisan election held~~
49 ~~under this chapter]~~ shall allow a person to vote a straight
50 political party ticket. For purposes of this subsection, a
51 "straight political party ticket" means voting for all of
52 the candidates for elective office who are on the ballot

53 representing a single political party by a single selection
54 on the ballot.

55 [6. The secretary of state shall promulgate rules that
56 specify uniform standards for ballot layout for each
57 electronic or computerized ballot counting system approved
58 under the provisions of section 115.225 so that the ballot
59 used with any counting system is, where possible, consistent
60 with the intent of this section. Nothing in this section
61 shall be construed to require the format specified in this
62 section if it does not meet the requirements of the ballot
63 counting system used by the election authority.

64 7.] 5. Any rule or portion of a rule, as that term is
65 defined in section 536.010, that is created under the
66 authority delegated in this section shall become effective
67 only if it complies with and is subject to all of the
68 provisions of chapter 536 and, if applicable, section
69 536.028. This section and chapter 536 are nonseverable and
70 if any of the powers vested with the general assembly
71 pursuant to chapter 536 to review, to delay the effective
72 date or to disapprove and annul a rule are subsequently held
73 unconstitutional, then the grant of rulemaking authority and
74 any rule proposed or adopted after August 28, 2002, shall be
75 invalid and void.

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. Delivery shall be

10 made to the voter personally in the office of the election
11 authority or by bipartisan teams appointed by the election
12 authority, or by first class, registered, or certified mail
13 at the discretion of the election authority, or in the case
14 of a covered voter as defined in section 115.902, the method
15 of transmission prescribed in section 115.914. **Any absentee**
16 **ballot that is mailed to the voter by first class,**
17 **registered, or certified mail shall be postmarked from the**
18 **same county in which the office of the election authority is**
19 **located.** Where the election authority is a county clerk,
20 the members of bipartisan teams representing the political
21 party other than that of county clerk shall be selected from
22 a list of persons submitted to the county clerk by the
23 county chairman of that party. If no list is provided by
24 the time that absentee ballots are to be made available, the
25 county clerk may select a person or persons from lists
26 provided in accordance with section 115.087. If the
27 election authority is not satisfied that any applicant is
28 entitled to vote by absentee ballot, it shall not deliver an
29 absentee ballot to the applicant. Within three working days
30 of receiving such an application, the election authority
31 shall notify the applicant and state the reason he or she is
32 not entitled to vote by absentee ballot. The applicant may
33 file a complaint with the elections division of the
34 secretary of state's office under and pursuant to section
35 115.219.

36 2. If, after 5:00 p.m. on the second Wednesday before
37 an election, any voter from the jurisdiction has become
38 hospitalized, becomes confined due to illness or injury, or
39 is confined in an intermediate care facility, residential
40 care facility, or skilled nursing facility on election day,
41 as such terms are defined in section 198.006, in the county

42 in which the jurisdiction is located or in the jurisdiction
43 of an adjacent election authority within the same county,
44 the election authority shall appoint a team to deliver,
45 witness the signing of and return the voter's application
46 and deliver, witness the voting of and return the voter's
47 absentee ballot. If the election authority receives ten or
48 more applications for absentee ballots from the same address
49 it shall appoint a team to deliver and witness the voting
50 and return of absentee ballots by voters residing at that
51 address, except when such addresses are for an apartment
52 building or other structure wherein individual living units
53 are located, each of which has its own separate cooking
54 facilities. Each team appointed pursuant to this subsection
55 shall consist of two registered voters, one from each major
56 political party. Both members of any team appointed
57 pursuant to this subsection shall be present during the
58 delivery, signing or voting and return of any application or
59 absentee ballot signed or voted pursuant to this subsection.

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

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

115.299. 1. To count absentee votes [on election
2 day,] the election authority shall appoint a sufficient
3 number of teams of election judges comprised of an equal
4 number of judges from each major political party.

5 2. The teams so appointed shall meet [on election day
6 after the time fixed by law for the opening of the polls] at
7 a **time and** central location designated by the election

8 authority. The election authority shall deliver the
9 absentee ballots to the teams, and shall maintain a record
10 of the delivery. The record shall include the number of
11 ballots delivered to each team and shall include a signed
12 receipt from two judges, one from each major political
13 party. The election authority shall provide each team with
14 a ballot box, tally sheets and statements of returns as are
15 provided to a polling place.

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

18 4. To process absentee ballots in envelopes, one
19 member of each team, closely observed by another member of
20 the team from a different political party, shall open each
21 envelope and call the voter's name in a clear voice.
22 Without unfolding the ballot, two team members, one from
23 each major political party, shall initial the ballot, and an
24 election judge shall place the ballot, still folded, in a
25 ballot box. No ballot box shall be opened until all of the
26 ballots a team is counting have been placed in the box. The
27 votes shall be tallied and the returns made as provided in
28 sections 115.447 to 115.525 [for paper ballots]. After the
29 votes on all ballots assigned to a team have been counted,
30 the ballots and ballot envelopes shall be enclosed in sealed
31 containers marked "voted absentee ballots and ballot
32 envelopes from the election held ___, 20__". All rejected
33 absentee ballots and envelopes shall be enclosed and sealed
34 in a separate container marked "rejected absentee ballots
35 and envelopes from the election held ___, 20__". On the
36 outside of each voted ballot and rejected ballot container,
37 each member of the team shall write his or her name, and all
38 such containers shall be returned to the election
39 authority. Upon receipt of the returns and ballots, the

40 election authority shall tabulate the absentee vote along
41 with the votes certified from each polling place in its
42 jurisdiction.

43 **5. For any absentee votes counted prior to election**
44 **day, no election judge shall disclose the tally of the vote**
45 **counted until all of the votes have been counted from the**
46 **jurisdiction of the election authority.**

115.415. Before the time fixed by law for the opening
2 of the polls, the election authority shall deliver to the
3 authorized election officials or to the polling place the
4 appropriate ballots, ballot boxes, precinct registers,
5 voting booths, voting machines **authorized under section**
6 **115.226** and all other supplies, material and equipment
7 necessary and appropriate for the polling place. The
8 election authority shall make and preserve a record of each
9 delivery.

115.417. 1. Before the time fixed by law for the
2 opening of the polls, the election authority shall deliver
3 to each polling place a sufficient number of voter
4 instruction cards which include the following information:
5 how to obtain a ballot for voting, how to vote and prepare
6 the ballot for deposit in the ballot box, and how to obtain
7 a new ballot to replace one accidentally spoiled.

8 2. The election authority at each polling place shall
9 post in a conspicuous place voting instructions on a poster
10 no smaller than twenty-four inches by thirty inches. Such
11 instructions shall also inform the voter that the
12 **[electronic voting equipment] voting machines authorized**
13 **under section 115.226** can be demonstrated upon request of
14 the voter. The election authority shall also publicly post
15 during the period of time in which a person may cast an
16 absentee ballot and on election day a sample version of the

17 ballot that will be used for that election, the date of the
18 election, the hours during which the polling place will be
19 open, instructions for mail-in registrants and first-time
20 voters, general information on voting rights in accordance
21 with the state plan filed by the secretary of state pursuant
22 to the Help America Vote Act of 2002, general information on
23 the right to cast a provisional ballot and instructions for
24 provisional ballots, how to contact appropriate authorities
25 if voting rights have been violated, and general information
26 on federal and Missouri law regarding prohibitions on acts
27 of fraud and misrepresentation. The secretary of state may
28 promulgate rules to execute this section. No rule or
29 portion of a rule promulgated pursuant to the authority of
30 this section shall become effective unless it has been
31 promulgated pursuant to chapter 536.

32 3. The secretary of state may develop multilingual
33 voting instructions to be made available to election
34 authorities.

115.419. Before the time fixed by law for the opening
2 of the polls, the election authority shall deliver to each
3 polling place a sufficient number of sample ballots [and
4 ballot cards] which shall be a different color but otherwise
5 exact copies of the official ballot. The samples shall be
6 printed in the form of a diagram, showing the form of the
7 ballot [or the front of the marking device or voting
8 machine] as it will appear on election day. The secretary
9 of state may develop multilingual sample ballots to be made
10 available to election authorities.

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

3 (1) Set up the voting equipment, arrange the
4 furniture, supplies and records and make all other

5 arrangements necessary to open the polls at the time fixed
6 by law;

7 (2) Post a voter instruction card in each voting booth
8 or machine and in at least one other conspicuous place
9 within the polling place and post a sample ballot in a
10 conspicuous place near the voting booths;

11 (3) Certify the number of ballots received at each
12 polling place[. In each polling place using voting
13 machines, the election judges shall, in lieu of certifying
14 the number of ballots received, certify the number on each
15 voting machine received at the polling place, the number on
16 the seal of each voting machine, the number on the
17 protective counter of each voting machine and that all
18 recording counters on all voting machines at the polling
19 place are set at zero. If a recording counter on any voting
20 machine is not set at zero, the election judges shall
21 immediately notify the election authority and proceed as it
22 directs];

23 (4) Compare the ballot[, ballot label or ballot card]
24 and ballot label with the sample ballots, see that the
25 names, numbers and letters agree and certify thereto in the
26 tally book. If the names, numbers or letters do not agree,
27 the election judges shall immediately notify the election
28 authority and proceed as it directs; and

29 (5) Sign the tally book in the manner provided in the
30 form for tally books in section 115.461 or 115.473. If any
31 election judge, challenger or watcher has not been
32 previously sworn as the law directs, he or she shall take
33 and subscribe the oath of his or her office as provided in
34 section 115.091 or 115.109, and the oath shall be returned
35 to the election authority with the tally book.

115.423. Not more than one hour before the voting
2 begins, the election judges shall open the ballot box and
3 show to all present that it is empty. The ballot box shall
4 then be locked and the key kept by one of the election
5 judges. The ballot box shall not be opened or removed from
6 public view from the time it is shown to be empty until the
7 polls close or until the ballot box is delivered for
8 counting pursuant to section 115.451. [If voting machines
9 are used, the election judges shall call attention to the
10 counter on the face of each voting machine and show to all
11 present that it is set at zero.]

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.

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

22 authority determines that the voter is eligible to vote at
23 another polling place, the voter shall be directed to the
24 correct polling place or a central polling place as
25 established by the election authority pursuant to subsection
26 5 of section 115.115. If the voter refuses to go to the
27 correct polling place or a central polling place, the voter
28 shall be permitted to vote a provisional ballot at the
29 incorrect polling place, but such ballot shall not be
30 counted if the voter was not eligible to vote at that
31 polling place.

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

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

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

47 (3) The voter shall have the duty to appear and vote
48 at the correct polling place. If an election judge
49 determines that the voter is not eligible to vote at the
50 polling place at which a voter presents himself or herself,
51 and if the voter appears to be eligible to vote at another
52 polling place, the voter shall be informed that he or she
53 may cast a provisional ballot at the current polling place

54 or may travel to the correct polling place or a central
55 polling place, as established by the election authority
56 under subsection 5 of section 115.115, where the voter may
57 cast a regular ballot or provisional ballot if the voter's
58 eligibility still cannot be determined. Provisional ballots
59 cast at a polling place shall be counted only if the voter
60 was eligible to vote at such polling place as provided in
61 subsection 5 of this section.

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

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

72 3. (1) No person shall be entitled to receive a
73 provisional ballot until such person has completed a
74 provisional ballot affidavit on the provisional ballot
75 envelope.

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

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

88 4. The provisional ballot in its envelope shall be
89 deposited in the ballot box. The provisional ballot
90 envelope shall be completed by the voter for use in
91 determining eligibility. The provisional ballot envelope
92 specified in this section shall contain a voter's
93 certificate which shall be in substantially the following
94 form:

95 STATE OF

96 COUNTY OF

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

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

113

114 (Signature of Voter)

115

120 (Signature of Election Official)

121 The voter may provide additional information to further
122 assist the election authority in determining eligibility,
123 including the place and date the voter registered to vote,
124 if known.

125 5. (1) Prior to counting any provisional ballot, the
126 election authority shall determine if the voter is
127 registered and eligible to vote and if the vote was properly
128 cast. The eligibility of provisional votes shall be
129 determined according to the requirements for a voter to cast
130 a ballot in the election as set forth in sections 115.133
131 and 115.135. A provisional voter ballot shall not be
132 eligible to be counted until the election authority has
133 determined that:

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

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

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

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

146 (2) When the ballot boxes are delivered to the
147 election authority from the polling places, the receiving
148 teams shall separate the provisional ballots from the rest
149 of the ballots and place the sealed provisional ballot

150 envelopes in a separate container. Teams of election
151 authority employees or teams of election judges with each
152 team consisting of one member of each major political party
153 shall photocopy each provisional ballot envelope, such
154 photocopy to be used by the election authority to determine
155 provisional voter eligibility. The sealed provisional
156 ballot envelopes shall be placed by the team in a sealed
157 container and shall remain therein until tabulation.

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

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

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

179 (5) The local election authority shall record on a
180 provisional ballot acceptance/rejection list the provisional

181 ballot identification number and a notation marking it as
182 accepted.

183 (6) If the election authority determines that the
184 provisional voter is not registered or eligible to vote in
185 the election, the election authority shall provide
186 documentation verifying the voter's ineligibility. Such
187 documentation shall be noted on the copy of the provisional
188 ballot envelope and shall contain substantially the
189 following information:

190 (a) The name of the provisional voter;
191 (b) The name of the reviewer;
192 (c) The date and time;
193 (d) A description of why the voter is ineligible.

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

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

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

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

218 7. (1) After the election authority completes its
219 review of the provisional voter's eligibility under
220 subsection 5 of this section, the election authority shall
221 deliver the provisional ballots and copies of the
222 provisional ballot envelopes that include eligibility
223 information to bipartisan counting teams, which may be the
224 board of verification, for review and tabulation. The
225 election authority shall maintain a record of such
226 delivery. The record shall include the number of ballots
227 delivered to each team and shall include a signed receipt
228 from two judges, one from each major political party. The
229 election authority shall provide each team with a ballot box
230 and material necessary for tabulation.

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

238 (3) If the person named on the provisional ballot
239 affidavit is found not to have been properly qualified and
240 registered to cast a ballot in the election or if the
241 election authority is unable to determine such person's
242 right to vote, the envelope containing the provisional
243 ballot shall not be opened, and the person's vote shall not
244 be counted. The members of the team shall follow the

245 procedures set forth in subsection 5 of this section for
246 rejected provisional ballots.

247 (4) The votes shall be tallied and the returns made as
248 provided in sections 115.447 to 115.525 [for paper ballots].
249 After the vote on all ballots assigned to a team have been
250 counted, the ballots, ballot envelopes, and copies of ballot
251 envelopes with the eligibility information provided by the
252 election authority shall be enclosed in sealed containers
253 marked "Voted provisional ballots and ballot envelopes from
254 the election held _____, 20 ____". All rejected
255 provisional ballots, ballot envelopes, and copies of ballot
256 envelopes with the eligibility information provided by the
257 election authority shall be enclosed in sealed containers
258 marked "Rejected provisional ballots and ballot envelopes
259 from the election held _____, 20 ____". On the outside of
260 each voted ballot and rejected ballot container, each member
261 of the team shall write their name and all such containers
262 shall be returned to the election authority. Upon receipt
263 of the returns and ballots, the election authority shall
264 tabulate the provisional votes.

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

277 or the copies of the provisional ballot envelopes that
278 include the eligibility information provided by the election
279 authority.

280 9. [The certificate of ballot cards shall:

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

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

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

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

293 [12.] 10. The secretary of state shall design and
294 provide to the election authorities the envelopes and forms
295 necessary to carry out the provisions of this section.

296 [13.] 11. Pursuant to the Help America Vote Act of
297 2002, the secretary of state shall ensure a free access
298 system is established, such as a toll-free number or an
299 internet website, that any individual who casts a
300 provisional ballot may access to discover whether the vote
301 of that individual was counted, and, if the vote was not
302 counted, the reason that the vote was not counted. At the
303 time an individual casts a provisional ballot, the election
304 authority shall give the voter written information that
305 states that any individual who casts a provisional ballot
306 will be able to ascertain under such free access system
307 whether the vote was counted, and if the vote was not
308 counted, the reason that the vote was not counted.

309 **[14.] 12.** In accordance with the Help America Vote Act
310 of 2002, any individual who votes in an election as a result
311 of a court order or any other order extending the time
312 established for closing the polls in section 115.407 may
313 vote only by using a provisional ballot, and such
314 provisional ballot shall be separated and held apart from
315 other provisional ballots cast by those not affected by the
316 order. Such ballots shall not be counted until such time as
317 the ballots are determined to be valid. No state court
318 shall have jurisdiction to extend the polling hours
319 established by law, including section 115.407.

115.433. After the voter's identification certificate
2 has been initialed, two judges of different political
3 parties, or one judge from a major political party and one
4 judge with no political affiliation, shall~~[, where paper~~
5 ~~ballots are used,]~~ initial the voter's ballot ~~[or ballot~~
6 ~~card]~~.

115.436. 1. ~~[In jurisdictions using paper ballots and~~
2 ~~electronic voting systems,]~~ When any physically disabled
3 voter within two hundred feet of a polling place is unable
4 to enter the polling place, two election judges, one of each
5 major political party, shall take a ballot~~[, equipment]~~ and
6 materials necessary for voting to the voter. The voter
7 shall mark the ballot, and the election judges shall place
8 the ballot in an envelope and place it in the ballot box.

9 2. ~~[In jurisdictions using voting machines, when any~~
10 ~~physically disabled voter within two hundred feet of a~~
11 ~~polling place is unable to enter the polling place, two~~
12 ~~election judges, one of each major political party, shall~~
13 ~~take an absentee ballot to the voter. The voter shall mark~~
14 ~~the ballot, and the election judges shall place the ballot~~
15 ~~in an envelope and place it in the ballot box.~~

16 3.] Upon request to the election authority, the
17 election authority in any jurisdiction shall designate a
18 polling place accessible to any physically disabled voter
19 other than the polling place to which that voter would
20 normally be assigned to vote, provided that the candidates
21 and issues voted on are consistent for both the designated
22 location and the voting location for the voter's precinct.
23 Upon request, the election authority may also assign members
24 of the physically disabled voter's household and such
25 voter's caregiver to the same voting location as the
26 physically disabled voter. In no event shall a voter be
27 assigned under this section to a designated location apart
28 from the established voting location for the voter's
29 precinct if the voter objects to the assignment to another
30 location.

115.439. 1. [If paper ballots are used,] The voter
2 shall, immediately upon receiving [his] **a** ballot, go alone
3 to a voting booth and vote [his] **the** ballot in the following
4 manner:

5 (1) When a voter desires to vote for a candidate, the
6 voter shall place a distinguishing mark immediately beside
7 the name of the candidate for which the voter intends to
8 vote;

9 (2) If a write-in line appears on the ballot, the
10 voter may write the name of the person for whom he or she
11 wishes to vote on the line and place a distinguishing mark
12 immediately beside the name;

13 (3) If the ballot is one which contains no candidates,
14 the voter shall place a distinguishing mark directly to the
15 left of each "YES" or "NO" he **or she** desires to vote.

16 No voter shall vote for the same person more than once for
17 the same office at the same election.

18 2. If the voter accidentally spoils his **or her** ballot
19 **[or ballot card]** or makes an error, he **or she** may return it
20 to an election judge and receive another. The election
21 judge shall mark "SPOILED" across the ballot **[or ballot**
22 **card]** and place it in an envelope marked "SPOILED BALLOTS".
23 After another ballot has been prepared in the manner
24 provided in section 115.433, the ballot shall be given to
25 the voter for voting.

26 3. Any rule or portion of a rule, as that term is
27 defined in section 536.010, that is created under the
28 authority delegated in this section shall become effective
29 only if it complies with and is subject to all of the
30 provisions of chapter 536 and, if applicable, section
31 536.028. This section and chapter 536 are nonseverable and
32 if any of the powers vested with the general assembly
33 pursuant to chapter 536 to review, to delay the effective
34 date or to disapprove and annul a rule are subsequently held
35 unconstitutional, then the grant of rulemaking authority and
36 any rule proposed or adopted after August 28, 2002, shall be
37 invalid and void.

115.443. 1. **[Where paper ballots are used,]** The voter
2 shall, before leaving the voting booth, fold **[his]** **the**
3 ballot so that the distinguishing marks are concealed. The
4 voter shall place **[his]** **the** ballot in the ballot box and
5 leave the polling place immediately.

6 2. **In case of** **[Where electronic]** voting machines **[are**
7 **used,]** **authorized under section 115.226,** the voter shall
8 register his vote as directed in the instructions for use of
9 the machine, **fold the printed ballot so that the**

10 **distinguishing marks are concealed, place the ballot in the**
11 **ballot box**, and leave the polling place immediately.

115.447. [1.] As used in [this subchapter] **sections**
2 **115.447 through 115.483**, unless the context clearly implies
3 otherwise, the following terms shall mean:

4 (1) "Counting judges" are the two judges, one from
5 each major political party, who read each vote received by
6 all candidates and each vote for and against all questions
7 at a polling place;

8 (2) "Receiving judges" are the two judges, one from
9 each major political party, who initial each voter's ballot
10 at a polling place;

11 (3) "Recording judges" are the two judges, one from
12 each major political party, who tally the votes received by
13 each candidate and for and against each question at a
14 polling place. These terms describe functions rather than
15 individuals, and any election judge may perform more than
16 one function at a polling place on election day[.];

17 [2. As used in this subchapter, unless the context
18 clearly implies otherwise, the following terms shall mean:

19 (1) [4] (4) "Defective ballot" is any ballot on which the
20 number of write-in votes and votes cast on the ballot for
21 any office exceed the number allowed by law[, and any ballot
22 which is bent or damaged so that it cannot be properly
23 counted by automatic tabulating equipment];

24 [(2)] (5) "Rejected ballot" is any ballot on which no
25 votes are counted because the ballot fails to have the
26 initials of the proper election judges, because the number
27 of votes for all offices and on all questions exceeds the
28 number authorized by law, because the voter is deemed by the
29 election judges to be unqualified, because it is an absentee

30 ballot not accompanied by a completed and signed affidavit,
31 or because the ballot was voted with unlawful assistance;

32 **[(3)] (6)** "Spoiled ballot" is any ballot accidentally
33 spoiled by a voter and replaced by election judges in the
34 manner provided in subsection 2 of section 115.439.

115.449. 1. As soon as the polls close in each
2 polling place **[using paper ballots]**, the election judges
3 shall begin to count the votes. If earlier counting is
4 begun pursuant to section 115.451, the election judges shall
5 complete the count in the manner provided by this section.
6 Once begun, no count shall be adjourned or postponed until
7 all proper votes have been counted.

8 2. One counting judge, closely observed by the other
9 counting judge, shall take the ballots out of the ballot box
10 one at a time and, holding each ballot in such a way that
11 the other counting judge may read it, shall read the name of
12 each candidate properly voted for and the office sought by
13 each. As each vote is called out, the recording judges
14 shall each record the vote on a tally sheet. The votes for
15 and against all questions shall likewise be read and
16 recorded. If more than one political subdivision or special
17 district is holding an election on the same day at the same
18 polling place and using separate ballots, the counting
19 judges may separate the ballots of each political
20 subdivision and special district and first read one set,
21 then the next and so on until all proper votes have been
22 counted.

23 3. After the recording of all proper votes, the
24 recording judges shall compare their tallies. When the
25 recording judges agree on the count, they shall sign both of
26 the tally sheets, and one of the recording judges shall

27 announce in a loud voice the total number of votes for each
28 candidate and for and against each question.

29 4. After the announcement of the vote, the election
30 judges shall record the vote totals in the appropriate
31 places on each statement of returns. If any tally sheet or
32 statement of returns contains no heading for any question,
33 the election judges shall write the necessary headings on
34 the tally sheet or statement of returns.

35 **5. Once all of the votes have been read and recorded at**
36 **a polling place, the results from such polling place may be**
37 **released to the election authority, the secretary of state,**
38 **and the public. Under no circumstances shall any vote count**
39 **or tally be released from any specific polling place to any**
40 **person or entity prior to all of the votes being counted**
41 **from such polling place.**

115.451. **[If authorized by the election authority,]**

2 The election judges may read and record votes before the
3 close of the polls. **[If so authorized,]** The election judges
4 shall use one ballot box for the deposit of ballots during
5 the first hour of voting. At the end of the hour, the
6 receiving judges shall deliver the ballot box to the
7 counting and recording judges, who shall give the receiving
8 judges a second empty ballot box. The second ballot box
9 shall be shown to be empty and locked in the manner provided
10 in section 115.423. The second ballot box shall not be
11 opened or removed from public view from the time it is shown
12 to be empty until the time the polls close or it is removed
13 for counting pursuant to this section. The ballot box
14 containing the voted ballots shall be taken to a private
15 area within the polling place, and the ballots shall be read
16 and recorded in the manner provided by section 115.449. In
17 no case shall ballot boxes be switched at less than one hour

18 intervals and then only if twenty-five or more ballots have
19 been voted during the hour. **For any votes read and recorded**
20 **prior to the close of polls, no election judge shall**
21 **disclose the tally of the vote counted until all of the**
22 **votes have been counted and reported from the polling place.**

115.456. 1. [(1) The election authority shall be
2 responsible for ensuring that the standards provided for in
3 this subsection are followed when counting ballots cast
4 using optical scan voting systems.

5 (2) Prior to tabulating ballots, all machines shall be
6 programmed to reject blank ballots where no votes are
7 recorded or where an overvote is registered in any race.

8 (3) In jurisdictions using precinct-based tabulators,
9 the voter who cast the ballot shall review the ballot if
10 rejected, if the voter wishes to make any changes to the
11 ballot, or if the voter would like to spoil the ballot and
12 receive another ballot.

13 (4) In jurisdictions using centrally based tabulators,
14 if a ballot is so rejected it shall be reviewed by a
15 bipartisan team using the following criteria:

16 (a) If a ballot is determined to be damaged, the
17 bipartisan team shall spoil the original ballot and
18 duplicate the voter's intent on the new ballot, provided
19 that there is an undisputed method of matching the duplicate
20 card with its original after it has been placed with the
21 remainder of the ballot cards from such precinct; and

22 (b) Voter intent shall be determined using the
23 following criteria:

24 a. There is a distinguishing mark in the printed oval
25 or divided arrow adjacent to the name of the candidate or
26 issue preference;

27 b. There is a distinguishing mark adjacent to the name
28 of the candidate or issue preference; or
29 c. The name of the candidate or issue preference is
30 circled.

31 (5) In jurisdictions using optical scan systems, a
32 valid vote for a write-in candidate shall include the
33 following:

34 (a) A distinguishing mark in the designated location
35 preceding the name of the candidate;
36 (b) The name of the candidate. If the name of the
37 candidate as written by the voter is substantially as
38 declared by the candidate it shall be counted, or in those
39 circumstances where the names of candidates are similar, the
40 names of candidates as shown on voter registration records
41 shall be counted; and

42 (c) The name of the office for which the candidate is
43 to be elected.

44 (6) Whenever a hand recount of votes of optical scan
45 ballots is ordered, the provisions of this subsection shall
46 be used to determine voter intent.

47 2.] (1) The election authority shall be responsible
48 for ensuring that the standards provided for in this
49 subsection are followed when counting ballots [cast using
50 paper ballots].

51 (2) Voter intent shall be determined using the
52 following criteria:

53 (a) There is a distinguishing mark in the square
54 adjacent to the name of the candidate or issue preference;

55 (b) There is a distinguishing mark adjacent to the
56 name of the candidate or issue preference; or

57 (c) The name of the candidate or issue preference is
58 circled.

59 (3) [In jurisdictions using paper ballots,] A valid
60 vote for a write-in candidate shall include the following:

61 (a) A distinguishing mark in the square immediately
62 preceding the name of the candidate;

63 (b) The name of the candidate. If the name of the
64 candidate as written by the voter is substantially as
65 declared by the candidate it shall be counted, or in those
66 circumstances where the names of candidates are similar, the
67 names of candidates as shown on voter registration records
68 shall be counted; and

69 (c) The name of the office for which the candidate is
70 to be elected.

71 (4) Whenever a hand recount of votes [of paper
72 ballots] is ordered, the provisions of this subsection shall
73 be used to determine voter intent.

74 [3.] 2. Notwithstanding any other provision of law, a
75 distinguishing mark indicating a general preference for or
76 against the candidates of one political party shall not be
77 considered a vote for or against any specific candidate.

115.459. At each polling place [using paper ballots],
2 after the polling place is closed, the election judges shall

12 (2) Certify on two statements of returns the number of
13 votes received by each candidate and for and against each

14 question. No returns shall be signed in blank or before the
15 polls have closed and all proper votes cast at the polling
16 place have been counted;

17 (3) Certify that each statement made in the tally book
18 and on each statement of returns is correct. If any judge
19 declines to certify that all such statements are correct, he
20 shall state his reasons in writing, which shall be attached
21 to each statement of returns and returned with the statement
22 to the election authority.

115.461. 1. The tally book for each polling place
2 [using paper ballots] shall be in substantially the
3 following form:

4 Tally book for _____ precincts, at the general
5 (special, primary) election held on the _____ day
6 of _____, 20____ AB, CD, EF, and XP judges, and
7 ZR and LT, watchers and BH and SP challengers at
8 this polling place, were sworn as the law directs
9 before beginning their duties.

10 We hereby certify:

11 The number of ballots received at this polling
12 place is _____;

13 The information on the official ballots
14 received at this polling place is the same as
15 the information on the sample ballots received
16 at this polling place.

17 AB

18 CD Election Judges

19 EF

20 XP

21 We hereby certify:

22 The number of ballots cast at this polling
23 place is _____;

24 The number of identification certificates
25 signed at this polling place is ;

26 The number of rejected ballots at this polling
27 place is ;

28 The number of spoiled ballots at this polling
29 place is _____;

30 The number of ballots received at this polling
31 place which were not cast at this election is
32 ;

33 AB

34 CD

35 EF

36 XP

37 2. At each polling place [using paper ballots,] two
38 tally sheets shall be included in each tally book. The
39 tally sheets shall be in substantially the following form:

40 NAMES OF PERSONS VOTED FOR AND

41 FOR WHAT OFFICE AND THE NUMBER

42 OF VOTES CAST FOR EACH PERSON

43	Office	Candidates	Tally of Votes	Total Votes
----	--------	------------	----------------	-------------

44		MC					
45	Governor	HK					
46		EH					
47	Representative	SS					
48	in	RK					
49	Congress	CB					

50 VOTES FOR AND AGAINST EACH QUESTION

	Question	Tally of votes FOR	Tally of votes AGAINST	Total of votes FOR	Total of votes AGAINST
54	1.				
55	To _____	_____	_____	_____	_____
56		_____	_____	_____	_____
57		_____	_____	_____	_____
58	2.				
59	To _____	_____	_____	_____	_____
60		_____	_____	_____	_____
61		_____	_____	_____	_____
62	Signature of Recording			Signature of Recording	
63					
64	Judge			Judge	
65				(of different	
66				political party)	

67 3. At each polling place [using paper ballots,] two
68 statements of returns shall be provided to the election
69 judges. The statements of returns shall be in substantially
70 the following form:

71 We hereby certify that MC had _____ votes for
72 governor, and HK had _____ votes for governor and
73 EH had _____ votes for governor; that SS had
74 _____ votes for representative in Congress, etc.

75 We hereby certify that proposition number 1
76 received _____ votes for and _____ votes
77 against; constitutional amendment number 1
78 received _____ votes for and _____ votes
79 against, etc.

80 We, the duly qualified and acting Judges of the
81 polling place for _____ precincts, at the general
82 (special, primary) election held on the _____ of
83 _____, 20_____, in _____ county (City of St.
84 Louis, Kansas City), Missouri do hereby certify

85 that the foregoing is a full and accurate return
86 of all votes cast at this polling place for all
87 candidates and for and against all questions.

88 AB

89 CD Election Judges

90 EF

91 XP

115.493. The election authority shall keep all voted
2 ballots, **[ballot cards,]** processed ballot materials in
3 electronic form and write-in forms, and all applications,
4 statements, certificates, affidavits and computer programs
5 relating to each election for **[twenty-two months]** **five years**
6 after the date of the election. During the time that voted
7 ballots, **[ballot cards,]** processed ballot materials in
8 electronic form and write-in forms are kept by the election
9 authority, it shall not open or inspect them or allow anyone
10 else to do so, except upon order of a legislative body
11 trying an election contest, a court or a grand jury. After
12 **[twenty-two months]** **five years**, the ballots, **[ballot cards,]**
13 processed ballot materials in electronic form, write-in
14 forms, applications, statements, certificates, affidavits
15 and computer programs relating to each election may be
16 destroyed. If an election contest, grand jury investigation
17 or civil or criminal case relating to the election is
18 pending at the time, however, the materials shall not be
19 destroyed until the contest, investigation or case is
20 finally determined.

115.501. As soon as possible after an election **[in**
2 **which paper ballots or ballot cards are used]**, the
3 verification board shall meet and check the addition and
4 figures on all tally sheets and statements of returns and

5 shall compare its record with the returns made by the
6 election judges and the election authority on the day of the
7 election. Before meeting, the verification board shall give
8 notice of the time and place of the meeting to each
9 independent and new party candidate and the chairman of the
10 county committee of each political party named on the ballot
11 at the election. The meeting and proceedings of the
12 verification board shall be open to a representative of each
13 independent candidate and political party named on the
14 ballot. If there is a discrepancy between the returns of
15 the election judges and the election authority and the
16 record of the verification board, the verification board
17 shall correct the returns made by the judges and election
18 authority to conform to its record. The corrected returns
19 shall supersede the returns made by the election judges and
20 the election authority on election day. Both the record and
21 the returns shall be retained by the election authority as
22 provided in section 115.493.

115.527. Any [candidate for nomination to an office at
2 a primary election] **registered voter** may challenge the
3 correctness of the returns for [the] a nomination **to any**
4 **office for which such registered voter was eligible to vote**
5 charging that irregularities occurred in the election.

115.531. 1. Not later than five days after the
2 official announcement of the results of a primary election
3 is issued by the election authority or the secretary of
4 state, as the case may be, [any candidate] **the person**
5 desiring to contest the primary election shall file a
6 verified petition in the office of the clerk of the circuit
7 court of any circuit in which part of the election was held
8 and in which any alleged irregularity occurred, unless the
9 office involved in the contest is that of a circuit or

10 associate circuit judge not subject to Section 25, Article
11 V, Constitution of Missouri, in which case the verified
12 petition shall be filed, heard, and determined by an
13 adjoining circuit court selected by the contestant as
14 specified in section 115.575. The contestant shall only be
15 required to file one petition with the circuit court for
16 each election contest regardless of the number of counties
17 within the court's jurisdiction. The petition shall set
18 forth the points on which the contestant wishes to contest
19 the election and the facts the contestant will prove in
20 support of such points, and shall pray leave to produce such
21 proof. The judge of the court shall immediately note on the
22 petition the date it was filed and shall immediately set a
23 date, not later than five days after the petition is filed,
24 for a preliminary hearing. If the petition is filed in
25 vacation, the judge of the circuit court shall immediately
26 convene the court in special session for the purpose of
27 hearing the contest. If no regular judge of the court is
28 available the supreme court shall immediately assign another
29 judge. The circuit court in which the petition is filed
30 shall have exclusive jurisdiction over all matters relating
31 to the contest and may issue appropriate orders to all
32 election authorities in the area in which the contested
33 election was held.

34 2. If a petition contesting a primary election is
35 filed in an incorrect circuit, the court in which it is
36 filed shall have jurisdiction and shall promptly transfer
37 the suit to the correct circuit court.

115.541. 1. Whenever a recount is ordered pursuant to
2 section 115.539, the court shall order all materials and
3 records relating to the contest brought before it, so that
4 the court has the same materials and records as the election

5 judges had while making the count and statements of
6 returns. The court shall have authority to pass upon the
7 form and determine the legality of the votes brought into
8 question and to determine the qualifications of any voter
9 whose vote is brought into question, provided that the name
10 of a voter upon a precinct register for the polling place
11 shall be prima facie evidence of the proper qualifications
12 of the voter. A comparison may be made between the
13 signatures on the identification certificates and those
14 which appear in the precinct registers, and no votes shall
15 be counted except the votes of registered voters and those
16 entitled to vote as provided in section 115.277 without
17 being registered. No votes of any person found by the court
18 to be unqualified to vote at the primary election shall be
19 counted.

20 2. Whenever a recount of votes [cast on paper ballots]
21 is ordered pursuant to section 115.539 or 115.601, the court
22 shall proceed to open and count the votes and, after the
23 count has been completed, shall tabulate by voting district
24 the votes cast for the contestant and the contestee.

25 [3. Whenever a recount of votes cast on any voting
26 machine is ordered pursuant to section 115.539 or 115.601,
27 the court shall make visible the registering counters of the
28 machine and, without unlocking the machine against voting,
29 shall record the votes cast on the machine.]

30 4. Whenever a recount of votes cast on ballot cards is
31 ordered pursuant to section 115.539 or 115.601, the court
32 shall supervise a test of the automatic tabulating equipment
33 conducted in the manner provided in section 115.233 and
34 shall cause the votes to be recounted automatically or may
35 order a hand count of the votes. In its discretion, the
36 court may order a new computer program to be made, which

37 shall be tested in the manner provided in section 115.233
38 before the votes in question are recounted automatically.]

115.553. 1. Any [candidate for election to any
2 office] **registered voter** may challenge the correctness of
3 the returns for [the office] **any election for which such**
4 **voter was eligible to vote**, charging that irregularities
5 occurred in the election.

6 2. The result of any election on any question may be
7 contested by one or more registered voters from the area in
8 which the election was held. The petitioning voter or
9 voters shall be considered the contestant and the officer or
10 election authority responsible for issuing the statement
11 setting forth the result of the election shall be considered
12 the contestee. In any such contest, the proponents and
13 opponents of the ballot question shall have the right to
14 engage counsel to represent and act for them in all matters
15 involved in and pertaining to the contest.

115.585. 1. Whenever a recount is ordered pursuant to
2 section 115.583 or 115.601, the court or legislative body
3 trying the contest shall issue a writ to each election
4 authority responsible for conducting the election in any
5 area in which an alleged irregularity occurred, commanding
6 the election authority to prepare its office and all records
7 and materials relating to the contested election for the
8 recount. Such writ shall be served immediately on the
9 election authority by the sheriff of the county. Upon
10 receipt of a writ, each election authority shall set a day,
11 not more than twenty days after receiving the writ, on which
12 it will have its office and all records and materials
13 relating to the contested election prepared. Immediately
14 upon setting the day, the election authority shall send by
15 certified or registered mail a notice to the court or

16 legislative body issuing the writ. The notice shall set
17 forth the day selected by the election authority for the
18 recount.

19 2. Whenever a recount is ordered pursuant to section
20 115.583, the court or legislative body shall have authority
21 to pass upon the form and determine the legality of the
22 votes brought into question and to determine the
23 qualifications of any voter whose vote is brought into
24 question, provided that the name of a voter upon a precinct
25 register for the polling place shall be *prima facie* evidence
26 of the proper qualifications of the voter. A comparison may
27 be made between the signatures on the identification
28 certificates and those which appear in the precinct
29 registers, and no votes shall be counted except the votes of
30 registered voters and those entitled to vote as provided in
31 subsection 2 of section 115.137 and section 115.277 without
32 being registered. No votes of any person found by the court
33 to be unqualified to vote at the election shall be counted.

34 3. Whenever a recount of votes [cast on paper ballots]
35 is ordered pursuant to section 115.583 or 115.601, the court
36 or legislative body shall proceed to open and count the
37 votes and, after the count has been completed, shall
38 tabulate by voting district the votes cast for the
39 contestant and the contestee.

40 [4. Whenever a recount of votes cast on any voting
41 machine is ordered pursuant to section 115.583 or 115.601,
42 the court or legislative body shall make visible the
43 registering counters of the machine and, without unlocking
44 the machine against voting, shall record the votes cast on
45 the machine.]

46 5. Whenever a recount of votes cast on ballot cards is
47 ordered pursuant to section 115.583 or 115.601, the court or

48 legislative body shall supervise a test of the automatic
49 tabulating equipment conducted in the manner provided in
50 section 115.233 and shall cause the votes to be recounted
51 automatically, or may order a hand count of the votes. In
52 its discretion, the court or legislative body may order a
53 new computer program to be made, which shall be tested in
54 the manner provided in section 115.233 before the votes in
55 question are recounted automatically.]

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

9 (1) Willfully and falsely making any certificate,
10 affidavit, or statement required to be made pursuant to any
11 provision of this chapter, including but not limited to
12 statements specifically required to be made "under penalty
13 of perjury"; or in any other manner knowingly furnishing
14 false information to an election authority or election
15 official engaged in any lawful duty or action in such a way
16 as to hinder or mislead the authority or official in the
17 performance of official duties. If an individual willfully
18 and falsely makes any certificate, affidavit, or statement
19 required to be made under section 115.155, including but not
20 limited to statements specifically required to be made
21 "under penalty of perjury", such individual shall be guilty
22 of a class D felony;

23 (2) Voting more than once or voting at any election
24 knowing that the person is not entitled to vote or that the

25 person has already voted on the same day at another location
26 inside or outside the state of Missouri;

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

30 (4) Applying for a ballot in the name of any other
31 person, whether the name be that of a person living or dead
32 or of a fictitious person, or applying for a ballot in his
33 or her own or any other name after having once voted at the
34 election inside or outside the state of Missouri;

35 (5) Aiding, abetting or advising another person to
36 vote knowing the person is not legally entitled to vote or
37 knowingly aiding, abetting or advising another person to
38 cast an illegal vote;

39 (6) An election judge knowingly causing or permitting
40 any ballot to be in the ballot box at the opening of the
41 polls and before the voting commences;

42 (7) Knowingly furnishing any voter with a false or
43 fraudulent or bogus ballot, or knowingly practicing any
44 fraud upon a voter to induce him or her to cast a vote which
45 will be rejected, or otherwise defrauding him or her of his
46 or her vote;

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

52 (9) Knowingly placing or attempting to place or
53 causing to be placed any false or fraudulent or bogus ballot
54 in a ballot box at any election;

55 (10) Knowingly removing any legal ballot from a ballot
56 box for the purpose of changing the true and lawful count of

57 any election or in any other manner knowingly changing the
58 true and lawful count of any election;

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

62 (12) Knowingly altering, defacing, damaging,
63 destroying or concealing any poll list, report, affidavit,
64 return or certificate for the purpose of changing the lawful
65 count of any election;

66 (13) On the part of any person authorized to receive,
67 tally or count a poll list, tally sheet or election return,
68 receiving, tallying or counting a poll list, tally sheet or
69 election return the person knows is fraudulent, forged or
70 counterfeit, or knowingly making an incorrect account of any
71 election;

72 (14) On the part of any person whose duty it is to
73 grant certificates of election, or in any manner declare the
74 result of an election, granting a certificate to a person
75 the person knows is not entitled to receive the certificate,
76 or declaring any election result the person knows is based
77 upon fraudulent, fictitious or illegal votes or returns;

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

83 (16) [Willfully tampering with, disarranging, altering
84 the information on, defacing, impairing or destroying any
85 voting machine or marking device after the machine or
86 marking device has been prepared for use at an election and
87 during the time it is required by law to remain locked and
88 sealed with intent to impair the functioning of the machine

89 or marking device at an election, mislead any voter at the
90 election, or to destroy or change the count or record of
91 votes on such machine;

92 (17) Registering to vote knowing the person is not
93 legally entitled to register or registering in the name of
94 another person, whether the name be that of a person living
95 or dead or of a fictitious person;

96 [(18)] (17) Procuring any other person to register
97 knowing the person is not legally entitled to register, or
98 aiding, abetting or advising another person to register
99 knowing the person is not legally entitled to register;

100 [(19)] (18) Knowingly preparing, altering or
101 substituting any computer program or other counting
102 equipment to give an untrue or unlawful result of an
103 election;

104 [(20)] (19) On the part of any person assisting a
105 blind or disabled person to vote, knowingly failing to cast
106 such person's vote as such person directs;

107 [(21)] (20) On the part of any registration or
108 election official, permitting any person to register to vote
109 or to vote when such official knows the person is not
110 legally entitled to register or not legally entitled to vote;

111 [(22)] (21) On the part of a notary public acting in
112 his or her official capacity, knowingly violating any of the
113 provisions of this chapter or any provision of law
114 pertaining to elections;

115 [(23)] (22) Violation of any of the provisions of
116 sections 115.275 to 115.303, or of any provision of law
117 pertaining to absentee voting;

118 [(24)] (23) Assisting a person to vote knowing such
119 person is not legally entitled to such assistance, or while
120 assisting a person to vote who is legally entitled to such

121 assistance, in any manner coercing, requesting or suggesting
122 that the voter vote for or against, or refrain from voting
123 on any question, ticket or candidate;

124 **[(25)] (24)** Engaging in any act of violence,
125 destruction of property having a value of five hundred
126 dollars or more, or threatening an act of violence with the
127 intent of denying a person's lawful right to vote or to
128 participate in the election process; and

129 **[(26)] (25)** Knowingly providing false information
130 about election procedures for the purpose of preventing any
131 person from going to the polls.

115.633. The following offenses, and any others
2 specifically so described by law, shall be class two
3 election offenses and are deemed felonies not connected with
4 the exercise of the right of suffrage. Conviction for any
5 of these offenses shall be punished by imprisonment of not
6 more than five years or by fine of not less than two
7 thousand five hundred dollars but not more than ten thousand
8 dollars or by both such imprisonment and fine[:]

9 **(1)** on the day of election or before the counting of
10 votes is completed, willfully concealing, breaking, or
11 destroying any ballot box used or intended to be used at
12 such election or willfully or fraudulently concealing or
13 removing any ballot box from the custody of the election
14 judges[;

15 **(2)** Willfully tampering with, disarranging, defacing,
16 materially altering, impairing, or destroying any voting
17 machine or automatic tabulating equipment owned or leased by
18 or loaned to an election authority].

115.655. 1. The election authority shall provide for
2 the delivery of official ballots to each qualified voter:

17 Voters shall also be provided with a return identification
18 envelope, a secrecy envelope, and instructions sufficient to
19 describe the voting process.

20 2. Upon receipt of the ballot, the voter shall mark
21 it, place and seal the marked ballot in the secrecy envelope
22 supplied with the ballot, place and seal the sealed secrecy
23 envelope containing the marked ballot in the return
24 identification envelope supplied with the ballot which has
25 been signed by the voter and then return the marked ballot
26 to the election authority by either:

27 (1) United States mail; or

28 (2) Personally delivering the ballot to the office of
29 the election authority.

30 3. The election authority may provide additional sites
31 for return delivery of ballots. The election authority may
32 provide for the payment of postage on the return of ballots.

33 4. The return identification envelope shall be in
34 substantially the following form:

35 PLEASE PRINT:

36 NAME _____

37 I declare under penalty of perjury, a felony, that
38 I am a resident and a qualified voter for this
39 election as shown on voter registration records
40 and that I have voted the enclosed ballot and am
41 returning it in compliance with sections 115.650
42 to 115.660, RSMo, and have not and will not vote
43 more than one ballot in this election.

44 I also understand that failure to complete the
45 information below will invalidate my ballot.

46 _____

47 Signature _____

48 _____

49 Residence Address _____

50 _____

51 Mailing Address (if
52 different) _____

53 5. If the ballot is destroyed, spoiled, lost or not
54 received by the voter, the voter may obtain a replacement
55 ballot from the election authority as provided in this
56 subsection. A voter seeking a replacement ballot shall sign
57 a statement verified on oath or affirmation, on a form
58 prescribed by the election authority that the ballot was
59 destroyed, spoiled, lost or not received. The applicant
60 shall deliver the statement to the election authority before
61 noon on the date of the election. The applicant may mail
62 the statement to the election authority; but, no election
63 authority shall transmit a ballot by mail under this
64 subsection unless the application is received prior to the

65 close of business on the fifth day prior to the election.
66 When an application is timely received under this
67 subsection, the election authority shall deliver the ballot
68 to the voter if the voter is present in the office of the
69 election authority, or promptly transmit the ballot by mail
70 to the voter at the address contained in the application,
71 except when prohibited in this subsection. The election
72 authority shall keep a record of each replacement ballot
73 provided under this subsection.

74 6. A ballot must be returned by mail or received in
75 the office of the election authority or at a site provided
76 for receipt of ballots by the election authority no later
77 than 7:00 p.m. on election day. The election authority
78 shall transmit all return identification envelopes to a team
79 or teams of judges of not less than four, with an equal
80 number from each major political party. The judges shall be
81 selected by the election authority from lists submitted
82 under the provisions of section 115.087, and subscribe to
83 the oath provided in section 115.091. Upon receipt of such
84 envelopes the judges shall verify the signature of each
85 voter on the return identification envelope with the
86 signature of the voter on the voter registration records.
87 Such verification may commence at time prior to the day of
88 the election. The election authority shall adopt procedures
89 for securing and accounting for all verified return
90 identification envelopes. The secrecy envelope shall not be
91 separated from the return identification envelope before
92 ballots are counted. Ballots may be counted at any time on
93 election day provided the results are not released before
94 7:00 p.m. on that day. Counting of ballots **[may]** **shall** be
95 done by hand **[or through the utilization of automatic]**

96 tabulating equipment] and shall be governed by the
97 applicable sections of this chapter.

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

2 [115.229. 1. An electronic voting system
3 may be used at any primary election if it has
4 been approved by the secretary of state,
5 complies with the provisions of section 115.225,
and if the automatic tabulating equipment will
reject each vote on which a voter has voted for
candidates of more than one party.

8 2. An electronic voting system may be used
9 at any other election if it has been approved by
10 the secretary of state and complies with the
11 provisions of section 115.225.]

2 [115.233. Within fourteen days prior to an
3 election at which an electronic voting system is
4 to be used, the election authority shall have
5 the automatic tabulating equipment tested to
ascertain that the equipment is in compliance
6 with the law and that it will correctly count
7 the votes cast for all offices and on all
8 questions. At least forty-eight hours prior to
9 the test, notice of the time and place of the
10 test shall be mailed to each independent and new
11 party candidate and the chairman of the county
12 committee of each established political party
13 named on the ballot. The test shall be observed
14 by at least two persons designated by the
15 election authority, one from each major
16 political party, and shall be open to
17 representatives of the political parties,
18 candidates, the news media and the public. The
19 test shall be conducted by processing a
20 preaudited group of ballots. If any error is
21 detected, the cause shall be ascertained and
22 corrected, and an errorless count shall be made
23 before the tabulating equipment is approved.]

2 [115.235. In jurisdictions where
3 electronic voting systems are used, the election
4 authority shall cause the marking devices to be
5 put in order, set, adjusted and made ready for
voting, before they are delivered to polling
6 places on election day.]

2 [115.249. No voting machine shall be used
unless it:
3 (1) Permits voting in absolute secrecy;
4 (2) Permits each voter to vote for as many
5 candidates for each office as he is lawfully
6 entitled to vote for, and no other;

- (3) Permits each voter to vote for or against as many questions as he is lawfully entitled to vote on, and no more;
- (4) Provides facilities for each voter to cast as many write-in votes for each office as he is lawfully entitled to cast; [REDACTED]
- (5) Permits each voter in a primary election to vote for the candidates of only one party announced by the voter in advance; [REDACTED]
- (6) Correctly registers or records and accurately counts all votes cast for each candidate and for and against each question; [REDACTED]
- (7) Is provided with a lock or locks which prevent any movement of the voting or registering mechanism and any tampering with the mechanism; [REDACTED]
- (8) Is provided with a protective counter or other device whereby any operation of the machine before or after an election will be detected; [REDACTED]
- (9) Is provided with a counter which shows at all times during the election how many people have voted on the machine;
- (10) Is provided with a proper light which enables each voter, while voting, to clearly see the ballot labels. [REDACTED]

[115.255. The use of separate paper ballots for questions and candidates in polling places shall not be prohibited where electronic voting machines are used.]

[115.257. 1. In jurisdictions where electronic voting machines are used, the election authority shall cause the voting machines to be put in order, set, adjusted and made ready for voting before they are delivered to polling places.]

2. At least five days before preparing electronic voting machines for any election, notice of the time and place of such preparation shall be mailed to each independent candidate and the chairman of the county committee of each established political party named on the ballot. The preparation shall be watched by two observers designated by the election authority, one from each major political party, and shall be open to representatives of the political parties, candidates, the news media and the public.

3. When an electronic voting machine has been examined by such observers and shown to be in good working order, the machine shall be locked against voting. The observers shall certify the vote count on each machine is set at zero.

4. After an electronic voting machine has been properly prepared and locked, its keys

27 shall be retained by the election authority and
28 delivered to the election judges along with the
29 other election supplies.

30 5. For the purpose of processing absentee
31 ballots, cast by voters in person in the office
32 of the election authority that is deemed
33 designated as a polling place, the election
34 authority may cause voting machines, if used, to
35 be put in order, set, adjusted, tested, and made
36 ready for voting within one business day of the
37 printing of absentee ballots as provided in
38 section 115.281. The election authority shall
39 have the recording counter except for the
40 protective counter on the voting machine set to
41 zero (000). After the voting machines have been
42 made ready for voting, the election authority
43 shall not permit any person to handle any voting
44 machine, except voters while they are voting and
45 others expressly authorized by the election
46 authority. The election authority shall neither
47 be nor permit any other person to be in any
48 position or near any position that enables the
49 authority or person to see how any absentee
50 voter votes or has voted.

51 6. Nothing in this section shall prohibit
52 the on-site storage of electronic voting
53 machines and the preparation of the electronic
54 machines for voting, provided the electronic
55 voting machines are put in order, set, adjusted
56 and made ready for voting as provided in
57 subsections 1, 2, 3, 4, and 5 of this section.]

2 [115.259. At each polling place using
3 voting machines, the exterior of the voting
4 machines shall be in plain view of the election
5 judges. The election judges shall not be nor
6 permit any other person to be in any position,
7 or near any position, that enables them to see
8 how any voter votes or has voted. The election
9 judges may inspect any machine as necessary to
10 make sure the ballot label is in its proper
place and that the machine has not been damaged.]

2 [115.261. During an election, no door,
3 compartment, or lock shall be unlocked or
4 opened, except by direction of the election
5 authority, and then only for good and sufficient
6 reason. If the door, compartment, or lock on
7 any machine is opened by the election authority
8 or his representative, the reason for such
9 opening shall be stated in writing, signed by
10 the election authority or his representative and
attached to one statement of returns.]

2 [115.263. After the opening of the polls,
3 the election judges shall not permit any person
4 to handle any electronic voting machine, except
voters while they are voting and others

5 expressly authorized by the election authority
6 or state law.]

1 [115.265. If any electronic voting machine
2 at a polling place becomes inoperative, the election
3 judges shall immediately notify the election
4 authority. If possible, the election
5 authority shall repair or replace the machine.
6 If an electronic voting machine is replaced with
7 another machine, the votes on both machines
8 shall be recorded at the close of the polls and
9 shall be added together in determining the
10 results of the election. If the inoperative
11 machine cannot be repaired, and no other machine
12 is available for use, paper ballots made as
13 nearly as practicable to the official ballot may
14 be used. At the close of the polls, the votes
15 on paper ballots and the votes on the electronic
16 voting machines shall be recorded and shall be
17 added together in determining the results of the
18 election. All paper ballots used pursuant to
19 this section shall be used in accordance with
20 the laws affecting paper ballots and shall be
21 returned to the election authority as paper
22 ballots are returned with a statement describing
23 how and why the paper ballots were voted.]

1 [115.267. Any election authority may
2 adopt, experiment with or abandon any electronic
3 voting system approved for use in the state, or
4 may lease one or more electronic voting machines
5 or other equipment, either with or without
6 option to purchase, and may use any authorized
7 electronic voting equipment at any polling place
8 in its jurisdiction.]

1 [115.269. For the purpose of giving
2 instructions on their use, any election authority
3 may designate suitable times and places for the exhibition and demonstration of
4 its electronic voting machines. During such
5 instructions, the electronic voting machines may
6 contain sample ballot labels which show the
7 names of offices and fictitious candidates. No
8 electronic voting machine shall be used for
9 instruction after it has been prepared for use
10 at an election, unless it is prepared again
11 prior to the election.]

1 [115.271. 1. While its electronic voting
2 machines are not in use, the election authority
3 may permit civic or educational organizations to
4 use the machines for the purpose of giving
5 instructions on their use.]

6 2. Any election authority may rent its
7 electronic voting machines to any other group
8 for use in its elections.

9 3. At the discretion of the election
10 authority, the machines may be transported at

11 the expense of the organizations using them.
12 The president or secretary of each organization
13 using such machines shall sign a receipt
14 therefor and shall agree in writing that the
15 organization assumes liability for any damage or
16 loss occurring to the machines up to the time
17 they are returned to the election authority and
18 will return the machines by a designated time.]

2 [115.273. All provisions of law not
3 inconsistent with the provisions of sections
4 115.249 to 115.271 shall apply with full force
5 and effect to elections in jurisdictions using
electronic voting machines.]

2 [115.467. 1. As soon as the polls close
3 in each polling place using an electronic voting
4 system, the election judges shall secure the
5 marking devices against further voting and begin
6 to count the write-in votes. If earlier
7 counting of write-in votes is begun pursuant to
8 section 115.469, the election judges shall
9 complete the count in the manner provided in
10 this section. Once begun, the count shall not
11 be adjourned or postponed until all proper write-
in votes in the ballot box have been counted.

12 2. The election judges shall remove the
13 ballot cards from the ballot box and separate
14 the ballots with write-in votes from those
15 without write-in votes. If there is a separate
16 form for write-in votes, all forms on which
17 write-in votes have been recorded shall be
18 consecutively numbered, starting with the number
19 one, and the same number shall be placed on the
20 ballot card of the voter. Where tallying of
21 write-in votes is to be done at the polling
22 place, the election judges shall compare the
23 write-in votes with the votes cast on the ballot
24 card. If the total number of votes including
25 write-in votes for any office exceeds the number
26 allowed by law, or if a voter has voted more
27 than once for the same person for the same
28 office at the same election, a notation of the
29 fact shall be noted on the back of the ballot
30 card, and it shall be returned with the write-in
31 form, if any, to the counting location in an
32 envelope marked "DEFECTIVE BALLOTS".

33 3. All proper write-in votes shall be
34 read, recorded and counted as provided in
35 sections 115.449 and 115.453. No write-in vote
36 shall be counted for any candidate for any
37 office whose name appears on the ballot label as
38 a candidate for the office, except when more
39 than one person is to be nominated or elected to
40 an office. When more than one person is to be
41 nominated or elected to an office, the voter may
42 write in the names of one or more persons whose
43 names do not appear on the ballot label with or

44 without the names of one or more persons whose
45 names do appear.

46 4. If any ballot card is damaged so that
47 it cannot properly be counted by the automatic
48 tabulating equipment, the fact shall be noted on
49 the back of the ballot card and it shall be
50 returned to the counting location in the
51 envelope marked "DEFECTIVE BALLOTS".]

2 [115.469. 1. If authorized by the
3 election authority, the election judges at any
4 polling place using an electronic voting system
5 may read and record write-in votes before the
6 close of the polls and may send other voted
7 ballots to the counting place. If so
8 authorized, the election judges shall use one
9 ballot box for the deposit of ballots during the
10 first five hours of voting. Between eleven
11 o'clock in the morning and twelve noon, the
12 receiving judges shall deliver the ballot box to
13 the counting and recording judges, who shall
14 give the receiving judges a second empty ballot
15 box. The second ballot box shall be shown to be
16 empty and locked in the manner provided in
17 section 115.423. The second ballot box shall
18 not be opened or removed from public view from
19 the time it is shown to be empty until the time
20 the polls close. The ballot box containing the
21 voted ballots shall be taken to a private area
22 within the polling place, and the write-in votes
23 shall be read and recorded in the manner
provided in section 115.467.

24 2. If early counting of write-in votes is
25 begun pursuant to this section, the election
26 judges shall, after counting and recording all
27 proper write-in votes, separate all ballot
28 cards, except defective ballot cards, from the
29 write-in forms if any. The ballots which do not
30 have write-in votes shall then be sent to the
31 counting place in the same manner as ballots are
32 sent upon the close of the polls. The election
33 judges shall enclose the ballot cards, the
34 envelope marked "DEFECTIVE BALLOTS", and all
35 write-in forms containing proper votes, in a
36 container designated by the election authority.
37 The container shall be securely sealed in such a
38 manner that if the container is opened, the seal
39 will be broken beyond repair. On the outside of
40 the container, the location of the polling place
41 and the date of the election shall be printed.
42 After sealing, the container shall be closely
43 watched by the election judges until it is
44 delivered to the counting location.

45 3. If early counting of write-in votes is
46 begun pursuant to this section, the election
47 authority shall appoint a team of employees or
48 election judges who shall, between the hours of

49 eleven o'clock in the morning and three o'clock
50 in the afternoon, receive the ballot container
51 from the election judges at the polling place
52 and immediately deliver it to the counting [redacted]
53 location. Each team appointed pursuant to this
54 subsection shall consist of two members, one [redacted]
55 from each major political party. If any ballot [redacted]
56 container is not sealed when it is delivered to [redacted]
57 the counting location, the election official [redacted]
58 receiving the container shall make a statement [redacted]
59 of the fact which includes the location of the [redacted]
60 polling place and the date of the election [redacted]
61 printed on the container and the reason the [redacted]
62 container is not sealed, if known.

63 4. After delivery to the counting [redacted]
64 location, any ballot which is damaged and cannot [redacted]
65 be properly counted by the automatic tabulating [redacted]
66 equipment may be handcounted or duplicated in [redacted]
67 the manner provided in subsection 3 of section [redacted]
68 115.477.

69 5. After delivery to the counting [redacted]
70 location, the proper votes on each ballot card [redacted]
71 may be transferred to magnetic tapes. Under no [redacted]
72 circumstances shall any such tape be read or [redacted]
73 interpreted until after the time fixed by law [redacted]
74 for the close of the polls and then only in the [redacted]
75 manner provided in section 115.477.

76 6. Write-in ballots may also be counted as [redacted]
77 provided in section 115.451.]

2 [115.471. At each polling place using an [redacted]
3 electronic voting system, after the polling [redacted]
4 place is closed, the election judges shall [redacted]

5 (1) Certify in the tally book: the number [redacted]
6 of ballots cast by reconciling the ballot stubs [redacted]
7 against the number of identification [redacted]
8 certificates signed; the number of defective and [redacted]
9 spoiled ballots; the number of ballots with [redacted]
10 write-in votes; and the number of ballots [redacted]
11 received at the polling place which were not [redacted]
12 cast at the election. If the number of signed [redacted]
13 identification certificates is not the same as [redacted]
14 the number of ballots cast, the judges shall [redacted]
15 make a signed statement of the fact and the [redacted]
16 reasons therefor, if known, and shall return the [redacted]
17 statement with the statements of returns;

18 (2) Where tallying of write-in votes is to [redacted]
19 be done at the polling place, certify on two [redacted]
20 statements of returns the number of write-in [redacted]
21 votes received by each candidate. No returns [redacted]
22 shall be signed in blank or before the polls [redacted]
23 have closed and all proper write-in votes cast [redacted]
24 at the polling place have been counted;

25 (3) Certify that each statement made in [redacted]
26 the tally book and on each statement of returns [redacted]
27 is correct. If any judge declines to certify [redacted]
that all such statements are correct, he shall [redacted]

28 state his reasons in writing, which shall be
29 attached to each statement of returns and
30 returned with the statement to the election
31 authority.]

2 [115.473. 1. The tally book for each
3 polling place using an electronic voting system
shall be in substantially the following form:

4 Tally book for precincts, at the general
5 (special, primary) election held on the
6 day of , 20 AB, CD, EF, and XP
7 judges; and ZR and LT, watchers; and BH and SP,
8 challengers, at this polling place, were sworn
9 as the law directs before beginning their
10 duties.

11 We hereby certify:

12 The number of ballots received at this
13 polling place is ;
14 The information on the ballot cards and
15 ballot labels received at this polling place
16 is the same as the information on the sample
17 ballots received at this polling place.
18 AB

19 CD Election Judges

20 EF

21 XP

22 We hereby certify:

23 The number of ballots cast at this polling
24 place is ;
25 The number of identification certificates
26 signed at this polling place is ;
27 The number of defective ballots at this
28 polling place is ;
29 The number of spoiled ballots at this polling
30 place is ;
31 The number of voters casting proper write-in
32 votes at this polling place is ;
33 The number of ballots received at this
34 polling place which were not cast at this
35 election is ;
36 AB

37 CD Election Judges

38 EF

39 XP]

40 [2. Where tallying of write-in votes is to
41 be done at the polling place, at each polling

42 place using an electronic voting system, two
43 tally sheets shall be included in each tally
44 book. The tally sheets shall be used to record
45 the proper write-in votes and shall be in
46 substantially the same form provided in
47 subsection 2 of section 115.461.

48 3. Where tallying of write-in votes is to
49 be done at the polling place, at each polling
50 place using an electronic voting system, two
51 statements of returns shall be provided to the
52 election judges. The statements of returns
53 shall be in substantially the following form:

54 We hereby certify that BK had write-
55 in votes for governor, and SF had
56 write-in votes for governor, that JH had
57 write-in votes for representative in
58 Congress, etc. We, the duly qualified and
59 acting judges of the polling place for
60 precincts, at the general (special,
61 primary) election held on the day of
62 , 20 , in County (City of
63 St. Louis, Kansas City), Missouri, do
64 hereby certify that the foregoing is a full
65 and accurate return of all write-in votes
66 cast at this polling place for all
candidates.

67 AB

68 CD Election Judges

69 EF

70 XP]

1 [115.475. 1. As soon as possible after
2 signing the statements of returns, the election
3 judges shall seal and enclose the ballots,
4 electronic voting machine memory cards, write-in
5 forms containing no votes, the unused ballots
6 and other election supplies in containers
7 designated by the election authority.

8 2. Immediately after the election
9 materials have been placed in the proper
10 containers, the two supervisory judges shall
11 together deliver the containers to the counting
12 location or other place designated by the
13 election authority. If any container is not
14 sealed when it is delivered to the counting
15 location or other place designated by the
16 election authority, the election official
17 receiving the container shall make a statement
18 of the fact which includes the location of the
19 polling place and the date of the election
20 printed on the container and the reason the
21 container is not sealed, if known.

22 3. If the election authority has directed
23 the supervisory judges to deliver election
24 materials to a place other than the counting
25 location, the election authority shall appoint
26 at least one team of election judges who shall
27 receive the containers from the supervisory
28 judges and immediately deliver them to the
29 counting location. Each team appointed pursuant
30 to this subsection shall consist of two election
31 judges or employees of the election authority,
32 one from each major political party.]

2 [115.477. 1. In each jurisdiction using
3 an electronic voting system, all proceedings at
4 the counting location shall be under the
5 direction of the election authority. The
6 election authority shall appoint two judges, one
7 from each major political party, to be present
8 and observe the count. The counting shall be
9 open to the public, but no persons, except those
10 employed and authorized for the purpose, shall
11 touch any ballot, ballot container or return.

12 2. The automatic tabulating equipment
13 shall produce a return showing the total number
14 of votes cast for each candidate and on each
15 question at each polling place and in the
jurisdiction as a whole.

16 3. If any ballot is damaged and cannot be
17 properly counted by the automatic tabulating
18 equipment, it may be handcounted in the manner
19 provided for absentee ballots, or a true
20 duplicate copy may be made of the defective
21 ballot. If any ballot contains a number of
22 votes and write-in votes for any office which
23 exceeds the number allowed by law, it may be
24 handcounted in the manner provided for absentee
25 ballots, a true duplicate copy be made which
26 does not include the invalid votes or, at the
27 discretion of the election judges, a self-
28 adhesive removable label, sensitized, may be
29 placed over any mark to allow the ballot to be
30 processed through the automatic tabulating
31 equipment. The duplication of each ballot shall
32 be closely observed by two election judges or
33 employees of the election authority, one from
34 each major political party. Each duplicate
35 ballot shall be clearly labeled "duplicate",
36 shall bear a serial number which shall be
37 recorded on the defective ballot, and shall be
38 counted in lieu of the defective ballot.]

2 [115.479. In each jurisdiction using an
3 electronic voting system, the election authority
4 shall, after the count has been completed and
5 the results received, have the automatic
6 tabulating equipment tested to ascertain that
7 the equipment has correctly counted the votes
for all offices and on all questions. The test

8 shall be observed by at least two persons
9 designated by the election authority, one from
10 each major political party, and shall be open to
11 the public. The test shall be conducted by [redacted]
12 processing the same preaudited group of ballots
13 used in the preelection test provided for in [redacted]
14 section 115.233. If any error is detected, the
15 cause shall be ascertained and corrected, and an
16 errorless count shall be made before the final
17 results are announced. After the completion of
18 an errorless count, the programs and the ballots
19 shall be sealed, retained and disposed of as
20 provided for paper ballots.]

2 [115.481. The final and correct return
3 printed by the automatic tabulating equipment
4 added to the write-in, absentee and handcounted
5 votes shall be the official return of each [redacted]
polling place and the jurisdiction.]

2 [115.483. 1. As soon as the polls close
3 in each polling place using electronic voting
4 machines, the election judges shall secure each [redacted]
5 voting machine against further voting and [redacted]
6 proceed to count the votes. Once begun, the [redacted]
7 count shall not be adjourned or postponed until
all proper votes have been counted.]

8 2. The election judges shall open the
9 counting compartment on each voting machine or, [redacted]
10 if a machine is equipped with a device for [redacted]
11 printing, embossing or photographing the [redacted]
12 registering counters, the judges shall operate [redacted]
13 the machine to produce a record of the [redacted]
14 counters. One counting judge shall read the [redacted]
15 total vote cast for each candidate and for and [redacted]
16 against each question on each machine. The [redacted]
17 other counting judge shall watch and verify each [redacted]
18 total as it is being read from the recording [redacted]
19 counters or from the record of the counters. [redacted]
20 The two recording judges shall each record the [redacted]
21 votes cast for each candidate and for and [redacted]
22 against each question as they are called out and [redacted]
23 verified by the counting judges.]

24 3. All proper write-in votes shall be [redacted]
25 read, recorded and counted as provided in [redacted]
26 sections 115.449 and 115.453. No write-in vote [redacted]
27 shall be counted for any candidate for any [redacted]
28 office whose name appears on the ballot label as [redacted]
29 a candidate for the office, except when more [redacted]
30 than one person is to be nominated or elected to [redacted]
31 an office. When more than one person is to be [redacted]
32 nominated or elected to an office, the voter may [redacted]
33 write in the names of one or more persons whose [redacted]
34 names do not appear on the ballot label with or [redacted]
35 without the names of one or more persons whose [redacted]
36 names do appear. No write-in vote shall be [redacted]
37 counted unless it is cast in the appropriate [redacted]
38 place on the machine.]

39 4. If more than one voting machine is used
40 in a polling place, the election judges shall
41 read, verify and record all the totals from the
42 first machine before proceeding to the second,
43 and so on, until all of the totals on each
44 machine in the polling place have been read,
45 verified and recorded. The total number of
46 votes from each machine shall be added to the
47 write-in votes to determine the total vote for
48 each candidate and for and against each
49 question.]

2 [115.495. 1. After being secured against
3 further voting by the election judges, [redacted]
4 electronic voting machines shall remain secured
5 for the period provided by law for filing an [redacted]
6 election contest and as much longer as may be [redacted]
7 necessary or advisable because of any threatened [redacted]
8 or pending contest, grand jury investigation, or [redacted]
9 civil or criminal case relating to the [redacted]
10 election. During this time, the electronic [redacted]
11 voting machines shall not be unsecured, except [redacted]
12 upon order of a court, grand jury or legislative [redacted]
13 body trying an election contest.]

14 2. Notwithstanding the provisions of [redacted]
15 subsection 1 of this section to the contrary, [redacted]
16 when an election is required by law to be held [redacted]
17 after an election during any period of time [redacted]
18 described in subsection 1 of this section, the [redacted]
19 data of the electronic voting machine relating [redacted]
20 to the initial election shall be removed and [redacted]
21 secured and such machine shall be made available [redacted]
21 for use in the subsequent election.]

2 [115.503. 1. As soon as possible after an [redacted]
3 election in which electronic voting machines are [redacted]
4 used, the verification board, or a bipartisan [redacted]
5 committee appointed by the verification board, [redacted]
6 shall inspect each secured electronic voting [redacted]
7 machine and record the votes cast on the [redacted]
8 machine. In precincts where electronic voting [redacted]
9 machines equipped with printed election returns [redacted]
10 mechanisms are used, the counter compartment [redacted]
11 shall not be opened and the original and [redacted]
12 duplicate originals of the printed return sheets [redacted]
13 of the votes cast on questions and for [redacted]
14 candidates regularly nominated, or who have duly [redacted]
15 filed, together with the tabulation and [redacted]
16 inclusion of any votes written in on the paper [redacted]
17 roll for those not regularly nominated, or who [redacted]
18 have not filed, shall constitute the official [redacted]
19 return sheet for the votes cast on that machine, [redacted]
20 when properly certified by the precinct election [redacted]
21 officers. One copy of such printed return sheet [redacted]
22 shall be returned to the election authority and [redacted]
23 retained by it for not less than one year. Any [redacted]
24 bipartisan committee appointed pursuant to this [redacted]
24 subsection shall consist of at least two people, [redacted]

25 one from each major political party, who shall
26 be appointed in the same manner and possess the
27 same qualifications as election judges.

28 2. After the verification board or
29 committee has completed its inspection and
30 record, it shall compare the record with the
31 returns made by the election judges on election
32 day. If there is a discrepancy between the
33 returns of the election judges and the record of
34 the verification board or committee, the
35 verification board shall correct the returns
36 made by the judges to conform to its record.
37 The corrected returns shall supersede the
38 returns made by the election judges on election
39 day. Both the record and the returns shall be
40 retained by the election authority as provided
41 in section 115.493.]

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