Missouri Election Laws

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Dear Fellow Missourians:

As Missouri's chief election official, I am pleased to present the new edition of *Missouri Election Laws*. This publication includes Chapter 115 of the *Revised Statutes of Missouri* along with other relevant information regarding the governing of elections in our state.

All Missourians should have the opportunity to inform themselves about the elections process in our state. Whether this publication is used by a local election official, a candidate or a concerned citizen, I hope it will serve as a valuable resource to foster understanding of and participation in our elections process.

Election laws continue to evolve and change, so it is important to maintain an updated edition of the *Missouri Election Laws* handbook. For instance, accessible voting machines are now located in every polling place and punch card machines are no longer used in our state. Election technology has changed and election laws have adapted accordingly.

The Secretary of State's office remains committed to ensuring integrity and fairness in Missouri's elections. I hope this edition of *Missouri Election Laws* will serve as a helpful reference to you about Missouri election laws. If you have any further questions or need additional information, please visit the Secretary of State's web site at *www.sos.mo.gov* or contact my office by telephone at (573) 751-4936

Very truly yours,

Robin Carnahan
Secretary of State

Front cover photo: Poll workers assist Harry S. Truman in the 1956 election.
Photo by Sammie Feeback, courtesy Harry S. Truman Library.

Chapter 115

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INTENT OF ACT AND DEFINITIONS

115.001. Short title.—Sections 115.001 to 115.641 and sections 51.450 and 51.460*, RSMo, shall be known as the "Comprehensive Election Act of 1977".
(L. 1977 H.B. 101 § 1.001)
Effective 1-1-78
**Section 51.450 was repealed by S.B. 65, et al., 1987.*
(1980) Legislative intent in Election Act was that primary election contests be fully decided prior to general election. Black v. Bockenkamp (A.), 607 S.W.2d 176.

115.002. Citation of law.—Sections 115.002, 115.024, 115.105, 115.124, 115.159, 115.163, 115.203, 115.205, 115.219, 115.225, 115.237, 115.247, 115.249, 115.427, 115.430, 115.431, 115.439, 115.445, 115.449, 115.453, 115.456, and 115.631, may be cited as the "Missouri Voter Protection Act".
(L. 2006 S.B. 1014 & 730)

115.003. Purpose clause.—The purpose of sections 115.001 to 115.641 and sections 51.450 and 51.460*, RSMo, is to simplify, clarify and harmonize the laws governing elections. It shall be construed and applied so as to accomplish its purpose.
(L. 1977 H.B. 101 § 1.005)
Effective 1-1-78
**Section 51.450 was repealed by S.B. 65, et al., 1987.*

115.005. Scope of act.—Notwithstanding any other provision of law to the contrary, sections 115.001 to 115.641 shall apply to all public elections in the state, except elections for which ownership of real property is required by law for voting.
(L. 1977 H.B. 101 § 1.010, A.L. 1978 H.B. 971)

115.007. Presumption against implied repealer.—No part of sections 115.001 to 115.641 and sections 51.450 and 51.460*, RSMo, shall be construed as impliedly amended or repealed by subsequent legislation if such construction can be reasonably avoided.
(L. 1977 H.B. 101 § 1.015)
Effective 1-1-78
**Section 51.450 was repealed by S.B. 65, et al., 1987.*

115.009. Effective date of act January 1, 1978.—The effective date of sections 115.001 to 115.641 and sections 51.450 and 51.460*, RSMo, shall be January 1, 1978. Any amendment made to a provision repealed by sections 115.001 to 115.641 and sections 51.450 and 51.460*, RSMo, shall remain in force only until January 1, 1978.
(L. 1977 H.B. 101 § 1.020)
Effective 1-1-78
**Section 51.450 was repealed by S.B. 65, et al., 1987.*

115.012. Rules, promulgation, procedure.—No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.
(L. 1994 H.B. 1411 § 1, A.L. 1995 S.B. 3)

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

(1) "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;

(2) "Ballot", the ballot card, 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;

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

(4) "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;

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

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

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

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

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

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

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

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

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

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

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

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

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

(18) "Political party", any established political party and any new party;

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

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

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

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

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

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

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

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

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

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

(L. 1977 H.B. 101 § 1.025, A.L. 1979 S.B. 275, A.L. 1982 S.B. 526, A.L. 1986 H.B. 1471, et al., A.L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2002 S.B. 675, A.L. 2005 H.B. 58)

ELECTION AUTHORITIES

115.015. Election authority established and defined.—The county clerk shall be the election authority, except that in a city or county having a board of election commissioners, the board of election commissioners shall be the election authority.

(L. 1977 H.B. 101 § 2.001)
Effective 1-1-78

115.017. Election commissioners, where.—There shall be a board of election commissioners:

(1) In each county which has or hereafter has over nine hundred thousand inhabitants;

(2) In each city not situated in a county;

(3) In each city which has over three hundred thousand inhabitants on January 1, 1978, and is situated in more than one county;

(4) In each county of the first classification containing any part of a city which has over three hundred thousand inhabitants, provided that the county commission of a county which becomes a county of the first classification after December 31, 1998, may, prior to such date, adopt an order retaining the county clerk as the election authority. The county may subsequently establish a board of election commissioners as provided in subdivision (5) of this section;

(5) In each county of the first class which elects to have such a board through procedures provided in section 115.019.

(L. 1977 H.B. 101 § 2.005, A.L. 1997 H.B. 761)

115.019. Voters may petition to establish a board of election commissioners, procedure—form of petition.—1. Any group of registered voters from any county of the first classification not having a board of election commissioners may circulate a petition for the formation of a board.

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

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

4. Each petition for the formation of a board of election commissioners shall consist of sheets of uniform size. The space for signatures on either side of a petition page shall be no larger than eight and one-half by fourteen inches, and each page shall contain signatures of registered voters

from only one county. Each page of each petition for the formation of a board of election commissioners shall be in substantially the following form:

To the Honorable ....., county clerk of ..... County:
We, the undersigned, citizens and registered voters of ..... County, respectfully order that the following question be placed on the official ballot, for acceptance or rejection, at the next general election to be held on the ..... day of ....., ...:
"Should a board of election commissioners be established in ..... County to assume responsibility for the registration of voters and the conduct of elections?";

and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and ..... County; my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI,

COUNTY OF .....

I, ..., a resident of the state of Missouri, being first duly sworn, say (print or type names of signers)

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Street) (City, Town or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)
(Here follow numbered lines for signers)					

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

.....
Signature of Affiant
(Person obtaining signatures)
.....
Address of Affiant

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

.....
Signature of Notary

Notary Public (Seal)
My commission expires .....

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

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

6. Upon the filing of a valid petition for the formation of a board of election commissioners or upon a majority vote of the county commission in any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants, it shall be the duty of the election authority to have the following question placed on the official ballot, in the same manner other questions are placed, at the next general election:

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

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

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

9. Any person who is a registered voter of a county of the first classification not having a board of election commissioners may sign a petition for the formation of a board in the county. Any person who signs a name other than the person's own to any petition or knowingly signs the person's name more than once to the same petition or who knows the person is not a registered voter at the time of signing such petition, or any officer or person willfully violating any provision of this section shall be guilty of a class two election offense.

(L. 1977 H.B. 101 § 2.010, A.L. 1986 H.B. 1471, et al., A.L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2005 H.B. 58 merged with H.B. 342 merged with S.B. 210)

115.021. Jurisdiction of election boards.—1. In each city which has over three hundred thousand inhabitants on January 1, 1978, and is situated in more than one county, the board of election commissioners for the city shall have jurisdiction in that part of the city situated in the county containing the major portion of the city.

2. In each county of the first class containing the major portion of a city which has over three hundred thousand inhabitants, the board of election commissioners shall have jurisdiction in that part of the county outside the city.

3. In each city not situated in a county, the board of election commissioners shall have jurisdiction throughout the city.

4. In all other counties, the election authority shall have jurisdiction throughout the county.

(L. 1977 H.B. 101 § 2.015)
Effective 1-1-78

115.023. Election authority to conduct all elections—which authority, how determined.—1. Except as provided in subsections 2 and 3 of this section, each election authority shall conduct all public elections within its jurisdiction.

2. When an election is to be conducted for a political subdivision or special district, and the political subdivision or special district is located within the jurisdiction of more than one election authority, the election authority of the jurisdiction with the greatest proportion of the political subdivision's or special district's registered voters shall be responsible for publishing any legal notice required in this chapter.

3. When an election is to be conducted for a political subdivision or special district, and the political subdivision or special district is located within the jurisdiction of more than one election authority, the affected election authorities may, by contract, authorize one of their number to conduct the election for all or any part of the political subdivision or special district. In any election conducted pursuant to this subsection, the election authority conducting part of an election in an area outside its jurisdiction may consolidate precincts across jurisdiction lines and

shall have all powers and duties granted pursuant to this chapter, except the provisions of sections 115.133 to 115.223 and sections 115.279 and 115.297, in the area outside its jurisdiction.

4. Notwithstanding the provision of section 493.030, RSMo, whenever the publication of a legal advertisement, legal notice, order of court or public notice of any kind is allowed or required pursuant to this chapter, a newspaper publishing such notice shall charge and receive not more than its regular local classified advertising rate. The regular local classified advertising rate is that rate shown by the newspaper's rate schedule as offered to the public, and shall have been in effect for at least thirty days preceding publication of the particular notice to which it is applied.

(L. 1977 H.B. 101 § 2.020, A.L. 1978 H.B. 971, A.L. 1983 S.B. 234, A.L. 1995 H.B. 484, et al., A.L. 1997 S.B. 132)

115.024. Elections rescheduled or relocated due to disaster, definition—election panel established—petition to reschedule or relocate, contents—order—notice, contents—ballots—procedures—appeal.—1. As used in this section, "disaster" means any catastrophic or natural disaster, statewide or nationwide emergency, man-made disaster, civil disorder, insurgency, bioterrorism attack, terrorist attack, or enemy attack.

2. The supreme court shall by rule establish a panel in each district of each court of appeals of the state to consider petitions filed under this section. Each panel shall consist of three court of appeals judges from such district, and shall be known as the "election panel" of the district in which it is established.

3. In the event that any disaster prohibits any election from occurring on the day the election is required to be held under this chapter, the election authority of the city or county in which the election was to be held may petition the election panel of the district in which the city or county is located for the election panel to authorize a relocation of the polling places affected by such disaster, or to schedule a new date upon which the election authority may conduct the election. The petition shall include the following:

(1) A description of the event prohibiting the election from occurring;

(2) A statement of the reasons the election cannot be held on the day required by law;

(3) The election authority's recommendation for relocation of the polling places or the new date upon which the election shall be held;

(4) A statement of the plan for providing notice to voters of the new location or new date of the election;

(5) A statement that the election authority will be able to conduct the election at the recommended location or on the recommended new date in the same manner as the election would have been conducted had the disaster not occurred.

4. If satisfied that the election authority will be unable to conduct the election as required by this chapter and that the recommended relocation of the polling places or new date of the election will allow voters to vote as provided by law, the election panel shall issue an order to the election authority to relocate the polling places or to conduct the election on the new date as set by the election panel.

5. The election authority shall provide notice to all voters in the election authority's jurisdiction in the same manner as required for elections by this chapter, provided that the requirements for the date and time of providing such notice in this chapter shall not apply. Notice of the election shall include a copy of the order issued by the election panel.

6. The election authority may use the same ballots that were printed for the election that was relocated or rescheduled under this section, unless such ballots were damaged, destroyed, lost, or spoiled by the disaster.

7. All procedures for voting, counting of votes, and contesting elections required under this section shall apply to any election relocated or rescheduled under this section, provided that any requirements for deadlines under this chapter that cannot be met because of the relocation or rescheduling of the election shall be rescheduled by the election panel.

8. The election authority may appeal any order issued by the election panel under this section to the supreme court, and the supreme court shall hear such appeal immediately.
(L. 2006 S.B. 1014 & 730)

115.027. Election commissioners, how appointed.—1. Each board of election commissioners shall be composed of four members, appointed by the governor with the advice and consent of the senate. Two commissioners on each board shall be members of one major political party, and two commissioners on each board shall be members of the other major political party. In no case shall more than two commissioners on a board be members of the same political party. When appointing commissioners, the governor shall designate one commissioner on each board to be chairman of the board and one commissioner on each board to be secretary of the board. The chairman and secretary of a board shall not be members of the same political party.

2. In jurisdictions with boards of election commissioners as the election authority, the governor may appoint to the board one representative from each established political party. The representative shall not be a member of the board for purposes of subsection 1 of this section. The state chair of each established political party shall submit a list of no more than four names from which the governor shall select the representative for that party. The representative shall not have voting status, and shall not be compensated, but shall be allowed to participate in discussions and be informed of any meeting of the board.
(L. 1977 H.B. 101 § 2.025, A.L. 2003 H.B. 511)

115.029. Election commissioners, when appointed, term of office.—1. In each county of the first class containing the major portion of a city which has more than three hundred thousand inhabitants, each election commissioner shall be appointed on April 21, 1982, for a term of four years and until his successor is appointed, confirmed and sworn. Successors shall be appointed in like manner for a term of four years and until their successors are appointed, confirmed and sworn.

2. In each county containing a portion but not the major portion of a city which has more than three hundred thousand inhabitants, each election commissioner shall be appointed on June 15, 1981, for a term of four years and until his successor is appointed, confirmed and sworn. Successors shall be appointed in like manner for a term of four years and until their successors are appointed, confirmed and sworn. The first two election commissioners appointed after May 10, 1994, shall be appointed for terms of two years and until their successors are appointed, confirmed and sworn. One of those appointed to a two-year term shall be a member of one major political party and one shall be a member of the other major political party. The next two election commissioners appointed, and all successors, shall be appointed for terms of four years and until their successors are appointed, confirmed and sworn.

3. In all other cities and counties which have or hereafter have a board of election commissioners, each commissioner's term of office shall coincide with the term of the governor who appoints him and until the commissioner's successor is appointed, confirmed and sworn.
(L. 1977 H.B. 101 § 2.030, A.L. 1994 S.B. 548)
Effective 5-10-94

115.031. Election commissioner, qualifications of.—Each election commissioner shall be a registered voter and a resident of the jurisdiction for which he is appointed for at least one year preceding his appointment. During his term of office, no commissioner shall hold any statutory position within a political party or on a political committee, be a candidate for political office or hold any other public office.
(L. 1977 H.B. 101 § 2.035)
Effective 1-1-78

115.033. Oath of office, bond, election commissioners.—Before entering upon his duties, each commissioner shall take and subscribe an oath to support the Constitution of the United States and of this state and to demean himself faithfully and impartially in office. Before entering upon his duties, each commissioner shall give bond to the state in the sum of ten thousand dollars, with security to be approved by the governor, conditioned for the faithful and honest performance of his duties and the care and preservation of the board's property. Not later than thirty days after a commissioner is sworn, his oath and bond shall be filed with the secretary of state.
(L. 1977 H.B. 101 § 2.040)
Effective 1-1-78

115.035. Compensation of election commissioners.—1. In each county which has over nine hundred thousand inhabitants, each election commissioner shall receive a salary of seven thousand two hundred dollars per year, payable from the county revenue.

2. In each city not situated in a county, each election commissioner shall receive a salary of six thousand dollars per year, except the chairman and the secretary of the board, who shall each receive a salary of seven thousand five hundred dollars per year, payable from the city revenue.

3. In each county of the first class containing the major portion of a city which has over three hundred thousand inhabitants, each election commissioner shall receive a salary of five thousand two hundred dollars per year, payable from the county revenue.

4. In each city which has over three hundred thousand inhabitants on January 1, 1978, and is situated in more than one county, each election commissioner shall receive a salary of five thousand two hundred dollars per year, payable one-half from the city revenue and one-half from the revenue of the county containing the major portion of the city.

5. In each county containing a portion but not the major portion of a city which has over three hundred thousand inhabitants, each election commissioner shall receive a salary of four thousand eight hundred dollars per year, paid proportionally from the city revenue and the county revenue. The city shall pay such proportion as its population within the county is to the total population of the county as determined by the last preceding federal decennial census.

6. In all other counties which now or hereafter have a board of election commissioners, each election commissioner shall receive a salary of two thousand six hundred dollars per year, payable from the county revenue.
(L. 1977 H.B. 101 § 2.045)
Effective 1-1-78

115.037. Removal of commissioner, when.—Any commissioner may be removed by the governor for misconduct in office. Before removing a commissioner, the governor shall notify the commissioner in writing of all charges against him. Not less than ten days after so notifying a commissioner, the governor shall give the commissioner an opportunity to be publicly heard in person or by counsel in his defense. If a vacancy on any board occurs for any reason, the governor shall, with the advice and consent of the senate, appoint a new commissioner to serve the unexpired term. The new commissioner shall be a member of the same political party as the commissioner he is appointed to replace.
(L. 1977 H.B. 101 § 2.050)
Effective 1-1-78

115.039. New board to receive records and property.—Upon the swearing in of a new board of election commissioners, the election authority or other custodian shall, upon demand, turn over to the new board all records, supplies and property relating in any way to the registration of voters and the conduct of elections within its jurisdiction.
(L. 1977 H.B. 101 § 2.055)
Effective 1-1-78

115.041. Commissioners in office to complete term.—Nothing in this subchapter shall be construed in any way as interfering with or discontinuing the term of office of any person now serving as an election commissioner until the term for which he was appointed has expired, or until he has been removed as provided in section 115.037.
(L. 1977 H.B. 101 § 2.060)
Effective 1-1-78

115.043. Rules and regulations, powers of election authorities.—Each election authority may make all rules and regulations, not inconsistent with statutory provisions, necessary for the registration of voters and the conduct of elections.
(L. 1977 H.B. 101 § 2.065, A.L. 1983 S.B. 234)

115.045. Boards may employ staff.—Each election authority shall have the authority to employ such attorneys and other employees as may be necessary to promptly and correctly perform the duties of the election authority. Where an electronic voting system or voting machines are used, the election authority shall designate competent employees to have custody of and supervise maintenance of the voting equipment. Board of election commissioners' employees shall be subject to the same restrictions and subscribe the same oath as members of the board of election commissioners, except that no employee of a board of election commissioners shall be required to post bond unless directed to do so by the board. Employee oaths and any bonds shall be filed and preserved in the office of the board.
(L. 1977 H.B. 101 § 2.070, A.L. 1994 H.B. 1411, A.L. 1997 S.B. 132)

115.047. Employees of board to be bipartisan.—Employees of each board shall be selected in equal numbers from the two major political parties. Each board shall adopt regulations to govern the hiring, probationary period, tenure, discipline, discharge and retirement of its employees.
(L. 1977 H.B. 101 § 2.075, A.L. 1994 H.B. 1411)
Effective 1-1-95

115.049. Number of employees and salaries authorized—salary adjustments, when.—1. Each board of election commissioners in existence on January 1, 1978, shall set the salaries of its employees. Except as provided in subsection 3 of this section, the number of employees of each board and the total yearly amount of all salaries paid to the board's employees shall not exceed the number of employees and the total yearly amount of all salaries authorized on January 1, 1982, except that, in any city which has over three hundred thousand inhabitants and is located in more than one county, the board of election commissioners having jurisdiction in the part of the city situated in the county containing the major portion of the city may set the number of its employees and the total yearly amount of all salaries authorized by statute on January 1, 1982.

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

3. If any board of election commissioners wishes to increase the number of its employees or the total yearly amount of all salaries paid to its employees, the board shall deliver a notice of the fact to the presiding officer of the local legislative body or bodies responsible for providing payment of the election commissioners' salaries. The notice shall specify the number of additional employees requested and the additional yearly amount requested by the board and shall include a justification of the increase and a day, not less than ninety days after the notice is delivered, on which the increase is to take effect. Unless any legislative body responsible for approving payment of the election com-

missioners' salaries adopts a resolution disapproving the increase, the increase shall take effect on the day specified. Any board of election commissioners may implement salary adjustments, after notice to the presiding officer of the local legislative body or bodies responsible for providing payment of the election commissioners' salaries, equal to, but not more than, those adjustments granted to the employees of the local legislative body or bodies without prior legislative approval.

(L. 1977 H.B. 101 § 2.080, A.L. 1982 S.B. 526)
Effective 5-20-82

115.051. County clerk may employ election staff and fix compensation.—1. In each county which does not have a board of election commissioners, the county clerk shall have the right to employ such deputies and assistants as are necessary to promptly and correctly register voters and conduct elections. Where an electronic voting system or voting machines are used, the county clerk shall designate competent employees to have custody of and supervise maintenance of the voting equipment. Each deputy shall be subject to the same restrictions and subscribe the same oath as the county clerk, except that no employee shall be required to post bond unless directed to do so by the clerk. Employee oaths and any bonds shall be filed and preserved in the office of the county clerk.

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

(L. 1977 H.B. 101 § 2.085)
Effective 1-1-78

115.053. Election authority deputies—bipartisan requirement—duties, compensation.— 1. Each election authority may appoint such even number of additional deputies as it deems necessary to carry out the provisions of subsection 3 of this section. One-half of the deputies shall be members of one major political party, and one-half of the deputies shall be members of the other major political party.

2. Each deputy appointed under the provisions of this section shall be a registered voter of the jurisdiction for which he is appointed. No such deputy shall be a candidate for any office in an election at which he serves or a relative within the third degree, by consanguinity or affinity, to any person whose name appears on the ballot in an election at which he serves.

3. At the direction of the election authority, such deputies may investigate the facts and conditions relating to the residence and voting rights of any person. Upon direction by the election authority, such deputies may attend and be present at any polling place, witness and report to the election authority any failure of duty, fraud or irregularity, instruct election judges, supervise voting procedures and perform any other lawful function prescribed by the election authority.

4. The deputies shall be paid an amount determined by the election authority, subject to approval of the legislative body or bodies responsible for providing the salaries of other election authority employees and payable from the same source as the salary of the election authority.

5. Deputies shall serve for such time as the election authority determines and may be dismissed summarily by the election authority. At no time, however, shall more deputies from one major political party serve than deputies from the other major political party.

(L. 1977 H.B. 101 § 2.090)
Effective 1-1-78

115.055. Who may administer oaths.—Each election authority and its designated employees may administer oaths and perform all other duties necessary to register voters and conduct elections.

(L. 1977 H.B. 101 § 2.095)
Effective 1-1-78

115.057. Offices may be maintained, to be open, when.—Each election authority shall maintain an office or offices sufficient for its purposes. The offices of each election authority shall be kept open during regular business hours on all election days and on all other weekdays, except legal holidays. The offices of each election authority shall also be kept open for four hours on the Saturday preceding each election and may be kept open at other times as determined by the election authority.
(L. 1977 H.B. 101 § 2.100)
Effective 1-1-78

115.059. Peace officers to assist election authority or election officials, when requested.— It shall be the duty of the police, the sheriff and all other peace officers to give any assistance or protection required by the election authority, any employee of the election authority, any election judge, any registration officer or any canvasser in the performance of his duties and to comply with all lawful requests and directions of the election authority relating to such assistance.
(L. 1977 H.B. 101 § 2.105)
Effective 1-1-78

115.061. State to pay all costs of election, when.—1. When any question or candidate is submitted to a vote of all voters in the state and no other question or candidate is submitted at the same election, all costs of the election shall be paid from the general revenue of the state.

2. After an audit by the commissioner of administration, the state treasurer shall pay the amounts claimed by and due the respective counties and cities out of moneys appropriated by the general assembly for the purpose.
(L. 1977 H.B. 101 § 2.505)
Effective 1-1-78

115.063. Political subdivision or special district, cost of elections—state to share proportionately, when—exceptions.—1. When any question or candidate is submitted to a vote by any political subdivision or special district and no other question or candidate is submitted at the same election, all costs of the election shall be paid from the general revenue of the political subdivision or special district submitting a question or candidate at the election.

2. All costs of special elections involving a statewide candidate or statewide issue and all costs of special elections involving candidates for state senator or state representative shall be paid by the state, except that if a political subdivision or special district holds an election on the same day, the costs shall be shared proportionately by the state and the political subdivisions and special districts affected in the manner provided in section 115.065.

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

4. When a proposed political subdivision submits a petition requesting an election as part of the formation thereof, the petitioners shall submit together with the petition sufficient security to pay all costs of the election. If such proposition is successful, the political subdivision thereby created shall reimburse those persons advancing funds to pay the costs of the election.
(L. 1977 H.B. 101 § 2.510, A.L. 1983 S.B. 234, A.L. 1986 H.B. 1471, et al., A.L. 1993 S.B. 31)

115.065. Proportion of cost for two or more political subdivisions or special districts, how computed—exceptions—definitions—election services fund, when used.—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 except in primary and general elections 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 pro-

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

4. **"Proportional costs"** and **"election costs"**, as used in this chapter, are defined as those costs that require additional out-of-pocket expense by the election authority in conducting an election. It may include reimbursement to county general revenue for the salaries of employees of the election authority for the hours worked to conduct an election, any indirect expenses identified under an independent cost allocation study and an amount not to exceed five percent of the total cost of election to be credited to the election services fund of the county. The election services fund shall be budgeted and expended at the direction of the election authority and shall not be used to substitute for or subsidize any allocation of general revenue for the operation of the election authority's office without the express consent of the election authority. The election services fund may be audited by the appropriate auditing agency, and any unexpended balance shall be left in the fund to accumulate from year to year with interest. The election services fund shall be used by the election authority for training programs and purchase of additional supplies or equipment to improve the conduct of elections, including anything necessarily pertaining thereto. In addition to these costs, the state shall, subject to appropriation, compensate the election services fund for transactions submitted pursuant to the provisions of section 115.157.

(L. 1977 H.B. 101 § 2.515, A.L. 1979 S.B. 275, A.L. 1982 S.B. 526, A.L. 1983 H.B. 713 Revision, S.B. 234, A.L. 1993 S.B. 31, A.L. 1999 H.B. 676)

115.069. Election judges paid by whom (Jackson County).—In any county of the first class containing the major portion of a city which has over three hundred thousand inhabitants, the salaries of election judges at all county and state primary, general and special elections shall be paid from the general revenue of the county, unless the city submits a question or candidate at the election, in which case the salaries of election judges shall be paid one-half from the general revenue of the city and one-half from the general revenue of the county.

(L. 1977 H.B. 101 § 2.525)
Effective 1-1-78

115.071. Election costs, how paid (Kansas City).—1. In any city which has over three hundred thousand inhabitants and is located in more than one county, all general expenses related to the conduct of elections and the registration of voters in the part of the city situated in the county containing the major portion of the city shall be paid one-half from the general revenue of the city and one-half from the general revenue of the county in which the major portion of the city is located.

2. Except as provided in section 115.067, in any city which has over three hundred thousand inhabitants and is located in more than one county, the salaries of election judges at all city primary, general and special elections shall be paid from the general revenue of the city, even if a candidate or question other than a city candidate or question is submitted at the same election.

(L. 1977 H.B. 101 § 2.530)
Effective 1-1-78

115.073. Election costs, how paid (Clay, Platte and Jackson counties).—1. In any county containing a portion but not the major portion of a city which has over three hundred thousand inhabitants, all general expenses related to the conduct of elections and the registration of voters shall be paid proportionally from the general revenue of the city and the general revenue of the county. The city shall pay such proportion as its population within the county is to the total population of the county as determined by the last preceding federal decennial census. The annual general operating expenditures from the general revenue funds of the city and any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants or any city located within such county shall be subject to the budgeting approval of the governing body of the county.

2. In any county containing a portion but not the major portion of a city which has over three hundred thousand inhabitants, the salaries of election judges at all county and state primary, general and special elections shall be paid from the general revenue of the county, unless the city submits a question or candidate at the election, in which case the salaries of election judges shall be paid proportionally from the general revenue of the city and the general revenue of the county as provided in subsection 1 of this section.

(L. 1977 H.B. 101 § 2.535, A.L. 2003 H.B. 511)

115.074. Voting process and equipment, grants to upgrade or improve, award procedure—rulemaking authority.—1. Subject to appropriation from federal funds, the secretary of state shall administer a grant, loan, or other aid program for the purposes of providing funds to election authorities to upgrade or improve the voting process or equipment. Such funding may be in the form of matching grants. The secretary of state when awarding grants shall give priority to jurisdictions which have the highest number of residents according to the most recent federal census, with an income below the federal poverty level as established by the federal department of health and human services or its successor agency. The secretary of state may promulgate rules to effectuate the provisions of this section.

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

(L. 2002 S.B. 675, A.L. 2003 H.B. 511)

115.075. County's election expenses to be paid from county general revenue, exception.—Except as otherwise provided in this subchapter, all costs and expenses relating to the conduct of elections and the registration of voters in each county shall be paid from the general revenue of the county.

(L. 1977 H.B. 101 § 2.540)
Effective 1-1-78

115.076. Administration of grant, loan, or other aid program—rulemaking authority.—1. Subject to appropriation of federal funds, the secretary of state shall administer a grant, loan, or other aid program for the purpose of providing funds to election authorities:

(1) To purchase electronic voting machines that are accessible to all individuals with disabilities, including people who are blind or visually impaired;

(2) To make polling places, including path of travel, entrances, exits and voting areas of each polling facility accessible to individuals with disabilities, including the blind and visually

impaired, in a manner that provides the same opportunity for access and secret, independent and verifiable participation, including privacy and independence, as for other voters;

(3) To provide individuals with disabilities and individuals who are blind and visually impaired with information about the accessibility of polling places, including outreach programs to inform individuals about the availability of accessible polling places and to train election officials, poll workers, and election volunteers on how to best promote the access and participation of individuals in elections, and to provide assistance in all accommodations needed by voters with disabilities.

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

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

(L. 2002 S.B. 675, A.L. 2003 H.B. 511)

115.077. Election costs to be paid to election authority, by whom, when, procedure—failure to pay costs, penalty—state payments, fund for, transfers from general revenue.— 1. Special districts, cities, townships in township organization counties, villages and the state shall pay the election costs required by this subchapter to each election authority conducting its elections.

2. Not later than the fifth Tuesday prior to any election to be conducted for the state, a special district or political subdivision, the election authority shall estimate the cost of conducting the election for the state and each political subdivision and special district submitting a candidate or question at the election. Not later than the third Tuesday prior to the election, the state, each special district and political subdivision submitting a candidate or question at the election, except the county, shall deposit with the election authority an amount equal to the estimated cost of conducting the election for the state, the political subdivision or special district. All payments of election costs received by an election authority under the provisions of this subsection shall be placed by the election authority in a special account and used by the election authority only to pay the costs incurred in conducting the election. If the amount paid to an election authority by the state or any political subdivision or special district exceeds the cost of conducting the election for the state, political subdivision or special district, the election authority shall promptly refund to the state, political subdivision or special district the difference between the amount deposited with it and the cost of conducting the election. If the amount deposited with an election authority by the state or any political subdivision or special district is less than the cost of conducting the election for the state, political subdivision or special district, the state, political subdivision or special district shall, not later than the fifth Tuesday after the election, pay to the election authority the difference between the amount deposited and the cost of conducting the election.

3. Except as provided in section 115.061, all payments of election costs received by an election authority under the provisions of this section shall be placed by the election authority in a special account and used by the election authority only to pay the costs incurred in conducting elections.

4. When the state or any political subdivision or special district willfully fails to make payment of an election cost required by this subchapter by the time provided in this subchapter,

it shall pay a penalty of fifty dollars for each day after the time provided in this subchapter proper payment is not made. Any such penalty shall be payable to the election authority authorized to receive payment of the election cost and shall be deposited in the general revenue fund of such election authority's city or county.

5. There is hereby created the "State Election Subsidy Fund" in the state treasury which shall be funded by appropriations from the general assembly for the purpose of the state making advance payments of election costs as required by this section. To meet the state's funding obligation to maintain expenditures pursuant to Section 254(a)(7) of the Help America Vote Act of 2002, the commissioner of the office of administration shall annually transfer from general revenue to the state election subsidy fund an amount not less than the amount expended in the fiscal year that ended June 30, 2000. At the end of each fiscal year, any amounts in the state election subsidy fund not expended or obligated to meet the state's obligations pursuant to section 115.065 and this section shall be transferred to the election administration improvements fund authorized pursuant to section 115.078 and used to meet the maintenance of effort funding requirements of Section 254(a)(7) of the Help America Vote Act of 2002. Any other law to the contrary notwithstanding, the funds received pursuant to Sections 251 and 252 of the Help America Vote Act of 2002 shall be expended according to the state plan developed pursuant to the provisions of Section 254 of said act. The secretary of state shall develop the state plan through the committee appointed by the secretary of state under the provisions of Section 255 of the Help America Vote Act of 2002.

(L. 1977 H.B. 101 § 2.545, A.L. 1982 S.B. 526, A.L. 1983 H.B. 713 Revision, A.L. 1985 H.B. 620, A.L. 2003 H.B. 511)

115.078. Election administration improvements fund created, use of moneys—elections improvements revolving loan fund created, use of moneys.—1. There is hereby created in the state treasury the "Election Administration Improvements Fund", which shall consist of any gifts, contributions, grants, or bequests received from federal, private, or other sources for the purpose of improving the administration of elections within Missouri. The state treasurer shall be custodian of the fund and shall make disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Money in the fund shall be used exclusively for election administration improvements as directed by the secretary of state. No moneys obtained through the provisions of this section shall be made a part of the general operating budget of an election authority, or used to supplant other federal, state, or local funds expended for elections. The secretary of state may transfer moneys from the fund to the election improvements revolving loan fund as the secretary deems necessary to facilitate compliance with the Help America Vote Act of 2002. Notwithstanding section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of any biennium shall not revert to the credit of the general revenue fund. All yield, interest, income, increment, or gain received from time deposit of moneys in the state treasury to the credit of the fund shall be credited to the fund. Notwithstanding any provision of law to the contrary, no amount of moneys in the fund shall be transferred from the fund or charged for purposes of the administration of central services for the state of Missouri.

2. There is hereby created in the state treasury the "Election Improvements Revolving Loan Fund", which shall consist of all moneys appropriated to it by the general assembly, all repayment of moneys from eligible lenders and any moneys deposited or transferred to the fund for the purpose of improving the administration of elections through loans. The state treasurer shall be custodian of the fund and shall make disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Money in the fund shall be used solely for improving the administration of elections through loans. Notwithstanding section 33.080, RSMo, to the contrary, any moneys remaining in the fund shall not revert to the credit of the general revenue fund. All yield, interest, income, increment, or gain received from time deposit of moneys in the state treasury to the credit of the fund shall be credited to the fund. Notwithstanding any provision of law to the contrary, no amount of moneys in the fund shall be transferred from the fund or charged for

purposes of the administration of central services for the state of Missouri. The secretary of state is authorized to administer the fund in accordance with this section and the Help America Vote Act of 2002, and to promulgate rules to execute this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

(L. 2003 H.B. 511)
Effective 7-11-03

ELECTION JUDGES

115.079. Election judges, how appointed.—All election judges in each jurisdiction shall be appointed by the election authority.

(L. 1977 H.B. 101 § 3.001)
Effective 1-1-78

115.081. Number of judges to be appointed, supervisory judges, duties of.—1. Each election authority shall appoint election judges for each polling place within its jurisdiction in accordance with the provisions of this section.

2. In all primary and general elections, the election authority shall appoint at least two judges from each major political party to serve at each polling place. No major political party shall have a majority of the judges at any polling place. No established party shall have a greater number of judges at any polling place than any major political party.

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

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

5. Election judges may be employed to serve for the first half or last half of any election day. Such judges shall be paid one-half the regular rate of pay. If part-time judges are employed, the election authority shall employ such judges and shall see that a sufficient number for each period are present at all times so as to have the proper total number of judges present at each polling place throughout each election day. The election authority shall require that at each polling place at least one election judge from each political party serve a full day and that at all times during the day there be an equal number of election judges from each political party.

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

(L. 1977 H.B. 101 § 3.005, A.L. 1982 S.B. 526, A.L. 2002 S.B. 675)

115.083.—(Repealed L. 2002 S.B. 675 § A)

115.085. Qualifications of election judges.—No person shall be appointed to serve as an election judge who is not a registered voter in this state; provided that, before any election authority may appoint judges who are registered voters of another election authority's jurisdiction, the election authority shall obtain the written consent of the election authority for the jurisdiction where the prospective judges are registered to vote. Each election judge shall be a person of good repute and character who can speak, read, and write the English language. No person

shall serve as an election judge at any polling place in which his or her name or the name of a relative within the second degree, by consanguinity or affinity, appears on the ballot. However, no relative of any unopposed candidate shall be disqualified from serving as an election judge in any election jurisdiction of the state. No election judge shall, during his or her term of office, hold any other elective public office, other than as a member of a political party committee or township office, except any person who is elected to a board or commission of a political subdivision or special district may serve as an election judge except at a polling place where such political subdivision or special district has an issue or candidate on the ballot. In any county having a population of less than two hundred fifty thousand inhabitants, any candidate for the county committee of a political party who is not a candidate for any other office and who is unopposed for election as a member of the committee shall not be disqualified from serving as an election judge.

(L. 1977 H.B. 101 § 3.015, A.L. 1986 H.B. 1471, et al., A.L. 1988 H.B. 933, et al., A.L. 1993 S.B. 31, A.L. 1997 S.B. 132, A.L. 2002 S.B. 675, A.L. 2003 H.B. 511)

115.087. Selection of judges in counties not having a board of election commissioners.— 1. In each county which does not have a board of election commissioners, the election judges shall be selected from lists provided by the county committee of each major political party or as authorized pursuant to section 115.081. Not later than December tenth in each year in which county committeemen are elected, the county committee of each major political party shall submit to the election authority a list of persons qualified to serve as election judges in double the number required to hold a general election in the county. For each election, the election authority shall select and appoint the number of judges required to hold the election. If a county committee fails to present the prescribed number of names of qualified persons by the time prescribed, the election authority may select and appoint the number of judges provided by law for the county committee's party. If the election authority deems any person on a list to be unqualified, the election authority may request the county committee which submitted the list to furnish another name.

2. The state chairperson of each established political party may, in jurisdictions where no county committee exists and where the county clerk is the election authority, submit a list of persons qualified to serve as election judges to the county clerk. The county clerk may select and appoint additional judges from such list pursuant to section 115.081.

3. County clerks may compile a list of persons who claim no political affiliation and who volunteer to be election judges. A county clerk may select and appoint additional judges from such list pursuant to section 115.081.

(L. 1977 H.B. 101 § 3.020, A.L. 2002 S.B. 675)

115.089. Terms of election judges appointed by board.—Each board of election commissioners shall have authority to appoint election judges for individual elections, or for a term coincident with the term of the board and until the judges' successors are appointed and qualified. The board may ask the county committee of each major political party to submit a list of persons qualified to serve as election judges and may select and appoint judges from the lists. The board may compile a list of persons who claim no political affiliation and who volunteer to be election judges and may select and appoint judges from the list.

(L. 1977 H.B. 101 § 3.025, A.L. 2002 S.B. 675)

115.091. Oath of election judge.—On commissioning or before entering upon his duties, each election judge shall take and subscribe the following oath:

I solemnly swear that I will impartially discharge the duties of judge according to law, to the best of my ability and that I will not disclose how any voter has voted unless I am required to do so as a witness in a proper judicial proceeding. I also

affirm that I will not allow any person to vote who is not entitled to vote and that I will make no statement nor give any information of any kind tending in any way to show the state of the count prior to the close of the polls on election day.

Sworn and subscribed to before
me this .....day of ....., 20.....

.....
Judge of Election

.....
Election Authority (Judge of Election)
witnessing oath

(L. 1977 H.B. 101 § 3.030)
Effective 1-1-78

115.093. Vacancy, how filled.—If an election judge dies, resigns, becomes incapacitated, becomes disqualified, is removed pursuant to section 115.099, or is otherwise unable or unwilling to serve during his term, the election authority shall appoint another qualified person from the same political party as the unable or unwilling judge to serve as a temporary judge or for the unexpired term.
(L. 1977 H.B. 101 § 3.035)
Effective 1-1-78

115.095. Judge failing to appear, temporary judge to be appointed, how.—If any judge fails to act or to appear by the time fixed by law for the opening of the polls, the election authority shall be notified immediately by an election judge. The election authority or the election judges present in the polling place shall appoint another judge from the same political party as the judge failing to act or to appear. If the election judges elect a qualified temporary judge, such judge shall have full authority to act as judge for the election, except that such judge may be removed at any time by the election authority and replaced with another qualified judge from the same political party as the removed judge. Any judge selected pursuant to this section shall be selected to ensure that no political party shall have a majority of judges at any polling place and that each major political party has at least one judge serving at the polling place.
(L. 1977 H.B. 101 § 3.040, A.L. 2002 S.B. 675)

115.097. Judge not to be absent from polls more than one hour—not more than one judge from the same party to be absent at the same time.—No election judge shall be absent from the polls for more than one hour during the hours the polls are open on election day. No election judge shall be absent from the polls before 9:00 a.m. or after 5:00 p.m. on election day. No more than one judge from the same major political party shall be absent from the polls at the same time on election day.
(L. 1977 H.B. 101 § 3.043, A.L. 2002 S.B. 675)

115.098. Election judges, grant, loan, or other aid program to increase compensation, requirements—rulemaking authority.—1. Subject to appropriation from federal funds, the secretary of state shall administer a grant, loan, or other aid program for the purpose of increasing the compensation of election judges. Such funding shall be made available to election authorities contingent upon the election authority increasing the compensation of election judges to an amount not less than seven dollars per hour. Such funding may be in the form of matching grants. The secretary of state when awarding grants shall give priority to jurisdictions which have the highest number of residents according to the most recent federal census, with an income below the federal poverty level as established by the federal Department of Health and Human Services or its successor agency. The secretary of state may promulgate rules to effectuate the provisions of this section.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies

with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.
(L. 2002 S.B. 675, A.L. 2003 H.B. 511)

115.099. Authority to supervise judges.—Each election authority shall have authority to direct judges in their duties and to compel compliance with the law. Each election authority may substitute judges at his discretion on election day. Each election authority shall also have authority at any time to remove any judge for good cause and to replace the judge with a qualified person from the same political party as the removed judge. Any judge selected pursuant to this section shall be selected to ensure that no political party shall have a majority of judges at any polling place and that each major political party has at least one judge serving at the polling place.
(L. 1977 H.B. 101 § 3.045, A.L. 2002 S.B. 675)

115.101. Judges' compensation, how set—not employees of election authority.—For service in conducting elections and house-to-house canvasses, each election judge shall be paid an amount established by the election authority. For purposes of this section, and the Constitution of Missouri, election judges appointed by the election authority shall not be considered employees of the election authority.
(L. 1977 H.B. 101 § 3.050, A.L. 1983 S.B. 234, A.L. 2002 S.B. 675)

115.102. Election judge, service as, employer not to discriminate against—violation, penalty.—1. An employer shall not terminate, discipline, threaten or take adverse actions against an employee based on the employee's service as an election judge.

2. An employee who is appointed to serve as an election judge may, on election day, be absent from his or her employment for the period of time that the election authority requires the employee to serve as election judge. Employees must notify employers at least seven days prior to an election that they will be absent from work on election day due to service as an election judge.

3. An employee discharged in violation of this section may bring a civil action against the employer within ninety days of discharge for recovery of lost wages and other damages caused by the violation and for an order directing reinstatement of the employee. If the employee prevails, the employee shall be entitled to receive reasonable attorney's fees and costs.
(L. 2002 S.B. 675)

115.103. Training courses required, compensation while in training authorized.—All election authorities shall establish training courses for election judges. Such courses shall include substantially the curriculum developed by the secretary of state's office in accordance with the Help America Vote Act of 2002. Election authorities may compensate judges for attendance at the rate set for election service subject to the approval of the governing body of a county not having a board of election commissioners, or the political subdivision or special district.
(L. 1977 H.B. 101 § 3.055, A.L. 2003 H.B. 511)

CHALLENGERS AND WATCHERS

115.104. Youth election participant—oath—nomination procedure—qualifications—election authorities and judges to direct, powers and duties—high schools may offer preparatory courses.—1. As used in this section, the term **"participant"** means a Missouri youth election participant.

2. Notwithstanding any other law to the contrary, any person more than fifteen years of age but less than eighteen years of age who is in full-time attendance in a school of this state may aid and assist any election judge or election authority authorized or appointed pursuant to this chapter. Such persons shall be known as "Missouri Youth Election Participants" and shall, before entering upon the duties related to an election conducted pursuant to this chapter, take and subscribe the following oath, which shall be signed by the participant and an original copy thereof delivered to the election authority:

I solemnly swear or affirm that I will impartially discharge the duties of a Missouri youth election participant by following to the best of my ability the instructions of any election judge, election authority, or teacher of my school. I also swear or affirm that I will not disclose how any voter has voted unless I am told to do so by an election judge, election authority, or a court of law in a proper judicial proceeding. I also swear or affirm that I will make no statement nor give any information of any kind tending in any way to show the state of the count of votes prior to the close of the polls on election day, nor will I make any statement during the conduct of my duties which tends to show my preferences for any issue or candidate involved in the election.

.....

Signature of Missouri Youth Election Participant

3. If, in the opinion of the chief administrative officer of any high school of this state, the appointment of students in the tenth, eleventh or twelfth grade as Missouri youth election participants would benefit those persons involved and the election process, the officer may nominate such persons as participants. The chief administrative officer shall establish the academic and behavioral standards for qualification, but persons nominated shall, at a minimum:

(1) Have demonstrated age-appropriate academic ability and demeanor;

(2) Be a person of good repute who can speak, read and write the English language; and

(3) Not be related within the second degree of consanguinity or affinity to any person whose name appears on the ballot, except that no participant shall be disqualified if related within such degree to an unopposed candidate.

4. The chief administrative officer of the school shall transmit a written list of nominees to the election authority of the jurisdiction at least sixty days prior to the election. If, in the opinion of the election authority, the appointment of participants nominated pursuant to this section would not be disruptive to the election process, the election authority may appoint any number of participants for each polling place or place where votes are to be counted within its jurisdiction. Such appointment shall include a schedule of the time during which the participant is expected to serve. No participant shall be entitled to any compensation or remuneration for the time served as a participant or costs incurred in the performance of his* duties. Nothing in this section shall be construed to mandate the appointment of any participant if, in the sole discretion of the election authority, the presence of such participants in any polling place or place where votes are counted would be disruptive to the orderly election process.

5. Subject to the provisions of this section and under the direct supervision of the election authority or election judges, each participant may assist in the administration of the polling place, assist in the counting of votes, assist in the execution of any administrative duty of any election authority or election judge, and perform any other election-day-related duty as instructed.

6. Each election authority and election judge appointed pursuant to this chapter shall have the authority to direct any Missouri youth election participant in his* duties and to compel compliance with law. Each election authority may, in its sole discretion, substitute participants on or before election day. Each election authority or election judge shall have the authority at any time to take any action necessary to remove any participant from any polling place or place where votes are being counted. It shall be the duty of any law enforcement officer, if requested by the election authority or judges of election, to exclude any participant from the polling place or place where votes are being counted.

7. In order to best prepare students for duty as Missouri youth election participants pursuant to this section, each high school of this state may offer a course of instruction in the democratic electoral process which concentrates upon the election law of this state. The high school may require successful completion of such a course prior to qualification for nomination as a Missouri youth election participant.

(L. 1994 S.B. 632)

**Word "their" appears in original rolls.*

115.105. Challengers, how selected, qualifications—challenges, when made—challengers may collect certain information at presidential primary elections—challenges, how made.—1. The chair of the county committee of each political party named on the ballot shall have the right to designate a challenger for each polling place, who may be present during the hours of voting, and a challenger for each location at which absentee ballots are counted, who may be present while the ballots are being prepared for counting and counted. No later than four business days before the election, the chair of each county committee of each political party named on the ballot shall provide signed official designation forms with the names of the designated challengers and substitutes to the local election authority for confirmation of eligibility to serve as a challenger. The local election authority, after verifying the eligibility of each designated and substitute challenger, shall sign off on the official designation forms, unless the challenger is found not to have the qualifications established by subsection 5 of this section. If the election authority determines that a challenger does not meet the qualifications of subsection 5 of this section, the designating party chair may designate a replacement challenger and provide the local election authority with the name of the replacement challenger before 5:00 p.m. of the Monday preceding the election. The designating chair may substitute challengers at his or her discretion during such hours.

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

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

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

5. All persons selected as challengers shall have the same qualifications required by section 115.085 for election judges, except that such challenger shall be a registered voter in the jurisdiction of the election authority for which the challenger is designated as a challenger.

6. Any challenge by a challenger to a voter's identification for validity shall be made only to the election judges or other election authority. If the poll challenger is not satisfied with the decision of the election judges, then he or she may report his or her belief that the election laws of this state have been or will be violated to the election authority as allowed under this section.

(L. 1977 H.B. 101 § 4.001, A.L. 1983 S.B. 234, A.L. 1999 H.B. 676, A.L. 2003 H.B. 511, A.L. 2006 S.B. 1014 & 730)

115.106. Persons administering youth election admitted to polling place—oath—misconduct, removal for.—1. Before being permitted to enter the polling place, each person designated by the election authority to administer a simulated youth election shall take the following oath:

I do solemnly swear that I will make no statement nor give any information of any kind tending in any way to show the state of the count prior to the close of the polls on election day.

Sworn and subscribed to before me this . . . . . day of . . . . . , 20. . . . . .

. . . . . .
Simulated Youth Election Administrator

. . . . . .
Judge of Election

2. If any person admitted to the polling place to administer or participate in a simulated youth election interferes with the orderly process of voting, or is guilty of misconduct or any law violation, the election judges shall ask the person to leave the polling place or cease the interference. If the interference continues, the election judges shall notify the election authority, which shall take such action as it deems necessary. It shall be the duty of the police, if requested by the election authority or judges of election, to exclude any such person from the polling place or the place where votes are being counted.

(L. 1996 H.B. 1557 & 1489 § 3)
Effective 6-13-96

115.107. Watchers, how selected, qualifications, duties.—1. At every election, the chairman of the county committee of each political party named on the ballot shall have the right to designate a watcher for each place votes are counted.

2. Watchers are to observe the counting of the votes and present any complaint of irregularity or law violation to the election judges, or to the election authority if not satisfied with the decision of the election judges. No watcher may be substituted for another on election day.

3. No watcher shall report to anyone the name of any person who has or has not voted.

4. All persons selected as watchers shall have the same qualifications required by section 115.085 for election judges, except that such watcher shall be a registered voter in the jurisdiction of the election authority for which the watcher is designated as a watcher.

(L. 1977 H.B. 101 § 4.005, A.L. 1983 S.B. 234, A.L. 2003 H.B. 511)

115.109. Oath of challengers and watchers.—Before entering upon his duties, each challenger and watcher shall take the following oath:

I do solemnly swear that I will make no statement nor give any information of any kind tending in any way to show the state of the count prior to the close of the polls on election day.

Sworn and subscribed to before me this . . . . . day of . . . . . , 20. . . . . .

. . . . . .
Challenger or Watcher

. . . . . .
Judge of Election

(L. 1977 H.B. 101 § 4.015)
Effective 1-1-78

115.111. Improper conduct of challenger or watcher, how handled.—If any watcher or challenger interferes with the orderly process of voting, or is guilty of misconduct or any law violation, the election judges shall ask the watcher or challenger to leave the polling place or cease the interference. If the interference continues, the election judges shall notify the election authority, which shall take such action as it deems necessary. It shall be the duty of the police, if requested by the election authority or judges of election, to exclude any watcher or challenger from the polling place or the place where votes are being counted. If any challenger is excluded, another may be substituted by the designating committee chairman.

(L. 1977 H.B. 101 § 4.020)
Effective 1-1-78

PRECINCTS AND POLLING PLACES

115.113. Precincts, how established—new political subdivisions, duty to identify voters of.—1. The basic election district shall be the precinct. In each jurisdiction, precinct boundaries shall be established by the election authority. Every effort shall be made by the election authority to establish precinct lines which do not cross political subdivision or special district boundaries. Upon mail notification of each voter affected by the change, or publication of the new boundaries in a newspaper of general circulation in its jurisdiction, the election authority may change precinct boundaries from time to time as convenience may require.

2. When a political subdivision is formed, the political subdivision shall assist the election authority in determining the identity of all registered voters residing in each precinct eligible to vote in elections affecting the district.

(L. 1977 H.B. 101 § 5.001, A.L. 1982 S.B. 526)
Effective 5-20-82

115.115. Polling places, how designated, exception—notice to voters—voters not required to go to more than one polling place—elderly and handicapped polling places, common sites—plan for increased accessibility, contents.—1. Except as provided in subsection 2 of this section or in section 115.436, for each election within its jurisdiction, the election authority shall designate a polling place for each precinct within which any voter is entitled to vote at the election.

2. For any election, the election authority shall have the right to consolidate two or more adjoining precincts for voting at a single polling place and to designate one set of judges to conduct the election for such precincts. Voters shall be notified of the place for voting in the manner provided in section 115.127 or 115.129.

3. No person shall be required to go to more than one polling place to vote on the same day.

4. Prior to the opening of the polling places on any election day, if candidates or issues for more than one political subdivision or district are to be voted for at one precinct, the election authority for that precinct shall provide color-coded ballots, or ballots with other distinguishing codes, to show what candidates and issues the voter is eligible to vote, based on the voter's place of residence, so that on election day no voter will have an opportunity to vote for candidates or issues for which the voter is not entitled to vote. If such ballots are not available, the election authority shall be notified and voting at that precinct shall not begin until appropriate ballots are available.

5. Each local election authority shall designate one common site and may designate up to four additional common sites as election day central polling places designed for accessibility to voters who have physical disabilities, the elderly, and any other registered voter authorized by law to vote at a central polling place. Such sites shall conform to nationally accepted accessibility standards. In addition to being able to supply such voters with their appropriate ballots, and being open during regular voting hours, such a polling place shall otherwise be staffed and operated in accordance with law, especially as provided in subsection 3 of section 115.436 and subsection 3 of section 115.445, and like any other polling place, insofar as possible.

6. Subject to receipt of sufficient Section 261 funds authorized by the Help America Vote Act of 2002, the secretary of state shall develop a comprehensive plan for increased polling place accessibility. The secretary of state shall apply for funds pursuant to Section 261 of the Help America Vote Act of 2002 and may allocate Section 101 of the Help America Vote Act of 2002 funding after reaching full compliance of Title III of the Help America Vote Act of 2002. Any funds received pursuant to Section 291 of the Help America Vote Act of 2002 may be used for provisions of this section. The plan shall include:

(1) Completion of a comprehensive audit of current polling place accessibility using nationally accepted standards for architectural accessibility such as the Federal Election Commission

Polling Place Accessibility Survey or other survey developed using the Americans with Disabilities Act Accessibility Guidelines. Audits shall be completed no later than twelve months after receipt of Section 261 of the Help America Vote Act of 2002 funds. The audit shall include recommendations and cost estimates for each polling place to achieve accessibility and shall be procured in accordance with chapter 34, RSMo;

(2) Development of the plan, including timelines for barrier removal and funding needed to achieve one hundred percent polling place accessibility within twenty-four months after the completion of the audit. The implementation plan may be used by local election authorities in applying for any available federal and state funds available to improve polling place accessibility and shall be submitted to the general assembly by the secretary of state for use in determining future requirements and funding needs for polling place accessibility;

(3) Establishment of an oversight committee made up of individuals with disabilities, disability organizations, advocates, and election officials to assist the activities pursuant to this section.

Nothing in this section shall be construed to limit the ability of local election authorities to apply for and receive grants for polling place accessibility pursuant to Section 261 of the Help America Vote Act of 2002 prior to the completion of the survey authorized pursuant to this section. Improvements to polling places made with grants received pursuant to Section 261 of the Help America Vote Act of 2002 shall be used to meet standards as outlined in this section unless the requirements of the grant exceed these requirements.

(L. 1977 H.B. 101 § 5.010, A.L. 1983 S.B. 234, A.L. 1986 H.B. 1471, et al., A.L. 1997 S.B. 132, A.L. 2003 H.B. 511)

115.117. Tax-supported buildings must be made available as polling places—may rent private polling place, when.—1. The election authority may designate tax-supported public buildings or buildings owned by any political subdivision or special district to be used as polling places for any election, and no official in charge or control of any such public building shall refuse to permit the use of the building for election purposes. The election authority shall have the right to choose the location of the polling place within such buildings.

2. If an election authority determines there is no public building convenient for a polling place in any voting district, the authority shall first attempt to secure the use of a privately owned tax-exempt building, and in the event no such building is available, it may contract for the rental of a suitable polling place in the district.

3. In selecting polling places, the election authority shall consider parking areas which may be available and shall give priority to those places which have adequate parking areas for use by poll workers and voters.

(L. 1977 H.B. 101 § 5.015, A.L. 1982 S.B. 526, A.L. 1985 H.B. 620, A.L. 1997 S.B. 132)

115.119. Polling place to be marked.—Each polling place shall be plainly marked with a sign posted in a place and manner sufficient to notify voters of the location of the polling place.

(L. 1977 H.B. 101 § 5.020)
Effective 1-1-78

ELECTIONS, WHEN HELD—NOTICE, HOW GIVEN

115.121. General election, when held—primary election, when held—general municipal election day defined—special election to incur debt for certain purposes.—1. The general election day shall be the first Tuesday after the first Monday in November of even-numbered years.

2. The primary election day shall be the first Tuesday after the first Monday in August of even-numbered years.

3. The election day for the election of political subdivision and special district officers shall be the first Tuesday after the first Monday in April each year; and shall be known as the "general municipal election day".

4. In addition to the primary election day provided for in subsection 2 of this section, for the year 2003, the first Tuesday after the first Monday in August, 2003, also shall be a primary election day for the purpose of permitting school districts and other political subdivisions of Missouri to incur debt in accordance with the provisions of article VI, section 26(a) through 26(g) of the Missouri Constitution, with the approval of four-sevenths of the eligible voters of such school district or other political subdivision voting thereon, to provide funds for the acquisition, construction, equipping, improving, restoration, and furnishing of facilities to replace, repair, reconstruct, reequip, restore, and refurnish facilities damaged, destroyed, or lost due to severe weather, including, without limitation, windstorms, hail storms, flooding, tornadic winds, rainstorms and the like which occurred during the month of April or May, 2003.

5. Notwithstanding the provisions of subsection 1 of section 115.125, the officer or agency calling an election on the first Tuesday after the first Monday of August, 2003, shall notify the election authorities responsible for conducting the election not later than 5:00 p.m. on the sixth Tuesday prior to the election. For purposes of any such election, all references in section 115.125 to the tenth Tuesday prior to such election shall be deemed to refer to the sixth Tuesday prior to such election.

(L. 1977 H.B. 101 § 6.001, A.L. 1978 H.B. 971, A.L. 1993 S.B. 31, A.L. 1997 H.B. 734, A.L. 2003 S.B. 686)
Effective 6-23-03

115.122.—(Repealed L. 2002 S.B. 675 § A)

115.123. Public elections to be held on certain Tuesdays, exceptions—presidential primary, when held—exemptions.—1. All public elections shall be held on Tuesday. Except as provided in subsections 2, 3, and 4 of this section, and section 247.180, RSMo, all public elections shall be held on the general election day, the primary election day, the general municipal election day, the first Tuesday after the first Monday in February or November, or on another day expressly provided by city or county charter, the first Tuesday after the first Monday in June and in nonprimary years on the first Tuesday after the first Monday in August.

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

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

(1) Bond elections necessitated by fire, vandalism or natural disaster;

(2) Elections for which ownership of real property is required by law for voting; and

(3) Special elections to fill vacancies and to decide tie votes or election contests.

4. No city or county shall adopt a charter or charter amendment which calls for elections to be held on dates other than those established in subsection 1 of this section.

5. Nothing in this section prohibits a charter city or county from having its primary election in March if the charter provided for a March primary before August 28, 1999.

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

(L. 1977 H.B. 101 § 6.005, A.L. 1978 H.B. 971, A.L. 1979 S.B. 275, A.L. 1980 S.B. 734, A.L. 1983 S.B. 234, A.L. 1986 H.B. 879 merged with S.B. 729, A.L. 1987 S.B. 386, A.L. 1993 H.B. 551 & 552, A.L. 1996 H.B. 1557 & 1489, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2002 S.B. 675)

115.124. Nonpartisan election in political subdivision or special district, no election required if number of candidates filing is same as number of positions to be filled—exceptions—random drawing filing procedure followed when election is required.—1.

Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision or special district except for municipal elections, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation in the district, and if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. Notwithstanding any other provision of law to the contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

2. The election authority or political subdivision responsible for the oversight of the filing of candidates in any nonpartisan election in any political subdivision or special district shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a declaration of candidacy with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing, the election authority or political subdivision may determine by random drawing the order in which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate may draw a number at random at the time of filing. If such drawing is conducted, the election authority or political subdivision shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates filing on the first day of filing for each office on each ballot shall be listed in ascending order of the numbers so drawn.

(L. 1990 S.B. 862 § 1, A.L. 1996 S.B. 598, A.L. 1999 H.B. 676, A.L. 2003 S.B. 686, A.L. 2006 S.B. 1014 & 730)

115.125. Notice of election, when given—facsimile transmission used when, exceptions—late notification, procedure.—1. Not later than 5:00 p.m. on the tenth Tuesday prior to any election, except a special election to decide an election contest, tie vote or an election to elect seven members to serve on a school board of a district pursuant to section 162.241, RSMo, or a delay in notification pursuant to subsection 2 of this section, or pursuant to the provisions of section 115.399, the officer or agency calling the election shall notify the election authorities responsible for conducting the election. The notice shall be in writing, shall specify the name of the officer or agency calling the election and shall include a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127. The notice and any other information required by this section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 p.m. on the tenth Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three business days from the date of the facsimile transmission. In lieu of a certified copy of the legal notice to be published pursuant to subsection 2 of section 115.127, each notice of a special election to fill a vacancy shall include the name of the office to be filled, the date of the election and the date by which candidates must be selected or filed for the office. Not later than the fourth Tuesday prior to any special election to fill a vacancy called by a political subdivision or special district, the officer or agency calling the election shall certify a sample ballot to the election authorities responsible for conducting the election.

2. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the political subdivision or special district calling for the election agrees to pay any printing or reprinting costs, a political subdivision or special district may, at any time after certification required in subsection 1 of this section, but no later than 5:00 p.m. on the sixth Tuesday before the election, be permitted to make late notification to the elec-

tion authority pursuant to court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the political subdivision or special district to the circuit court of the area of such subdivision or district. No court shall have the authority to order an individual or issue be placed on the ballot less than six weeks before the date of the election, except as provided in sections 115.361 and 115.379.

(L. 1977 H.B. 101 § 6.010, A.L. 1980 S.B. 734, A.L. 1983 S.B. 234, A.L. 1986 H.B. 1676, A.L. 1995 H.B. 484, et al., A.L. 1996 H.B. 1557 & 1489, A.L. 1997 S.B. 132, A.L. 2003 H.B. 511)

115.126.—(Repealed L. 2006 S.B. 1014 & 730 § A)

115.127. Notice of election, how, when given—striking names or issues from ballot, requirements—declaration of candidacy, officers for political subdivisions or special elections, filing date, when, notice requirements, exceptions for certain home rule cities—candidate withdrawing, ballot reprinting, cost, how paid.—1. Except as provided in subsection 4 of this section, upon receipt of notice of a special election to fill a vacancy submitted pursuant to section 115.125, the election authority shall cause legal notice of the special election to be published in a newspaper of general circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the election, the date and time of the election, the name of the office to be filled and the date by which candidates must be selected or filed for the office. Within one week prior to each special election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to be published in two newspapers of different political faith and general circulation in the jurisdiction. The legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the newspapers within one week prior to the election.

2. Except as provided in subsections 1 and 4 of this section and in sections 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each election held in its jurisdiction to be published. The notice shall be published in two newspapers of different political faith and qualified pursuant to chapter 493, RSMo, which are published within the bounds of the area holding the election. If there is only one so qualified newspaper, then notice shall be published in only one newspaper. If there is no newspaper published within the bounds of the election area, then the notice shall be published in two qualified newspapers of different political faith serving the area. Notice shall be published twice, the first publication occurring in the second week prior to the election, and the second publication occurring within one week prior to the election. Each such legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot; and, unless notice has been given as provided by section 115.129, the second publication of notice of the election shall include the location of polling places. The election authority may provide any additional notice of the election it deems desirable.

3. The election authority shall print the official ballot as the same appears on the sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or official printed ballot shall be stricken or removed from the ballot except on death of a candidate or by court order.

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

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

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

(L. 1977 H.B. 101 § 6.015, A.L. 1978 H.B. 971, A.L. 1979 S.B. 275, A.L. 1982 S.B. 526, A.L. 1983 H.B. 713 Revision merged with S.B. 234, A.L. 1988 H.B. 933, et al., A.L. 1989 H.B. 316, A.L. 1993 S.B. 31, A.L. 1996 H.B. 1557 & 1489, A.L. 1997 S.B. 132, A.L. 2002 S.B. 675, A.L. 2003 H.B. 511 merged with S.B. 136)

115.129. Notice of election by mail authorized, contents of.—Not later than the fifth day prior to any election, the election authority may mail to each registered voter in the area of its jurisdiction in which the election is to be held, a notice of election which shall include the date and time of the election, the location of the voter's polling place and the name of the agency calling the election. The notice may also include a sample ballot. The election authority may provide any additional notice of the election it deems desirable.

(L. 1977 H.B. 101 § 6.020, A.L. 1978 S.B. 582, A.L. 1997 S.B. 132)

QUALIFICATIONS OF VOTERS AND REGISTRATION

115.133. Qualifications of voters.—1. Except as provided in subsection 2 of this section, any citizen of the United States who is a resident of the state of Missouri and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his eighteenth birthday.

2. No person who is adjudged incapacitated shall be entitled to register or vote. No person shall be entitled to vote:

(1) While confined under a sentence of imprisonment;

(2) While on probation or parole after conviction of a felony, until finally discharged from such probation or parole; or

(3) After conviction of a felony or misdemeanor connected with the right of suffrage.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote.

(L. 1977 H.B. 101 § 7.010, A.L. 1979 S.B. 275, A.L. 1982 H.B. 1600, A.L. 1983 S.B. 44 & 45, A.L. 1993 H.B. 23, A.L. 2002 S.B. 675, A.L. 2003 H.B. 511)

115.135. Persons entitled to register, when—identification required.—1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an interstate former resident, an intrastate new resident or a new resident, as defined in section 115.275. In no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.

2. A person applying to register with an election authority or a deputy registration official shall identify himself or herself by presenting a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license or other form of personal identification at the time of registration.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote.

(L. 1977 H.B. 101 § 7.015, A.L. 1982 S.B. 526, A.L. 1985 H.B. 620, A.L. 1988 H.B. 933, et al., A.L. 1993 H.B. 551 & 552, A.L. 1994 H.B. 1411, A.L. 2002 S.B. 675, A.L. 2003 H.B. 511, A.L. 2005 H.B. 353)

115.136. Secretary of state, duties pursuant to National Voter Registration Act—list of voter registration sites—further duties of secretary of state—rules—civil action, notice.— 1. The secretary of state shall be the chief state election official responsible for the coordination of state responsibilities under the National Voter Registration Act of 1993.

2. The secretary of state shall be responsible for the transmission of requested data from the election authorities to the Federal Election Commission.

3. The secretary of state shall supply each election authority with a list of all public assistance agencies and armed forces recruitment offices that are designated as voter registration sites within the jurisdiction of the election authority.

4. The secretary of state shall consult with the Federal Election Commission in the formation of a national mail voter registration application form.

5. The secretary of state shall be responsible for the transmission to the appropriate election authority of the notification by the United States attorney of the conviction of a Missouri citizen for a federal felony offense.

6. The secretary of state may promulgate rules only to ensure state compliance with the National Voter Registration Act of 1993.

7. Any person who is aggrieved by a violation of the National Voter Registration Act may provide written notice of the violation to the secretary of state and may bring a civil action pursuant to the process prescribed by section 11 of the National Voter Registration Act of 1993.

(L. 1994 H.B. 1411)
Effective 1-1-95

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

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

(L. 1977 H.B. 101 § 7.020, A.L. 2002 S.B. 675)

115.139. Unregistered voter may not vote—exception.—Except as provided in subsection 2 of section 115.137 and section 115.277, no person shall be permitted to vote in any election unless the person is duly registered in accordance with this chapter.
(L. 1977 H.B. 101 § 7.025, A.L. 1994 H.B. 1411, A.L. 1997 S.B. 132)

115.140. Handicapped and hearing impaired persons, provision for.—At least one-half of the voter registration sites provided by each election authority shall be accessible to handicapped persons. Each election authority shall also provide interpreter services upon request for persons with hearing impairments who wish to register.
(L. 1986 H.B. 1471, et al.§ 2)

115.141. Registration to be supervised by election authority.—Each election authority shall supervise the registration of voters within its jurisdiction in accordance with this subchapter and shall direct the activities of all deputy registration officials.
(L. 1977 H.B. 101 § 7.030)
Effective 1-1-78

115.143. Deputy registration officials, qualifications of, persons eligible to serve as.—1. Each election authority may appoint persons regularly employed in the office of the clerk of any city, town or village, any department of revenue fee office, or any school, library or other tax-supported public agency in its jurisdiction as deputy registration officials.

2. Each election authority may appoint any number of additional persons to serve as deputy registration officials. Each such deputy shall be a registered voter in the jurisdiction of the appointing election authority.

3. Each election authority may appoint, with the concurrence of the top administrator of each school, at least one staff person or instructor as a deputy registration official in each school that chooses to participate in voter registration. As used in this subsection, the term **"school"** means any school building in this state in which grades nine through twelve or grades ten through twelve are taught, including public, nonpublic, vocational and vocational-technical school buildings.
(L. 1977 H.B. 101 § 7.035, A.L. 1982 S.B. 526)
Effective 5-20-82

115.145. Registration duties of election authority.—Each election authority shall have the following duties with respect to registration:

(1) To conduct registration at its office or offices throughout the entire year, including any four-week period prior to an election for the purpose of registration of persons for subsequent elections, on all usual business days and during its regular office hours in the manner required by this chapter;

(2) To instruct and direct each deputy registration official in the performance of his or her duties including those agencies mandated and optional, including as optional any institution of higher education located in the state, under the National Voter Registration Act of 1993 and to supply each deputy with the proper registration forms and other necessary supplies;

(3) To designate the times, dates and places or areas for additional voter registration by any deputy appointed pursuant to subsection 2 of section 115.143, and to publicize the times, dates and places or areas of such registration in any manner reasonably calculated to inform the public, provided, that the place or area for voter registration by deputies appointed under subsection 3 of section 115.143 shall be located in the school for which the deputy has been appointed;

(4) Retain all voter registration records and registration list maintenance records for a minimum of two years. The election authority shall compile data from the records as may be necessary for compliance with the National Voter Registration Act of 1993;

(5) Number or use another system of identifying the original agency of the voter registration application.

(L. 1977 H.B. 101 § 7.040, A.L. 1982 S.B. 526, A.L. 1988 H.B. 933, et al., A.L. 1994 H.B. 1411)
Effective 1-1-95

115.147. Deputy registration officials, duties of.—Each deputy registration official shall have the following duties:

(1) To comply with all reasonable instruction and direction by the election authority which is not inconsistent with this subchapter, and

(2) To conduct registration at his regular place of business throughout the entire year on all usual business days and at the usual office hours in the manner required by this subchapter, unless he has been appointed pursuant to subsection 2 or 3 of section 115.143, in which case he shall conduct registration during the dates and times and at the places or areas designated by the election authority in the manner required by this subchapter.

(L. 1977 H.B. 101 § 7.045, A.L. 1982 S.B. 526)
Effective 5-20-82

115.149. Election authorities' registration jurisdictions.—1. Within its jurisdiction, each election authority may register any person who is qualified to register in the jurisdiction. Each election authority may issue information cards to registered voters.

2. Upon agreement with another election authority, any election authority may register any person qualified to register in its jurisdiction in the jurisdiction of the other election authority.

(L. 1977 H.B. 101 § 7.050, A.L. 1979 S.B. 275)

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

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

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

Voter registration agencies and the division of motor vehicle and drivers licensing of the department of revenue shall transmit voter registration application forms to the appropriate election authority not later than five business days after the form is completed by the applicant.

(L. 1977 H.B. 101 § 7.055, A.L. 1994 H.B. 1411, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2002 S.B. 675)

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

APPLICATION FOR REGISTRATION

Are you a citizen of the United States?	☐ YES	☐ NO
Will you be 18 years of age on or before election day?	☐ YES	☐ NO

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

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

	..... Township (or Ward)
..... Name	..... Precinct
..... Home Address	..... Required Personal Identification Information
..... City ZIP	
..... Date of Birth	..... Place of Birth (Optional)
..... Telephone Number (Optional)	..... Mother's Maiden Name (Optional)
..... Occupation (Optional)	..... Last Place Previously Registered
..... Last four digits of Social Security Number (Required for registration unless no Social Security number exists for Applicant)	..... Under What Name
Remarks:	..... When

I am a citizen of the United States and a resident of the state of Missouri. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I do solemnly swear that all statements made on this card are true to the best of my knowledge and belief. I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING THAT I AM NOT LEGALLY ENTITLED TO REGISTER, I AM COMMITTING A CLASS ONE ELECTION OFFENSE AND MAY BE PUNISHED BY IMPRISONMENT OF NOT MORE THAN FIVE YEARS OR BY A FINE OF BETWEEN TWO THOUSAND FIVE HUNDRED DOLLARS AND TEN THOUSAND DOLLARS OR BY BOTH SUCH IMPRISONMENT AND FINE.

..... Signature of Voter	..... Date
..... Signature of Election Official	

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

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

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

suant to the provisions of section 115.223. If an applicant for voter registration fails to answer the question on the application concerning United States citizenship, the election authority shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form before the next election.

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

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

(L. 1977 H.B. 101 § 7.065, A.L. 1986 H.B. 1471, et al., A.L. 1988 H.B. 933, et al., A.L. 1993 S.B. 88, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2003 H.B. 511, A.L. 2005 H.B. 353)

115.157. Registration information may be computerized, information required—voter lists may be sold—candidates may receive list for reasonable fee—computerized registration system, requirements—voter history and information, how entered, when released—records closed, when.—1. The election authority may place all information on any registration cards in computerized form in accordance with section 115.158. No election authority or secretary of state shall furnish to any member of the public electronic media or printout showing any registration information, except as provided in this section. Except as provided in subsection 2 of this section, the election authority or secretary of state shall make available electronic media or printouts showing unique voter identification numbers, voters' names, dates of birth, addresses, townships or wards, and precincts. Electronic data shall be maintained in at least the following separate fields:

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

All election authorities shall enter voter history in their computerized registration systems and shall, not more than six months after the election, forward such data to the Missouri voter registration system established in section 115.158. In addition, election authorities shall forward registration and other data in a manner prescribed by the secretary of state to comply with the Help America Vote Act of 2002. Except as provided in subsection 2 of this section, the election authority shall also furnish, for a fee, electronic media or a printout showing the names, dates of

birth and addresses of voters, or any part thereof, within the jurisdiction of the election authority who voted in any specific election, including primary elections, by township, ward or precinct, provided that nothing in this chapter shall require such voter information to be released to the public over the Internet. The amount of fees charged for information provided in this section shall be established pursuant to chapter 610, RSMo. All revenues collected by the secretary of state pursuant to this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account established pursuant to section 28.160, RSMo. In even numbered years, each election authority shall, upon request, supply the voter registration list for its jurisdiction to all candidates and party committees for a charge established pursuant to chapter 610, RSMo. Except as provided in subsection 2 of this section, all election authorities shall make the information described in this section available pursuant to chapter 610, RSMo. Any election authority who fails to comply with the requirements of this section shall be subject to the provisions of chapter 610, RSMo.

2. Any person working as an undercover officer of a local, state or federal law enforcement agency, persons in witness protection programs, and victims of domestic violence and abuse who have received orders of protection pursuant to chapter 455, RSMo, shall be entitled to apply to the circuit court having jurisdiction in his or her county of residence to have the residential address on his or her voter registration records closed to the public if the release of such information could endanger the safety of the person. Any person working as an undercover agent or in a witness protection program shall also submit a statement from the chief executive officer of the agency under whose direction he or she is serving. The petition to close the residential address shall be incorporated into any petition for protective order provided by circuit clerks pursuant to chapter 455, RSMo. If satisfied that the person filing the petition meets the qualifications of this subsection, the circuit court shall issue an order to the election authority to keep the residential address of the voter a closed record and the address may be used only for the purposes of administering elections pursuant to this chapter. The election authority may require the voter who has a closed residential address record to verify that his or her residential address has not changed or to file a change of address and to affirm that the reasons contained in the original petition are still accurate prior to receiving a ballot. A change of address within an election authority's jurisdiction shall not require that the voter file a new petition. Any voter who no longer qualifies pursuant to this subsection to have his or her residential address as a closed record shall notify the circuit court. Upon such notification, the circuit court shall void the order closing the residential address and so notify the election authority.

(L. 1977 H.B. 101 § 7.070, A.L. 1982 S.B. 526, A.L. 1986 H.B. 1471, et al., A.L. 1988 H.B. 933, et al., A.L. 1993 S.B. 88, A.L. 1994 S.B. 635, A.L. 1996 H.B. 1557 & 1489, A.L. 1999 H.B. 676, A.L. 2002 S.B. 675, A.L. 2003 H.B. 511)

115.158. Missouri voter registration system authorized, functions—system maintenance performed—security measures implemented—verification of information—use of system for election results—information not to be used for commercial purposes, penalty—advisory committee established, duties—rulemaking authority.—1. The secretary of state shall implement a centralized, interactive computerized statewide voter registration list. This computerized list shall be known as the "Missouri Voter Registration System". The system shall be implemented by January 1, 2004, unless a waiver is obtained pursuant to the Help America Vote Act of 2002. If a waiver is obtained, the system shall be implemented by January 1, 2006. The system shall be maintained and administered by the secretary of state and contain the name and registration information of every legally registered voter in Missouri. In addition, the system shall:

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

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

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

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

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

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

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

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

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

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

(4) Eliminating duplicate names from the system.

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

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

(1) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote. Consistent with the National Voter Registration Act of 1993, registrants who have not responded to a notice and who have not voted in two consecutive general elections for federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote; and

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

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

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

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

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

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

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

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

6. In addition to using the system for voter registration, the election authorities and secretary of state may use the system for the collection and dissemination of election results and other pertinent information. Any information contained in any state or local voter registration system, limited to the master voter registration list or any other list generated from the information, subject to chapter 610, RSMo, shall not be used for commercial purposes; provided, however, that the information may be used for elections, for candidates, or for ballot measures, furnished

at a reasonable fee. Violation of this section shall be a class B misdemeanor. For purposes of this section, "commercial purposes" means the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout, or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or the sale of names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record.

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

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

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

(L. 1994 S.B. 635, A.L. 1996 H.B. 1557 & 1489, A.L. 1999 H.B. 676, A.L. 2003 H.B. 511)

115.159. Registration by mail—delivery of absentee ballots, when—provisional ballot by mail permitted, when.—1. Any person who is qualified to register in Missouri shall, upon application, be entitled to register by mail. Upon request, application forms shall be furnished by the election authority or the secretary of state.

2. Notwithstanding any provision of law to the contrary, the election authority shall not deliver any absentee ballot to any person who registers to vote by mail until after such person has:

(1) Voted, in person, after presentation of a proper form of identification set out in section 115.427, for the first time following registration; or

(2) Provided a copy of identification set out in section 115.427 to the election authority.

This subsection shall not apply to those persons identified in section 115.283 who are exempted from obtaining a notary seal or signature on their absentee ballots. An individual who has registered to vote by mail but who does not meet the requirements of this subsection may cast a provisional ballot by mail. Such ballot shall not be counted pursuant to this chapter, and the individual shall be notified of the reason for not counting the ballot.

3. Subsection 2 of this section shall not apply in the case of a person:

(1) Who registers to vote by mail pursuant to Section 6 of the National Voter Registration Act of 1993 and submits a copy of a current and valid photo identification as part of such registration;

(2) Who registers to vote by mail pursuant to Section 6 of the National Voter Registration Act of 1993 and:

(a) Submits with such registration either a driver's license number, or at least the last four digits of the individual's Social Security number; and

(b) With respect to whom the secretary of state matches the information submitted pursuant to paragraph (a) of this subdivision with an existing state identification record bearing the same number, name, and date of birth as provided in such registration;

(3) Who is:

(a) Entitled to vote by absentee ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act;

(b) Provided the right to vote otherwise than in person pursuant to Section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act; or

(c) Entitled to vote otherwise than in person pursuant to any other federal law.

(L. 1977 H.B. 101 § 7.075, A.L. 1993 H.B. 551 & 552, A.L. 1994 H.B. 1411, A.L. 1997 S.B. 132, A.L. 2002 S.B. 675, A.L. 2003 H.B. 511, A.L. 2006 S.B. 1014 & 730)

115.160. Driver's license applicants to receive voter registration application, contents—rules—forwarding of application to election authority, when—documentation required.— 1. All Missouri driver's license applicants shall receive a voter registration application form as a simultaneous part of the application for a driver's license, renewal of driver's license, change of address, duplicate request and a nondriver's license.

2. If a single application form is used, the voter registration application portion of any application described in subsection 1 of this section may not require any information that duplicates information required in the driver's license portion of the form, except a second signature or other information required by law.

3. After conferring with the secretary of state as the chief state election official responsible for overseeing of the voter registration process, the director of revenue shall adopt rules and regulations pertaining to the format of the voter registration application used by the department.

4. No information relating to the failure of an applicant for a driver's license or nondriver's license to sign a voter registration application may be used for any purpose other than voter registration.

5. Any voter registration application received pursuant to the provisions of this section shall be forwarded to the election authority located within that county or any city not within a county, or if there is more than one election authority within the county, then to the election authority located nearest to the location where the driver's license application was received. The election authority receiving the application forms shall review the applications and forward any applications pertaining to a different election authority to that election authority.

6. A completed voter registration application accepted in the driver's licensing process shall be transmitted to the election authority described in subsection 5 of this section not later than five business days after the form is completed by the applicant.

7. Any person registering to vote when applying for or renewing a Missouri driver's license shall submit with the application form a copy of a birth certificate, a Native American tribal document, or other proof of United States citizenship, a valid Missouri driver's license, or other form of personal identification.

(L. 1994 H.B. 1411, A.L. 1997 S.B. 132, A.L. 2002 S.B. 675, A.L. 2005 H.B. 353)

115.161. Registration of persons unable to write.—If any person applying to register in person pursuant to this subchapter is unable to write, the election official shall fill in the registration cards, and the applicant shall sign by mark, witnessed by the election official. The election official shall note the applicant's height in feet and inches, weight, color of eyes and other distinguishing features under the title "Remarks" on the registration cards.

(L. 1977 H.B. 101 § 7.080, A.L. 1994 H.B. 1411)
Effective 1-1-95

115.162. Secretary of state to provide voter registration applications at certain public offices—duties of voter registration agency—declination of registration.—1. A voter registration application shall be provided by the secretary of state in all offices of the state that provide public assistance, all offices that provide state-funded programs primarily engaged in providing services to persons with disabilities, and other offices as directed by the governor. In addition all armed forces recruitment offices shall be considered a voter registration agency.

2. At each voter registration agency, the following services shall be made available:

(1) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance;

(2) Acceptance of completed voter registration application forms for transmittal to the election authority located in the same county or any city not within a county, or if there is more than one election authority within the county, to the election authority nearest to the office of the agency. The election authority receiving the application forms shall review the applications and forward any applications pertaining to a different election authority to that election authority;

(3) Voter registration sites shall transmit voter registration application forms to the appropriate election authority not later than five business days after the form is completed by the applicant;

(4) If a voter registration agency provides services to a person with a disability at the person's home, the agency shall provide the services provided in this section at the person's home.

3. An applicant declining to register in any agency shall be noted in a declination section incorporated into the voter registration form used by the agency. No information relating to a declination to register to vote in connection with an application made at a voter registration agency may be used for any purpose other than voter registration.

(L. 1994 H.B. 1411, A.L. 2002 S.B. 675)

115.163. Precinct register required—voter notification cards, procedures and uses—list of registered voters available, fee.—1. Each election authority shall use the Missouri voter registration system established by section 115.158 to prepare a list of legally registered voters for each precinct. The list shall be arranged alphabetically or by street address as the election authority determines and shall be known as the "precinct register". The precinct registers shall be kept by the election authority in a secure place, except when given to election judges for use at an election. Except as provided in subsection 2 of section 115.157, all registration records shall be open to inspection by the public at all reasonable times.

2. A new precinct register shall be prepared by the election authority prior to each election.

3. The election authority shall send to each voter a voter notification card no later than ninety days prior to the date of a primary or general election for federal office, unless the voter has received such a card during the preceding six months. The voter notification card shall contain the voter's name, address, and precinct. The card also shall inform the voter of the personal identification requirement in section 115.427 and may also contain other voting information at the discretion of the election authority. The voter notification card shall be sent to a voter after a new registration or a change of address. If any voter shall lose his voter notification card, he may request a new one from the election authority. The voter notification card authorized pursuant to this section may be used as a canvass of voters in lieu of the provisions set out in sections 115.179 to 115.193. Except as provided in subsection 2 of section 115.157, anyone, upon request and payment of a reasonable fee, may obtain a printout, list and/or computer tape of those newly registered voters or voters deleted from the voting rolls, since the last canvass or updating of the rolls. The election authority may authorize the use of the postal service contractors under the federal National Change of Address program to identify those voters whose address is not correct on the voter registration records. The election authority shall not be required to mail a voter registration card to those voters whose addresses are incorrect. Confirmation notices to such voters required by section 115.193 shall be sent to the corrected address provided by the National Change of Address program.

(L. 1977 H.B. 101 § 7.085, A.L. 1983 S.B. 234, A.L. 1985 H.B. 620, A.L. 1986 H.B. 1471, et al., A.L. 1997 S.B. 132, A.L. 2002 S.B. 675, A.L. 2006 S.B. 1014 & 730)

115.165. Transfer of registration, how, when—procedure.—1. If the voter files a change of address application in person at the office of the election authority, at the polling place, or pursuant to section 115.159, 115.160, 115.162 or 115.193, or otherwise provides signed written notice of the move, including notice by facsimile transmission, an election authority may change the address on a voter registration record for a voter who moves within the election authority's

jurisdiction after comparing and verifying the signature. Before changing the address on a voter record, the election authority shall be satisfied that the record is that of the person providing the change of address information.

2. A registered voter who has changed his or her residence within an election authority's jurisdiction and has not been removed from the list of registered voters pursuant to this chapter shall be permitted to file a change of address with the election authority or before an election judge at a polling place and vote at a central polling place or at the polling place that serves his or her new address upon written or oral affirmation by the voter of the new address.

3. If the applicant for registration was last registered in another jurisdiction within this state or another state, the election authority shall send notice of the registration to the election authority where the applicant was previously registered. The election authority sending the notice shall provide identifying information to assist the election authority receiving the notice to determine whether the person named was previously registered in such jurisdiction and whether, based on the identifying information provided, the application can be removed from the voting record in the former jurisdiction.

4. Upon receipt of a notice from another election authority that a voter has registered in another jurisdiction in this state or another state, the election authority shall determine whether sufficient information is provided in the notice to identify the person named in such notice as previously registered in the election authority's jurisdiction and presently removable from the voting records in the election authority's jurisdiction. Every election authority is authorized to examine the information provided in a notice of duplicate registration provided by the Missouri voter registration system authorized pursuant to section 115.158 to determine if a voter in one election authority's voter registration records has subsequently registered in another jurisdiction. If, after reviewing the information provided, the election authority is satisfied that the person identified in the notice is listed as a registered voter in the election authority's jurisdiction but has subsequently registered in another jurisdiction, the election authority may remove the person's registration from the list of registered voters.

(L. 1977 H.B. 101 § 7.090, A.L. 1983 S.B. 234, A.L. 1985 H.B. 620, A.L. 1986 S.B. 709 merged with H.B. 1471, et al., A.L. 1988 H.B. 933, et al., A.L. 1993 S.B. 31, A.L. 1994 H.B. 1411, A.L. 1997 S.B. 132, A.L. 2003 H.B. 511)

115.167. Change of name of registered voter, procedure for.—If a registered voter obtains a lawful name change, including a change because of marriage, the voter shall notify the election authority of such change and the election authority shall, upon notification, enter the change on the voter's registration cards. After filling in the voter's new name and transferring other necessary information from the voter's previous registration cards to a new set of cards, the election authority may send new cards to the voter for signature or may require the voter to sign new cards at the polls. If the election authority does require the voter to sign new cards, the new cards shall become the voter's official registration cards. A registered voter who obtains a lawful name change may, after notifying the election judges of the name change, vote at one election under the previous name. The election judges shall notify the election authority of the voter's name change and the election authority shall enter the change on the voter's registration cards as provided for in this section.

(L. 1977 H.B. 101 § 7.105, A.L. 1983 S.B. 234, A.L. 1988 H.B. 933, et al., A.L. 1993 S.B. 31)

115.169. Register delivered to polls, when.—Before the time fixed by law for the opening of the polls on election day, the election authority shall deliver the proper precinct registers to each polling place and shall make a record of the delivery.

(L. 1977 H.B. 101 § 7.110)
Effective 1-1-78

115.171. Error in precinct record, corrected when.—If the election authority learns on election day that a registration record has been placed in the wrong precinct register, the election authority shall immediately have the error corrected.
(L. 1977 H.B. 101 § 7.115, A.L. 1983 S.B. 234)

115.173. Applications and affidavits, where stored.—All applications and affidavits required by this chapter shall be preserved in the office of the election authority.
(L. 1977 H.B. 101 § 7.120, A.L. 1994 H.B. 1411)
Effective 1-1-95

115.175. Class one election offense defined.—Any person who knowingly or willfully gives any false information for the purpose of establishing his eligibility to register to vote or who conspires with another person for the purpose of encouraging his false registration or illegal vote, or who pays or offers to pay, accepts or offers to accept payment for registering to vote or for voting, or who otherwise willfully and fraudulently furnishes false information to a registration official for the purpose of causing a false or fictitious registration, or who registers to vote with the intention of voting more than once in the same election shall be guilty of a class one election offense.
(L. 1977 H.B. 101 § 7.125)
Effective 1-1-78

115.177. Registrations in effect January 1, 1978, to remain valid, exception.—Nothing in this subchapter shall be construed in any way as interfering with or discontinuing any person's valid registration which is in effect on January 1, 1978, until such time as the person is required to transfer his registration or to reregister under the provisions of sections 115.001 to 115.641 and sections 51.450 and 51.460*, RSMo.
(L. 1977 H.B. 101 § 7.180)
Effective 1-1-78
**Section 51.450 was repealed by S.B. 65, et al., 1987.*

115.179. Registration records to be canvassed, when.—1. The election authority shall have the registration records of all precincts in its jurisdiction canvassed every two years in accordance with subsection 3 of section 115.163 and that it be completed no later than ninety days prior to the date of a primary or general election for federal office. The election authority may utilize postal service contractors under the federal National Change of Address program to canvass the records.

2. In each jurisdiction without a board of election commissioners, the county clerk shall have the registration records of all precincts in its jurisdiction canvassed every two years in accordance with subsection 3 of section 115.163 and that it be completed no later than ninety days prior to the date of a primary or general election for federal office.
(L. 1977 H.B. 101 § 7.300, A.L. 1979 S.B. 275, A.L. 1994 H.B. 1411, A.L. 2002 S.B. 675)

115.181. Canvass, how conducted.—1. In its discretion, the election authority may order all or any part of a canvass to be made house-to-house, through the United States Postal Service, or by both methods.

2. At the discretion of the election authority, the canvass may be made by including only those voters who did not vote at the last general election and those voters who registered since the last general election.
(L. 1977 H.B. 101 § 7.305, A.L. 1985 H.B. 620)

115.183. Verification list defined.—As used in this subchapter, the term **"verification list"** shall mean a list prepared under the supervision of the election authority which contains the name and address of each registered voter within a precinct.
(L. 1977 H.B. 101 § 7.310)
Effective 1-1-78

115.185. Canvassers, how selected—voter not at address, procedure followed—police protection, when.—1. Immediately before a house-to-house canvass, the election authority shall prepare two verification lists for each precinct to be canvassed.

2. For each precinct to be canvassed, the election authority shall appoint two registered voters from its jurisdiction, one from each major political party, to serve as canvassers of the precinct. The two canvassers, each having one of the verification lists, shall together call at each dwelling place in the precinct which is shown on the verification lists.

3. If the canvassers find that any registered voter does not live at the address shown on the verification lists, they shall immediately notify the election authority.

4. Whenever it deems necessary, the election authority may request that police protection be furnished canvassers while they perform their official duties. Such protection shall be promptly furnished by the appropriate authorities.

(L. 1977 H.B. 101 § 7.315, A.L. 1994 H.B. 1411)
Effective 1-1-95

115.187. Canvassers report to election authority—notice, form.—Immediately after calling at all dwelling places shown on the verification lists, the house-to-house canvassers shall report with the verification lists to the office of the election authority. The election authority shall as soon as possible prepare and mail a notice to each person who was not found to reside at the address shown on the verification lists. The election authority shall send notice by postage prepaid and preaddressed return card, sent by forwardable mail, on which the registered voter may state his or her current address together with a notice as prescribed by section 115.193.

(L. 1977 H.B. 101 § 7.320, A.L. 1994 H.B. 1411)
Effective 1-1-95

115.189. Information supplied by postal service in lieu of house-to-house canvass.—In lieu of a house-to-house canvass or postal service canvass, the election authority may establish a program by which change of address information is supplied by the postal service.

(L. 1977 H.B. 101 § 7.325, A.L. 1994 H.B. 1411)
Effective 1-1-95

115.191. Investigative authorization of election authority.—The election authority may investigate the residence or other qualifications of any voter at any time it deems necessary. The election authority shall investigate material affecting any voter's qualifications brought to its attention from any source, and such investigations shall be conducted in the manner it directs. The election authority may defer investigation of material brought to its attention within ten days of an election until after the election if it determines time does not permit an earlier investigation.

(L. 1977 H.B. 101 § 7.330)
Effective 1-1-78

115.193. Name stricken from register, conditions—notice, method, contents—improper removal from records, may be permitted to vote—inactive voter designation.—1. Upon completion of a canvass as provided for in this chapter, a registered voter's name shall not be removed from the list of registered voters on the ground that the voter has changed residence unless:

(1) The voter confirms in writing that the voter has changed residence to a place outside the election authority's jurisdiction in which the voter is registered, or

(2) The voter fails to respond to a notice described in this section and has not voted in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice.

2. The notice referred to in subsection 1, subdivision (2) of this section shall contain a postage prepaid and preaddressed return card, sent by forwardable mail, on which the voter may state the voter's current address.

3. The notice shall also contain the following statements:

"(1) Any voter who has not changed his or her residence, or has changed residence but remained in the same election authority's jurisdiction, shall return the card not later than the fourth Wednesday prior to the next election. If the card is not returned by this date, oral or written affirmation of the voter's address may be required at the polling place before the voter will be permitted to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice. Any voter who does not vote in an election during that period, will have his or her name removed from the list of eligible voters;"

"(2) For additional information on registering to vote, contact the election authority located in the county of your current residence. If you reside in the city of St. Louis, contact the St. Louis city election board."

4. If the election authority believes that the name of any voter was improperly removed from the registration records, it may, by telephone or in writing on election day, authorize election judges to permit the voter to vote. The voter may be required to execute an affidavit of qualification on a form prescribed by the election authority before being permitted to vote.

5. An election authority may designate any voter as an inactive voter if the election authority receives from the United States Postal Service notification that the voter no longer resides at the address last known to the election authority and no forwarding address is available, or the voter fails to respond to the notice authorized in subdivision (2) of subsection 1 of this section within thirty days after the election authority sends such notice. Such voter may be designated as an inactive voter only until:

(1) The voter returns such notice to the election authority;

(2) The voter provides the election authority with his or her new address pursuant to the provisions of this chapter;

(3) The voter provides a written affirmation that the voter has not changed residence; or

(4) The election authority receives sufficient information to remove the voter from the list of registered voters pursuant to this section or section 115.165, or return the voter to the active list of registered voters in the jurisdiction.

6. An election authority may exclude inactive voters to determine only:

(1) The number of ballots to be printed pursuant to section 115.247;

(2) The proportional costs of elections; or

(3) Mailing information to registered voters.

(L. 1977 H.B. 101 § 7.335, A.L. 1982 S.B. 526, A.L. 1994 H.B. 1411, A.L. 1997 S.B. 132)

115.195. Death, felony, and misdemeanor convictions, persons adjudged incapacitated—records, when obtained.—1. At least once each month, the state or local registrar of vital statistics shall provide to the election authority a list of the name and address, if known, of each person over eighteen years of age in its jurisdiction whose death has been reported to him or her and provide a copy of the list of any death reported in the state to the secretary of state. The secretary of state shall notify the election authority of the jurisdiction in which the deceased resided of the information received pursuant to this subsection.

2. At least once each month, the clerk of the circuit court of each county and city not within a county shall provide to the election authority a list of the name and address, if known, of each person over eighteen years of age in the court's jurisdiction who has been convicted of any felony, or of a misdemeanor connected with the right of suffrage. A copy of the list shall also be submitted to the secretary of state. The secretary of state shall notify the election authority of the jurisdiction in which an offender resides of the information received pursuant to this subsection.

3. At least once each month, the clerk of the probate division of the circuit court of each county and city not within a county shall provide to the election authority a list of the name and address, if known, of each person over eighteen years of age in the court's jurisdiction who has been

adjudged incapacitated and has not been restored to capacity. A copy of the list shall also be submitted to the secretary of state. The secretary of state shall notify the election authority of the jurisdiction in which such person resides of the information received pursuant to this subsection.

4. All state and local registrars and all clerks of probate divisions of the circuit courts and circuit courts shall provide the information specified in this section, without charge, to the election authority or the secretary of state.

(L. 1977 H.B. 101 § 7.340, A.L. 1983 S.B. 44 & 45, A.L. 1993 S.B. 31, A.L. 1999 H.B. 676, A.L. 2002 S.B. 675)

115.197. Governor to furnish list of persons pardoned.—Not later than October tenth each year, the governor of this state shall provide to each election authority in the state, without charge, the name and address, if known, of each person pardoned by him during the preceding calendar year.

(L. 1977 H.B. 101 § 7.345)
Effective 1-1-78

115.199. Deceased and incompetents removed from register, when—persons convicted and pardoned, how handled.—Each election authority shall remove from its registration records the names of voters reported dead or adjudged incapacitated and shall determine the voting qualifications of those reported convicted or pardoned.

(L. 1977 H.B. 101 § 7.350, A.L. 1999 H.B. 676)

115.203. Prohibitions and requirements governing voter registration applications—penalty.—1. No person shall pay or otherwise compensate any other person for registering voters based on the number of:

(1) Voters registered by the other person;

(2) Voter registration applications collected by the other person; or

(3) Voter registration applications submitted to election officials by the other person.

2. No person shall receive or accept payment or any other compensation from any other person for registering voters based on the number of:

(1) Voters registered by the person receiving or accepting payment or other compensation;

(2) Voter registration applications collected by the person receiving or accepting payment or other compensation;

(3) Voter registration applications submitted to election officials by the person receiving or accepting payment or other compensation.

3. No person who agrees or offers to submit a voter registration application for another person shall knowingly destroy, deface, or conceal such voter registration application.

4. Any person who accepts or receives a voter registration application from another person and agrees or offers to submit such application to the election authority for the registrant shall deliver the application to the election authority within seven days of accepting or receiving the application.

5. A violation of this section is a class four election offense.

(L. 2006 S.B. 1014 & 730)

115.205. Voter registration solicitors, registration—required information—oath—penalty, acceptance of applications.—1. Any person who is paid or otherwise compensated for soliciting more than ten voter registration applications, other than a governmental entity or a person who is paid or compensated by a governmental entity for such solicitation, shall be registered with the secretary of state as a voter registration solicitor. A voter registration solicitor shall register for every election cycle that begins on the day after the general election and ends on the day of the general election two years later. A voter registration solicitor shall be at least eighteen years of age and shall be a registered voter in the state of Missouri.

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

(1) The name of the voter registration solicitor;

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

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

(4) Whether the voter registration solicitor expects to be paid for soliciting voter registrations;

(5) If the voter registration solicitor expects to be paid, the identity of the payor; or

(6) The signature of the voter registration solicitor.

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

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

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

(L. 2006 S.B. 1014 & 730)

115.219. Complaints of certain elections violations—procedure, contents—copy of complaint—consolidation of complaints—investigation and hearing—report—contents of report—remedy.—1. Any person who believes a violation of any provision of Title III of the Help America Vote Act of 2002 (HAVA), 42 U.S.C. Sections 15481 to 15485, as amended, has occurred, is occurring, or is about to occur may file a complaint with the elections division of the secretary of state's office.

2. Any complaint filed under this section shall:

(1) Be in writing, signed, and sworn to before a notary public commissioned by the state of Missouri;

(2) Be filed within thirty days of the certification of the election in which the violation is alleged to have occurred and state the following:

(a) The name and mailing address of the person or persons alleged to have committed the violation of Title III of HAVA described in the complaint;

(b) A description of the act or acts that the person filing the complaint believes is a violation of Title III of HAVA; and

(c) The nature of the injury suffered or about to be suffered by the person filing the complaint.

3. The elections division shall promptly provide a copy of the complaint by certified mail to:

(1) All persons identified in the complaint as possible violators of Title III of HAVA; and

(2) The election authority in whose jurisdiction the violation is alleged to have occurred or is about to occur.

4. The elections division may consolidate complaints filed under this section.

5. Upon the proper filing of a complaint under this section, the secretary of state shall appoint a presiding officer who shall conduct an investigation of the complaint.

6. At the request of the person filing the complaint or if the presiding officer believes that the circumstances so dictate, the presiding officer shall conduct a hearing on the complaint and prepare a record on the hearing, such hearing to be conducted within ten days of the request of the person filing the complaint.

7. Upon completion of the investigation, the presiding officer shall submit the results to the elections division, which shall then issue a written report. The elections division shall provide a copy of the report by certified mail to:

(1) The person who filed the complaint;

(2) The person or persons alleged to have committed the violation; and

(3) The election authority in whose jurisdiction the violation is alleged to have occurred.

8. The report described in subsection 7 of this section shall:

(1) Indicate the date when the complaint was received by the elections division;

(2) Contain findings of fact regarding the alleged violation and state whether a violation of Title III of HAVA has occurred;

(3) State what steps, if any, the person or persons alleged to have committed a violation have taken to correct or prevent any recurrence;

(4) Suggest any additional measures that could be taken to correct the violation;

(5) Indicate the date a violation was corrected or is expected to be corrected;

(6) Provide any additional information or recommendations useful in resolving the complaint.

9. If the elections division determines that there is a violation of Title III of HAVA, the elections division shall determine and provide the appropriate remedy, as authorized by law to do so. If the elections division determines that it is not authorized by law to provide an appropriate remedy, the elections division shall, if possible, refer the matter to the appropriate agency or office that has jurisdiction.

(L. 2006 S.B. 1014 & 730)

115.221. Voting records to be inspected annually.—At least once each year, each election authority shall have the voting records inspected and may investigate the qualifications of any person who has not voted or transferred his registration within the four preceding calendar years.

(L. 1977 H.B. 101 § 7.355)
Effective 1-1-78

115.223.—(Repealed L. 2006 S.B. 1014 & 730 § A)

AUTOMATED VOTING EQUIPMENT

115.225. Automated equipment to be approved by secretary of state—standards to be met—rules, promulgation, procedure.—1. Before use by election authorities in this state, the secretary of state shall approve the marking devices and the automatic tabulating equipment used in electronic voting systems and may promulgate rules and regulations to implement the intent of sections 115.225 to 115.235.

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

(1) Permits voting in absolute secrecy;

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

(3) Permits each voter to vote for or against as many questions as a voter 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 a voter is lawfully entitled to cast;

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

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

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

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

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

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

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

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

(L. 1977 H.B. 101 § 8.005, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3, A.L. 2002 S.B. 675, A.L. 2006 S.B. 1014 & 730)

115.227. Consistent provisions of general law to apply to electronic voting systems.—All provisions of law not inconsistent with sections 8.001 to 8.040* shall apply with full force and effect to elections in each jurisdiction using an electronic voting system.

(L. 1977 H.B. 101 § 8.010)

Effective 1-1-78

**"Sections 8.001 to 8.040" appear in original rolls. Neither section 8.001 nor 8.040 appears in the text of the act. The intervening sections which do appear have been renumbered and contain sections 115.225 to 115.235.*

115.229. Electronic voting system may be used, when.—1. An electronic voting system may be used at any primary election if it has been approved by the secretary of state, 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.

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

(L. 1977 H.B. 101 § 8.015, A.L. 1985 H.B. 620)

115.231. Electronic ballots, how arranged.—1. In polling places using electronic voting systems, the ballot information, whether placed on the ballot card or on the marking device, may be arranged in vertical or horizontal rows, or on a number of separate pages. In any event, the name of each candidate, the candidate's party, the office for which he or she is a candidate and each question shall be indicated clearly on the ballot card or marking device.

2. Nothing in this subchapter shall be construed as prohibiting the use of a separate paper ballot for questions or for the presidential preference primary in any polling place using an electronic voting system.

3. Where electronic voting systems are used and when write-in votes are authorized by law, a write-in ballot, which may be in the form of a separate paper ballot, card or envelope shall be provided to permit each voter to write in the names of persons whose names do not appear on the ballot.

(L. 1977 H.B. 101 § 8.025, A.L. 1999 H.B. 676)

115.233. Testing of automatic tabulating equipment, when done, procedure.—Within fourteen days prior to an election at which an electronic voting system is to be used, the election authority shall have the automatic tabulating equipment tested to ascertain that the equipment is in compliance with the law and that it will correctly count the votes cast for all offices and on all questions. At least forty-eight hours prior to the test, notice of the time and place of the test shall be mailed to each independent and new party candidate and the chairman of the county committee of each established political party named on the ballot. The test shall be observed by at least two persons 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. The test shall be conducted by processing a preaudited group of ballots. If any error is detected, the cause shall be ascertained and corrected, and an errorless count shall be made before the tabulating equipment is approved.
(L. 1977 H.B. 101 § 8.030, A.L. 2002 S.B. 675)

115.235. Preparation of marking devices required.—In jurisdictions where electronic voting systems are used, the election authority shall cause the marking devices to be put in order, set, adjusted and made ready for voting, before they are delivered to polling places on election day.
(L. 1977 H.B. 101 § 8.035)
Effective 1-1-78

115.237. Ballots, contents of—form of—straight political party ticket voting prohibited—rulemaking authority.—1. Each ballot printed or designed for use with an electronic voting system for any election pursuant to this chapter shall contain all questions and the names of all offices and candidates certified or filed pursuant to this chapter and no other. As far as practicable, all questions and the names of all offices and candidates for which each voter is entitled to vote shall be printed on one page except for the ballot for political party committee persons in polling places not utilizing an electronic voting system which may be printed separately and in conformity with the requirements contained in this section. As far as practicable, ballots containing only questions and the names of nonpartisan offices and candidates shall be printed in accordance with the provisions of this section, except that the ballot information may be listed in vertical or horizontal rows. The names of candidates for each office shall be listed in the order in which they are filed.

2. Except as provided in subsection 5 of this section, each ballot shall have:

(1) Each party name printed in capital letters not less than eighteen point in size;

(2) The name of each office printed in capital letters not less than eight point in size;

(3) The name of each candidate printed in capital letters not less than ten point in size;

(4) A small square, the sides of which shall not be less than one-fourth inch in length, printed directly to the left of each candidate's name and on the same line as the candidate's name. When write-in votes are authorized and no candidate's name is to be printed under the name of an office in a party or nonpartisan column, under the name of the office in the column shall be printed a square. Directly to the right of the square shall be printed a horizontal line on which the voter may vote for a person whose name does not appear on the ballot. When more than one position is to be filled for an office, and the number of candidates' names under the office in a column is less than the number of positions to be filled, the number of squares and write-in lines printed in the column shall equal the difference between the number of candidates' names and the number of positions to be filled;

(5) The list of candidates of each party and all nonpartisan candidates placed in separate columns with a heavy vertical line between each list;

(6) A horizontal line extending across the ballot three-eighths of an inch below the last name or write-in line under each office in such a manner that the names of all candidates and all write-

in lines for the same office appear between the same horizontal lines. If write-in votes are not authorized, the horizontal line shall extend across the ballot three-eighths of an inch below the name of the last candidate under each office;

(7) In a separate column or beneath a heavy horizontal line under all names and write-in lines, all questions;

(8) At least three-eighths of an inch below all other matter on the ballot, printed in ten-point Gothic type, the words "Instructions to Voters" followed by directions to the voter on marking the ballot as provided in section 115.439;

(9) Printed at the top on the face of the ballot the words "Official Ballot" followed by the date of the election and the statement "Instruction to Voters: Place an X in the square opposite the name of the person for whom you wish to vote."

3. As nearly as practicable, each ballot shall be in substantially the following form:

OFFICIAL BALLOT DATE .....

REPUBLICAN	DEMOCRATIC	THIRD PARTY	INDEPENDENT
For President and Vice President ☐	For President and Vice President ☐	For President and Vice President ☐	For President and Vice President ☐ .....
For United States Senator ☐	For United States Senator ☐	For United States Senator ☐	For United States Senator ☐ .....
For Governor ☐	For Governor ☐	For Governor ☐	For Governor ☐ .....
For Lieutenant Governor ☐	For Lieutenant Governor ☐	For Lieutenant Governor ☐	For Lieutenant Governor ☐ .....
For Secretary of State ☐	For Secretary of State ☐	For Secretary of State ☐	For Secretary of State ☐ .....
For Treasurer ☐	For Treasurer ☐	For Treasurer ☐	For Treasurer ☐ .....
For Attorney General ☐	For Attorney General ☐	For Attorney General ☐	For Attorney General ☐ .....
For United States Representative ☐	For United States Representative ☐	For United States Representative ☐	For United States Representative ☐ .....
For State Senator ☐	For State Senator ☐	For State Senator ☐	For State Senator ☐ .....
For State Representative ☐	For State Representative ☐	For State Representative ☐	For State Representative ☐ .....
For Circuit Judge ☐	For Circuit Judge ☐	For Circuit Judge ☐	For Circuit Judge ☐ .....

4. No ballot printed or designed for use with an electronic voting system for any partisan election held under this chapter shall allow a person to vote a straight political party ticket. For purposes of this subsection, a "straight political party ticket" means voting for all of the candidates for elective office who are on the ballot representing a single political party by a single selection on the ballot.

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

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

(L. 1977 H.B. 101 § 8.101, A.L. 1979 S.B. 275, A.L. 1982 S.B. 526, A.L. 2002 S.B. 675, A.L. 2006 S.B. 1014 & 730)

115.239. Placement of party candidates on ballot, how determined.—1. The party casting the highest number of votes for governor at the last gubernatorial election shall be placed in the first or left-hand column on the ballot. The party casting the next highest number of votes for the same office shall be placed in the next column to the right, and so on until all established parties have been placed. In order of the date their petitions were filed, new parties shall then be placed in columns to the right of the established party receiving the smallest vote for governor. If there is no more than one independent candidate for any office, all independent candidates shall be placed in one column to the right of the new party filing the latest petition. If there is more than one independent candidate for any office, the candidate filing the earliest petition shall be placed in the column to the right of the new party filing the latest petition. The independent candidate filing the next earliest petition shall be placed in the next column to the right, and so on until all independent candidates for the office have been placed.

2. The name of each candidate shall be placed in the appropriate column by the election authority.

(L. 1977 H.B. 101 § 8.105)
Effective 1-1-78

115.241. Party emblem, where printed.—Each party emblem shall be printed on the ballot above the party caption.

(L. 1977 H.B. 101 § 8.110)
Effective 1-1-78

115.243. President and vice president to be considered one candidate—ballot, how printed, contents of.—1. For the purposes of sections 115.001 to 115.641 and sections 51.450 and 51.460*, RSMo, the candidates for president and vice president of the United States from any political party or group of petitioners shall be considered one candidate. The names of the candidates for president and vice president from each political party or group of petitioners shall be enclosed in a brace directly to the left of the names in the appropriate column on the official ballot. Directly to the left of each brace shall be printed one square, the sides of which are not less than one-fourth inch in length. The names of candidates for presidential electors shall not be

printed on the ballot but shall be filed with the secretary of state in the manner provided in section 115.399.

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

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

(L. 1977 H.B. 101 § 8.115)
Effective 1-1-78
**Section 51.450 was repealed by S.B. 65, et al., 1987.*

115.245. Exact wording of the question certified by secretary of state to appear on ballot—all questions to require a "yes" or "no" response.—1. All questions printed on the official ballot shall be phrased in such a manner that the required response is a "YES" or a "NO". Immediately beside or below each question, a "YES" and a "NO" shall be printed, immediately followed by a square, the sides of which are not less than one-fourth inch in length. Beneath the question and the "YES" and "NO" the following instruction shall be printed: "If you are in favor of the question, place an X in the box opposite 'YES'. If you are opposed to the question, place an X in the box opposite 'NO'."

2. When the secretary of state certifies a question to be submitted to a vote of the people, he shall include in his certification the exact wording of the question and the instructions. The wording certified by the secretary of state shall be printed on the official ballot, and no other wording shall be used to submit the question.

(L. 1977 H.B. 101 § 8.120)
Effective 1-1-78

115.247. Election authority to provide all ballots—error in ballot, procedure to correct—number of ballots provided—return of unused ballots—all ballots printed at public expense.—1. Each election authority shall provide all ballots for every election within its jurisdiction. Ballots other than those printed by the election authority in accordance with sections 115.001 to 115.641 and section 51.460, RSMo, shall not be cast or counted at any election.

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

3. For each election held in a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, the election authority may provide for each polling place in its jurisdiction fifty-five ballots for each fifty and fraction of fifty voters registered in the voting district at the time of the election. For each election, except a general election, held in any county other than a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, the election authority shall provide for each polling place in its jurisdiction a number of ballots equal to at least one and one-third times the number of ballots cast in the voting district served by such polling place at the election held two years before at that polling place or at the polling place that served the voting district in the previous election. For each general election held in any county other than a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, the election authority shall provide for each polling place in its jurisdiction a number of ballots equal to one and one-third times the number of ballots cast in the voting district served by such polling place or at the polling place that served the voting district in the general election held four years prior. When determining the number of ballots to provide for each polling place, the election authority shall consider any factors that would affect the turnout at such polling place. The election authority shall keep a record of the exact number of ballots delivered to each

polling place. For purposes of this subsection, the election authority shall not be required to count registered voters designated as inactive pursuant to section 115.193.

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

5. All ballots cast in public elections shall be printed and distributed at public expense, payable as provided in sections 115.061 to 115.077.

(L. 1977 H.B. 101 § 8.125, A.L. 1997 S.B. 132, A.L. 2006 S.B. 1014 & 730)

115.249. Standards required of voting machines.—No voting machine shall be used unless it:

(1) Permits voting in absolute secrecy;

(2) Permits each voter to vote for as many candidates for each office as he is lawfully 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;

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

(6) Permits each voter at a presidential election to vote by use of a single lever for the candidates of one party or group of petitioners for president, vice president and their presidential electors;

(7) Correctly registers or records and accurately counts all votes cast for each candidate and for and against each question;

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

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

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

(11) Is provided with a proper light which enables each voter, while voting, to clearly see the ballot labels;

(12) Is provided with a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters.

(L. 1977 H.B. 101 § 8.300, A.L. 2006 S.B. 1014 & 730)

115.251. Recording counters defined—machine may have device for preserving recording counter readings before and after election.—Any voting machine may be provided with a device for printing, embossing or photographing the recording counters before the polls open and after the polls close. "Recording counters" are the counters which show the total number of votes cast for each candidate and for and against each question at any particular time.

(L. 1977 H.B. 101 § 8.305)
Effective 1-1-78

115.253. Voting machine ballot labels, how printed and displayed.—Prior to every election at which voting machines are used, the election authority shall insert ballot labels into the voting machines. The ballot labels shall be printed in black on white material of uniform size and shall fit the ballot frames of the machines. In its discretion, the election authority may print the names of the offices in red. The part of the ballot labels pertaining only to questions may be printed in black upon material tinted red. After the ballot labels have been inserted into the machines, the face of each ballot label shall be completely covered with a protective covering of

smooth, hard, transparent material so that it is impossible to alter the face of the ballot label without removing or breaking the covering.
(L. 1977 H.B. 101 § 8.310)
Effective 1-1-78

115.255. Voting machine ballots, information thereon, how arranged.—1. In polling places using voting machines, the ballot information may be arranged in vertical or horizontal rows. In any event, the name of each candidate, his party, the office for which he is a candidate and each question shall be indicated clearly on the ballot label. All ballot labels shall be placed to indicate clearly to the voter which key lever or other device to operate in order to vote on questions and for the candidates of his choice.

2. Nothing in this subchapter shall be construed as prohibiting the use of a separate paper ballot for questions in polling places where voting machines are used.
(L. 1977 H.B. 101 § 8.315)
Effective 1-1-78

115.257. Voting machines to be put in order, procedure to be followed.—1. In jurisdictions where 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. Before delivery to the polling places, the election authority shall have all recording counters, except the protective counter on each voting machine set at zero (000).

2. At least five days before preparing 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 a machine has been examined by such observers and shown to be in good working order, the machine shall be locked against voting and sealed in their presence with a numbered metal seal. The observers shall certify the number on each machine, the number on each protective counter, the number on each seal and that each recording counter is set at zero.

4. After a voting machine has been properly prepared, locked and sealed, its keys shall be retained by the election authority and delivered to the election judges along with the other election supplies.

5. Nothing in this section shall prohibit the on-site storage of voting machines and the preparation of the machines for voting, provided the voting machines are put in order, set, adjusted and made ready for voting as provided in subsections 1, 2, 3 and 4 of this section.
(L. 1977 H.B. 101 § 8.320, A.L. 1978 H.B. 971)

115.259. Voting machines to be visible to election judges at polls.—At each polling place using voting machines, the exterior of the voting machines shall be in plain view of the election judges. Each voting machine shall be so placed that, unless its construction requires otherwise, the ballot labels can be plainly seen by the election judges when not in use by voters. The election judges shall not be nor permit any other person to be in any position, or near any position, that enables them to see how any voter votes or has voted. The election judges may inspect any machine as necessary to make sure the ballot label is in its proper place and that the machine has not been damaged.
(L. 1977 H.B. 101 § 8.325)
Effective 1-1-78

115.261. Voting machine not to be unlocked or opened during election, exception.—During an election, no door or other counter compartment covering shall be unlocked or opened or the counters exposed, except by direction of the election authority, and then only for good and

sufficient reason. If the door or other counter compartment covering on any machine is opened by the election authority or his representative, the reason for such opening shall be stated in writing, signed by the election authority or his representative and attached to one statement of returns.
(L. 1977 H.B. 101 § 8.330)
Effective 1-1-78

115.263. No persons except voters to handle voting machine during election, exception.—After the opening of the polls, the election judges shall not permit any person to handle any voting machine, except voters while they are voting and others expressly authorized by the election authority.
(L. 1977 H.B. 101 § 8.335)
Effective 1-1-78

115.265. Inoperative voting machine, procedure to follow.—If any voting machine at a polling place becomes inoperative, the election judges shall immediately notify the election authority. If possible, the election authority shall repair or replace the machine. If a voting machine is replaced with another machine, the votes on both machines shall be recorded at the close of the polls and shall be added together in determining the results of the election. If the inoperative machine cannot be repaired, and no other machine is available for use, paper ballots, made as nearly as practicable to the official ballot may be used. At the close of the polls, the votes on paper ballots and the votes on the voting machines shall be recorded and shall be added together in determining the results of the election. All paper ballots used pursuant to this section shall be used in accordance with the laws affecting paper ballots and shall be returned to the election authority as paper ballots are returned with a statement describing how and why the paper ballots were voted.
(L. 1977 H.B. 101 § 8.340)
Effective 1-1-78

115.267. Experimental use, adoption of or abandonment of automated voting equipment authorized.—Any election authority may adopt, experiment with or abandon any voting machine meeting the requirements of this subchapter or any electronic voting system approved for use in the state, or may lease one or more voting machines or other equipment, either with or without option to purchase, and may use any authorized voting equipment at any polling place in its jurisdiction.
(L. 1977 H.B. 101 § 8.345)
Effective 1-1-78

115.269. Exhibition, demonstration and instruction on voting machines authorized.—For the purpose of giving instructions on their use, any election authority may designate suitable times and places for the exhibition and demonstration of its voting machines or marking devices. During such instructions, the voting machines and marking devices may contain sample ballot labels which show the names of offices and fictitious candidates. No voting machine shall be used for instruction after it has been prepared and sealed for use at an election, unless it is prepared again and resealed prior to the election. During the instructions, no counting mechanism on any voting machine shall be exposed to view.
(L. 1977 H.B. 101 § 8.350)
Effective 1-1-78

115.271. Voting machines may be rented out or loaned to civic or educational organizations, when, procedure.—1. While its voting machines or marking devices are not in use, the election authority may permit civic or educational organizations to use the machines or devices for the purpose of giving instructions on their use.

2. Any election authority may rent its voting machines or marking devices to any other group for use in its elections.

3. At the discretion of the election authority, the machines or devices may be transported at the expense of the organizations using them. The president or secretary of each organization using such machines or devices shall sign a receipt therefor and shall agree in writing that the organization assumes liability for any damage or loss occurring to the machines or devices up to the time they are returned to the election authority and will return the machines or devices by a designated time.

(L. 1977 H.B. 101 § 8.355)
Effective 1-1-78

115.273. Consistent general law to apply in jurisdictions using voting machines.—All provisions of law not inconsistent with the provisions of sections 115.249 to 115.271 shall apply with full force and effect to elections in jurisdictions using voting machines.

(L. 1977 H.B. 101 § 8.360)
Effective 1-1-78

ABSENTEE VOTING

115.275. Definitions relative to absentee ballots.—As used in sections 115.275 to 115.304, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Absentee ballot", any of the ballots a person is authorized to cast away from a polling place pursuant to the provisions of sections 115.275 to 115.304;

(2) "Interstate former resident", a former resident and registered voter in this state who moves from Missouri to another state after the deadline to register to vote in any presidential election in the new state and who otherwise possesses the qualifications to register and vote in such state;

(3) "Intrastate new resident", a registered voter of this state who moves from one election authority's jurisdiction in the state to another election authority's jurisdiction in the state after the last day authorized in this chapter to register to vote in an election and otherwise possesses the qualifications to vote;

(4) "New resident", a person who moves to this state after the last date authorized in this chapter to register to vote in any presidential election;

(5) "Overseas voter" includes:

(a) An absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;

(b) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(c) A person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States;

(6) "Persons in federal service" includes:

(a) Members of the armed forces of the United States, while in active service, and their spouses and dependents;

(b) Active members of the merchant marine of the United States and their spouses and dependents;

(c) Civilian employees of the United States government working outside the boundaries of the United States, and their spouses and dependents;

(d) Active members of religious or welfare organizations assisting servicemen, and their spouses and dependents;

(e) Persons who have been honorably discharged from the armed forces or who have terminated their service or employment in any group mentioned in this section within sixty days of an election, and their spouses and dependents.

(L. 1977 H.B. 101 § 9.001, A.L. 1997 S.B. 132, A.L. 2003 H.B. 511)

115.277. Persons eligible to vote absentee.—1. Except as provided in subsections 3, 4 and 5 of this section, any registered voter of this state may vote by absentee ballot for all candidates and issues for which such voter would be eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day due to:

(1) Absence on election day from the jurisdiction of the election authority in which such voter is registered to vote;

(2) Incapacity or confinement due to illness or physical disability, including a person who is primarily responsible for the physical care of a person who is incapacitated or confined due to illness or disability;

(3) Religious belief or practice;

(4) Employment as an election authority, as a member of an election authority, or by an election authority at a location other than such voter's polling place;

(5) Incarceration, provided all qualifications for voting are retained.

2. Any person in federal service, as defined in section 115.275, who is eligible to register and vote in this state but is not registered may vote only in the election of presidential and vice presidential electors, United States senator and representative in Congress even though the person is not registered. Each person in federal service may vote by absentee ballot or, upon submitting an affidavit that the person is qualified to vote in the election, may vote at the person's polling place.

3. Any interstate former resident, as defined in section 115.275, may vote by absentee ballot for presidential and vice presidential electors.

4. Any intrastate new resident, as defined in section 115.275, may vote by absentee ballot at the election for presidential and vice presidential electors, United States senator, representative in Congress, statewide elected officials and statewide questions, propositions and amendments from such resident's new jurisdiction of residence after registering to vote in such resident's new jurisdiction of residence.

5. Any new resident, as defined in section 115.275, may vote by absentee ballot for presidential and vice presidential electors after registering to vote in such resident's new jurisdiction of residence.

(L. 1977 H.B. 101 § 9.005, A.L. 1982 S.B. 526, A.L. 1986 H.B. 1471, et al., A.L. 1993 S.B. 31, A.L. 1995 H.B. 484, et al., A.L. 1997 S.B. 132, A.L. 2002 S.B. 675, A.L. 2003 H.B. 511)

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

2. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is or would be registered, his or her reason for voting an absentee ballot and the address to which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which political party ballot he or she wishes to receive. If the applicant does not respond to the request for political party designation,

the election authority is authorized to provide the voter with that part of the ballot for which no political party designation is required.

3. All applications for absentee ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed in accordance with section 115.281. No application for an absentee ballot received in the office of the election authority by mail, by facsimile transmission or by a guardian or relative after 5:00 p.m. on the Wednesday immediately prior to the election shall be accepted by any election authority. No application for an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the election shall be accepted by any election authority, except as provided in subsections 6, 8 and 9 of this section.

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

5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the armed forces of the United States or members of their immediate family living with them may request an absentee ballot for both the primary and subsequent general election with one application. In addition, the election authority shall provide to each absent uniformed services voter and each overseas voter who submits an absentee ballot request an absentee ballot through the next two regularly scheduled general elections for federal office.

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

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

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

(5) As used in this section, the terms "absent uniformed services voter" and "overseas voter" shall have the meaning prescribed in 42 U.S.C. 1973ff-6.

6. An application for an absentee ballot by a new resident, as defined in section 115.275, shall be submitted in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed in duplicate in the presence of the election authority or any authorized officer of the election authority, and in substantially the following form:

"STATE OF.....

COUNTY OF....., ss.

I,....., do solemnly swear that:

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

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

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

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

Signed .....

(Applicant)

.....

(Residence Address)

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

Signed .....

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

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

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

"STATE OF .....

COUNTY OF ....., ss.

I, ..., do solemnly swear that:

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

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

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

(4) I hereby make application for an absentee ballot for candidates and issues on which I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other than by this ballot at such election.

Signed .....

(Applicant)

.....

(Residence Address)

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

Signed .....

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

9. An application for an absentee ballot by an interstate former resident, as defined in section 115.275, shall be received in the office of the election authority where the applicant was formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the applica-

tion is made in person by the applicant in the office of the election authority, in which case such application shall be made no later than 7:00 p.m. on the day of the election.

(L. 1977 H.B. 101 § 9.010, A.L. 1988 H.B. 933, et al., A.L. 1995 H.B. 484, et al., A.L. 1996 H.B. 1557 & 1489, A.L. 1997 S.B. 132, A.L. 2002 S.B. 675, A.L. 2003 H.B. 511)

115.281. Absentee ballots to be printed, when.—1. Not later than the sixth Tuesday prior to each election, or within fourteen days after candidates' names or questions are certified pursuant to section 115.125, the election authority shall cause to have printed and made available a sufficient quantity of absentee ballots, ballot envelopes and mailing envelopes. As soon as possible after the proper officer calls a special state or county election, the election authority shall cause to have printed and made available a sufficient quantity of absentee ballots, ballot envelopes and mailing envelopes.

2. All absentee ballots for an election shall be in the same form as the official ballots for the election, except that in lieu of the words "Official Ballot" at the top of the ballot, the words "Official Absentee Ballot" shall appear.

(L. 1977 H.B. 101 § 9.015, A.L. 1983 S.B. 234, A.L. 1984 S.B. 682)
Effective 4-18-84

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

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

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

..... absence on election day from the jurisdiction of the election authority in which I am registered;
..... incapacity or confinement due to illness or physical disability, including caring for a person who is incapacitated or confined due to illness or disability;
..... religious belief or practice;
..... employment as an election authority or by an election authority at a location other than my polling place;
..... incarceration, although I have retained all the necessary qualifications for voting.

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

.....	.....
Signature of Voter	Signature of Person Assisting Voter (if applicable)
Signed	Subscribed and sworn to
Signed	before me this ..... day

Address of Voter	of ....., ...
.....	.....
.....	.....
Mailing addresses (if different)	Signature of notary or other officer authorized to administer oaths

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

State of Missouri
County (City) of .....
I, ... (print name), declare under the penalties of perjury that I am a citizen of the United States and eighteen years of age or older. I am not adjudged incapacitated by any court of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I hereby state under penalties of perjury that I am qualified to vote at this election.
(1) I am a resident of the state of Missouri and (check one):
..... am a member of the U.S. armed forces in active service;
..... am an active member of the U.S. merchant marine;
..... am a civilian employee of the U.S. government working outside the United States;
..... am an active member of a religious or welfare organization assisting servicemen;
..... have been honorably discharged or terminated my service in one of the groups mentioned above within sixty days of this election;
..... am a spouse or dependent of one of the above;
..... am a registered voter in ..... County and moved from that county to ..... County, Missouri, after the last day to register to vote in this election.

OR (check if applicable)
(2) ..... I am an interstate former resident of Missouri and authorized to vote for presidential and vice presidential electors. I further state under penalties of perjury that I have not voted and will not vote other than by this ballot at this election; I marked the enclosed ballot in secret or am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

.....	Subscribed to and sworn before me this ..... day of ....., ...
Signature of Voter	
.....	
.....	.....
Address of Voter	Signature of notary or other officer authorized to administer oaths
.....	
.....	
Mailing Address (if different)	.....
	.....
.....	.....
Signature of Person Assisting Voter	Address of Last Missouri Residence (if applicable)

4. The statement for persons voting absentee ballots who are entitled to vote at the election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially the following form:

State of Missouri
County (City) of .....
I, ... (print name), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):
..... absence on election day from the jurisdiction of the election authority in which I am directed to vote;
..... incapacity or confinement due to illness or physical disability, including caring for a person who is incapacitated or confined due to illness or disability;
..... religious belief or practice;
..... employment as an election authority or by an election authority at a location other than my polling place;

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

..... Signature of Voter	Subscribed and sworn to before me this ..... day of ....., ...
.... Address	..... Signature of notary or other officer authorized to administer oaths
..... Signature of Person Assisting Voter (if applicable)	

5. The statement for persons providing assistance to absentee voters shall be in substantially the following form:
The voter needed assistance in marking the ballot and signing above, because of blindness, other physical disability, or inability to read or to read English. I marked the ballot enclosed in this envelope at the voter's direction, when I was alone with the voter, and I had no other communication with the voter as to how he or she was to vote. The voter swore or affirmed the voter affidavit above and I then signed the voter's name and completed the other voter information above. Signed under the penalties of perjury.

Reason why voter needed assistance: .....

ASSISTING PERSON SIGN HERE
1. ..... (signature of assisting person)
2. ..... (assisting person's name printed)
3. ..... (assisting person's residence)
4. ..... (assisting person's home city or town).

6. Notwithstanding any other provision of this section, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the armed forces of the United States or members of their immediate family living with them or persons who have declared themselves to be permanently disabled pursuant to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his or her absentee ballot.

7. Notwithstanding any other provision of this section or section 115.291 to the contrary, the subscription, signature and seal of a notary or other officer authorized to administer oaths shall not be required on any ballot, ballot envelope, or statement required by this section if the reason for the voter voting absentee is due to the reasons established pursuant to subdivision (2) of subsection 1 of section 115.277.

8. No notary shall charge or collect a fee for notarizing the signature on any absentee ballot or absentee voter registration.

9. A notary public who charges more than the maximum fee specified or who charges or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration is guilty of official misconduct.

(L. 1977 H.B. 101 § 9.020, A.L. 1982 S.B. 526, A.L. 1983 S.B. 234, A.L. 1985 H.B. 620, A.L. 1986 H.B. 1471, et al., A.L. 1993 H.B. 551 & 552, A.L. 1996 H.B. 1557 & 1489, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2002 S.B. 675, A.L. 2003 H.B. 511)

115.284. Absentee voting process for permanently disabled persons established—election authority, duties—application, form—list of qualified voters established.—1. There is

hereby established an absentee voting process to assist persons with permanent disabilities in the exercise of their voting rights.

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

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

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

State of .....

County (City) of .....

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

.....

Signature of Voter

.....

.....

Voter's Address

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

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

(1) Asks to be removed from the list;

(2) Dies;

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

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

(L. 1996 H.B. 1557 & 1489 § 2, A.L. 1997 S.B. 132, A.L. 2002 S.B. 675, A.L. 2003 H.B. 511)

115.285. Secretary of state may prescribe regulations as to printing absentee ballot and mailing envelopes, no cost to voter.—The secretary of state may prescribe uniform regulations with respect to the printing of ballot envelopes and mailing envelopes, which shall comply with standards established by federal law or postal regulations. Mailing envelopes for use in returning ballots shall be printed with business reply permits so that any ballot returned by mail does not require postage. All fees and costs for establishing and maintaining the business reply and postage-free mail for all ballots cast shall be paid by the secretary of state through state appropriations.

(L. 1977 H.B. 101 § 9.025, A.L. 1993 S.B. 31, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676)

115.287. Absentee ballot, how delivered.—1. Upon receipt of a signed application for an absentee ballot and if satisfied the applicant is entitled to vote by absentee ballot, the election authority shall, within three working days after receiving the application, or if absentee ballots are not available at the time the application is received, within five working days after they become available, deliver to the voter an absentee ballot, ballot envelope and such instructions

as are necessary for the applicant to vote. Delivery shall be made to the voter personally in the office of the election authority or by bipartisan teams appointed by the election authority, or by first class, registered, or certified mail at the discretion of the election authority. Where the election authority is a county clerk, the members of bipartisan teams representing the political party other than that of county clerk shall be selected from a list of persons submitted to the county clerk by the county chairman of that party. If no list is provided by the time that absentee ballots are to be made available, the county clerk may select a person or persons from lists provided in accordance with section 115.087. If the election authority is not satisfied that any applicant is entitled to vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by absentee ballot. The applicant may appeal the decision of the election authority to the circuit court in the manner provided in section 115.223.

2. If, after 5:00 p.m. on the Wednesday before an election, any voter from the jurisdiction has become hospitalized, becomes confined due to illness or injury, or is confined in an adult boarding facility, intermediate care facility, residential care facility, or skilled nursing facility, as defined in section 198.006, RSMo, in the county in which the jurisdiction is located or in the jurisdiction or an adjacent election authority within the same county, the election authority shall appoint a team to deliver, witness the signing of and return the voter's application and deliver, witness the voting of and return the voter's absentee ballot. In counties with a charter form of government and in cities not within a county, and in each city which has over three hundred thousand inhabitants, and is situated in more than one county, if the election authority receives ten or more applications for absentee ballots from the same address it may appoint a team to deliver and witness the voting and return of absentee ballots by voters residing at that address, except when such addresses are for an apartment building or other structure wherein individual living units are located, each of which has its own separate cooking facilities. Each team appointed pursuant to this subsection shall consist of two registered voters, one from each major political party. Both members of any team appointed pursuant to this subsection shall be present during the delivery, signing or voting and return of any application or absentee ballot signed or voted pursuant to this subsection.

3. On the mailing and ballot envelopes for each applicant in federal service, the election authority shall stamp prominently in black the words "FEDERAL BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. 3406".

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

(L. 1977 H.B. 101 § 9.030, A.L. 1982 S.B. 526, A.L. 1983 S.B. 234, A.L. 1985 H.B. 620, A.L. 1988 H.B. 933, et al., A.L. 2002 S.B. 675, A.L. 2003 H.B. 511)

115.289. Confidentiality of applications for absentee ballots, list available to authorized persons free—certain cities and counties, special provision, violation, penalty.—1. Except as provided in subsection 3 of this section, as applications for absentee ballots are received, the election authority shall list the name, voting address and mailing address, if different, of each applicant. Any person authorized under subsection 2 of this section may copy the list, and the election authority may make copies of the list available to such persons for a reasonable fee determined by the election authority.

2. Except as provided in subsection 4 of this section, all lists of applications for absentee ballots shall be kept confidential to the extent that such lists of applications shall not be posted or displayed in any area open to the general public, nor shall such lists of applications be shown to any person who is not entitled to see such lists of applications, either pursuant to the provisions of this chapter or any other provisions of law. Persons entitled to see such lists shall include a candidate or a duly authorized representative of a campaign committee as defined in section

130.011, RSMo, or any person with written authorization from a candidate, or any person that has applied for an absentee ballot.

3. In each city not within a county, in each county of the first classification having a population of more than nine hundred thousand inhabitants, in each county of the first classification containing the major portion of a city which has over three hundred thousand inhabitants, and in that portion of each city which has over three hundred thousand inhabitants and located in more than one county, situated in the county containing the major portion of the city, as applications for absentee ballots are received, the election authority shall list the name, voting address and mailing address, if different, of each applicant. Prior to 8:00 a.m. on the Friday before an election all absentee ballot applications, lists of absentee ballot applications, or any information contained on the absentee ballot applications shall be kept confidential. Use of the applications, lists or information contained thereon by the election authority prior to 8:00 a.m. on the Friday before an election for purposes other than processing absentee ballots shall be deemed a class one election offense. After 8:00 a.m. on the Friday before an election any person authorized under subsection 4 of this section may copy the list, and the election authority may make copies of the list available to such persons for a reasonable fee determined by the election authority.

4. In each city not within a county, in each county of the first classification having a population of more than nine hundred thousand inhabitants, in each county of the first classification containing the major portion of a city which has over three hundred thousand inhabitants, and in that portion of each city which has over three hundred thousand inhabitants and located in more than one county, situated in the county containing the major portion of the city, after 8:00 a.m. on the Friday before an election, all lists of applications for absentee ballots shall be kept confidential to the extent that such lists of applications shall not be posted or displayed in any area open to the general public, nor shall such lists of applications be shown to any person who is not entitled to see such lists of applications, either pursuant to the provisions of this chapter or any other provisions of law. Persons entitled to see such lists shall include a candidate or a duly authorized representative of a campaign committee as defined in section 130.011, RSMo, or any person with written authorization from a candidate, or any person that has applied for an absentee ballot.

(L. 1977 H.B. 101 § 9.035, A.L. 1982 S.B. 526, A.L. 1983 S.B. 234, A.L. 1999 H.B. 676)

115.290. Registering by mail and voting absentee ballot to provide sworn affidavit, exception.—Any person registered by mail under the provisions of section 115.159 and voting by absentee ballot shall provide an affidavit subscribed and sworn to as provided in section 115.291 regardless of the cause for requesting such ballot unless the voter is exempt from such requirement under section 115.284 or section 1973ee-3, title 42, United States Code.

(L. 1993 H.B. 551 & 552 § 1, A.L. 1996 H.B. 1557 & 1489)
Effective 6-13-96

115.291. Confidentiality of applications for absentee ballots, list available to authorized persons free—certain cities and counties, special provisions, violations, penalty—fax, transmission may be used to deliver or return ballot, when.—1. Upon receiving an absentee ballot, the voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall be subscribed and sworn to before the election official receiving the ballot, a notary public or other officer authorized by law to administer oaths, unless the voter is voting absentee due to incapacity or confinement due to the provisions of section 115.284, illness or physical disability. If the voter is blind, unable to read or write the English language, or physically incapable of voting the ballot, the voter may be assisted by a person of the voter's own choosing. Any person assisting a voter who is not entitled to such assistance, and any person who assists a voter and in any manner coerces or initiates a request or a suggestion that the voter vote

for or against or refrain from voting on any question, ticket or candidate, shall be guilty of a class one election offense. If, upon counting, challenge or election contest, it is ascertained that any absentee ballot was voted with unlawful assistance, the ballot shall be rejected.

2. Each absentee ballot shall be returned to the election authority in the ballot envelope and shall only be returned by the voter in person, or in person by a relative of the voter who is within the second degree of consanguinity or affinity, by mail or registered carrier or by a team of deputy election authorities, except that persons in federal service, when sent from a location determined by the secretary of state to be inaccessible on election day, shall be allowed to return their absentee ballots cast by use of facsimile transmission or under a program approved by the Department of Defense for electronic transmission of election materials.

3. In cases of an emergency declared by the President of the United States or the governor of this state where the conduct of an election may be affected, the secretary of state may provide for the delivery and return of absentee ballots by use of a facsimile transmission device or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of voters as provided for by the secretary of state.

(L. 1977 H.B. 101 § 9.040, A.L. 1983 S.B. 234, A.L. 1993 H.B. 551 & 552 merged with S.B. 31, A.L. 1996 H.B. 1557 & 1489, A.L. 2002 S.B. 675)

115.292. Special write-in absentee ballot for persons in military service or remote areas for all officers, forms, procedure—write-in ballot to be replaced by regular ballot, when, effect.—1. Notwithstanding any other provision of this chapter, a qualified absentee voter, as described in subsection 3 of this section, may apply for a special write in absentee ballot within eighty days of a special, primary, or general election for federal office. Such a ballot shall be for voting for all offices being contested at such election.

2. A qualified absentee voter applying for a special write in absentee ballot pursuant to this section shall apply to the local election authority of the area which contains his last residence in this state for such ballot. The application for a special write in absentee ballot may be made on the federal postcard application form, by letter, or on a form provided by the local election authority.

3. In order to qualify for a special write in absentee ballot, the voter shall state that he is unable to vote by any other means due to requirements of military service or due to living in isolated or extremely remote areas of the world. This statement may be made by federal postcard application, by letter, or on a form prepared by the local election authority.

4. Upon receipt of the application, the election authority shall issue a special write in absentee ballot. Such ballot shall permit the voter to cast a ballot by writing in a party preference for each office, the names of specific candidates, or the names of persons whom the voter prefers.

5. The election authority shall issue a regular absentee ballot as soon as such ballots are available. If both the regular absentee ballot and the special write in absentee ballot are returned, the regular absentee ballot shall be counted and the special write in absentee ballot shall be voided.

(L. 1988 H.B. 933, et al., A.L. 1993 S.B. 31, A.L. 2003 H.B. 511)

115.293. Absentee ballots not eligible to be counted, when, procedure.—1. All proper votes on each absentee ballot received by an election authority at or before the time fixed by law for the closing of the polls on election day shall be counted. No votes on any absentee ballot received by an election authority after the time fixed by law for the closing of the polls on election day shall be counted.

2. If sufficient evidence is shown to an election authority that any absentee voter has died prior to the opening of the polls on election day, the ballot of the deceased voter shall be rejected. Any ballot so rejected, still sealed in its ballot envelope, shall be sealed with the application and any other papers connected therewith in an envelope marked "Rejected ballot of ....., an absentee voter of ..... voting district". The reason for rejection

shall be noted on the envelope, which shall be kept by the election authority with the other ballots from the election until the ballots are destroyed according to law.
(L. 1977 H.B. 101 § 9.045)
Effective 1-1-78

115.294. Reason for voting absentee not stated on ballot envelope, effect.—Other provisions of law to the contrary notwithstanding, no absentee ballot shall be rejected for failure of the voter to state on the ballot envelope his reason for voting an absentee ballot.
(L. 1989 H.B. 884 § 1)
Effective 5-4-89

115.295. Faulty statement, effect of.—1. As each absentee ballot is received by the election authority, the election authority shall indicate its receipt on the list.

2. If the statements on any ballot envelope have not been completed, the absentee ballot in the envelope shall be rejected.

3. All ballot envelopes received by the election authority shall be kept together in a safe place and shall not be opened except as provided in this subchapter.
(L. 1977 H.B. 101 § 9.050, A.L. 1983 S.B. 234)

115.297. Precinct registers to show absentee ballots received—judges to be notified of late absentee ballots received—voting absentee and at polls, procedure for.—Before the precinct registers are delivered to the polling places for an election, the election authority shall record in the precinct registers those voters who have submitted an absentee ballot and are ineligible to vote at the polls. On election day, the election authority shall notify the appropriate election judges of any absentee ballot received by the election authority not previously recorded in a precinct register. The election authority shall record the fact in the appropriate precinct register and shall not allow any person who has voted an absentee ballot in the election to vote at the polls on election day. After the election and before convening the verification board, the election authority shall record in the precinct registers those voters whose absentee ballots were received too late to permit previous recording in the precinct registers. If it is determined that any voter submitted an absentee ballot and voted at the polls on election day, the election authority shall certify the fact and the name of the voter to the verification board. Such certificate shall be included with the abstracts drawn by the verification board.
(L. 1977 H.B. 101 § 9.055, A.L. 1986 H.B. 1471, et al.)

115.299. Absentee ballots, how counted.—1. To count absentee votes on election day, the election authority shall appoint a sufficient number of teams of election judges. Each team shall consist of four judges, two from each major political party.

2. The teams so appointed shall meet on election day after the time fixed by law for the opening of the polls at a central location designated by the election authority. The election authority shall deliver the absentee ballots to the teams, and shall maintain a record of the delivery. The record shall include the number of ballots delivered to each team and shall include a signed receipt from two judges, one from each major political party. The election authority shall provide each team with a ballot box, tally sheets and statements of returns as are provided to a polling place.

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

4. One member of each team, closely observed by another member of the team from a different political party, shall open each envelope and call the voter's name in a clear voice. Without unfolding the ballot, two team members, one from each major political party, shall initial the ballot, and an election judge shall place the ballot, still folded, in a ballot box. No ballot box shall be opened until all of the ballots a team is counting have been placed in the box. The votes shall be tallied and the returns made as provided in sections 115.447 to 115.525 for paper ballots.

After the votes on all ballots assigned to a team have been counted, the ballots and ballot envelopes shall be placed on a string and enclosed in sealed containers marked "voted absentee ballots and ballot envelopes from the election held ....., 20....". All rejected absentee ballots and envelopes shall be enclosed and sealed in a separate container marked "rejected absentee ballots and envelopes from the election held ....., 20....". On the outside of each voted ballot and rejected ballot container, each member of the team shall write his name, and all such containers shall be returned to the election authority. Upon receipt of the returns and ballots, the election authority shall tabulate the absentee vote along with the votes certified from each polling place in its jurisdiction.

(L. 1977 H.B. 101 § 9.060, A.L. 1993 S.B. 31)

115.300. Preparation of absentee ballot envelopes, when, by whom.—In each jurisdiction, the election authority may start, not earlier than the fifth day prior to the election, the preparation of absentee ballots for tabulation on the election day. The election authority shall give notice to the county chairman of each major political party forty-eight hours prior to beginning preparation of absentee ballot envelopes. Absentee ballot preparation shall be completed by teams of election authority employees or teams of election judges, with each team consisting of one member from each major political party. Absentee ballots shall not be counted by the same persons as those who removed such ballots from their envelopes.

(L. 1978 S.B. 582, A.L. 1996 H.B. 1557 & 1489, A.L. 1997 H.B. 712)

115.301. Ballot cards and write-in votes on absentee ballots, how tabulated.—If ballot cards are used as absentee ballots, the teams shall meet on election day at a time and place designated by the election authority and shall proceed to separate the ballot cards from the write-in forms and to count the write-in votes as provided in section 115.467. The returns shall be made as provided in sections 115.471 and 115.473, and the ballot cards and other designated election materials shall be delivered to the counting location and tabulated in the manner provided in section 115.475, but no ballot card shall be tabulated before the time fixed by law for the closing of the polls.

(L. 1977 H.B. 101 § 9.065)
Effective 1-1-78

115.303. Absentee ballot, how challenged.—Any absentee ballot or any vote on an absentee ballot may be challenged by the same persons and in the same manner as provided in section 115.429. Each challenge shall be decided in the manner provided in the same section.

(L. 1977 H.B. 101 § 9.070)
Effective 1-1-78

115.304. Absentee voting violations, class one election offense.—Notwithstanding the provisions of any law to the contrary, any violation of sections 115.275 to 115.303 shall be a class one election offense.

(L. 1983 S.B. 234)

POLITICAL PARTIES AND NOMINATION OF CANDIDATES

115.305. Exempt candidates—exception—certain fourth class cities—when.—This subchapter shall not apply to candidates for special district offices, township offices in township organization counties, or city, town and village offices, provided that, cities of the fourth class, except those in a county of the first class with a charter form of government and which adjoins a city not within a county, may elect, only by ordinance, to hold primary elections in accordance

with the provisions of sections 115.305 to 115.405 or in accordance with the provisions of sections 78.470, 78.480 and 78.510, RSMo, and the ordinance shall state which of these provisions of law are being adopted.

(L. 1977 H.B. 101 § 10.001, A.L. 1981 H.B. 18)

CROSS REFERENCE: Fourth class cities, primary elections, procedure, cost, exception, RSMo 79.035

115.307. Nominations, how made.—Political parties and groups of voters may nominate candidates in the manner provided by this subchapter and in no other manner.

(L. 1977 H.B. 101 § 10.005)

Effective 1-1-78

115.309. New parties, names of.—1. Except as provided in subsections 2 and 3 of this section, no political party hereafter organized and no persons hereafter seeking to nominate any candidate by petition shall use any portion of the name of any existing political party.

2. If a new party is formed for more than one district or county at the same time and with the same provisional party chairman, the same name may be used for the party in each such district or county.

3. Any political party established in a district or county may, by a majority vote of its committee members, authorize the use of its name in other districts and counties, and in the state as a whole.

(L. 1977 H.B. 101 § 10.010)

Effective 1-1-78

115.311. Consistent general law to apply to primary elections.—All provisions of law not inconsistent with this subchapter shall apply with full force and effect to primary elections.

(L. 1977 H.B. 101 § 10.015)

Effective 1-1-78

115.313. Petitions to form new party or nominate independent candidates, who may sign.—Any person who is a registered voter of the state of Missouri may sign a petition for the formation of a new political party or for the nomination of an independent candidate for office. Any person who signs a name other than his own to any petition or knowingly signs his name more than once to the same petition or who knows he is not a registered voter at the time of signing such petition, or any officer or person willfully violating any provision of this subchapter, shall be guilty of a class two election offense.

(L. 1977 H.B. 101 § 10.025)

Effective 1-1-78

115.315. New political party, how formed—citation of law.—1. Sections 115.315 to 115.327 shall be known and may be cited as the "Fair Ballot Access Act".

2. Any group of persons desiring to form a new political party throughout the state, or for any congressional district, state senate district, state representative district or circuit judge district, shall file a petition with the secretary of state. Any group of persons desiring to form a new party for any county shall file a petition with the election authority of the county.

3. Each page or a sheet attached to each page of each petition for the formation of a new political party shall:

(1) Declare concisely the intention to form a new political party in the state, district or county;

(2) State in not more than five words the name of the proposed party;

(3) If presidential electors are to be nominated by petition, at least one qualified resident of each congressional district shall be named as a nominee for presidential elector. The number of candidates to be nominated shall equal the number of electors to which the state is entitled, and the name of their candidate for president and the name of their candidate for vice president shall

be printed on each page or a sheet attached to each page of the petition. The names of the candidates for president and vice president may be added to the party name, but the names of the candidates for president and vice president shall not be printed on the official ballot without the written consent of such persons. Their written consent shall accompany and be deemed part of the petition;

(4) Give a complete list of the names and addresses, including the street and number, of the chairman and treasurer of the party.

4. When submitted for filing, each petition shall contain the names and addresses of two people, not candidates, to serve as provisional chairman and treasurer for the party in the event the party becomes a new political party.

5. If the new party is to be formed for the entire state, which shall include being formed for all districts and counties in which the party has nominations so listed on its certified list of candidates required pursuant to section 115.327, then this statewide petition shall be signed by at least ten thousand registered voters of the state obtained at large.

6. If the new party is to be formed for any district or county, but not by the statewide method set out in subsection 5 of this section, then the petition shall be signed by the number of registered voters in the district or county which is equal to at least two percent of the total number of voters who voted at the last election for candidates for the office being sought or is equal to ten thousand voters, whichever is less.

(L. 1977 H.B. 101 § 10.030, A.L. 1985 H.B. 620, A.L. 1993 S.B. 31)

115.317. Filing valid petition, effect—new party—failure in two consecutive elections to provide candidates, effect.—1. The filing of a valid statewide petition shall constitute the political group a new party for the purpose of placing its name and the names of its statewide and district and county candidates which are submitted pursuant to section 115.327 on the ballot at the next general election or the special election if the petition nominates a candidate to fill a vacancy which is to be filled at a special election. The filing of a valid countywide or districtwide petition shall constitute the political party a new party for the purpose of placing its name and the names of its county and district candidates on the ballot at the next general election or the special election if the petition nominates a candidate to fill a vacancy which is to be filled at a special election. If presidential electors are nominated by the petition, the names of the candidates for elector shall not be placed on the official ballot, but the name of their candidate for president and the name of their candidate for vice president shall be placed on the official ballot at the next presidential election.

2. If, at an election in which the new party's candidates first appear, any of its candidates for a statewide office receives more than two percent of all votes cast for the office, the new party shall become an established political party for the state. If, at the election in which the new party's candidates first appear, any of its candidates for an office receives more than two percent of the votes cast for the office in any district or county, the new party shall become an established political party only for the district or county.

3. If, after becoming an established political party for the state, at any two consecutive elections a party fails to have a statewide candidate or fails to poll for a candidate for any statewide office more than two percent of the entire vote cast for the office, a party shall no longer be deemed an established political party. If, after becoming an established political party for a district or county, at any two consecutive elections a party fails to have a candidate in the district or county, as the case may be, or fails to poll more than two percent of the entire vote cast at either of the last two elections in which the district or political subdivision voted as a unit for the election of officers or representatives to serve its areas, the party shall no longer be deemed an established political party.

(L. 1977 H.B. 101 § 10.035, A.L. 1993 S.B. 31, A.L. 1997 S.B. 132)

115.319. New party committeemen and committeewomen, how selected.—1. If any new party becomes an established political party, the new party candidates whose names first appeared on the ballot shall have authority to select all committeemen and committeewomen necessary for a provisional party organization in the area in which the party has become established.

2. The provisional party organization shall be subject to the same laws which apply to other established political party organizations.

3. The provisional party organization shall manage and control the affairs of the party until the next primary election at which the party shall nominate and elect party committeemen and committeewomen in the area it has become established under the laws governing other established political parties.

(L. 1977 H.B. 101 § 10.040)
Effective 1-1-78

115.321. Independent candidate, how nominated.—1. Any person desiring to be an independent candidate for any office to be filled by voters throughout the state, or for any congressional district, state senate district, state representative district, or circuit judge district, shall file a petition with the secretary of state. Any person desiring to be an independent candidate for any county office shall file a petition with the election authority of the county.

2. Each page or a sheet attached to each page of each petition for the nomination of an independent candidate shall:

(1) Declare concisely the intention to nominate an independent candidate;

(2) State the name and address, including street and number, of the independent candidate. If independent candidates for presidential elector are to be nominated, a number of independent candidates for presidential elector equal to the number of electors to which the state is entitled shall be nominated by one petition, and the name of their candidate for president and the name of their candidate for vice president shall be printed on each page or a sheet attached to each page of the petition. At least one qualified resident of each congressional district shall be named as a nominee for presidential elector, and the name and address of each candidate shall be printed on each page or a sheet attached to each page of the petition. The names of the candidates for president and vice president shall not be printed on the official ballot without the written consent of such persons. Their written consent shall accompany and be deemed part of the petition;

(3) State the office for which candidate is to be nominated.

3. If an independent candidate is to be nominated for a statewide office, the petition shall be signed by at least ten thousand registered voters of the state.

4. If the independent candidate is to be nominated for a district or county office, the petition shall be signed by the number of registered voters in the district or county which is equal to at least two percent of the total number of voters who voted at the last election for candidates for the office being sought or is equal to ten thousand voters, whichever is less.

5. The name of each person who files a valid petition for nomination as an independent candidate shall be placed on the official ballot as an independent candidate for the office at the next general election or the special election if the petition nominates a candidate to fill a vacancy which is to be filled at a special election. If presidential electors are nominated by the petition, the names of the candidates for elector shall not be placed on the official ballot, but the name of their candidate for president and the name of their candidate for vice president shall be placed on the official ballot at the next presidential election.

(L. 1977 H.B. 101 § 10.045, A.L. 1985 H.B. 620, A.L. 1993 S.B. 31)

115.323. Limitation on voter's signing of nominating petition.—No voter may subscribe to more than one nomination for one office at any election.

(L. 1977 H.B. 101 § 10.047)
Effective 1-1-78

115.325. Form of petition—signing petition, voting for candidate or party not required.—1. Each petition filed pursuant to sections 115.305 to 115.405 shall consist of pages of uniform size. The space for signatures on either side of a petition page shall be no larger than eight and one-half by fourteen inches, and each page shall contain signatures of registered voters from only one county. When submitted for filing, the pages of each petition shall be numbered in sequence for each county.

2. Each page of each petition for the formation of a new party shall be in substantially the following form:

It is a felony for anyone to sign any petition for the formation of a new party with any name other than his or her own, or knowingly to sign his or her name more than once to the same petition, or to sign a petition when he or she knows he or she is not a registered voter. Signing this petition does not obligate you to vote for any candidate or party.

PETITION FOR PLACING A NEW PARTY ON THE BALLOT

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

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

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI,

COUNTY OF .....

I, ..., a resident of the state of Missouri, being first duly sworn, say (print or type names of signers)

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

.....

. Signature of Affiant (Person) obtaining signatures)

.....

Address of Affiant

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

.....

Signature of Notary

Notary Public (Seal)
My commission expires .....

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

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

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Street) (City, Town or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)
(Here follow numbered lines for signers)					

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

PETITION FOR THE NOMINATION OF AN INDEPENDENT CANDIDATE

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

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

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI,

COUNTY OF .....

I, ..., a resident of the state of Missouri, being first duly sworn, say (print or type names of signers)

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Street) (City, Town or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)
(Here follow numbered lines for signers)					

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

.....
Signature of Affiant
(Person obtaining signatures)

.....
Address of Affiant

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

.....
Signature of Notary

Notary Public (Seal)

My commission expires .....

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

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

(L. 1977 H.B. 101 § 10.050, A.L. 1986 H.B. 1471, et al., A.L. 1993 S.B. 31, A.L. 1999 H.B. 676)

115.327. Declaration for nomination of independent candidate or formation of new party when required, form, content.—When submitted for filing, each petition for the nomination of an independent candidate or for the formation of a new political party shall be accompanied by a declaration of candidacy for each candidate to be nominated by the petition or by the party, respectively. The party's duly authorized chairman and treasurer shall also submit a certified complete list of the names and addresses of all their candidates and the office for which each seeks. The party shall nominate its candidates in the manner prescribed in the party's bylaws. Each declaration of candidacy for the office of presidential elector shall be in the form provided in section 115.399. Each declaration of candidacy for an office other than presidential elector shall state the candidate's full name, residence address, office for which he proposes to be a candidate, the party, if any, upon whose ticket he is to be a candidate and that if nominated and elected he will qualify. Each such declaration shall be in substantially the following form:

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

.....	Subscribed and sworn to before me this .....
Signature of candidate	day of ....., 20.....
.....	.....
Residence address	Signature of election official or officer authorized to administer oaths

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

(L. 1977 H.B. 101 § 10.055, A.L. 1993 S.B. 31)

115.329. Time for filing of petitions.—1. The secretary of state or any election authority shall not accept for filing any petition for the formation of a new party or for the nomination of an independent candidate which is submitted prior to 8:00 a.m. on the day immediately following the general election next preceding the general election for which the petition is submitted or which is submitted after 5:00 p.m. on the fifteenth Monday immediately preceding the general election for which the petition is submitted.

2. When a special election to fill a vacancy is called, neither the secretary of state nor any election authority shall accept for filing any petition for the formation of a new party or for the nomination of an independent candidate which is submitted after 5:00 p.m. on the day which is midway between the day the election is called and the election day.

(L. 1977 H.B. 101 § 10.060, A.L. 1988 H.B. 933, et al., A.L. 1996 H.B. 1557 & 1489)
Effective 6-13-96

115.331. Receipt to be given for filed petition.—When any petition is offered for filing with the secretary of state or an election authority under the provisions of this chapter, the officer receiving the petition shall prepare and issue to the person submitting the petition a receipt indicating the number of petition pages presented from each county. The receipt shall be evidence of the filing of the petition pages subject to the determination that the petition complies with the provisions of this chapter.

(L. 1977 H.B. 101 § 10.065, A.L. 1978 H.B. 971)

115.333. Determination of validity or invalidity, when made—refusal to file, procedure to have court determine validity.—1. When any petition is filed with the secretary of state or an election authority under the provisions of this subchapter, the secretary of state or the election authority shall determine whether or not it complies with the provisions of this subchapter. When any petition is filed with the secretary of state or an election authority under the provisions of

this subchapter, the secretary of state or the election authority shall, not later than the eleventh Tuesday prior to the general election, issue a statement setting forth such person's determination. When a petition for the formation of a new party or nomination of an independent candidate for a special election is filed with the secretary of state or an election authority, the secretary of state or the election authority shall issue a statement setting forth its determination as soon as possible but in no case too late to permit placement of the party or candidate on the ballot. If the secretary of state or the election authority determines that a petition does not comply with the provisions of this subchapter, such person shall state the reason for such person's determination in the statement.

2. If the secretary of state or the election authority refuses to file a petition for the formation of a new party or the nomination of an independent candidate or refuses to issue a statement setting forth such person's determination within the time prescribed, any registered voter may apply, within ten days after the refusal, to the circuit court for a writ of mandamus to compel such person to file the petition or issue the statement. Within ten days after the secretary of state or the election authority issues a statement setting forth such person's determination, any registered voter may apply to the circuit court to compel the secretary of state or the election authority to reverse such person's determination. If it is decided by the court that the petition is legally sufficient, the secretary of state or the election authority shall file it, with a certified copy of the judgment attached thereto, as of the date it was originally offered for filing in such person's office. On showing that any petition filed is not legally sufficient, the court may enjoin all election officials from certifying or printing the name of the independent candidate or new party and its candidates on the official ballot. All such suits shall be advanced on the court docket and heard and decided by the court as quickly as possible. Either party to the suit may appeal to the supreme court within ten days after a circuit court decision is rendered. The circuit court of Cole County shall have jurisdiction if the secretary of state is a party, and otherwise, the circuit court of the county in which the election authority is located shall have jurisdiction.

(L. 1977 H.B. 101 § 10.070, A.L. 1996 H.B. 1557 & 1489)
Effective 6-13-96

115.335. Validity of signatures, who shall determine—verification of signatures, procedures—rules authorized.—1. The secretary of state or the election authority shall have specific authority to determine the validity of signatures on petitions filed with his office and shall have authority not to count those which are, in his opinion, forged or fraudulent or the signatures of persons who are not registered voters.

2. For the purpose of verifying signatures on any new party or independent candidate petition filed with his office, the secretary of state may send copies of petition pages by certified mail to the appropriate election authorities for registration verification. Each election authority receiving a copy of petition pages shall check any signature indicated by the secretary of state against the registration records and return all such copies to the secretary of state by certified mail no later than the day designated by the secretary of state. The secretary of state shall not designate any deadline for returning copies and certifications which is less than ten or more than forty days after the copies have been received by the election authority. If the secretary of state or an election authority determines the congressional district number written after the signature of any registered voter is not the congressional district in which he resides, the secretary of state or the election authority shall correct the congressional district number on the petition page. Failure of a voter to give his correct congressional district number shall not alone be sufficient reason to disqualify his signature. Only valid signatures from the county named in the circulator's affidavit shall be counted on any petition page.

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

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

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

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

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

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

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

(L. 1977 H.B. 101 § 10.073, A.L. 1993 S.B. 31, A.L. 1995 S.B. 3)

115.337. City election authority to assist county election authority, verify signatures, when.—1. When an election authority for a county and an election authority for a city have jurisdiction within the same county, the county election authority may, for the purpose of verifying signatures on any new party or independent candidate petition filed with its office, deliver copies of petition pages to the city election authority for registration verification. The city election authority receiving a copy of petition pages shall check each signature indicated by the county election authority against its registration records and return all such copies to the county election authority no later than the day designated by the county election authority. At the same time the copies are returned, the city election authority shall certify to the county election authority the page number of each page it received and the total number of valid signatures from the city on the pages. The county election authority shall not designate any deadline for returning copies and certifications which is less than six or more than twelve working days after the copies have been received by the city election authority.

2. If copies of petition pages are sent to a city election authority for registration verification under the provisions of this section, the county election authority's final determination on the number of valid signatures submitted on the petition from the city shall be based on the certification made by the city election authority.

(L. 1977 H.B. 101 § 10.075)
Effective 1-1-78

115.339. Nominations, how made.—Except as otherwise provided in this subchapter, all candidates for elective office shall be nominated at a primary election in accordance with the provisions of sections 115.339 through 115.405 of this subchapter.

(L. 1977 H.B. 101 § 10.080)
Effective 1-1-78

115.341. Primary elections, when held.—For the nomination of candidates to be elected at the next general election, a primary election shall be held on the first Tuesday after the first Monday in August of even-numbered years.

(L. 1977 H.B. 101 § 10.085)
Effective 1-1-78

115.342. Disqualification for delinquent taxes—affidavit, form—complaints, investigation, notice, payment of taxes.—1. Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state.

2. Each potential candidate for election to a public office shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349. Such affidavit shall be in substantially the following form:

"AFFIRMATION OF TAX PAYMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or that I am a past or present corporate officer of any fee office that owes any taxes to the state, other than those taxes which may be in dispute.

..... Candidate's Signature

..... Printed Name of Candidate."

3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any state income taxes, personal property taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the state, the department of revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The department shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint.

(L. 2006 H.B. 1900)
Effective 1-1-07

115.343. Winner of primary to be only candidate of that party for that office—write-in in general election deemed independent.—The person receiving the greatest number of votes at a primary election as a party candidate for an office shall be the only candidate of that party for the office at the general election. The name of such candidate shall be placed on the official ballot at the general election unless he is removed or replaced as provided by law. Write-in candidates at a general election shall be considered to be independent candidates and may only be voted for if written on the ballot as an independent.

(L. 1977 H.B. 101 § 10.090, A.L. 1983 S.B. 234)

115.345. Notice of offices for which candidates are to be nominated, when sent—election authority to publish notice with filing date.—1. Not later than the third Monday in December immediately preceding the primary election, the secretary of state shall prepare and transmit to each election authority a notice, in writing, designating the offices for which candidates are to be nominated at the primary election.

2. Upon receipt of notice, the election authority shall publish the notice and the date by which candidates must file for such offices in a newspaper of general circulation in its jurisdiction.

(L. 1977 H.B. 101 § 10.095, A.L. 1993 S.B. 31)

115.346. Persons in arrears for municipal taxes or fees shall not be candidates for municipal office, when.—Notwithstanding any other provisions of law to the contrary, no person shall be certified as a candidate for a municipal office, nor shall such person's name appear on the ballot as a candidate for such office, who shall be in arrears for any unpaid city taxes or municipal user fees on the last day to file a declaration of candidacy for the office.
(L. 1999 H.B. 676 § 3)

115.347. Declaration of candidacy required prior to name appearing on ballot—fraudulent declaration a class one offense.—1. No candidate's name shall be printed on any official ballot unless his written, signed and sworn declaration of candidacy has been filed in the office of the appropriate election official as provided in this subchapter.

2. Any person filing a declaration of candidacy containing a false or forged signature or containing the name of a nonexistent or fictitious person shall be guilty of a class one election offense.
(L. 1977 H.B. 101 § 10.098)
Effective 1-1-78

115.348*. Conviction or plea under federal laws, disqualification for elective public office.—No person shall qualify as a candidate for elective public office in the state of Missouri who has been found guilty of or pled guilty to a felony or misdemeanor under the federal laws of the United States of America.
(L. 2005 H.B. 353)

**Section 115.348 was contained in both H.B. 58 and H.B. 353 during the Ninety-third General Assembly, First Regular Session (2005). H.B. 58 violated the single subject requirement of Article III, Section 23. This section as enacted by H.B. 58 is unconstitutional and was severed from the bill because H.B. 58 violated the single subject requirement of Article III, Section 23. Rizzo v. State, 189 S.W.3d 576 (Mo. banc 2006).*

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

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

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

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

.....	Subscribed and sworn to before me this ..... day of ....., ...
Signature of candidate	
.....	.....
Residence address	Signature of election official or other officer authorized to administer oaths
.....	
Mailing address (if different)	
.....	
Telephone Number (Optional)	

If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate before an official authorized to accept his or her declaration of candidacy. If the declaration is to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it shall

be subscribed and sworn to by the candidate before a notary public or other officer authorized by law to administer oaths.
(L. 1977 H.B. 101 § 10.100, A.L. 1982 S.B. 526, A.L. 1983 H.B. 713 Revision, A.L. 1993 S.B. 31, A.L. 1999 H.B. 676)

115.350. Conviction or plea under state laws, disqualification for elective public office.— No person shall qualify as a candidate for elective public office in the state of Missouri who has been convicted of or found guilty of or pled guilty to a felony under the laws of this state.
(L. 2006 H.B. 1900)
Effective 1-1-07

115.351. Candidate may not file for more than one office, exception, presidential primary, also prohibited from filing for the same office on more than one ticket at the same election.— No person who files as a party candidate for nomination or election to an office shall, without withdrawing, file as another party's candidate or an independent candidate for nomination or election to the office for the same term. No person who files as an independent candidate for election to an office shall, without withdrawing, file as a party candidate for nomination or election to the office for the same term. No person shall file for one office and, without withdrawing, file for another office to be filled at the same election. A person who files a request to be included on the presidential primary ballot is not prohibited by this section from filing or appearing on any ballot as a party candidate for nomination to another office. Receipt by the secretary of state of proper certification of nomination pursuant to subsection 1 of section 115.399 constitutes withdrawal by operation of law pursuant to subsection 1 of section 115.359 of any presidential or vice presidential nominee from any other office for which such nominee is a candidate at the same election. Any person violating any provision of this section shall be disqualified from running for nomination or election to any office at the primary and general election next succeeding the violation.
(L. 1977 H.B. 101 § 10.105, A.L. 1998 S.B. 709, A.L. 1999 H.B. 676)

115.353. Declarations of candidacy, where filed.—All declarations of candidacy shall be filed as follows:

(1) For presidential elector, United States senator, representative in Congress, statewide office, circuit judge not subject to the provisions of article V, section 25 of the Missouri Constitution, state senator and state representative, in the office of the secretary of state;

(2) For all county offices which for the purpose of election procedures shall include associate circuit judges not subject to the provisions of article V, section 25 of the Missouri Constitution, in the office of the county election authority;

(3) For all county offices, in the office of the county election authority. In any county in which there are two boards of election commissioners, the county clerk shall be deemed to be the election authority for purposes of this section.
(L. 1977 H.B. 101 § 10.110, A.L. 1978 H.B. 1634, H.B. 1694, A.L. 1984 H.B. 1611 Revision)

115.355. Declarations of candidacy to be filed in person by candidate, exceptions.—1. Except as provided in subsections 2 and 5 of this section and in section 115.377, each declaration of candidacy for nomination in a primary election shall be filed by the candidate in person in the office of the appropriate election official.

2. A candidate may file his declaration of candidacy by certified mail if he is:

(1) Unable to appear in person because of physical disability, and the declaration is accompanied by a sworn statement of a licensed physician so stating; or

(2) A member of the armed forces of the United States on active duty, and the declaration is accompanied by a sworn statement of the candidate's commanding officer so stating.

3. Except as provided in section 115.377, no election official shall accept for filing any declaration of candidacy for nomination in a primary election not presented to him by the candidate

in person or which, if sent by certified mail pursuant to subsection 2 of this section, is not accompanied by the statement required in the same subsection.

4. Election officials shall require proof of identity of persons when filing declarations of candidacy in person and when filing by mail as provided in subsection 2 or 5 of this section.

5. Any judge seeking retention under sections 25(a) to 25(g) of article V of the Missouri Constitution may file his declaration of candidacy for election to succeed himself by certified mail. *(L. 1977 H.B. 101 § 10.115, A.L. 1983 S.B. 234, A.L. 1985 S.B. 5, et al.)*

115.357. Filing fees—declaration of inability to pay, form of.—1. Except as provided in subsections 3 and 4 of this section, each candidate for federal, state or county office shall, before filing his declaration of candidacy, pay to the treasurer of the state or county committee of the political party upon whose ticket he seeks nomination a certain sum of money as follows:

(1) To the treasurer of the state central committee, two hundred dollars if he or she is a candidate for statewide office or for United States senator, one hundred dollars if he or she is a candidate for representative in Congress, circuit judge or state senator, and fifty dollars if he or she is a candidate for state representative;

(2) To the treasurer of the county central committee, fifty dollars if he or she is a candidate for county office.

2. The required sum may be submitted by the candidate to the official accepting his declaration of candidacy. All sums so submitted shall be forwarded promptly by the official to the treasurer of the appropriate party committee.

3. Any person who cannot pay the fee required to file as a candidate may have the fee waived by filing a declaration of inability to pay and a petition with his declaration of candidacy. Each such declaration shall be in substantially the following form:

DECLARATION OF INABILITY TO PAY FILING FEE

I, ..., do hereby swear that I am financially unable to pay the fee of ..... (amount of fee) to file as a candidate for nomination to the office of ..... at the primary election to be held on the ..... day of ....., 20... .

.....	Subscribed and sworn to before me this
Signature of candidate	.....day of ....., 20... .
.....	.....
Residence address	Signature of election official or officer authorized to administer oaths.

If the candidate's declaration of candidacy is to be filed in person, the declaration of inability to pay shall be subscribed and sworn to by the candidate before the election official who witnesses the candidate's declaration of candidacy. If his declaration of candidacy is to be filed by certified mail pursuant to subsection 2 of section 115.355, the declaration of inability to pay shall be subscribed and sworn to by the candidate before the notary or other officer who witnesses the candidate's declaration of candidacy. With his declaration of inability to pay, the candidate shall submit a petition endorsing his candidacy. Except for the number of signatures required, each such petition shall, insofar as practicable, be in the form provided in sections 115.321 and 115.325. If the person filing declaration of indigence is to be a candidate for statewide office, his petition shall be signed by the number of registered voters in the state equal to at least one-half of one percent of the total number of votes cast in the state for the office at the last election in which a candidate ran for the office. If the person filing a declaration of indigence is to be a candidate for any other office, the petition shall be signed by the number of registered voters in the district or political subdivision which is equal to at least one percent of the total number of votes cast for the office at the last election in which a candidate ran for the office. The candidate's declaration of inability to pay and the petition shall be filed at the same time and in the same manner as his declaration of candidacy is filed. The petition shall be checked and its sufficiency determined in the same manner as new party and independent candidate petitions.

4. No filing fee shall be required of any person who proposes to be an independent candidate, the candidate of a new party or a candidate for presidential elector.

5. Except as provided in subsections 3 and 4 of this section, no candidate's name shall be printed on any official ballot until the required fee has been paid.

(L. 1977 H.B. 101 § 10.117, A.L. 1983 S.B. 234)

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

2. Except as provided for in section 115.247, if there is no additional cost for the printing or reprinting of ballots, or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed or is nominated for an office may, at any time after the time limits set forth in subsection 1 of this section but no later than 5:00 p.m. on the sixth Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the circuit court in the county of such candidate's residence. No withdrawal pursuant to this subsection shall be effective until such candidate files a copy of the court's order in the office of the official who accepted such candidate's declaration of candidacy.

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

(L. 1977 H.B. 101 § 10.120, A.L. 1995 H.B. 484, et al., A.L. 1996 H.B. 1557 & 1489, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676)

115.361. Filing to be reopened, when—death of incumbent candidate to create vacancy on ballot, when.—1. Except as provided in subsections 2 and 3 of this section, if a candidate for nomination to an office in which the candidate is the incumbent or the only candidate dies, withdraws as provided in subsection 1 or 2 of section 115.359, or is disqualified after 5:00 p.m. on the last day in which a person may file as a candidate for nomination, and at or before 5:00 p.m. on the eighth Tuesday prior to any primary election, or if any candidate for the position of political party committeeman or committeewoman dies or withdraws as provided in subsection 1 or 2 of section 115.359, or is disqualified after 5:00 p.m. on the last day in which a person may file as a candidate for nomination, and at or before 5:00 p.m. on the eighth Tuesday prior to any primary election, leaving less candidates for the available committee positions than the number of available committee positions, filing for the office or position shall be reopened for a period of five working days, excluding holidays and weekends, following the death, withdrawal or disqualification during which period new candidates may file declarations of candidacy.

2. If a candidate for nomination to an office in which the candidate is the only candidate dies, withdraws as provided in subsection 1 or 2 of section 115.359, or is disqualified after 5:00 p.m. on the sixth Tuesday prior to the primary election, the election and canvass shall not proceed, and

a vacancy shall exist on the general election ballot to be filled in the manner provided in sections 115.363 to 115.377.

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

4. If after filing a declaration of candidacy, a candidate files a statement of withdrawal within two working days prior to the deadline for the close of filing set forth in section 115.349, the time of filing for that office shall be extended until 5:00 p.m. of the first Friday following the deadline for the close of filing set forth in section 115.349.

(L. 1977 H.B. 101 § 10.123, A.L. 1979 S.B. 275, A.L. 1993 S.B. 31, A.L. 1995 H.B. 484, et al., A.L. 1997 S.B. 132)

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

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

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

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

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

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

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

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

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

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

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

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

4. If a person nominated as a party's candidate who is unopposed shall die at or before 5:00 p.m. on the fourth Tuesday prior to the general election, is disqualified at or before 5:00 p.m. on

the sixth Tuesday prior to the general election, or shall withdraw at or before 5:00 p.m. on whatever day may be fixed by law as the final date for withdrawing as a candidate for the office, the party nominating committee for any established political party may select a party candidate.

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

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

(2) For an election held pursuant to the provisions of section 105.030, RSMo, to fill an unexpired term resulting from a vacancy in an office that occurs within fourteen days prior to the filing deadline for the primary election and not later than the eighth Tuesday prior to the general election. If such vacancy occurs prior to the fourteenth day before the filing deadline for a primary election, filing for the office shall be as provided for in sections 115.305 to 115.359.

(L. 1977 H.B. 101 § 10.125, A.L. 1993 S.B. 31, A.L. 1995 H.B. 484, et al., A.L. 1997 S.B. 132)

115.365. Nominating committee designated as to certain offices.—1. The nominating committee authorized to select a candidate for nomination or election to office pursuant to section 115.363 shall be one of the following:

(1) To select a candidate for county office, the nominating committee shall be the county committee of the party;

(2) To select a candidate for state representative, the nominating committee shall be the legislative district committee of the party;

(3) To select a candidate for state senator, the nominating committee shall be the senatorial district committee of the party;

(4) To select a candidate for circuit court judge not subject to the provisions of article V, section 25 of the state constitution, the nominating committee shall be the judicial district committee of the party;

(5) To select a candidate for representative in Congress, the nominating committee shall be the congressional district committee of the party;

(6) To select a candidate for statewide office, the nominating committee shall be the state committee of the party.

2. After any decennial redistricting, the nominating committee shall be composed from the new districts, and the new district lines shall be used in the selection of a candidate, provided, however, that members of nominating committees for candidates for special elections to fill vacancies conducted pursuant to section 21.130, RSMo, shall be from the old districts.

(L. 1977 H.B. 101 § 10.126, A.L. 1978 H.B. 1634, A.L. 1982 S.B. 526, A.L. 1983 S.B. 234, A.L. 2002 S.B. 675)

115.367. Change of district boundaries, effect on nominating committee.—1. In the event that the boundaries of a district have been altered, or a new district established for a candidate to be selected by a party committee since the last election in which a party candidate ran for such office, the members of the nominating committee shall be the members of the various nominating committees for that office, as provided in section 115.365 who reside within the altered or new district, provided, however, that members of nominating committees for candidates for special elections to fill vacancies conducted pursuant to section 21.130, RSMo, shall be from the old districts. The chairman of the nominating committee shall be the committee chairman of the county which polled the highest vote for the party candidate for governor within the area to be represented at the last gubernatorial election.

2. In the event that a candidate is to be selected by a party committee of a new political party which has not yet elected committeemen and committeewomen in the manner provided by law, the chairman of the nominating committee shall be the provisional chairman of the party for the state, or if the political party is formed for a district or political subdivision less than the state, the chairman of the nominating committee shall be the provisional chairman of the party for such

district or political subdivision. The chairman of the nominating committee shall appoint additional members of the nominating committee, not less than four in number.

3. In the event that a candidate is to be selected for nomination or election to an office by a new political party which has elected committeemen and committeewomen in the manner provided for established political parties, the members of the nominating committee shall be the same as provided in section 115.365.

(L. 1977 H.B. 101 § 10.127, A.L. 1982 S.B. 526, A.L. 2002 S.B. 675)

115.369. Notice of vacancy, when given to nominating committee or county committee.—Upon notification of a vacancy authorized to be filled by a nominating committee pursuant to section 115.363, the secretary of state or the election authority shall, not later than twenty-four hours after receiving such notification, notify the chair of the appropriate nominating committee. If it is impossible to notify the chair of the nominating committee, the secretary of state or the election authority shall notify the vice chair of the appropriate nominating committee. If it is impossible to notify the vice chair, the secretary of state or the election authority shall notify any member of the nominating committee or the chair of the county committee. The chair of the nominating committee shall, as soon as possible, but in no case later than two weeks after being notified of the vacancy, call a meeting of the nominating committee for the purpose of selecting a candidate to fill the vacancy. The meeting shall be called at a place located in the area the candidate is to represent. If the chair does not call a meeting within the time specified, any member of the nominating committee may do so. The person calling the meeting shall notify each member of the nominating committee of the time and place of the meeting.

(L. 1977 H.B. 101 § 10.128, A.L. 1999 H.B. 676)

115.371. Majority of committee present required to nominate, exception.—1. To select a candidate under the provisions of section 115.363, a majority of the members of the nominating committee must be present. Except as provided in subsection 2 of this section, a member must be present in person to vote, and a majority vote of the members present shall be sufficient to nominate a candidate. In accordance with section 115.627, a party state committee may provide for weighted or fractional voting. The committee shall have no power to delegate its authority to any other person or group.

2. If a member of one nominating committee is a member of one or more additional nominating committees meeting on the same day, the member may, if he or she attends one of the meetings, select a person to participate and vote at each additional meeting in his or her stead.

(L. 1977 H.B. 101 § 10.129, A.L. 1988 H.B. 933, et al.)

115.373. Candidates selected by committee to be filed with election authority, when—death of candidate selected by committee, effect of.—1. The name of a candidate selected by a party nominating committee for a primary or general election to fill a vacancy created by death, withdrawal or disqualification shall be filed with the secretary of state or proper election authority no later than 5:00 p.m. on the twenty-eighth day after the vacancy occurs or no later than 5:00 p.m. on the fourth Friday prior to the election, whichever occurs sooner. The name of a person selected by a party nominating committee as a candidate to fill an unexpired term shall be filed with the secretary of state or proper election authority no later than 5:00 p.m. on the day which is midway between the day the election is called and election day.

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

(L. 1977 H.B. 101 § 10.130, A.L. 1996 H.B. 1557 & 1489, A.L. 1997 S.B. 132)

115.377. Certification of nomination by committee or committee chairman, form of—candidate's declaration, form of.—1. Each selection of a candidate made by a party nominating committee pursuant to section 115.363 shall be certified by the chair or acting chair of the nominating committee and filed with the election official authorized to receive declarations of candidacy for the office, provided that no committee member may act as chair for purposes of certifying his or her own selection as candidate. Each such certification shall be subscribed and sworn to by the chair or acting chair before the election official accepting the certification or a notary public and shall be in substantially the following form:

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

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

..... Signature of chair or acting chair	Subscribed and sworn to before me this .....day of ....., ...
	..... Signature of election official or notary public

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

3. When submitted for filing, each certification made by the chair or acting chair of a party nominating committee pursuant to this section shall be accompanied by a declaration of candidacy and any filing fee required for the candidate selected by the nominating committee or its chair. The declaration candidacy shall state the candidate's full name, residence address, office for which such candidate proposes to be a candidate, the party upon whose ticket he or she is to be a candidate and that if nominated and elected he or she will qualify. Each such declaration shall be in substantially the form set forth in section 115.349. Each such declaration shall be subscribed and sworn to by the candidate before the election official accepting the certification, a notary public or other officer authorized by law to administer oaths.

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

(L. 1977 H.B. 101 § 10.140, A.L. 1999 H.B. 676)

115.379. Death of candidate after filing deadline and before election, procedure to be followed.—1. Whenever the only candidate of a party for nomination or election to an office at a primary election, general election or special election to fill a vacancy dies after the filing deadline and before the election, his name shall be printed on the primary, general or special election

ballot, as the case may be, unless another candidate has filed for the office pursuant to the provisions of section 115.361 or a new candidate has been selected pursuant to the provisions of sections 115.363 to 115.377. Whenever any other candidate for nomination or election to an office at a primary election, general election or special election to fill a vacancy dies after 5:00 p.m. on the fourth Tuesday prior to the election, his name shall be printed on the primary, general or special election ballot, as the case may be. The election and canvass shall proceed, and, if a sufficient number of votes are cast for the deceased candidate to entitle the candidate to nomination or election had the candidate not died, a vacancy shall exist on the general election ballot or in the office to be filled in the manner provided by law.

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

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

(L. 1977 H.B. 101 § 10.145, A.L. 1997 S.B. 132)

115.381. Secretary of state to notify appropriate election authorities of nomination, when.—Whenever the selections are properly certified to the secretary of state by the chair or acting chair of the party nominating committees for a special election or after the secretary of state has certified the names of candidates pursuant to section 115.387 or 115.401, the secretary of state shall notify all appropriate election authorities of the selections in a timely fashion.

(L. 1977 H.B. 101 § 10.150, A.L. 1999 H.B. 676)

115.383. Name changes on ballot, how made.—Any election authority duly notified that a name is to be removed from the ballot or that a new candidate has been selected shall have the proper corrections made on the ballot before the ballot is delivered to or while it is in the hands of the printer. If time does not permit correction of the printed ballot, the election authority shall have prepared small pasters, suitable for covering the name to be removed on the ballots, ballot labels or on the protective covering of each voting machine. If a candidate is replaced by a candidate pursuant to the provisions of sections 115.361 to 115.377, the paster shall contain the name to be substituted in letters of the same size and type as all other names on the ballot. The appropriate election authorities shall see that such pasters are properly applied to the ballots, ballot labels or voting machines before they are used for voting.

(L. 1977 H.B. 101 § 10.155)
Effective 1-1-78

115.385. Party emblem, when submitted to secretary of state.—1. Not later than the twelfth Tuesday before an election at which the party's name will appear on the ballot, the state committee of each established statewide political party, the chairman of the county or district committee of each political party established for a county or district, and the provisional party chairman of each new party and group of petitioners shall select a party emblem and submit it in writing to the secretary of state. No party shall submit the American flag as an emblem. Except as provided in subsections 2 and 3 of this section, no party shall submit any emblem deceptive-

ly similar to an emblem which has been used by any other party in the past five years or is the subject of a pending certification.

2. If a new party is formed for more than one district or county at the same time, with the same name and the same provisional party chairman, the same party emblem may be submitted for the party in each such district or county.

3. Any political party established in a district or county may, by a majority vote of its committee members, authorize the use of its emblem in other districts and counties, and in the state as a whole.

4. When a party emblem is properly submitted to the secretary of state, the secretary of state shall certify the emblem to the appropriate election authorities when the secretary of state certifies the names of candidates pursuant to sections 115.387 and 115.401.

(L. 1977 H.B. 101 § 10.157, A.L. 1996 H.B. 1557 & 1489)
Effective 6-13-96

115.387. Secretary of state to furnish each election authority a list of candidates for each office and the order of their filing—list, when due.—Not later than the tenth Tuesday before each primary election, the secretary of state shall transmit to each election authority a certified list containing the name and address of each person who has filed a declaration of candidacy in the secretary's office and is entitled to be voted for at the primary election, together with a designation of the office for which the person is a candidate and the party the person represents. In the person's certification, the secretary of state shall also include the order in which the candidates for each office are to be listed on the official ballot.

(L. 1977 H.B. 101 § 10.160, A.L. 1985 H.B. 620, A.L. 1997 S.B. 132)

115.389. Election authority to publish list of candidates, date of election and hours the polls will open.—Upon receipt of the certified list from the secretary of state, each election authority shall publish, under the proper party designations, the title of each office, the name and address of each candidate for each office to be voted on within its jurisdiction, the date of the primary election and the hours the polls will be open. The notice shall be published in a newspaper of general circulation within the jurisdiction of the election authority. The election authority shall include in the notice the names and addresses of all candidates for political party committees who will be elected pursuant to the provisions of subsection 4 of section 115.613.

(L. 1977 H.B. 101 § 10.165, A.L. 1997 S.B. 132)

115.391. Sample ballots, when and how distributed.—Not later than the fourth Tuesday prior to the primary election, each election authority shall prepare sample official ballots. The sample ballots shall contain, under the appropriate offices and party designations, the names of all candidates to be voted on in its jurisdiction in the order they will appear on the ballot. Each sample ballot shall be printed upon tinted or colored paper, of a different tint or color from the official primary ballot, and shall contain no endorsements. Immediately after having the sample ballots prepared, each election authority shall mail to the chairman of each county committee in its jurisdiction and to each candidate named on the ballot, a copy of the sample ballot for his party. The election authority shall also post a copy of each sample ballot in a conspicuous place in its office.

(L. 1977 H.B. 101 § 10.170)
Effective 1-1-78

115.393. Election authority to deliver official ballots to polls—number of ballots, how determined.—Prior to the primary election, each election authority shall correct any errors or omissions on the sample ballots and cause official ballots to be printed. For each party having a ballot at the primary election, the election authority shall deliver to each polling place a number of ballots equal to at least one and a half times the number of ballots cast in the voting district for the party at the next to last primary election. If no ballots were cast for a party in a voting

district at the last primary election, the election authority shall deliver to the polling place a number of ballots estimated to be sufficient for the party.

(L. 1977 H.B. 101 § 10.175)
Effective 1-1-78

115.395. Ballot for each party at primary—candidates, how listed—ballot information, how shown.—1. At each primary election, there shall be as many separate ballots as there are parties entitled to participate in the election.

2. The names of the candidates for each office on each party ballot shall be listed in the order in which they are filed, except that, in the case of candidates who file a declaration of candidacy with the secretary of state prior to 5:00 p.m. on the first day for filing, the secretary of state shall determine by random drawing the order in which such candidates' names shall appear on the ballot. The drawing shall be conducted so that each candidate may draw a number at random at the time of filing. The secretary of state shall record the number drawn with the candidate's declaration of candidacy. The names of candidates filing on the first day for filing for each office on each party ballot shall be listed in ascending order of the numbers so drawn. For the purposes of this subsection, the election authority responsible for oversight of the filing of candidates, other than candidates that file with the secretary of state, shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such filings, except that, in the case of candidates who file a declaration of candidacy with the election authority prior to 5:00 p.m. on the first day for filing, the election authority may determine by random drawing the order in which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate may draw a number at random at the time of filing. If such drawing is conducted, the election authority shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates filing on the first day for filing for each office on each party ballot shall be listed in ascending order of the numbers so drawn.

3. Insofar as applicable, the provisions of sections 115.237, 115.241 and 115.245 shall apply to each ballot prepared for a primary election, except that the ballot information may be placed in vertical or horizontal rows, no circle shall appear under any party name and no write-in lines shall appear under the name of any office for which a candidate is to be nominated at the primary. At a primary election, write-in votes shall be counted only for persons who can be elected to an office at the primary.

(L. 1977 H.B. 101 § 10.180, A.L. 1995 H.B. 484, et al., A.L. 1997 S.B. 132)

115.397. Voter may receive only one party ballot—voters not wishing a party ballot may vote for independents and on all propositions and questions.—In each primary election, each voter shall be entitled to receive the ballot of one and only one political party, designated by the voter before receiving his ballot. Each voter who participates in a party primary shall be entitled to vote on all questions and for any nonpartisan candidates submitted by political subdivisions and special districts at the primary election. Each voter who does not wish to participate in a party primary may vote on all questions and for any nonpartisan candidates submitted by a political subdivision or special district at the primary election.

(L. 1977 H.B. 101 § 10.185)
Effective 1-1-78

115.399. Presidential and vice-presidential candidates, when certified to secretary of state—declaration of candidacy of presidential electors, form of.—1. Not later than the twelfth Tuesday prior to each presidential election, or notwithstanding any prior laws to the contrary, in the year 1996 and thereafter, within seven working days after choosing its nominees for president and vice president of the United States, whichever is later, the state committee of each

established political party shall certify in writing to the secretary of state the names of its nominees for president and vice president of the United States.

2. Not later than the third Tuesday prior to each presidential election, the state committee of each established political party shall certify in writing to the secretary of state the names of its nominees for presidential elector. At least one qualified resident of each congressional district shall be named as a nominee for presidential elector by each state committee, and the number of nominees for presidential elector named by each state committee shall equal the number to which the state is entitled.

3. When submitted for filing, each certification made by a state committee pursuant to the provisions of subsection 2 of this section shall be accompanied by a declaration of candidacy for each candidate for presidential elector. Each declaration of candidacy shall state the candidate's full name, residence address, office for which such person proposes to be a candidate and that if elected the person will qualify. Each such declaration shall be in substantially the following form:

I, ... , a resident of the . . . . . congressional district and the state of Missouri do announce myself a candidate for the office of presidential elector from the . . . . . .congressional district (state at large) on the . . . . . ticket, to be voted for at the presidential election to be held on the . . . . . day of . . . . . , 20. . , and I further declare that if nominated and elected to such office I will qualify.

.....	Subscribed and sworn to before me
Signature of candidate	this .....day of ..... , 20 .....
.....	.....
Residence address	Signature of election official or officer authorized to administer oaths

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

(L. 1977 H.B. 101 § 10.190, A.L. 1996 H.B. 1557 & 1489)
Effective 6-13-96

115.401. General election candidates, list to be sent to election authorities, when.—Not later than the tenth Tuesday prior to each general election, the secretary of state shall send to each election authority a certified list containing the name and address of each person who has filed a declaration of candidacy in the secretary of state's office and is entitled to be voted for at the general election, together with a statement of the office for which such person is a candidate and the party such person represents or that such person is an independent candidate.

(L. 1977 H.B. 101 § 10.195, A.L. 1985 H.B. 620, A.L. 1996 H.B. 1557 & 1489)
Effective 6-13-96

115.403. Forms to be prepared by secretary of state, when.—Not later than May first prior to each primary election, the secretary of state shall prepare all forms necessary to carry out the provisions of this subchapter. The forms shall be substantially followed in all primary elections.

(L. 1977 H.B. 101 § 10.200)
Effective 1-1-78

115.405. False swearing a class one offense.—Any person making a sworn statement, affidavit or declaration of candidacy required by this subchapter who swears falsely or signs such document knowing the statements therein are untrue shall be deemed guilty of a class one election offense.

(L. 1977 H.B. 101 § 10.205)
Effective 1-1-78

POLLING PLACES AND VOTING PROCEDURES

115.407. Polls, hours to be open.—The election judges shall open the polls at six o'clock in the morning and keep them open until seven o'clock in the evening. At seven o'clock in the evening, all voters at the polls, including any in line to vote, shall be permitted to vote.
(L. 1977 H.B. 101 § 11.001)
Effective 1-1-78
(2000) Circuit judge lacked jurisdiction to extend voting hours. State ex rel. Bush-Cheney 2000, Inc. v. Baker, 34 S.W.3d 410 (Mo.App.E.D.).

115.409. Who may be admitted to polling place.—Except election authority personnel, election judges, watchers and challengers appointed pursuant to section 115.105 or 115.107, law enforcement officials at the request of election officials or in the line of duty, minor children under the age of eighteen accompanying an adult who is in the process of voting, international observers who have registered as such with the election authority, persons designated by the election authority to administer a simulated youth election for persons ineligible to vote because of their age, members of the news media who present identification satisfactory to the election judges and who are present only for the purpose of bona fide news coverage except as provided in subdivision (18) of section 115.637, provided that such coverage does not disclose how any voter cast the voter's ballot on any question or candidate or in the case of a primary election on which party ballot they voted or does not interfere with the general conduct of the election as determined by the election judges or election authority, and registered voters who are eligible to vote at the polling place, no person shall be admitted to a polling place.
(L. 1977 H.B. 101 § 11.005, A.L. 1986 H.B. 1471, et al., A.L. 1996 H.B. 1557 & 1489, A.L. 2002 S.B. 675)

115.411. Election authority to provide polling booths.—For each polling place in its jurisdiction, the election authority shall provide a sufficient number of voting booths, equipped and supplied so voters can vote conveniently and in secret.
(L. 1977 H.B. 101 § 11.010)
Effective 1-1-78

115.413. Secretary of state to furnish election authorities election laws pamphlets, each polling place to have a copy—instructions to election judges may be furnished.—1. Not later than the tenth day prior to each presidential election, and more often if necessary, the secretary of state shall furnish to each election authority a sufficient number of printed pamphlets containing the provisions of the constitution and laws of the state relating to elections. Each election authority shall carefully preserve the pamphlets in its office. At least one copy shall be provided by each election authority to each polling place in its jurisdiction at each election. After each election, all such pamphlets shall be returned to the office of the election authority with the election supplies.

2. The secretary of state may also publish instructions to election judges for distribution by election authorities to election judges.
(L. 1977 H.B. 101 § 11.013)
Effective 1-1-78

115.415. Necessary equipment to be delivered to polls by election authority.—Before the time fixed by law for the opening of the polls, the election authority shall deliver to the authorized election officials or to the polling place the appropriate ballots, ballot boxes, precinct registers, voting booths, voting machines and all other supplies, material and equipment necessary and appropriate for the polling place. The election authority shall make and preserve a record of each delivery.
(L. 1977 H.B. 101 § 11.015, A.L. 1982 S.B. 526)
Effective 5-20-82

115.417. Voter instruction cards to be delivered to polls—instructions and sample ballot to be posted, how.—1. Before the time fixed by law for the opening of the polls, the election authority shall deliver to each polling place a sufficient number of voter instruction cards which include the following information:

(1) If paper ballots or an electronic voting system is used, the instructions shall inform the voter on how to obtain a ballot for voting, how to vote and prepare the ballot for deposit in the ballot box and how to obtain a new ballot to replace one accidentally spoiled;

(2) If voting machines are used, the instructions shall inform the voter how to operate the machine in such a manner that the voter may vote as the voter wishes.

2. The election authority at each polling place shall post in a conspicuous place voting instructions on a poster no smaller than twenty four inches by thirty inches. Such instructions shall also inform the voter that the voting equipment can be demonstrated upon request of the voter. The election authority shall also publicly post during the period of time in which a person may cast an absentee ballot and on election day a sample version of the ballot that will be used for that election, the date of the election, the hours during which the polling place will be open, instructions for mail in registrants and first time voters, general information on voting rights in accordance with the state plan filed by the secretary of state pursuant to the Help America Vote Act of 2002, general information on the right to cast a provisional ballot and instructions for provisional ballots, how to contact appropriate authorities if voting rights have been violated, and general information on federal and Missouri law regarding prohibitions on acts of fraud and misrepresentation. The secretary of state may promulgate rules to execute this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

3. If marking devices or voting machines are used, the election authority shall also provide to each polling place a model of a marking device or portion of the face of a voting machine. If requested to do so by a voter, the election judges shall give instructions on operation of the marking device or voting machine by use of the model.

4. The secretary of state may develop multilingual voting instructions to be made available to election authorities.

(L. 1977 H.B. 101 § 11.020, A.L. 2002 S.B. 675, A.L. 2003, H.B. 511)

115.419. Sample ballots, cards or ballot labels to be delivered to the polls, when.—Before the time fixed by law for the opening of the polls, the election authority shall deliver to each polling place a sufficient number of sample ballots, ballot cards or ballot labels which shall be a different color but otherwise exact copies of the official ballot. The samples shall be printed in the form of a diagram, showing the form of the ballot or the front of the marking device or voting machine as it will appear on election day. The secretary of state may develop multilingual sample ballots to be made available to election authorities.

(L. 1977 H.B. 101 § 11.025, A.L. 2002 S.B. 675)

115.420. Butterfly ballot prohibited, exceptions.—1. An election authority operating a voting system that uses ballot cards shall not use a butterfly ballot unless the secretary of state provides written approval to the election authority for the use of a butterfly ballot in the particular election.

2. For purposes of this section, **"butterfly ballot"** means a ballot where two ballot pages are used side by side and where voters must vote on candidates or issues on both sides of the pages.

3. The secretary of state may approve the use of a butterfly ballot in a particular election when a large number of candidates and issues are to be decided, no alternative ballot is reasonable under the circumstances, and the election authority submits to the secretary of state a written explanation of the need for using a butterfly ballot. The secretary of state shall respond to such written request within two business days.

(L. 2002 S.B. 675)

115.421. Duties of election judges to be performed prior to opening of the polls.—Before the time fixed by law for the opening of the polls, the election judges shall:

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

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

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

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

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

(L. 1977 H.B. 101 § 11.030)
Effective 1-1-78

115.423. Ballot box, procedure for handling.—After the time fixed by law for the opening of the polls but before the voting begins, the election judges shall open the ballot box and show to all present that it is empty. The ballot box shall then be locked and the key kept by one of the election judges. The ballot box shall not be opened or removed from public view from the time it is shown to be empty until the polls close or until the ballot box is delivered for counting pursuant to section 115.451. If voting machines are used, the election judges shall call attention to the counter on the face of each voting machine and show to all present that it is set at zero.

(L. 1977 H.B. 101 § 11.035)
Effective 1-1-78

115.425. Name must be on precinct register to be eligible to vote, exception.—Except as provided in subsection 2 of section 115.277, the election judges shall allow no person to vote whose name does not appear in the precinct register without the express sanction of the election authority.

(L. 1977 H.B. 101 § 11.040)
Effective 1-1-78

115.427. Voter to present form of personal identification—rulemaking authority—mark in lieu of signature permitted, when.—1. Before receiving a ballot, voters shall identify themselves by presenting a form of personal identification from the following list:

(1) Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;

(2) Identification issued by the United States government or agency thereof;

(3) Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;

(4) A copy of a current utility bill, bank statement, government check, paycheck or other government document that contains the name and address of the voter;

(5) Driver's license or state identification card issued by another state; or

(6) Other identification approved by the secretary of state under rules promulgated pursuant to subsection 3 of this section other identification approved by federal law. Personal knowledge of the voter by two supervising election judges, one from each major political party, shall be acceptable voter identification upon the completion of a secretary of state-approved affidavit that is signed by both supervisory election judges and the voter that attests to the personal knowledge of the voter by the two supervisory election judges. The secretary of state may provide by rule for a sample affidavit to be used for such purpose.

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

VOTER'S IDENTIFICATION CERTIFICATE

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

PRECINCT
WARD OR TOWNSHIP .....

GENERAL (SPECIAL, PRIMARY) ELECTION

Held ....., 20.....
Date

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

3. The secretary of state shall promulgate rules to effectuate the provisions of this section.

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

5. If any voter is unable to sign his name at the appropriate place on the certificate or computer printout, an election judge shall print the name and address of the voter in the appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and the voter's mark shall be witnessed by the signature of an election judge.

(L. 1977 H.B. 101 § 11.045, A.L. 1983 S.B. 234, A.L. 1993 S.B. 31, A.L. 2002 S.B. 675)

Section 115.427 was amended in SB 1014 during the Ninety-third General Assembly, Second Regular Session (2006). These changes are not included because they were held to be unconstitutional and enjoined from implementation and enforcement by court order.

115.429. Person not allowed to vote—appeal, how taken—voter may be required to sign affidavit, when—false affidavit a class one offense.—1. The election judges shall not permit any person to vote unless satisfied that such person is the person whose name appears on the precinct register.

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

3. Any question of doubt concerning the identity or qualifications of a voter shall be decided by a majority of the judges from the major political parties. If such election judges decide not to permit a person to vote because of doubt as to his identity or qualifications, the person may apply to the election authority or to the circuit court as provided in sections 115.193 and 115.223.

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

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

(L. 1977 H.B. 101 § 11.050, A.L. 2002 S.B. 675)

115.430. Provisional ballots, used when, exceptions, procedure, counted when, how—rulemaking authority—free access system established—provisional ballot only used, when—no jurisdiction in state courts to extend polling hours.—1. This section shall apply to primary and general elections where candidates for federal or statewide offices are nominated or elected and any election where statewide issue or issues are submitted to the voters.

2. (1) A voter claiming to be properly registered in the jurisdiction of the election authority and eligible to vote in an election, but whose eligibility at that precinct cannot be immediately established upon examination of the precinct register, shall be entitled to vote a provisional ballot after providing a form of personal identification required pursuant to section 115.427 or upon executing an affidavit under section 115.427, or may vote at a central polling place as established in section 115.115 where the voter may vote his or her appropriate ballot for his or her precinct of residence upon verification of eligibility or vote a provisional ballot if eligibility cannot be determined. The provisional ballot provided to a voter under this section shall be the ballot provided to a resident of the voter's precinct determined by reference to the affidavit provided for in this section. If the voter declares that the voter is eligible to vote and the election authority determines that the voter is eligible to vote at another polling place, the voter shall be directed to the correct polling place or a central polling place as established by the election authority pursuant to subsection 5 of section 115.115. If the voter refuses to go to the correct polling place or a central polling place, the voter shall be permitted to vote a provisional ballot at the incorrect polling place, but such ballot shall not be counted if the voter was not eligible to vote at that polling place.

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

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

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

(3) The voter shall have the duty to appear and vote at the correct polling place. If an election judge determines that the voter is not eligible to vote at the polling place at which a voter presents himself or herself, and if the voter appears to be eligible to vote at another polling place, the voter shall be informed that he or she may cast a provisional ballot at the current polling place or may travel to the correct polling place or a central polling place, as established by the election authority under subsection 5 of section 115.115, where the voter may cast a regular ballot or provisional ballot if the voter's eligibility still cannot be determined. Provisional ballots cast at a polling place shall be counted only if the voter was eligible to vote at such polling place as provided in subsection 5 of this section.

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

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

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

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

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

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

STATE OF .....

COUNTY OF .....

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

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

.....

(Signature of Voter)

.....

(Current Address)

Subscribed and affirmed before me this ..... day of ....., 20.....

.....

(Signature of Election Official)

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

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

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

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

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

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

(2) When the ballot boxes are delivered to the election authority from the polling places, the receiving teams shall separate the provisional ballots from the rest of the ballots and place the sealed provisional ballot envelopes in a separate container. Teams of election authority employees or teams of election judges with each team consisting of one member of each major political party shall photocopy each provisional ballot envelope, such photocopy to be used by the election authority to determine provisional voter eligibility. The sealed provisional ballot envelopes shall be placed by the team in a sealed container and shall remain therein until tabulation.

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

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

(a) The name of the provisional voter;

(b) The name of the reviewer;

(c) The date and time; and

(d) A description of evidence found that supports the voter's eligibility.

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

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

(a) The name of the provisional voter;

(b) The name of the reviewer;

(c) The date and time;

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

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

(8) If rejected, a photocopy of the envelope shall be made and used by the election authority as a mail-in voter registration. The actual provisional ballot envelope shall be kept as ballot

material, and the copy of the envelope shall be used by the election authority for registration record keeping.

6. All provisional ballots cast by voters whose eligibility has been verified as provided in this section shall be counted in accordance with the rules governing ballot tabulation. Provisional ballots shall not be counted until all provisional ballots are determined either eligible or ineligible and all provisional ballots must be processed before the election is certified. The provisional ballot shall be counted only if the election authority determines that the voter is registered and eligible to vote. Provisional ballots voted in the wrong polling place shall not be counted. If the voter is not registered but is qualified to register for future elections, the affidavit shall be considered a mail-in application to register to vote pursuant to this chapter.

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

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

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

(4) The votes shall be tallied and the returns made as provided in sections 115.447 to 115.525 for paper ballots. After the vote on all ballots assigned to a team have been counted, the ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "Voted provisional ballots and ballot envelopes from the election held ....., 20...". All rejected provisional ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "Rejected provisional ballots and ballot envelopes from the election held ....., 20...". On the outside of each voted ballot and rejected ballot container, each member of the team shall write their name and all such containers shall be returned to the election authority. Upon receipt of the returns and ballots, the election authority shall tabulate the provisional votes.

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

9. The certificate of ballot cards shall:

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

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

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

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

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

13. Pursuant to the Help America Vote Act of 2002, the secretary of state shall ensure a free access system is established, such as a toll-free number or an Internet web site, that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted. At the time an individual casts a provisional ballot, the election authority shall give the voter written information that states that any individual who casts a provisional ballot will be able to ascertain under such free access system whether the vote was counted, and if the vote was not counted, the reason that the vote was not counted.

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

(L. 2002 S.B. 675 § 1, A.L. 2003 H.B. 511, A.L. 2006 S.B. 1014 & 730)

115.431. Identification certificates to be initialed by judges and preserved as poll lists.— Upon satisfactory identification of the voter, two judges of different political parties shall place their initials on the line where the voter signed the precinct register. All voters' names on the precinct register shall be numbered consecutively in the order in which they have signed, starting with the number "1". The computer precinct register shall then constitute the poll list.

(L. 1977 H.B. 101 § 11.055, A.L. 1983 S.B. 234, A.L. 2006 S.B. 1014 & 730)

115.433. Judges to initial paper ballots or ballot cards, when.—After the voter's identification certificate has been initialed, two judges of different political parties, or one judge from a major political party and one judge with no political affiliation, shall, where paper ballots or ballot cards are used, initial the voter's ballot or ballot card.

(L. 1977 H.B. 101 § 11.060, A.L. 2002 S.B. 675)

115.435. Voter to proceed to voting booth, when.—After initialing the voter's identification certificate and after completing any procedures required by section 115.433, the election judges shall allow the voter to proceed to the voting booth and vote.

(L. 1977 H.B. 101 § 11.070)
Effective 1-1-78

115.436. Physically disabled may vote at polling place, procedure.—1. In jurisdictions using paper ballots and electronic voting systems, when any physically disabled voter within two hundred feet of a polling place is unable to enter the polling place, two election judges, one of each major political party, shall take a ballot, equipment and materials necessary for voting to the voter. The voter shall mark the ballot, and the election judges shall place the ballot in an envelope, seal it and place it in the ballot box.

2. In jurisdictions using voting machines, when any physically disabled voter within two hundred feet of a polling place is unable to enter the polling place, two election judges, one of

each major political party, shall take an absentee ballot to the voter. The voter shall mark the ballot, and the election judges shall place the ballot in an envelope, seal it and place it in the ballot box.

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

(L. 1979 S.B. 275, A.L. 1983 S.B. 234, A.L. 2003 H.B. 511, A.L. 2005 H.B. 280)

115.439. Procedure for voting paper ballot—rulemaking authority.—1. If paper ballots or ballot cards are used, the voter shall, immediately upon receiving his ballot, go alone to a voting booth and vote his ballot in the following manner:

(1) When a voter desires to vote for a candidate, the voter shall place a cross (X) mark in the square directly to the left of the name of the candidate for which the voter intends to vote;

(2) If the voter desires to vote for a person whose name does not appear on the ballot, the voter may cross out a name which appears on the ballot for the office and write the name of the person for whom he wishes to vote above or below the crossed-out name and place a cross (X) mark in the square directly to the left of the crossed-out name. If a write-in line appears on the ballot, the voter may write the name of the person for whom he or she wishes to vote on the line and place a cross (X) mark in the square directly to the left of the name;

(3) If the ballot is one which contains no candidates, the voter shall place a cross (X) mark in the square directly to the left of each "yes" or "no" he desires to vote.

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

2. For purposes of this section, a punch or sensor mark or any other mark clearly indicating that the voter intends to mark that particular square shall be equivalent to a cross (X) mark.

3. If voting machines are used, the voter shall, immediately upon direction by the judges, go alone to a voting machine, close the curtain and vote in substantially the same manner provided in subsection 1 of this section. Rather than placing cross (X) marks on the ballot, however, the voter shall cause the designations to appear on the face of the voting machine, cast any write-in votes and register his votes as directed in the instructions for use of the machine.

4. If the voter accidentally spoils his ballot or ballot card or makes an error, he may return it to an election judge and receive another. The election judge shall mark "SPOILED" across the ballot or ballot card and place it in an envelope marked "SPOILED BALLOTS". After another ballot has been prepared in the manner provided in section 115.433, the ballot shall be given to the voter for voting.

5. The election authority may authorize the use of a sticker or other item containing a write-in candidate's name, in lieu of a handwritten name. All such stickers and items used by election authorities shall conform to rules and regulations promulgated by the secretary of state regarding the form of such stickers and items. The secretary of state shall promulgate rules and regulations to prescribe uniform specifications for the form of such stickers and items. If authorized, such sticker or item shall contain a cross (X) mark, or other mark as described in subsection 2 of this section, in the square directly left of the candidate's name and the office for which the candidate is a write-in candidate. A write-in vote that does not meet the requirements of this subsection which appears on a ballot shall not be counted pursuant to sections 115.447 to 115.525. In those jurisdictions using an electronic voting system which utilizes mark sense or optical scan technology and if the election authority authorizes the use of stickers for write-ins, such system

shall be programmed to identify and separate those ballots which contain an office in which write-in candidates are eligible to receive votes, and which contain less votes than a voter is entitled to cast. In addition, such sticker shall be considered "printed matter" as defined in subsection 8 of section 130.031, RSMo, and as such shall contain the designation required by subsection 8 of section 130.031, RSMo.

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

(L. 1977 H.B. 101 § 11.080, A.L. 1993 S.B. 31, A.L. 2002 S.B. 675, A.L. 2006 S.B. 1014 & 730)

115.441. Delay by voter prohibited.—Each voter shall vote without undue delay.

(L. 1977 H.B. 101 § 11.085)
Effective 1-1-78

115.443. Paper ballots, how marked—ballot cards, procedure for voting—voting machines, how voted.—1. Where paper ballots are used, the voter shall, before leaving the voting booth, fold his ballot so that the cross (X) marks are concealed. The voter shall place his ballot in the ballot box and leave the polling place immediately.

2. Where ballot cards with envelopes are used, the voter shall, immediately before leaving the voting booth, place his ballot card in the ballot envelope. Where ballot cards with stubs are used, the voter shall, immediately after leaving the voting booth, hand his ballot card or envelope containing his ballot card to an election judge. The election judge shall remove the stub from the ballot card and, where ballot envelopes are used, replace the ballot card in the envelope and return the ballot card or envelope containing the ballot card to the voter. The voter shall place the ballot card or envelope containing the ballot card in the ballot box and leave the polling place immediately. Where ballot cards without stubs are used, the voter shall, immediately after leaving the voting booth, place the ballot card or ballot envelope containing the ballot card in the ballot box and leave the polling place immediately.

3. Where voting machines are used, the voter shall register his vote as directed in the instructions for use of the machine and leave the polling place immediately.

(L. 1977 H.B. 101 § 11.090)
Effective 1-1-78

115.445. No one but voter in booth, exception.—1. Except as provided in subsections 2 and 3 of this section, no one other than the voter shall be permitted in any voting booth or permitted to be in any position where he may see how a voter is voting.

2. If any voter, after entering a voting booth, asks for further instructions concerning the manner of voting, two election judges of different political parties shall give such instructions. Such judges shall not enter the voting booth unless it is impossible to give the instructions otherwise. After giving the instructions, the judges shall leave the area and take all necessary measures to insure that the voter casts his vote in secret.

3. If any voter declares under oath to the election judges that he cannot read or write, is blind or has any other physical disability and cannot vote his ballot, he may be assisted by the election judges or by any person of his own choice other than a judge. If the voter asks for the assistance of election judges, two judges of different political parties shall go to the voting booth and cast his vote as he directs. If the voter asks for the assistance of someone other than election judges,

the assistant shall go to the voting booth with the voter and cast his vote as he directs. No person, other than election judges and members of such voters' immediate families, shall assist more than one voter at one election.

4. A child under the age of eighteen shall be allowed to accompany his or her parent, grandparent, or guardian into a voting booth.

(L. 1977 H.B. 101 § 11.095, A.L. 2006 S.B. 1014 & 730)

COUNTING OF VOTES

115.447. Definitions.—1. As used in this subchapter, unless the context clearly implies otherwise, the following terms shall mean:

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

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

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

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

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

(2) **"Rejected ballot"** is any ballot on which no votes are counted because the ballot fails to have the initials of the proper election judges, because the number of votes for all offices and on all questions exceeds the number authorized by law, because the voter is deemed by the election judges to be unqualified, because it is an absentee ballot not accompanied by a completed and signed affidavit, or because the ballot was voted with unlawful assistance;

(3) **"Spoiled ballot"** is any ballot accidentally spoiled by a voter and replaced by election judges in the manner provided in subsection 4 of section 115.439.

(L. 1977 H.B. 101 § 12.001)
Effective 1-1-78

115.449. Ballots, when and how counted.—1. As soon as the polls close in each polling place using paper ballots, the election judges shall begin to count the votes. If earlier counting is begun pursuant to section 115.451, the election judges shall complete the count in the manner provided by this section. Once begun, no count shall be adjourned or postponed until all proper votes have been counted.

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

3. After all of the proper votes on a ballot have been counted, the ballot shall be strung on a wire or string in the order read. After all the ballots have been read and strung and after the recording judges agree on the count, the wire or string shall be tied in a firm knot, and the knot

shall be sealed so that it cannot be untied without breaking the seal. Rejected and spoiled ballots shall not be strung but shall be placed in separate containers marked "REJECTED" and "SPOILED".

4. After the recording of all proper votes, the recording judges shall compare their tallies. When the recording judges agree on the count, they shall sign both of the tally sheets, and one of the recording judges shall announce in a loud voice the total number of votes for each candidate and for and against each question.

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

(L. 1977 H.B. 101 § 12.005, A.L. 2006 S.B. 1014 & 730)

115.451. Judges may read and record votes before polls close, when— procedure to be followed.—If authorized by the election authority, the election judges may read and record votes before the close of the polls. If so authorized, the election judges shall use one ballot box for the deposit of ballots during the first hour of voting. At the end of the hour, the receiving judges shall deliver the ballot box to the counting and recording judges, who shall give the receiving judges a second empty ballot box. The second ballot box shall be shown to be empty and locked in the manner provided in section 115.423. The second ballot box shall not be opened or removed from public view from the time it is shown to be empty until the time the polls close or it is removed for counting pursuant to this section. The ballot box containing the voted ballots shall be taken to a private area within the polling place, and the ballots shall be read and recorded in the manner provided by section 115.449. In no case shall ballot boxes be switched at less than one hour intervals and then only if twenty-five or more ballots have been voted during the hour.

(L. 1977 H.B. 101 § 12.010)
Effective 1-1-78

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

(1) No candidate shall be counted as voted for, except a candidate before whose name a cross (X) mark appears in the square preceding the name and a cross (X) mark does not appear in the square preceding the name of any candidate for the same office in another column. Except as provided in this subdivision and subdivision (2) of this section, each candidate with a cross (X) mark in the square preceding his or her name shall be counted as voted for.

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

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

(4) Write-in votes shall be counted only for candidates for election to office who have filed a declaration of intent to be a write-in candidate for election to office with the proper election authority, who shall then notify the proper filing officer of the write-in candidate prior to 5:00 p.m. on the second Friday immediately preceding the election day; except that, write-in votes shall be counted only for candidates for election to state or federal office who have filed a declaration of intent to be a write-in candidate for election to state or federal office with the secre-

tary of state pursuant to section 115.353 prior to 5:00 p.m. on the second Friday immediately preceding the election day. No person who filed as a party or independent candidate for nomination or election to an office may, without withdrawing as provided by law, file as a write-in candidate for election to the same office for the same term. No candidate who files for nomination to an office and is not nominated at a primary election may file a declaration of intent to be a write-in candidate for the same office at the general election. When declarations are properly filed with the secretary of state, the secretary of state shall promptly transmit copies of all such declarations to the proper election authorities for further action pursuant to this section. The election authority shall furnish a list to the election judges and counting teams prior to election day of all write-in candidates who have filed such declaration. This subdivision shall not apply to elections wherein candidates are being elected to an office for which no candidate has filed.

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

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

(L. 1977 H.B. 101 § 12.015, A.L. 1979 S.B. 275, A.L. 1983 S.B. 234, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2002 S.B. 675, A.L. 2006 S.B. 1014 & 730)

115.455. Procedure for counting votes on questions.—Election judges shall count votes on each question in the following manner:

(1) If a cross (X) mark appears in the square immediately beside or below the "YES", the question shall be counted as voted for. If a cross (X) mark appears in the square immediately beside or below the "NO", the question shall be counted as voted against;

(2) If a cross (X) mark appears in the square immediately beside or below the "YES" and in the square immediately beside or below the "NO", the question shall neither be counted as voted for nor as voted against.

(L. 1977 H.B. 101 § 12.020)
Effective 1-1-78

115.456. Responsibilities of election authority, counting punch card ballots—counting optical scan ballots—counting paper ballots—write-in stickers—marks indicating political party preference, how construed.—1. The election authority shall be responsible for ensuring that the standards provided for in this subsection are followed when counting ballots cast using punch card voting systems.

(1) Prior to tabulating ballots, all ballot cards shall be inspected by the election authority for hanging chad and damaged ballots. Inspection of ballot cards shall be conducted using the following guidelines:

(a) The election authority shall appoint a bipartisan team to inspect all ballots where a question exists about the condition of a ballot or existence of a hanging chad;

(b) All ballot card inspections conducted under this section shall be conducted by examining the ballot card from the back of the card;

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

(d) If a chad is determined to be hanging by two or less corners, it shall be removed prior to being tabulated.

(2) In jurisdictions using punch card systems, a valid vote for a write-in candidate shall include the following:

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

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

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

(3) Whenever a hand recount of votes is ordered of punch card ballots, the provisions of this subsection shall be used to determine voter intent.

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

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

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

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

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

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

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

b. There is a distinguishing mark adjacent to the name of the candidate or issue preference; or

c. The name of the candidate or issue preference is circled.

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

(a) A distinguishing mark in the designated location preceding the name of the candidate;

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

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

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

3. The election authority shall be responsible for ensuring that the standards provided for in this subsection are followed when counting ballots cast using paper ballots.

(1) Voter intent shall be determined using the following criteria:

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

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

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

(2) In jurisdictions using paper ballots, a valid vote for a write-in candidate shall include the following:

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

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

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

(3) Whenever a hand recount of votes of paper ballots is ordered, the provisions of this subsection shall be used to determine voter intent.

4. When write-in stickers are used, the sticker shall contain the name of a candidate, the office sought, and a distinguishing mark in the square immediately preceding the name of the candidate and shall be approximately one inch by three inches in size with black print on a white background. The sticker shall be placed by the voter on the write-in line designating the office sought or the sticker shall be placed by the voter on the write-in line on the secrecy envelope.

5. Notwithstanding any other provision of law, a distinguishing mark indicating a general preference for or against the candidates of one political party shall not be considered a vote for or against any specific candidate.

(L. 2006 S.B. 1014 & 730)

115.457. Uninitialed ballots rejected, exception.—If a ballot appears without the initials of two election judges, the ballot shall be rejected, except when it appears the absence of initials is due to a mistake of the election judges and that the ballot is otherwise legal and proper.

(L. 1977 H.B. 101 § 12.025)
Effective 1-1-78

115.459. Duties of judges after polls close (paper ballots).—At each polling place using paper ballots, after the polling place is closed, the election judges shall

(1) Certify in the tally book the number of ballots cast, the number of identification certificates signed, the number of rejected and spoiled ballots and the number of ballots received at the polling place which were not cast at the election. If the number of signed identification certificates is not the same as the number of ballots cast, the judges shall make a signed statement of the fact and the reasons therefor if known and shall return the statement with the statements of returns;

(2) Certify on two statements of returns the number of votes received by each candidate and for and against each question. No returns shall be signed in blank or before the polls have closed and all proper votes cast at the polling place have been counted;

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

(L. 1977 H.B. 101 § 12.030)
Effective 1-1-78

115.461. Tally book, form of—tally sheet, form of—statements of returns, form of (paper ballots).—1. The tally book for each polling place using paper ballots shall be in substantially the following form:

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

We hereby certify:

The number of ballots received at this polling place is .....;

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

AB
CD Election Judges
EF
XP

We hereby certify:

The number of ballots cast at this polling place is ...;
The number of identification certificates signed at this polling place is ....;
The number of rejected ballots at this polling place is ....;
The number of spoiled ballots at this polling place is ...;
The number of ballots received at this polling place which were not cast at this election is ....;
AB
CD
EF
XP

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

NAMES OF PERSONS VOTED FOR AND FOR WHAT OFFICE
AND THE NUMBER OF VOTES CAST FOR EACH PERSON

Office	Candidates	Tally of Votes					Total Votes
Governor	MC						
	HK						
	EH						
Representative in Congress	SS						
	RK						
	CB						

VOTES FOR AND AGAINST EACH QUESTION

Question	Tally of votes FOR			Tally of votes AGAINST			Total of votes FOR	Total of votes AGAINST
1. To _____ _____								
2. To _____ _____								

....
Signature of Recording Judge Signature of Recording Judge
(of different political party)

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

We hereby certify that MC had ..... votes for governor, and HK had ..... votes for governor and EH had ..... votes for governor, that SS had ..... votes for representative in Congress, etc.

We hereby certify that proposition number 1 received ..... votes for and ..... votes against, constitutional amendment number 1 received ..... votes for and ..... votes against, etc.

We, the duly qualified and acting Judges of the polling place for ..... precincts, at the general (special, primary) election held on the ..... of ....., 20..., in ..... county (City of St. Louis, Kansas City), Missouri do hereby certify that the foregoing is a full and accurate return of all votes cast at this polling place for all candidates and for and against all questions.

AB
CD Election Judges
EF
XP

(L. 1977 H.B. 101 § 12.035)
Effective 1-1-78

115.463. Procedure after statements of returns signed (paper ballots).—Immediately after signing the statements of returns, the election judges shall enclose the voted ballots, tally books, tally sheets, statements of returns and other election supplies in containers designated by the election authority.
(L. 1977 H.B. 101 § 12.040)
Effective 1-1-78

115.465. Procedure for returning voted ballots (paper ballots).—1. If the election authority directs the voted ballots to be returned in a ballot box, the box shall be locked and the key removed. Each election judge shall write his name on a strip of paper which shall be pasted over the keyhole of the ballot box and extended over the upper lid of the box and over the top for some distance. The strip shall be pasted in such a manner that the signatures extend across the keyhole and place of opening so that if the box is opened or the key inserted in the keyhole, the paper will be torn and the signatures destroyed. The paper shall be fastened with an adhesive material which will not permit removal of the strip without defacing it.

2. If the election authority directs the voted ballots to be returned in an envelope or other container, the container shall be sealed. Each election judge shall write his name on a strip of paper which shall be pasted over the opening of the container. The strip shall be pasted in such a manner that the signatures extend across the place of opening so that if the container is opened, the paper will be torn and the signatures destroyed. The paper shall be fastened with an adhesive material which will not permit removal of the strip without defacing it.

3. On the outside of the ballot box or other container in which the ballots are returned, the location of the polling place and the date of the election shall be printed.
(L. 1977 H.B. 101 § 12.045)
Effective 1-1-78

115.467. Duties of judges after polls close (electronic voting).—1. As soon as the polls close in each polling place using an electronic voting system, the election judges shall secure the marking devices against further voting and begin to count the write-in votes. If earlier counting of write-in votes is begun pursuant to section 115.469, the election judges shall complete the count in the manner provided in this section. Once begun, the count shall not be adjourned or postponed until all proper write-in votes in the ballot box have been counted.

2. The election judges shall remove the ballot cards from the ballot box and separate the ballots with write-in votes from those without write-in votes. If there is a separate form for write-in votes, all forms on which write-in votes have been recorded shall be consecutively numbered, starting with the number one, and the same number shall be placed on the ballot card of the voter. Where tallying of write-in votes is to be done at the polling place, the election judges shall compare the write-in votes with the votes cast on the ballot card. If the total number of votes

including write-in votes for any office exceeds the number allowed by law, or if a voter has voted more than once for the same person for the same office at the same election, a notation of the fact shall be noted on the back of the ballot card, and it shall be returned with the write-in form, if any, to the counting location in an envelope marked "DEFECTIVE BALLOTS".

3. All proper write-in votes shall be read, recorded and counted as provided in sections 115.449 and 115.453. No write-in vote shall be counted for any candidate for any office whose name appears on the ballot label as a candidate for the office, except when more than one person is to be nominated or elected to an office. When more than one person is to be nominated or elected to an office, the voter may write in the names of one or more persons whose names do not appear on the ballot label with or without the names of one or more persons whose names do appear.

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

(L. 1977 H.B. 101 § 12.050, A.L. 1978 S.B. 582)

115.468. Write-in votes may be tallied at counting center.—At the discretion of the election authority, the verification and tallying of write-in votes may be done at the counting center by teams of election authority employees in lieu of at the polling place.

(L. 1978 S.B. 582)

115.469. Write-in votes, when counted—procedure to follow.—1. If authorized by the election authority, the election judges at any polling place using an electronic voting system may read and record write-in votes before the close of the polls and may send other voted ballots to the counting place. If so authorized, the election judges shall use one ballot box for the deposit of ballots during the first five hours of voting. Between eleven o'clock in the morning and twelve noon, the receiving judges shall deliver the ballot box to the counting and recording judges, who shall give the receiving judges a second empty ballot box. The second ballot box shall be shown to be empty and locked in the manner provided in section 115.423. The second ballot box shall not be opened or removed from public view from the time it is shown to be empty until the time the polls close. The ballot box containing the voted ballots shall be taken to a private area within the polling place, and the write-in votes shall be read and recorded in the manner provided in section 115.467.

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

3. If early counting of write-in votes is begun pursuant to this section, the election authority shall appoint a team of employees or election judges who shall, between the hours of eleven o'clock in the morning and three o'clock in the afternoon, receive the ballot container from the election judges at the polling place and immediately deliver it to the counting location. Each team appointed pursuant to this subsection shall consist of two members, one from each major political party. If any ballot container is not sealed when it is delivered to the counting location, the election official receiving the container shall make a statement of the fact which includes the

location of the polling place and the date of the election printed on the container and the reason the container is not sealed, if known.

4. After delivery to the counting location, any ballot which is damaged and cannot be properly counted by the automatic tabulating equipment may be handcounted or duplicated in the manner provided in subsection 3 of section 115.477.

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

6. Write-in ballots may also be counted as provided in section 115.45l.

(L. 1977 H.B. 101 § 12.053, A.L. 1979 S.B. 275, A.L. 1982 S.B. 526)
Effective 5-20-82

115.471. Certification of tally book and statements of returns as to write-in votes (electronic voting).—At each polling place using an electronic voting system, after the polling place is closed, the election judges shall

(1) Certify in the tally book: the number of ballots cast by reconciling the ballot stubs against the number of identification certificates signed, the number of defective and spoiled ballots, the number of ballots with write-in votes, and the number of ballots received at the polling place which were not cast at the election. If the number of signed identification certificates is not the same as the number of ballots cast, the judges shall make a signed statement of the fact and the reasons therefor, if known, and shall return the statement with the statements of returns;

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

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

(L. 1977 H.B. 101 § 12.055, A.L. 1978 S.B. 582, A.L. 1983 S.B. 234)

115.473. Tally book, form of (electronic voting).—The tally book for each polling place using an electronic voting system shall be in substantially the following form:

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

We hereby certify:

The number of ballots received at this polling place is ....;

The information on the ballot cards and ballot labels received at this polling place is the same as the information on the sample ballots received at this polling place.

AB
CD Election Judges
EF
XP

We hereby certify:

The number of ballots cast at this polling place is .....;
The number of identification certificates signed at this polling place is .....;
The number of defective ballots at this polling place is .....;
The number of spoiled ballots at this polling place is .....;
The number of voters casting proper write-in votes at this polling place is .....;
The number of ballots received at this polling place which were not cast at this election is .....;
AB
CD Election Judges
EF
XP

2. Where tallying of write-in votes is to be done at the polling place, at each polling place using an electronic voting system, two tally sheets shall be included in each tally book. The tally sheets shall be used to record the proper write-in votes and shall be in substantially the same form provided in subsection 2 of section 115.461.

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

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

AB
CD Election Judges
EF
XP

(L. 1977 H.B. 101 § 12.060, A.L. 1978 S.B. 582)

115.475. Return of ballot cards, tally books, and statements of returns, procedure for (electronic voting).—1. Immediately after signing the statements of returns, or earlier if convenient, the election judges shall separate all ballot cards, except defective ballot cards, from the write-in forms if any. As soon as possible after signing the statements of returns, the election judges shall enclose the ballot cards, the envelope marked "DEFECTIVE BALLOTS", all write-in forms containing proper votes, and the tally book, tally sheets and statements of returns in a container designated by the election authority. The container shall be securely sealed in such a manner that if the container is opened, the seal will be broken beyond repair. On the outside of the container, the location of the polling place and date of the election shall be printed.

2. As soon as possible after signing the statements of returns, the election judges shall enclose the write-in forms containing no votes, the unused ballots and other election supplies in containers designated by the election authority.

3. Immediately after the ballot cards and other election materials have been placed in the proper containers, the two supervisory judges shall together deliver the containers to the counting location or other place designated by the election authority. If any ballot card container is not sealed when it is delivered to the counting location or other place designated by the election authority, the election official receiving the container shall make a statement of the fact which includes the location of the polling place and the date of the election printed on the container and the reason the container is not sealed, if known.

4. If the election authority has directed the supervisory judges to deliver election materials to a place other than the counting location, the election authority shall appoint at least one team of election judges who shall receive the ballot containers from the supervisory judges and immediately deliver them to the counting location. Each team appointed pursuant to this subsection shall consist of two election judges or employees of the election authority, one from each major political party.

5. The election authority may authorize the delivery of ballots voted prior to 11:00 a.m. to the counting location prior to the closing of the polls.

(L. 1977 H.B. 101 § 12.065, A.L. 1983 S.B. 234)

115.477. Ballot cards, procedure for counting (electronic voting).—1. In each jurisdiction using an electronic voting system, all proceedings at the counting location shall be under the direction of the election authority. The election authority shall appoint two judges, one from each major political party, to be present and observe the count. The counting shall be open to the

public, but no persons, except those employed and authorized for the purpose, shall touch any ballot, ballot container or return.

2. All ballot cards shall be counted in order by polling place. The automatic tabulating equipment shall produce a return showing the total number of votes cast for each candidate and on each question at each polling place and in the jurisdiction as a whole.

3. If any ballot is damaged and cannot be properly counted by the automatic tabulating equipment, it may be handcounted in the manner provided for absentee ballots, or a true duplicate copy may be made of the defective ballot. If any ballot contains a number of votes and write-in votes for any office which exceeds the number allowed by law, it may be handcounted in the manner provided for absentee ballots, a true duplicate copy be made which does not include the invalid votes or, at the discretion of the election judges, a self-adhesive removable label, sensitized, may be placed over any mark to allow the ballot to be processed through the automatic tabulating equipment. The duplication of each ballot shall be closely observed by two election judges or employees of the election authority, one from each major political party. Each duplicate ballot shall be clearly labeled "duplicate", shall bear a serial number which shall be recorded on the defective ballot, and shall be counted in lieu of the defective ballot.
(L. 1977 H.B. 101 § 12.070, A.L. 1979 S.B. 275)

115.479. Tabulating equipment to be tested, when (electronic voting).—In each jurisdiction using an electronic voting system, the election authority shall, after the count has been completed and the results received, have the automatic tabulating equipment tested to ascertain that the equipment has correctly counted the votes for all offices and on all questions. The test shall be observed by at least two persons designated by the election authority, one from each major political party, and shall be open to the public. The test shall be conducted by processing the same preaudited group of ballot cards used in the preelection test provided for in section 115.233. If any error is detected, the cause shall be ascertained and corrected, and an errorless count shall be made before the final results are announced. After the completion of an errorless count, the programs and the ballot cards shall be sealed, retained and disposed of as provided for paper ballots.
(L. 1977 H.B. 101 § 12.075, A.L. 1997 S.B. 132)

115.481. Official return of polling place, contents of (electronic voting).—The final and correct return printed by the automatic tabulating equipment added to the write-in, absentee and handcounted votes shall be the official return of each polling place and the jurisdiction.
(L. 1977 H.B. 101 § 12.080)
Effective 1-1-78

115.483. Duties of judge after polls close (voting machines).—1. As soon as the polls close in each polling place using voting machines, the election judges shall lock and seal each voting machine against further voting and proceed to count the votes. Once begun, the count shall not be adjourned or postponed until all proper votes have been counted.

2. The election judges shall open the counting compartment on each voting machine or, if a machine is equipped with a device for printing, embossing or photographing the registering counters, the judges shall operate the machine to produce a record of the counters. One counting judge shall read the total vote cast for each candidate and for and against each question on each machine. The other counting judge shall watch and verify each total as it is being read from the recording counters or from the record of the counters. The two recording judges shall each record the votes cast for each candidate and for and against each question as they are called out and verified by the counting judges.

3. All proper write-in votes shall be read, recorded and counted as provided in sections 115.449 and 115.453. No write-in vote shall be counted for any candidate for any office whose

name appears on the ballot label as a candidate for the office, except when more than one person is to be nominated or elected to an office. When more than one person is to be nominated or elected to an office, the voter may write in the names of one or more persons whose names do not appear on the ballot label with or without the names of one or more persons whose names do appear. No write-in vote shall be counted unless it is cast in the appropriate place on the machine.

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

(L. 1977 H.B. 101 § 12.085)
Effective 1-1-78

115.485. Certification of tally book and statements of returns (voting machines).—At each polling place using voting machines, after the polling place is closed, the judges shall

(1) Certify in the tally book the number on the protective counter of each machine, the number of identification certificates signed and the number of proper write-in votes cast at the polling place. If the number of signed identification certificates is not the same as the number of votes cast as registered on the protective counters, the judges shall make a signed statement of the fact and the reasons therefor if known and shall return the statement with the statements of returns;

(2) Certify on two statements of returns the total number of votes cast for each candidate and for and against each question at the polling place;

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

(L. 1977 H.B. 101 § 12.090)
Effective 1-1-78

115.487. Tally book, form of—tally sheet, form of (voting machines).—The tally book for each polling place using voting machines shall be in substantially the following form:

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

We hereby certify:

This polling place received voting machines numbered ..... and .....;

The number on the seal of voting machine number ..... is .....; the number on its protective counter is .....;

The number on the seal of voting machine number ..... is .....; the number on its protective counter is .....;

All recording counters on all voting machines received at this polling place are set at zero;

The information on the ballot labels on all voting machines received at this polling place is the same as the information on the sample ballots received at this polling place.

AB
CD
EF Election Judges
XP

We hereby certify:
The number on the protective counter of voting machine number ..... is .....;
The number on the protective counter of voting machine number ..... is .....;
The number of identification certificates signed at this polling place is .....;
The number of proper write-in votes cast at this polling place is .....
AB
CD
EF
XP

2. At each polling place using voting machines, two tally sheets shall be included in each tally book. The tally sheets shall be used to record the votes cast for each candidate and for and against each question as they are called out and verified by the counting judges. The tally sheets shall be in substantially the following form:

NAMES OF PERSONS VOTED FOR AND FOR WHAT OFFICE
AND THE NUMBER OF VOTES CAST FOR EACH PERSON

Office	Candidates	Voting Machine Number ____	Voting Machine Number ____	Write-in Votes	Total Votes
Governor	MC				
	HK				
	EH				
Representative in Congress	SS				
	RK				
	CB				

VOTES FOR AND AGAINST EACH QUESTION

Question	Voting Machine Number ____		Voting Machine Number ____		Total Number of Votes	Total Number of Votes
	Votes FOR	Votes AGAINST	Votes FOR	Votes AGAINST	FOR	AGAINST
1. To _____ _____ _____						
2. To_____ _____ _____						

3. At each polling place using voting machines, two statements of returns shall be provided to the election judges. The statements of returns shall be in substantially the form provided in subsection 3 of section 115.461.

(L. 1977 H.B. 101 § 12.095)
Effective 1-1-78

115.489. Statements of returns, tally book, write-in votes and election supplies, how returned to election authority (voting machines).—1. Immediately after signing the statements of returns, the election judges shall enclose the write-in votes, tally books, statements of returns and other election supplies in containers designated by the election authority.

2. In each jurisdiction using voting machines, the election authority may direct the supervisory judges to place the precinct registers, identification certificates and other election supplies inside the voting machines and lock them for return to the election authority.

(L. 1977 H.B. 101 § 12.100)
Effective 1-1-78

115.491. Supervisory judges to return ballots and supplies to election authority, when.— 1. Except as otherwise expressly provided in this subchapter, the two supervisory judges, one from each major political party, shall return the voted ballots, the ballots marked "REJECTED", "SPOILED", and "DEFECTIVE", the tally sheets, tally books and statements of returns, the registration records and other election supplies from each polling place to the election authority as soon as possible, but in no case later than two hours after the signing of the returns at the polling place. The election authority shall keep its office open until all ballots, returns and other election materials have been received. If any voted ballot container is not sealed, the election authority shall make a written statement of the facts which includes the location of the polling place and date of the election printed on the container and the reason the container is not sealed, if known.

2. If the election authority directs the voted ballots to be returned in a ballot box, one supervisory judge shall return the ballot box, one set of tally sheets and one statement of returns. The other supervisory judge shall return the keys to the ballot box, the tally book, the other set of tally sheets and the other statement of returns. If the election authority directs the voted ballots or write-in votes to be returned in sacks or other containers, one supervisory judge shall return the containers of voted ballots, one set of tally sheets and one statement of returns. The other supervisory judge shall return the other set of tally sheets and the other statement of returns.

(L. 1977 H.B. 101 § 12.105)
Effective 1-1-78

115.493. Ballots and records to be kept one year, may be inspected, when.—The election authority shall keep all voted ballots, ballot cards, processed ballot materials in electronic form and write-in forms, and all applications, statements, certificates, affidavits and computer programs relating to each election for twelve months after the date of the election. During the time that voted ballots, ballot cards, processed ballot materials in electronic form and write-in forms are kept by the election authority, it shall not open or inspect them or allow anyone else to do so, except upon order of a legislative body trying an election contest, a court or a grand jury. After twelve months, the ballots, ballot cards, processed ballot materials in electronic form, write-in forms, applications, statements, certificates, affidavits and computer programs relating to each election may be destroyed. If an election contest, grand jury investigation or civil or criminal case relating to the election is pending at the time, however, the materials shall not be destroyed until the contest, investigation or case is finally determined.

(L. 1977 H.B. 101 § 12.110, A.L. 2002 S.B. 675)

115.495. Voting machine to be kept locked—machine unlocked, when.—After being locked and sealed against further voting by the election judges, voting machines shall remain locked for the period provided by law for filing an election contest and as much longer as may be necessary or advisable because of any threatened or pending contest, grand jury investigation, or civil or criminal case relating to the election. During this time, the voting machines shall not be unlocked, except upon order of a court, grand jury or legislative body trying an election contest.

(L. 1977 H.B. 101 § 12.115, A.L. 1988 H.B. 1216, A.L. 1997 S.B. 132)

115.497. Verification board to convene, when.—As soon as practicable after each election, the election authority shall convene a verification board to verify the count and certify the results of the election.

(L. 1977 H.B. 101 § 12.130)
Effective 1-1-78

115.499. Verification board, how constituted.—1. Where the election authority is a board of election commissioners, the board of election commissioners shall be the verification board.

2. Where the election authority is a county clerk, the county clerk and two verification judges, one from each major political party, shall be the verification board. The county clerk may, as he

deems necessary, designate an even number of additional verification judges, one-half from one major political party and one-half from the other major political party. The verification judges shall possess the same qualifications as election judges. Not later than the second Tuesday preceding an election, the county clerk shall request and the county committee of each major political party in the jurisdiction of the election authority shall submit to the election authority a list containing the names of at least six persons qualified to serve on the verification board. Not later than the first Tuesday preceding the election, the election authority shall appoint not less than one person from each of the lists to serve on the verification board. If either county committee fails to present the prescribed number of names of qualified persons by the time prescribed, the election authority shall select and appoint a member or members of the verification board from the party.

(L. 1977 H.B. 101 § 12.305, A.L. 1993 S.B. 31)

115.501. Verification board, duties of—meetings, when.—As soon as possible after an election in which paper ballots or ballot cards are used, the verification board shall meet and check the addition and figures on all tally sheets and statements of returns and shall compare its record with the returns made by the election judges and the election authority on the day of the election. Before meeting, the verification board shall give notice of the time and place of the meeting to each independent and new party candidate and the chairman of the county committee of each political party named on the ballot at the election. The meeting and proceedings of the verification board shall be open to a representative of each independent candidate and political party named on the ballot. If there is a discrepancy between the returns of the election judges and the election authority and the record of the verification board, the verification board shall correct the returns made by the judges and election authority to conform to its record. The corrected returns shall supersede the returns made by the election judges and the election authority on election day. Both the record and the returns shall be retained by the election authority as provided in section 115.493.

(L. 1977 H.B. 101 § 12.310)
Effective 1-1-78

115.503. Verification board to inspect or cause inspection of voting machines.—1. As soon as possible after an election in which voting machines are used, the verification board, or a bipartisan committee appointed by the verification board, shall inspect each voting machine not equipped with printed election return mechanisms used at the election and shall make a record of the number on the seal and protective counter of each machine, open the counter compartment of the machine and, without unlocking the machine against voting, record the votes cast on the machine. In precincts where voting machines equipped with printed election returns mechanisms are used, the counter compartment shall not be opened and the original and duplicate originals of the printed return sheets of the votes cast on questions and for candidates regularly nominated, or who have duly filed, together with the tabulation and inclusion of any votes written in on the paper roll for those not regularly nominated, or who have not filed, shall constitute the official return sheet for the votes cast on that machine, when properly certified by the precinct election officers. One copy of such printed return sheet shall be posted on the outside of the polling place for the information of the public. One copy shall be returned to the election authority and retained by it for not less than one year. Any bipartisan committee appointed pursuant to this subsection shall consist of at least two people, one from each major political party, who shall be appointed in the same manner and possess the same qualifications as election judges.

2. After the verification board or committee has completed its inspection and record, it shall compare the record with the returns made by the election judges on election day. If there is a discrepancy between the returns of the election judges and the record of the verification board or committee, the verification board shall correct the returns made by the judges to conform to its

record. The corrected returns shall supersede the returns made by the election judges on election day. Both the record and the returns shall be retained by the election authority as provided in section 115.493.

(L. 1977 H.B. 101 § 12.315, A.L. 1978 S.B. 774)
Effective 4-28-78

115.505. Corrected returns prima facie evidence in election contests.—In case of an election contest, the corrected returns of the verification board shall be prima facie evidence of the vote at the election to the same extent and in the same manner as are the returns of the election judges and election authority on election day.

(L. 1977 H.B. 101 § 12.320)
Effective 1-1-78

115.507. Announcement of results by verification board, contents, when due—abstract of votes to be official returns.—1. Not later than the second Tuesday after the election, the verification board shall issue a statement announcing the results of each election held within its jurisdiction and shall certify the returns to each political subdivision and special district submitting a candidate or question at the election. The statement shall include a categorization of the number of regular and absentee votes cast in the election, and how those votes were cast, provided however, that absentee votes shall not be reported separately where such reporting would disclose how any single voter cast his or her vote. When absentee votes are not reported separately the statement shall include the reason why such reporting did not occur. Nothing in this section shall be construed to require the election authority to tabulate absentee ballots by precinct on election night.

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

3. Any home rule city with more than four hundred thousand inhabitants and located in more than one county may by ordinance designate one of the election authorities situated partially or wholly within that home rule city to be the verification board that shall certify the returns of such city submitting a candidate or question at any election and shall notify each verification board within the city of that designation by providing each with a copy of such duly adopted ordinance. Not later than the second Tuesday after any election in any city making such a designation, each verification board within the city shall certify the returns of such city submitting a candidate or question at the election to the election authority so designated by the city to be its verification board, and such election authority shall announce the results of the election and certify the cumulative returns to the city in conformance with subsections 1 and 2 of this section not later than ten days thereafter.

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

(L. 1977 H.B. 101 § 12.325, A.L. 1978 H.B. 1694, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2002 H.B. 1636 merged with S.B. 675 merged with S.B. 962)
**Article V, section 29 of the Missouri Constitution was repealed in 1976 by SJR 24.*
(1980) "Official announcement" of results of primary election for state office is announcement of Secretary of State pursuant to final determination of primary election results by board of state canvassers, and not announcement by county clerk. Black v. Bockenkamp (A.), 607 S.W.2d 176.

115.509. Messenger to be sent for abstract of votes, when.—If the secretary of state fails to receive any abstract for one mail after it is due, he shall dispatch a messenger to the county not returned, with the direction to deliver the abstract, unless circumstances clearly justify a longer delay, which in no case shall exceed thirty days.
(L. 1977 H.B. 101 § 12.330)
Effective 1-1-78

115.511. Board of state canvassers to convene, when—secretary of state to announce results, when.—1. The secretary of state shall convene the board of state canvassers to total the abstracts of each primary election and the board shall, not later than two weeks after receiving all required abstracts from the primary election, issue a statement announcing the results of the primary election for federal officers, governor, lieutenant governor, state senators and representatives, circuit judges, secretary of state, attorney general, state treasurer and state auditor.

2. The secretary of state shall convene the board of state canvassers to total the abstracts of each general election and the board shall, not later than the second Tuesday in December following the general election, issue a statement announcing the results of the general election for federal officers, governor, lieutenant governor, state senators and representatives, circuit judges, appellate and circuit judges subject to the provisions of article V, section 25 of the state constitution, secretary of state, attorney general, state treasurer and state auditor.

3. The secretary of state shall convene the board of state canvassers to total the abstracts of each special election at which the name of a candidate for nomination or election to the office of United States senator, representative in Congress, governor, lieutenant governor, state senator, state representative, circuit judge not subject to the provisions of article V, section 25 of the state constitution, secretary of state, attorney general, state treasurer or state auditor, or at which an initiative, referendum or constitutional amendment appears on the ballot, and the board shall, not later than two weeks after receiving all required abstracts from the election, issue a statement announcing the results of the election for such office or on such question.
(L. 1977 H.B. 101 § 12.335, A.L. 1978 H.B. 1634, A.L. 1997 S.B. 132)
(1980) "Official announcement" of results of primary election for state office is announcement of Secretary of State pursuant to final determination of primary election results by board of state canvassers, and not announcement by county clerk. Black v. Bockenkamp (A.), 607 S.W.2d 176.

115.512. Votes for gubernatorial candidates, how reported.—Each election authority shall report the vote for each candidate for governor by committee district for each congressional district, senatorial district, and legislative district wholly or partially contained within the jurisdiction of the election authority to the chairman of the county committee of each established political party and to the secretary of state.
(L. 1982 S.B. 526)
Effective 5-20-82

115.513. Evidence of fraud or violation of law discovered by verification board to be reported.—If any verification board, bipartisan committee, election authority or the secretary of state obtains evidence of fraud or any violation of law during a verification, it shall present such evidence immediately to the proper authorities.
(L. 1977 H.B. 101 § 12.340)
Effective 1-1-78

115.515. Tie vote in primary election, procedure to be followed.—1. If two or more persons receive an equal number of votes for nomination as a party's candidate for any federal office, governor, lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, circuit judge not subject to the provisions of article V, section 29 of the state constitution, state senator or state representative, and a higher number of votes than any other candidate for the same office on the same party ballot, the governor shall, immediately after the results of the election have been announced, issue a proclamation stating the fact and ordering a special primary election to determine the party's nominee for the office. The proclamation shall set the date of the election, which shall be not less than fourteen or more than thirty days after the proclamation is issued, and shall be sent by the governor to each election authority responsible for conducting the special primary election. In his proclamation, the governor shall specify the name of each candidate for the office to be voted on at the election, and the special primary election shall be conducted and the votes counted as in other primary elections.

2. If two or more persons receive an equal number of votes for nomination as a party's candidate for any other office, except party committeeman or committeewoman, and a higher number of votes than any other candidate for the same office on the same party ballot, the officer with whom such candidates filed their declarations of candidacy shall, immediately after the results of the election have been certified, issue a proclamation stating the fact and ordering a special primary election to determine the party's nominee for the office. The proclamation shall set the date of the election, which shall be not less than fourteen or more than thirty days after the proclamation is issued, and shall be sent by the officer to each election authority responsible for conducting the special primary election. In his proclamation, the officer shall specify the name of each candidate for the office to be voted on at the election, and the special primary election shall be conducted and the votes counted as in other primary elections.

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

(L. 1977 H.B. 101 § 12.345, A.L. 1993 S.B. 31)
Effective 6-30-93
**Article V, section 29 of the Missouri Constitution was repealed in 1976 by SJR 24.*

115.517. Tie vote in general election, procedure to be followed.—1. If two or more persons receive an equal number of votes for election to the office of governor, lieutenant governor, secretary of state, state auditor, state treasurer or attorney general, and a higher number of votes than any other candidate for the same office, the secretary of state shall, immediately after the results of the election have been announced, issue a proclamation stating the fact, and the general assembly shall, by joint vote and without delay at its next regular session, choose one of such persons for the office. The speaker of the house shall file a certificate declaring which person has been elected to the office with the secretary of state.

2. If two or more persons receive an equal number of votes for election to federal office, state senator, state representative or circuit judge not subject to the provisions of article V, section 25 of the state constitution, and a higher number of votes than any other candidate for the same office, the governor shall, immediately after the results of the election have been announced, issue a proclamation stating the fact and ordering a special election to determine which candidate is elected to the office. The proclamation shall set the date of the election and shall be sent by the governor to each election authority responsible for conducting the special election. In his procla-

mation, the governor shall specify the name of each candidate for the office to be voted on at the election, and the special election shall be conducted and the votes counted as in other elections.

3. If two or more persons receive an equal number of votes for nomination or election to any office not otherwise provided for in section 115.515 or this section, and a higher number of votes than any other candidate for nomination or election to the same office, the officer with whom such candidates filed their declarations of candidacy shall, immediately after the results of the election have been certified, issue a proclamation stating the fact and ordering a special election to determine which candidate is elected to the office. The proclamation shall set the date of the election and shall be sent by the officer to each election authority responsible for conducting the special election. In his proclamation, the officer shall specify the name of each candidate for the office to be voted on at the election, and the special election shall be conducted and the votes counted as in other elections.

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

(L. 1977 H.B. 101 § 12.350, A.L. 1978 H.B. 1634, A.L. 1993 S.B. 31)
Effective 6-30-93

115.519. Runoff election between tied candidates only.—Only the names of those persons who have received an equal number of votes for nomination to an office at party primary and a higher number of votes than any other candidate for the same office on the same party ballot shall appear on the special primary election ballot. Only the names of those persons who have received an equal number of votes for nomination or election to an office at any other election, and a higher number of votes than any other candidate for the same office at the same election shall appear on the special election ballot.

(L. 1977 H.B. 101 § 12.360)
Effective 1-1-78

115.521. Notice of runoff election published, when.—Except as provided in subsection 2 of section 115.023, each election authority receiving a proclamation ordering a special election to decide a tie vote shall cause legal notice of the election to be published once in the fourteen days prior to the election. The notice shall be published in a newspaper of general circulation in the election authority's jurisdiction and shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. The election authority may provide any additional notice of the election it deems desirable.

(L. 1977 H.B. 101 § 12.365)
Effective 1-1-78

115.523. Certificate of nomination to issue, when—certificate of election to issue, when.— 1. As soon as possible after each primary election, each person nominated for an office at the primary election shall be issued a certificate of nomination.

2. As soon as possible after each other election, each person elected to an office at the election shall be issued a certificate of election.

3. The certificate shall be issued to each person nominated or elected by the officer responsible for accepting such person's declaration of candidacy.

(L. 1977 H.B. 101 § 12.370)
Effective 1-1-78

115.525. Each house of general assembly to receive list of its newly elected members, when.—Within two days after the first meeting of each general assembly, the secretary of state shall lay before each house a list of its elected members, consistent with the abstracts in his office.
(L. 1977 H.B. 101 § 12.375)
Effective 1-1-78

ELECTION CONTESTS

115.526. Qualifications of candidates may be challenged, by whom, procedure—disqualification, when.—1. Any candidate for nomination to an office at a primary election may challenge the declaration of candidacy or qualifications of any other candidate for nomination to the same office to seek or hold such office, or to have his name printed on the ballot, and any candidate for election to an office at a general or special election may challenge the declaration of candidacy or qualifications of any other candidate for election to the same office to seek or hold such office or to have his name printed on the ballot. Except as provided in sections 115.563 to 115.573, challenges shall be made by filing a verified petition with the appropriate court as is provided for in case of a contest of election for such office in sections 115.527 to 115.601. The petition shall set forth the points on which the challenger wishes to challenge the declaration of candidacy or qualifications of the candidate and the facts he will prove in support of such points, and shall pray leave to produce his proof.

2. In the case of challenge to a candidate for nomination in a primary election, the petition shall be filed not later than thirty days after the final date for filing for such election. Except as otherwise provided by law, in the case of challenge to a candidate for election to an office in a general or special election, the petition shall be filed not later than five days after the latest date for certification of a candidate by the officer responsible for issuing such certification. In the case of a disability occurring after said respective deadlines, the petition shall be filed not later than five days after the disability occurs or is discovered. Answers to the petition may be filed at the time and as provided in sections 115.527 to 115.601, specifying the qualifications of the candidate for holding the office for which he is a candidate for election or for nomination.

3. The procedure in such matters shall be the same as that provided in sections 115.527 to 115.601, to the extent that it is applicable and not in conflict with the provisions of this section. For the purposes of this section, as used in sections 115.527 to 115.601 the word **"contestant"** shall mean the challenger and the word **"contestee"** shall mean the candidate whose declaration of candidacy or qualifications are challenged. If the court determines that the candidate challenged is not qualified to seek or hold the office for which he is a candidate for nomination or for election or to have his name printed on the ballot, it shall so rule. The right of appeal exists, and may be taken, as provided in sections 115.527 to 115.601.

4. Any candidate finally determined to be not qualified to seek or hold the office for which he is a candidate for nomination or for election shall be disqualified as a candidate for nomination for such office at the primary election or as a candidate for election to such office at the general or special election, as the case may be. Except as otherwise provided by law, whenever a candidate for nomination or election to an office dies, withdraws or is disqualified prior to the election, such candidate's name shall not be printed on the official ballot.
L. 1982 S.B. 526, A.L. 1993 S.B. 31)

115.527. Challenge of nomination at primary, who may make.—Any candidate for nomination to an office at a primary election may challenge the correctness of the returns for the nomination charging that irregularities occurred in the election.
(L. 1977 H.B. 101 § 13.001)
Effective 1-1-78

115.529. Circuit court to hear primary election contests.—Circuit courts shall have jurisdiction to hear and determine all primary election contests.

(L. 1977 H.B. 101 § 13.005)
Effective 1-1-78

115.531. Petition to contest primary election, contents of—filing in incorrect circuit, procedure.—1. Not later than five days after the official announcement of the results of a primary election is issued by the election authority or the secretary of state, as the case may be, any candidate desiring to contest the primary election shall file a verified petition in the office of the clerk of the circuit court of any circuit in which part of the election was held and in which any alleged irregularity occurred, unless the office involved in the contest is that of a circuit or associate circuit judge not subject to section 25, article V, Constitution of Missouri, in which case the verified petition shall be filed, heard, and determined by an adjoining circuit court selected by the contestant as specified in section 115.575. The contestant shall only be required to file one petition with the circuit court for each election contest regardless of the number of counties within the court's jurisdiction. The petition shall set forth the points on which the contestant wishes to contest the election and the facts the contestant will prove in support of such points, and shall pray leave to produce such proof. The judge of the court shall immediately note on the petition the date it was filed and shall immediately set a date, not later than five days after the petition is filed, for a preliminary hearing. If the petition is filed in vacation, the judge of the circuit court shall immediately convene the court in special session for the purpose of hearing the contest. If no regular judge of the court is available the supreme court shall immediately assign another judge. The circuit court in which the petition is filed shall have exclusive jurisdiction over all matters relating to the contest and may issue appropriate orders to all election authorities in the area in which the contested election was held.

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

(L. 1977 H.B. 101 § 13.010, A.L. 1997 S.B. 132, A.L. 2003 H.B. 133)
(1980) "Official announcement" of results of primary election for state office is announcement of Secretary of State pursuant to final determination of primary election results by board of state canvassers, and not announcement by county clerk. Black v. Bockenkamp (A.), 607 S.W.2d 176.

115.533. Procedure after petition filed.—1. Immediately after a petition is filed, the clerk of the circuit court shall issue a summons upon the petition to the contestee, returnable by the day designated by the circuit court to the circuit court. The summons shall be served in any county of the state in the same manner provided for service of process in civil actions. If the contestee cannot be found within two days, the summons shall be served by leaving the summons and a copy of the petition at the residence address shown on the contestee's declaration of candidacy and by posting the summons in a conspicuous place in the office of the clerk of the circuit court.

2. Immediately after the petition is filed, the clerk of the circuit court shall send by certified or registered mail a certified copy of the petition to the officer responsible for issuing the statement announcing the results of the contested election and to each election authority responsible for conducting the election in any area where an alleged irregularity occurred. All officers and election authorities so notified shall immediately suspend all action on the office until the contest has been determined.

3. Not later than four days after the petition is filed, the contestee may file an answer to the petition, specifying reasons why his nomination should not be contested. If the contestee wishes to contest the validity of any votes given to the contestant, he shall set forth in his answer the votes he wishes to contest, and the facts he will prove in support of such contest and shall pray leave to produce his proof.

(L. 1977 H.B. 101 § 13.015)
Effective 1-1-78

115.535. Election contest to have preference in order of hearing.—The contested election shall have preference in the order of hearing to all other cases and shall be commenced at the date set and heard day to day, including evenings and weekends if necessary, until determined. There shall be no continuances except by consent, so that the case may be concluded not later than the tenth Tuesday prior to the general election.
(L. 1977 H.B. 101 § 13.020, A.L. 1993 S.B. 31, A.L. 1996 H.B. 1557 & 1489)
Effective 6-13-96

115.537. Hearing on necessity for recount, when.—Not later than five days after the petition is filed, a preliminary hearing shall be held to determine whether there shall be a recount and not to determine what the recount would show. The court shall hear all evidence by the contestant and contestee bearing on the alleged irregularities.
(L. 1977 H.B. 101 § 13.025)
Effective 1-1-78

115.539. Circuit court to order recount of votes, when.—If the court finds there is a prima facie showing of irregularities which place the result of the primary election in doubt, the court shall order a recount of all votes brought in question by the petition or its answer. Where the issue is drawn over the validity of certain votes cast, a prima facie case is made if the validity of a number of votes equal to or greater than the margin of defeat is placed in doubt. The court may order a recount of all votes brought in question by the petition or its answer at any time if it finds that the primary election result is placed in doubt. All materials and records relating to the contested election may be subpoenaed and all information contained therein shall be subject to the rules of discovery in civil cases. During a recount, the court may hear additional evidence offered by any party bearing on any issue relating to the contested election.
(L. 1977 H.B. 101 § 13.030)
Effective 1-1-78

115.541. Recount, primary election, irregularities in election—how conducted.—1. Whenever a recount is ordered pursuant to section 115.539, the court shall order all materials and records relating to the contest brought before it, so that the court has the same materials and records as the election judges had while making the count and statements of returns. The court shall have authority to pass upon the form and determine the legality of the votes brought into question and to determine the qualifications of any voter whose vote is brought into question, provided that the name of a voter upon a precinct register for the polling place shall be prima facie evidence of the proper qualifications of the voter. A comparison may be made between the signatures on the identification certificates and those which appear in the precinct registers, and no votes shall be counted except the votes of registered voters and those entitled to vote as provided in section 115.277 without being registered. No votes of any person found by the court to be unqualified to vote at the primary election shall be counted.

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

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

4. Whenever a recount of votes cast on ballot cards is ordered pursuant to section 115.539 or 115.601, the court shall supervise a test of the automatic tabulating equipment conducted in the manner provided in section 115.233 and shall cause the votes to be recounted automatically or may order a hand count of the votes. In its discretion, the court may order a new computer program to be made, which shall be tested in the manner provided in section 115.233 before the votes in question are recounted automatically.
(L. 1977 H.B. 101 § 13.035, A.L. 1993 S.B. 31)

115.543. Court to appoint persons making recount—persons authorized to be present during recount.—Whenever a recount is ordered pursuant to section 115.539 or 115.601, the court shall determine the number of persons necessary to assist with the recount and shall appoint such persons equally from lists submitted to the court by the contestant and the contestee. Each person appointed pursuant to this section shall be a disinterested person and a registered voter of the area in which the contested election was held. Each person so appointed shall take the oath prescribed for and receive the same pay as an election judge in the jurisdiction where he is registered. After being sworn not to disclose any facts uncovered by the recount, except those which are contained in the court report, the contestant and the contestee shall be permitted to be present in person or represented by an attorney at the recount to observe the recount. Each recount shall be completed under the supervision of the court, and the persons appointed to assist with the recount shall perform such duties as the court shall direct. Upon completion of any duties prescribed by the court, the persons appointed to assist with the recount shall make a written and signed report of their findings to the court. The findings of the persons appointed to assist with the recount shall be prima facie evidence of the facts stated therein, but any person present at the examination of the votes may be a witness to contradict the findings. No one other than the election authority, representatives of the court, the contestant and contestee, their attorneys, and those specifically appointed by the court to assist with the recount shall be present during any recount ordered pursuant to the provisions of section 115.539.
(L. 1977 H.B. 101 § 13.040, A.L. 1993 S.B. 31)

115.545. Court to render judgment, when—effect of judgment.—Upon completion of the procedures provided for in this subchapter, the court shall render its judgment based upon the issues of law and fact and cause a certified copy of its judgment to be transmitted to each affected election authority and to the secretary of state. Each election authority to which a copy of the judgment is sent and the secretary of state shall correct their records to conform to the judgment.
(L. 1977 H.B. 101 § 13.045)
Effective 1-1-78

115.547. Contestant to post bond, when.—In each case of a contested primary election, the court may require the contestant to post bond for the costs and expenses of the election contest. The costs and expenses of any election contest, including the cost and expense of a recount, may be adjudged against the unsuccessful party with the payment of the costs and expenses enforceable as in civil cases.
(L. 1977 H.B. 101 § 13.050, A.L. 1988 H.B. 933, et al.)

115.549. New primary election may be ordered, when.—If any court trying a contested primary election determines there were irregularities of sufficient magnitude to cast doubt on the validity of the initial election, it may order a new primary election for the contested office. The order shall set the date of the election, which shall not be less than fourteen or more than thirty days after the order is issued, and shall be sent by the clerk of the court to each election authority responsible for conducting the special election. In its order, the court shall specify the name of each candidate for the office to be voted on at the special election, and the election shall be conducted and the votes counted as in other primary elections. Notice of the election shall be given in such manner as the court directs. The person receiving the highest number of votes at a special party primary election shall be his party's nominee for the contested office. The requisite number of persons receiving the highest number of votes at any other special primary election shall be the nominees for the office.
(L. 1977 H.B. 101 § 13.055)
Effective 1-1-78
(1980) Legislative intent in Election Act was that primary election contests be fully decided prior to general election. Black v. Bockenkamp (A.), 607 S.W.2d 176.

115.551. Appeal, how taken.—Either party to the contest may appeal the judgment of the circuit court to the court of appeals of the appropriate jurisdiction, who shall give the case preference in the order of hearing to all other cases, modify its rules to the extent necessary in order to conclude the appeal as many days prior to the general election as possible and hear the case in the manner of appeals of cases in equity. The practice and procedure prescribed in civil actions shall be followed in all respects not inconsistent with the provisions of sections 115.527 to 115.551. In every case of such appeal, a bond with sufficient sureties conditioned for the payment of the costs accrued and to accrue in the cause may be required by any court in which the case is* pending.

(L. 1977 H.B. 101 § 13.060)
Effective 1-1-78
**Word "in" appears in original rolls.*
(1979) There is no doubt the legislature in the comprehensive Election Act intended primary election contests to be fully decided prior to the general election. Edwards v. Kelly (A.), 578 S.W.2d 357.
(1980) Legislative intent in Election Act was that primary election contests be fully decided prior to general election. Black v. Bockenkamp (A.), 607 S.W.2d 176.

115.553. Candidate may challenge returns—registered voter of area may contest result.—1. Any candidate for election to any office may challenge the correctness of the returns for the office, charging that irregularities occurred in the election.

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

(L. 1977 H.B. 101 § 13.100)
Effective 1-1-78

115.555. Contest of state office election to be heard by supreme court.—All contested elections for the office of governor, lieutenant governor, secretary of state, attorney general, state treasurer and state auditor shall be heard and determined by the supreme court. Likewise, all contests to the results of elections on constitutional amendments, on state statutes submitted or referred to the voters, and on questions relating to the retention of appellate and circuit judges subject to article V, section 25 of the state constitution shall be heard and determined by the supreme court.

(L. 1977 H.B. 101 § 13.105, A.L. 1978 H.B. 1634)
Effective 1-2-79

115.557. Election contest to be filed, when.—Not later than thirty days after the official announcement of the election result by the secretary of state, any person authorized by section 115.553 who wishes to contest the election for any office or on any question provided in section 115.555, shall file a verified petition in the office of the clerk of the supreme court. The petition shall set forth the points on which the contestant wishes to contest the election and the facts he will prove in support of such points, and shall pray leave to produce his proof. The supreme court shall have exclusive jurisdiction over all matters relating to the contest and may issue appropriate orders to all election authorities in the area in which the contested election was held.

(L. 1977 H.B. 101 § 13.110)
Effective 1-1-78

115.559. Procedure after filing of petition.—1. Immediately after a petition is filed, the clerk of the supreme court shall issue a summons upon the petition to the contestee, returnable by the day designated by the supreme court to the supreme court. The summons shall be served in any

county of the state in the same manner provided for service of process in civil actions. If the contestee cannot be found within two days, the summons shall be served by leaving the summons and a copy of the petition at the residence address shown on the contestee's declaration of candidacy and by posting the summons in a conspicuous place in the office of the clerk of the supreme court.

2. Immediately after the petition is filed, the clerk of the supreme court shall send by certified or registered mail a certified copy of the petition to the secretary of state and to each election authority responsible for conducting the election in any area where an alleged irregularity occurred.

3. Not later than fifteen days after the petition is filed, the contestee may file an answer to the petition, specifying reasons why his nomination should not be contested. If the contestee wishes to contest the validity of any votes given to the contestant, he shall set forth in his answer the votes he wishes to contest and the facts he will prove in support of such contest and shall pray leave to produce his proof.

(L. 1977 H.B. 101 § 13.115)
Effective 1-1-78

115.561. Commissioner to take testimony, appointed, when—powers of commissioner.— 1. Immediately upon the filing of a petition and answer, if there is any, the supreme court shall appoint a commissioner of the court to take the testimony of witnesses at such times and places as the court shall order. The order shall specify the points and facts in regard to which testimony is to be taken and the time when the commissioner shall make his report to the court.

2. Upon appointment by the court, the commissioner shall proceed to procure the attendance of witnesses, and to take and certify testimony as directed. The contestant and contestee shall have the right to attend the examination of all witnesses and to cross-examine, but no testimony shall be taken except on the points and facts specified in the court order. The commissioner shall have authority to administer oaths, take depositions, compel the attendance of witnesses by summons and attachment, require such witnesses to testify and to compel discovery in accordance with the rules of discovery in civil cases.

(L. 1977 H.B. 101 § 13.120)
Effective 1-1-78

115.563. Contests for office of senator or representative to be heard by respective body.—1. All contested elections for the office of state senator shall be heard and determined by the state senate. All contested elections for the office of state representative shall be heard and determined by the state house of representatives.

2. Any contest based on the qualifications of a candidate for the office of state senator or state representative which have not been adjudicated prior to the general election shall be determined by the state senate or the state house of representatives, as the case may be.

(L. 1977 H.B. 101 § 13.201, A.L. 1982 S.B. 526)
Effective 5-20-82

115.565. Contests for house or senate seats, where and how filed.—Not later than thirty days after the official announcement of the election result is issued by the secretary of state, any candidate who wishes to contest the election for an office provided in section 115.563 shall file a verified petition with the president of the senate or the speaker of the house, as the case may be. In the case of contests based on the qualifications of a candidate for an office provided in section 115.563, not later than thirty days after the results of the general election have been certified by the secretary of state, any candidate who wishes to contest the qualifications of another candidate shall file a verified petition with the president of the senate or the speaker of the house, as the case may be. The petition shall set forth the points on which the contestant wishes to contest the election and the facts he will prove in support of such points. The state senate or the state house of representatives, as the case may be, shall have exclusive jurisdiction over all

matters relating to the contest and may issue appropriate orders, under the hand of the president of the senate or the speaker of the house, to all election authorities in the area in which the contested election was held.

(L. 1977 H.B. 101 § 13.205, A.L. 1982 S.B. 526)
Effective 5-20-82

115.567. Contestee, service on, how made—notice to secretary of state— time for filing answer.—1. At the time of filing, the contestee shall be served with a copy of the petition by the contestant or his representative. With the copy of the petition shall be included a written notice of the time and place of the petition's filing, the grounds on which the election is contested, the time and place for the taking of depositions and the names of all witnesses to be examined. If the contestee is not found within two days after the petition is filed, the copy of the petition and notice shall be left at the residence address shown on contestee's declaration of candidacy and by posting the petition in a conspicuous place in the office of the secretary of the senate or the chief clerk of the house, as the case may be.

2. At the time of filing, a copy of the petition and notice shall also be transmitted to the secretary of state and each election authority responsible for conducting the election in any area where an alleged irregularity occurred.

3. Not later than fifteen days after the petition is filed, the contestee may file an answer to the petition, specifying reasons why his election should not be contested. At the time of filing, a copy of the answer shall be transmitted to the contestant. If the contestee wishes to contest the validity of any votes given to the contestant, he shall include in his answer a notice of the time and place for the taking of depositions, the grounds on which the votes will be contested, and the names of all witnesses to be examined.

(L. 1977 H.B. 101 § 13.210)
Effective 1-1-78

115.569. Depositions, when taken—civil discovery rules to apply.—Immediately upon the filing of a petition and answer, the taking of depositions may commence at the option of the contestant, and the persons selected by the contestant and contestee to take depositions shall immediately issue subpoenas to the witnesses, commanding them to appear and give testimony at the time and place specified. The taking of depositions and all related matters shall be subject to the rules of discovery in civil cases. Either the contestant or the contestee may, without notice, take rebutting testimony at the time and place specified for the taking of depositions.

(L. 1977 H.B. 101 § 13.215, A.L. 1982 S.B. 526)
Effective 5-20-82

115.571. Evidence to be received, form, contents.—1. Evidence received by the senate or house may be either by depositions taken pursuant to section 115.569 or by witnesses subpoenaed for personal appearance before the senate or house.

2. No testimony shall be received in the taking of depositions which does not relate to the points specified in the notices.

3. All testimony taken shall be certified by the persons appointed to take the depositions to the president of the senate or to the speaker of the house, as the case may be.

(L. 1977 H.B. 101 § 13.220, A.L. 1982 S.B. 526)
Effective 5-20-82

115.573. No appeal from decision of house or senate.—The determination made by the state senate or the state house of representatives on a contested election shall be final and not subject to court review.

(L. 1977 H.B. 101 § 13.225)
Effective 1-1-78

115.575. Contests for office of circuit judge, where heard—other contests, where heard—filing in incorrect circuit, procedure.—1. Notwithstanding any provision of this chapter to the contrary, all contested elections for the office of circuit or associate circuit judge not subject to the provisions of article V, section 25 of the state constitution, whether contested on the basis of qualification, irregularity, or other cause, or for recount other than the automatic recount provided for in section 115.601, and whether in a primary or general election, shall be filed in and heard and determined by an adjoining circuit court selected by the contestant.

2. All contested elections on any office or question other than those provided for in sections 115.555, 115.563 and subsection 1 of this section shall be heard and determined by the circuit court of any circuit, selected by the contestant, in which all or any part of the election was held and in which any alleged irregularity occurred. The contestant shall only be required to file one petition with the circuit court for each election contest regardless of the number of counties within the court's jurisdiction.

3. If a petition contesting any election is filed in an incorrect circuit, the court in which it is filed shall have jurisdiction and shall promptly transfer the suit to the correct circuit court.

(L. 1977 H.B. 101 § 13.301, A.L. 1978 H.B. 1634, A.L. 1997 S.B. 132 merged with S.B. 248, A.L. 2003 H.B. 133)

115.577. Time in which election contest may be filed.—Not later than thirty days after the official announcement of the election result by the election authority, any person authorized by section 115.553 who wishes to contest the election for any office or on any question provided in section 115.575 shall file a verified petition in the office of the clerk of the appropriate circuit court. The contestant shall only be required to file one petition with the circuit court for each election contest regardless of the number of counties within the court's jurisdiction. The petition shall set forth the points on which the contestant wishes to contest the election and the facts he will prove in support of such points, and shall pray leave to produce his proof. The circuit court in which the petition is filed shall have exclusive jurisdiction over all matters relating to the contest and may issue appropriate orders to all election authorities in the area in which the contested election was held.

(L. 1977 H.B. 101 § 13.305, A.L. 1997 S.B. 132)

115.579. Duty of circuit clerk upon filing of petition—answer, when due.—1. Immediately after a petition is filed, the clerk of the circuit court shall issue a summons upon the petition to the contestee, returnable by the day designated by the circuit court to the circuit court. The summons shall be served in any county of the state in the same manner provided for service of process in civil actions. If the contestee cannot be found within two days, the summons shall be served by leaving the summons and a copy of the petition at the residence address shown on the contestee's declaration of candidacy and by posting the summons in a conspicuous place in the office of the clerk of the circuit court.

2. Immediately after the petition is filed, the clerk of the circuit court shall send by certified or registered mail a certified copy of the petition to the election authority responsible for issuing a statement announcing the results of the contested election and to each election authority responsible for conducting the election in any area where an alleged irregularity occurred.

3. Not later than fifteen days after the petition is filed, the contestee may file an answer to the petition, specifying reasons why his nomination should not be contested. If the contestee wishes to contest the validity of any votes given to the contestant, he shall set forth in his answer the votes he wishes to contest and the facts he will prove in support of such contest and shall pray leave to produce his proof.

(L. 1977 H.B. 101 § 13.310)
Effective 1-1-78

115.581. Case to be tried, when.—Immediately upon the filing of a petition and answer, if there is any, the court shall proceed to try the case and may at once appoint a commissioner to take testimony in the same way and manner as provided for the contest of state offices in section 115.561.

(L. 1977 H.B. 101 § 13.315)
Effective 1-1-78

115.583. Recount of votes ordered, when.—If the court or legislative body hearing a contest finds there is a prima facie showing of irregularities which place the result of any contested election in doubt, the court or legislative body shall order a recount of all votes brought in question by the petition or its answer. Where the issue is drawn over the validity of certain votes cast, a prima facie case is made if the validity of a number of votes equal to or greater than the margin of defeat is placed in doubt. The court or legislative body may order a recount of all votes brought in question by the petition or its answer at any time if it finds that the election result is placed in doubt. All materials and records relating to the contested election may be subpoenaed, and all information contained therein shall be subject to the rules of discovery in civil cases. During a recount, the court may hear additional evidence offered by any party bearing on any issue relating to the contested election.

(L. 1977 H.B. 101 § 13.400)
Effective 1-1-78

115.585. Recounts, how conducted.—1. Whenever a recount is ordered pursuant to section 115.583 or 115.601, the court or legislative body trying the contest shall issue a writ to each election authority responsible for conducting the election in any area in which an alleged irregularity occurred, commanding the election authority to prepare its office and all records and materials relating to the contested election for the recount. Such writ shall be served immediately on the election authority by the sheriff of the county. Upon receipt of a writ, each election authority shall set a day, not more than twenty days after receiving the writ, on which it will have its office and all records and materials relating to the contested election prepared. Immediately upon setting the day, the election authority shall send by certified or registered mail a notice to the court or legislative body issuing the writ. The notice shall set forth the day selected by the election authority for the recount.

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

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

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

5. Whenever a recount of votes cast on ballot cards is ordered pursuant to section 115.583 or 115.601, the court or legislative body shall supervise a test of the automatic tabulating equipment

conducted in the manner provided in section 115.233 and shall cause the votes to be recounted automatically, or may order a hand count of the votes. In its discretion, the court or legislative body may order a new computer program to be made, which shall be tested in the manner provided in section 115.233 before the votes in question are recounted automatically.
(L. 1977 H.B. 101 § 13.410, A.L. 1993 S.B. 31)

115.587. Persons conducting recount, how selected.—Whenever a recount is ordered pursuant to section 115.583 or 115.601, the court or legislative body shall determine the number of persons necessary to assist with the recount and shall appoint such persons equally from lists submitted to the court or legislative body by the contestant and the contestee. Each person appointed pursuant to this section shall be a disinterested person and a registered voter of the area in which the contested election was held. Each person so appointed shall take the oath prescribed for and receive the same pay as an election judge in the jurisdiction where he is registered. After being sworn not to disclose any facts uncovered by the recount, except those which are contained in the court or legislative report, the contestant and the contestee shall be permitted to be present in person or represented by an attorney at the recount and to observe the recount. Each recount shall be completed under the supervision of the court or legislative body, and the persons appointed to assist with the recount shall perform such duties as the court or legislative body shall direct. Upon completion of any duties prescribed by the court or legislative body, the persons appointed to assist with the recount shall make a written and signed report of their findings to the court or legislative body. The findings of the persons appointed to assist with the recount shall be prima facie evidence of the facts stated therein, but any person present at the examination of the votes may be heard as a witness to contradict the findings. No one other than the election authority, representatives of the court or legislative body, the contestant and contestee, their attorneys, and those specifically appointed by the court or legislative body to assist with the recount shall be present during any recount ordered pursuant to the provisions of section 115.583 or 115.601.
(L. 1977 H.B. 101 § 13.415)
Effective 1-1-78

115.589. Records to be corrected to reflect judgment.—Each court or legislative body authorized to determine contested elections shall hear and determine each contest at the earliest opportunity after the official announcement of the results of the election has been made. Upon completion of the procedures provided for in this subchapter, the court or legislative body shall render its judgment based upon the issues of law and fact and cause a certified copy of its judgment to be transmitted to each affected election authority and to the secretary of state. Each election authority to which a copy of the judgment is sent and the secretary of state shall correct their records to conform to the judgment.
(L. 1977 H.B. 101 § 13.420)
Effective 1-1-78

115.591. Contestant to post bond, when.—In each case of a contested election, the court or legislative body may require the contestant to post bond for the costs and expenses of the election contest. The costs and expenses of any election contest, including the cost and expense of a recount, may be adjudged against the unsuccessful party with payment of the costs and expenses enforceable as in civil cases.
(L. 1977 H.B. 101 § 13.425, A.L. 1988 H.B. 933, et al.)

115.593. New election ordered, when.—If the court or legislative body trying a contested election determines there were irregularities of sufficient magnitude to cast doubt on the validity of the initial election, it may order a new election for the contested office or on the contested question. The order shall set the date of the election and shall be sent by the clerk of the court or the secretary of the senate or the chief clerk of the house of representatives, as the case may be,

to each election authority responsible for conducting the special election. In its order, the court or legislative body shall specify the name of each candidate for the office to be voted on at the special election, or the ballot title of the question to be voted on at the special election, and the election shall be conducted and the votes counted as in other elections. Notice of the election shall be given in such manner as the court or legislative body directs. The person receiving the highest number of votes at the special election shall be deemed elected and entitled to assume office, or the question submitted at the special election shall be deemed approved if a majority of the votes at the special election are cast in favor of the question.

(L. 1977 H.B. 101 § 13.430)
Effective 1-1-78
(1989) Because voting by unqualified voters is an irregularity examined by the court in conducting a recount, it follows that such an irregularity may be considered in determining whether a new election should be ordered. When a number of voters are found to be disqualified and that number equals or exceeds the margin of the apparent victor, there are "irregularities of sufficient magnitude to cast doubt on the validity of the initial election." (Mo. banc) Marre v. Reed, 775 S.W.2d 951.

115.595. Person holding certificate of election to hold office pending outcome—question shall be deemed decided as shown by returns pending outcome.—1. In each case of a pending election contest for an office, the person holding the certificate of election may qualify and take the office at the time specified by law and exercise the duties of the office until the contest has been decided. If the contest is decided against the contestee, the court or legislative body trying the contest shall make an order for him to give up the office to the person determined to be entitled to the office and to deliver to such person all books, records, papers, property and effects pertaining to the office. The court or legislative body trying the contest may enforce the order by attachment or other proper process. If for any reason the person determined to be entitled to the office does not or cannot take office, a vacancy shall exist to be filled in the manner provided by law.

2. In each case of a pending election contest on a question, the question shall be deemed approved or disapproved as shown by the official returns of the election until the contest is decided. When the contest is decided, the question shall be deemed approved or disapproved in accordance with the decision as of the day the contest is decided, or as of the day it would otherwise have been deemed approved or disapproved, whichever is later.

(L. 1977 H.B. 101 § 13.435)
Effective 1-1-78

115.597. Appeal from circuit court decisions allowed, procedure for.—In all cases of contested elections, except contested elections heard by the supreme court or the state senate or house of representatives, the right of appeal shall exist, and appeals may be taken in the same time or manner and to the same courts as is provided by law for appeals in cases in equity. The practice and procedure prescribed in civil actions shall be followed in all respects not inconsistent with the provisions of sections 115.553 to 115.583. Upon the filing of any such appeal, the court shall give the case preference in the order of hearing to all other cases and modify its rules to the extent necessary to conclude the appeal as quickly as possible. In every case of such appeal, a bond with sufficient sureties conditioned for the payment of the costs accrued and to accrue in the cause may be required by any court in which the case is pending.

(L. 1977 H.B. 101 § 13.440)
Effective 1-1-78

115.599. Parties may subpoena witnesses and take depositions.—In all cases of contested elections, primary and other, the contestant and the contestee shall be allowed process for witnesses, and either party may take depositions, as in civil cases, to be read as evidence at the trial, as is authorized in civil cases. All such depositions shall be filed before the trial is commenced, and may be read in evidence no matter where the witnesses reside.

(L. 1977 H.B. 101 § 13.445)
Effective 1-1-78

115.600. Recount or new election, procedure—petition by election authority.—The election authority, if convinced that errors of omission or commission have occurred on the part of the election authority, election judges, or any election personnel in the conduct of an election, may petition the circuit court for a recount or a new election and the court is authorized to order a new election if the evidence provided demonstrates that the irregularities were sufficient to cast doubt on the outcome of the election.

(L. 1983 S.B. 234, A.L. 1997 S.B. 132)

(1990) Remedies available to the Board are limited to filing a petition for a recount. Circuit court was without jurisdiction to order a new election. (Mo. banc) Board of Election Commissioners of St. Louis County v. Knipp, 784 S.W.2d 797.

115.601. Recount authorized when less than one percent difference in vote—recount, defined.—1. Any contestant in a primary or other election contest who was defeated by less than one percent of the votes cast for the office and any contestant who received the second highest number of votes cast for that office if two or more are to be elected and who was defeated by less than one percent of the votes cast, or any person whose position on a question was defeated by less than one percent of the votes cast on the question, shall have the right to a recount of the votes cast for the office or on the question.

2. In cases where the candidate filed or the ballot question was originally filed with an election authority as defined in section 115.015, such recount shall be requested in accordance with the provisions of section 115.531 or 115.577 and conducted under the direction of the court or the commissioner representing the court trying the contest according to the provisions of this subchapter.

3. In cases where the candidate filed or the ballot question was originally filed with the secretary of state, the defeated candidate or the person whose position on a question was defeated by less than one percent of the votes cast on the question shall be allowed a recount pursuant to this section by filing with the secretary of state a request for a recount stating that the person or the person's position on a question was defeated by less than one percent of the votes cast. Such request shall be filed not later than seven days after certification of the election. The secretary of state shall notify all concerned parties of the filing of the request for a recount. The secretary of state shall authorize the election authorities to conduct a recount pursuant to this section if the requesting party or his position on a question was defeated by less than one percent of the votes cast. The secretary of state shall conduct and certify the results of the recount as the official results in the election within twenty days of receipt of the aforementioned notice of recount.

4. Whenever a recount is requested pursuant to subsection 3 of this section, the secretary of state shall determine the number of persons necessary to assist with the recount and shall appoint such persons equally from lists submitted by the contestant and the opponent who received more votes or a person whose position on a question received more votes than the contestant's position on that question. Each person appointed pursuant to this section shall be a disinterested person and a registered voter of the area in which the contested election was held. Each person so appointed shall take the oath prescribed for and receive the same pay as an election judge in the jurisdiction where the person is registered. After being sworn not to disclose any facts uncovered by the recount, except those which are contained in the report, the contestant and the opponent who received more votes or a person whose position on a question received more votes than the contestant's position on that question shall be permitted to be present in person or represented by an attorney at the recount and to observe the recount. Each recount shall be completed under the supervision of the secretary of state with the assistance of the election authorities involved, and the persons appointed to assist with the recount shall perform such duties as the secretary of state directs. Upon completion of any duties prescribed by the secretary of state the persons appointed to assist with the recount shall make a written and signed report of their findings. The findings of the persons appointed to assist with the recount shall be prima facie evidence of the facts stated therein, but any person present at the examination of the votes may be

a witness to contradict the findings. No one other than the secretary of state, the election authorities involved, the contestant and the other witnesses described in this subsection, their attorneys, and those specifically appointed by the secretary of state to assist with the recount shall be present during any recount conducted pursuant to this section.

5. For purposes of this section, **"recount"** means one additional counting of all votes counted for the office or on the question with respect to which the recount is requested.

(L. 1977 H.B. 101 § 13.450, A.L. 1985 H.B. 620, A.L. 1993 S.B. 31, A.L. 1995 H.B. 484, et al., A.L. 1997 S.B. 132)

POLITICAL PARTY COMMITTEES

115.603. Committees each established party shall maintain.—Each established political party shall have a state committee, a congressional district committee for each congressional district in the state, a judicial district committee for each circuit judge district in the state not subject to the provisions of article V, section 25 of the state constitution, a senatorial district committee for each senatorial district in the state, a legislative district committee for each legislative district in the state and a county committee for each county in the state.

(L. 1977 H.B. 101 § 14.001, A.L. 1978 H.B. 1634)
Effective 1-2-79

115.605. Purpose of committee.—Each party committee shall be selected as provided in this subchapter for the purpose of representing and acting for the party in the interim between party conventions.

(L. 1977 H.B. 101 § 14.005)
Effective 1-1-78

115.607. County committee, eligibility requirements, selection of.—1. No person shall be elected or shall serve as a member of a county committee who is not, for one year next before the person's election, both a registered voter of and a resident of the county and the committee district from which the person is elected if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken. Except as provided in subsections 2, 3, 4, 5, and 6 of this section, the membership of a county committee of each established political party shall consist of a man and a woman elected from each township or ward in the county.

2. In each county of the first classification containing the major portion of a city which has over three hundred thousand inhabitants, two members of the committee, a man and a woman, shall be elected from each ward in the city. Any township entirely contained in the city shall have no additional representation on the county committee. The election authority for the county shall, not later than six months after the decennial census has been reported to the President of the United States, divide the most populous township outside the city into eight subdistricts of contiguous and compact territory and as nearly equal in population as practicable. The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar as practicable, be retained upon reapportionment. Two members of the county committee, a man and a woman, shall be elected from each such subdistrict. Six members of the committee, three men and three women, shall be elected from the second and third most populous townships outside the city. Four members of the committee, two men and two women, shall be elected from the other townships outside the city.

3. In any city which has over three hundred thousand inhabitants, the major portion of which is located in a county with a charter form of government, for the portion of the city located within such county and notwithstanding section 82.110, RSMo, it shall be the duty of the election authority, not later than six months after the decennial census has been reported to the President of the United States, to divide such cities into not less than twenty-four nor more than twenty-

five wards after each decennial census. Wards shall be so divided that the number of inhabitants in any ward shall not exceed any other ward of the city and within the same county, by more than five percent, measured by the number of the inhabitants determined at the preceding decennial census.

4. In each county of the first classification containing a portion, but not the major portion, of a city which has over three hundred thousand inhabitants, ten members of the committee, five men and five women, shall be elected from the district of each state representative wholly contained in the county in the following manner: within six months after each legislative reapportionment, the election authority shall divide each legislative district wholly contained in the county into five committee districts of contiguous territory as compact and as nearly equal in population as may be; two members of the committee, a man and a woman, shall be elected from each committee district. The election authority shall divide the area of the county located within legislative districts not wholly contained in the county into similar committee districts; two members of the committee, a man and a woman, shall be elected from each committee district.

5. In each city not situated in a county, two members of the committee, a man and a woman, shall be elected from each ward.

6. In all counties with a charter form of government and a population of over nine hundred thousand inhabitants, the county committee persons shall be elected from each township. Within ninety days after August 28, 2002, and within six months after each decennial census has been reported to the President of the United States, the election authority shall divide the county into twenty-eight compact and contiguous townships containing populations as nearly equal in population to each other as is practical.

7. If any election authority has failed to adopt a reapportionment plan by the deadline set forth in this section, the county commission, sitting as a reapportionment commission, shall within sixty days after the deadline, adopt a reapportionment plan. Changes of township, ward, or precinct lines shall not affect the terms of office of incumbent party committee members elected from districts as constituted at the time of their election.

(L. 1977 H.B. 101 § 14.010, A.L. 1978 H.B. 1820, A.L. 1982 S.B. 526, A.L. 1986 H.B. 1471, et al., A.L. 1993 S.B. 31, A.L. 2002 S.B. 675, A.L. 2004 H.B. 988)

(2004) As political party offices do not constitute public offices, section requiring equal gender representation of a county committee does not violate state constitutional guarantees. Tompras v. Board of Election Commissioners of St. Louis County, 136 S.W.3d 65 (Mo.banc).

115.609. County committee members, when elected (St. Louis city and county).—In each city not situated in a county and in each county which has over nine hundred thousand inhabitants, all members of the county committee shall be elected at the primary election immediately preceding each gubernatorial election and shall hold office until their successors are elected and qualified. In each other county, all members of the county committee shall be elected at each primary election and shall hold office until their successors are elected and qualified.

(L. 1977 H.B. 101 § 14.015)

Effective 1-1-78

115.611. County committee members, filing fees.—1. Except as provided in subsection 4 of section 115.613, any registered voter of the county may have such voter's name printed on the primary ballot of such voter's party as a candidate for county committeeman or committeewoman by filing a declaration of candidacy in the office of the county election authority and by paying any filing fee required by subsection 2 of this section.

2. Before filing such candidate's declaration of candidacy, candidates for county committeeman or county committeewoman shall pay to the treasurer of such candidate's party's county committee, or submit to the county election authority to be forwarded to the treasurer of such candidate's party's committee, a certain sum of money, as follows:

(1) One hundred dollars if such candidate is a candidate for county committeeman or committeewoman in any county which has or hereafter has over nine hundred thousand inhabitants or in any city not situated in a county;

(2) Twenty-five dollars if such candidate is a candidate for county committeeman or committeewoman in any county of the first class containing the major portion of a city which has over three hundred thousand inhabitants;

(3) Except as provided in subdivisions (1) and (2) of this subsection, no candidate for county committeeman or committeewoman shall be required to pay a filing fee.

3. Any person who cannot pay the fee to file as a candidate for county committeeman or committeewoman may have the fee waived by filing a declaration of inability to pay and a petition with the official with whom such candidate files such candidate's declaration of candidacy. The provisions of section 115.357 shall apply to all such declarations and petitions.

4. No person's name shall be printed on any official primary ballot as a candidate for county committeeman or committeewoman unless the person has filed a declaration of candidacy with the proper election authority not later than 5:00 p.m. on the last Tuesday in March immediately preceding the primary election.

(L. 1977 H.B. 101 § 14.020, A.L. 1982 S.B. 526, A.L. 1983 S.B. 234, A.L. 1996 H.B. 1477 and H.B. 1557 & 1489)
Effective 6-13-96 (H.B. 1557 & 1489) 8-28-96 (H.B. 1477)

115.613. Committeeman and committeewoman, how selected—tie vote, effect of—if no person elected a vacancy created—single candidate, effect.—1. Except as provided in subsection 4 of this section, the qualified man and woman receiving the highest number of votes from each committee district for committeeman and committeewoman of a party shall be members of the county committee of the party.

2. If two or more qualified persons receive an equal number of votes for county committeeman or committeewoman of a party and a higher number of votes than any other qualified person from the party, a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

3. If no qualified person is elected county committeeman or committeewoman from a committee district for a party, a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

4. The provisions of this subsection shall apply only in any county where no filing fee is required for filing a declaration of candidacy for committeeman or committeewoman in a committee district. If only one qualified candidate has filed a declaration of candidacy for committeeman or committeewoman in a committee district for a party prior to the deadline established by law, no election shall be held for committeeman or committeewoman in the committee district for that party and the election authority shall certify the qualified candidate in the same manner and at the same time as candidates elected pursuant to subsection 1 of this section are certified. If no qualified candidate files for committeeman or committeewoman in a committee district for a party, no election shall be held and a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

(L. 1977 H.B. 101 § 14.025, A.L. 1996 H.B. 1477 merged with H.B. 1557 & 1489, A.L. 1999 H.B. 676, A.L. 2002 H.B. 1342 merged with S.B. 675)
Effective 6-3-02 (H.B. 1342)
7-1-02 (S.B. 675)

115.615. County committee to meet and organize, when.—In years when a primary election is held pursuant to subsection 2 of section 115.121, each county committee shall meet at the county seat on the third Tuesday of August. In each city not situated in a county, the city committee shall meet on the same day at such place within the city as the chair of the current city committee may designate. In all counties of the first, second and third classification the county courthouse shall be made available for such meetings and any other county political party meeting at

no charge to the party committees. At the meeting, each committee shall organize by electing one of its members as chair and one of its members as vice chair, a man and a woman, and a secretary and a treasurer, a man and a woman, who may or may not be members of the committee. The county chair and vice chair so elected shall by virtue thereof become members of the party congressional, senatorial and judicial committees of the district of which their county is a part.
(L. 1977 H.B. 101 § 14.030, A.L. 1997 H.B. 41, A.L. 1999 H.B. 676)

115.617. Vacancy, how filled.—Whenever a member of any county committee dies, becomes disabled, resigns, or ceases to be a registered voter of or a resident of the county or the committee district from which he is elected, a vacancy shall exist on the committee. A majority of the committee shall elect another person to fill the vacancy who, for one year next before his election, shall have been both a registered voter of and a resident of the county and the committee district. The person selected to fill the vacancy shall serve the remainder of the vacated term.
(L. 1977 H.B. 101 § 14.035, A.L. 1982 S.B. 526, A.L. 1986 H.B. 1471, et al., A.L. 1987 H.B. 384 Revision)
Effective 6-15-87

115.619. Composition of legislative, senatorial, congressional and judicial district committees.—1. The membership of a legislative district committee shall consist of all county committee members within the legislative district, except as provided in subsections 4 and 5 of this section. In all counties of this state which are wholly contained within a legislative district, or in which there are two or more whole legislative districts, or one whole legislative district and part of another legislative district, or parts of two or more legislative districts, there shall be elected from the membership of each legislative district committee a chairman and a vice chairman, one of whom shall be a woman and one of whom shall be a man, and each legislative district at the same time shall elect a secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, but who may or may not be members of the legislative district committee. Party state committees may provide for voting by proxy and for weighted or fractional voting.

2. If a legislative district and a county are coextensive, the chairman, vice chairman, secretary and treasurer of the county committee shall be the chairman, vice chairman, secretary and treasurer of the legislative committee.

3. Except as provided in subsections 4 and 5 of this section, the congressional, senatorial or judicial district committee shall consist of the chairman and vice chairman of each of the legislative districts in the congressional, senatorial, or judicial districts and the chairman and vice chairman of each of the county committees within the districts. Party state committees may provide for voting by proxy and may provide for weighted or fractional voting.

4. The congressional, senatorial or judicial district committee of a district coextensive with one county shall be the county committee.

5. The congressional, senatorial or judicial district committee of a district which is composed in whole or in part of a part of a city or part of a county shall consist of the ward or township committeemen and committeewomen from such wards or townships included in whole or in part in such part of a city or part of a county forming the whole or a part of such district. Party state committees may provide for voting by proxy and may provide for weighted or fractional voting.
(L. 1977 H.B. 101 § 14.040, A.L. 1988 H.B. 933, et al., A.L. 1990 S.B. 862, A.L. 1997 S.B. 132)

115.621. Congressional, legislative, senatorial and judicial district committees to meet and organize, when—election of party state committee—county courthouses available for meetings, certain counties.—1. The members of each congressional district committee shall meet at some place within the district, to be designated by the current chair of the committee, on the last Tuesday in August after each primary election. The county courthouse in counties of the first, second and third classification in which the meeting is to take place, as designated by the chair, shall be made available for such meeting and any other congressional district political

party committee meeting at no charge to the committee. At the meeting, the committee shall organize by electing one of its members as chair and one of its members as vice chair, one of whom shall be a woman and one of whom shall be a man, and a secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, who may or may not be members of the committee.

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

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

4. The members of each judicial district may meet at some place within the judicial district or within one of the counties in which the judicial district exists, to be designated by the current chair of the committee or the chair of the congressional district committee, on the first Tuesday in September after each primary election, or at another time designated by the chairmen of the committees. The county courthouse in counties of the first, second and third classification in which the meeting is to take place, as so designated pursuant to this subsection, shall be made available for such meeting and any other judicial district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize pursuant to subsection 1 of section 115.619.

(L. 1977 H.B. 101 § 14.041, A.L. 1988 H.B. 933, et al., A.L. 1994 S.B. 650, A.L. 1997 H.B. 41 merge with S.B. 132, A.L. 1999 H.B. 676)

115.623. State committee to meet and organize, when.—The members of the state committee elected as provided in section 115.621 shall meet at a time and place to be designated by the current state committee chairman. The meeting shall occur no earlier than two weeks following the election of members to the state committee. At the meeting, the committee shall organize by electing a chairman and a vice chairman, one of whom shall be a woman, and a secretary and a treasurer, one of whom shall be a woman, and who may or may not be members of the committee. In the event a vacancy shall occur in the office of chairman, a vacancy shall also be declared in the office of vice chairman and a new election shall be held for filling the vacancies of both chairman and vice chairman, one of whom shall be a woman.

(L. 1977 H.B. 101 § 14.045, A.L. 1983 S.B. 234, A.L. 1986 H.B. 1471, et al., A.L. 1994 S.B. 650)
Effective 1-1-95

115.624. State party committees may remove members, when.—The members of the state committee of a party may remove a member of such committee upon a two-thirds majority vote of all state committee members voting thereon. Upon certification to the secretary of state by the state committee that a two-thirds majority of its members have elected to remove a member, such member shall forfeit his or her office and a vacancy shall exist on said state committee.
(L. 1999 H.B. 676 § 4)

115.625. Convention of delegates of established party authorized.—The state committee of any established political party may, except as otherwise provided by law, call a convention of delegates to be apportioned, chosen or elected in such manner as it may prescribe for the purpose of nominating presidential electors, electing delegates to national conventions, electing members of national committees adopting or making declarations of party principles on national questions, and to do and perform any other act not inconsistent with the law.
(L. 1977 H.B. 101 § 14.050, A.L. 1986 H.B. 879)

115.627. Constitution or bylaws of political committees authorized—how changed.—A party committee may adopt a constitution or bylaws or both. Such constitution or bylaws may have any provisions not in conflict with the laws of this state. Changes to such party rules may require no greater than a two-thirds vote of the total membership of a committee. Within a sixty-day period after the required committee organizational meeting following each primary election, any such constitution or bylaws may be changed or amended by a majority vote of the total membership of the committee.
(L. 1977 H.B. 101 § 14.055)
Effective 1-1-78

ELECTION OFFENSES

115.629. Four classes of election offenses.—There shall be four classes of election offenses consisting of all offenses arising under sections 115.001 to 115.641 and sections 51.450 and 51.460*, RSMo, and such other offenses as are specified by law.
(L. 1977 H.B. 101 § 15.001)
Effective 1-1-78
**Sections 51.450 was repealed by S.B. 65, et al., 1987.*

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

(1) Willfully and falsely making any certificate, affidavit, or statement required to be made pursuant to any provision of sections 115.001 to 115.641 and sections 51.450* and 51.460, RSMo, including but not limited to statements specifically required to be made "under penalty of perjury"; or in any other manner knowingly furnishing false information to an election authority or election official engaged in any lawful duty or action in such a way as to hinder or mislead the authority or official in the performance of official duties. If an individual willfully and falsely makes any certificate, affidavit, or statement required to be made under section 115.155, including but not limited to statements specifically required to be made "under penalty of perjury", such individual shall be guilty of a class C felony;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(22) On the part of a notary public acting in his official capacity, knowingly violating any of the provisions of sections 115.001 to 115.627 or any provision of law pertaining to elections;

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

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

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

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

(L. 1977 H.B. 101 § 15.005, A.L. 1983 S.B. 234, A.L. 1997 S.B. 132, A.L. 2005 H.B. 353, A.L. 2006 S.B. 1014 & 730)
**Section 51.450 was repealed by S.B. 65, et al., 1987.*

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

(1) On the day of election or before the counting of votes is completed, willfully concealing, breaking, or destroying any ballot box used or intended to be used at such election or willfully or fraudulently concealing or removing any ballot box from the custody of the election judges;

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

(L. 1977 H.B. 101 § 15.010)
Effective 1-1-78

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

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

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

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

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

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

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

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

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

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

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

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

(L. 1977 H.B. 101 § 15.015, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(L. 1977 H.B. 101 § 15.020, A.L. 1982 S.B. 526, A.L. 1985 H.B. 620, A.L. 2003 H.B. 511)

115.639. Three hours off work to vote—interference by employer a class four offense.— 1. Any person entitled to vote at any election held within this state shall, on the day of such election, be entitled to absent himself from any services or employment in which he is then engaged or employed, for a period of three hours between the time of opening and the time of closing the

polls for the purpose of voting, and any such absence for such purpose shall not be reason for the discharge of or the threat to discharge any such person from such services or employment, and such employee, if he votes, shall not, because of so absenting himself, be liable to any penalty or discipline, nor shall any deduction be made on account of such absence from his usual salary or wages, provided, however, that request shall be made for such leave of absence prior to the day of election, and provided further, that this section shall not apply to a voter on the day of election if there are three successive hours while the polls are open in which he is not in the service of his employer. The employer may specify any three hours between the time of opening and the time of closing the polls during which such employee may absent himself.

2. Any employer violating this section shall be deemed guilty of a class four election offense.

(L. 1977 H.B. 101 § 15.025)
Effective 1-1-78

115.641. Failure to perform a duty under sections 115.001 to 115.641 and sections 51.450 and 51.460 a class four offense—exceptions.—Any duty or requirement imposed by sections 115.001 to 115.641 and sections 51.450 and 51.460*, RSMo, which is not fulfilled and for which no other or different punishment is prescribed shall constitute a class four election offense.

(L. 1977 H.B. 101 § 15.030)
Effective 1-1-78
**Sections 51.450 was repealed by S.B. 65, et al, 1987.*

115.646. Public funds expenditure by political subdivision officer or employee, prohibited—personal appearances permitted.—No contribution or expenditure of public funds shall be made directly by any officer, employee or agent of any political subdivision to advocate, support, or oppose any ballot measure or candidate for public office. This section shall not be construed to prohibit any public official of a political subdivision from making public appearances or from issuing press releases concerning any such ballot measure.

(L. 1988 H.B. 933, et al. § 1)

MAIL-IN BALLOTS, CERTAIN ELECTIONS

115.650. Citation of sections 115.650 to 115.660—applicable definitions.—Sections 115.650 to 115.660 shall be known and may be cited as "The Mail Ballot Election Act". All terms used in sections 115.650 to 115.660 shall have the same meaning given such terms in section 115.013.

(L. 1988 H.B. 1426 § 1)

115.652. Mail-in voting may be conducted, when, limitations.—An election shall not be conducted under sections 115.650 to 115.660 unless:

(1) The officer or agency calling the election submits a written request that the election be conducted by mail. Such request shall be submitted not later than the date specified in section 115.125 for submission of the notice of election and sample ballot;

(2) The election authority responsible for conducting the election authorizes the use of mailed ballots for the election;

(3) The election is nonpartisan;

(4) The election is not one at which any candidate is elected, retained or recalled; and

(5) The election is an issue election at which all of the qualified voters of any one political subdivision are the only voters eligible to vote.

(L. 1988 H.B. 1426 § 2, A.L. 1993 H.B. 551 & 552 merged with S.B. 31)

115.655. Delivery of official ballots, how—voting procedures—form of return identification envelope—replacement ballots, when—return of—counting of ballots.—1. The election authority shall provide for the delivery of official ballots to each qualified voter:

(1) By first class mail to the mailing address of each voter as it appears on the registration records of the election authority on the deadline specified in subsection 1 of section 115.135 for registration. Each ballot so mailed shall be placed by the election authority in an envelope which is prominently marked "Do Not Forward" and mailed not later than the tenth day prior to the election; or

(2) By delivering the ballot to the residential address of the voter as it appears on the registration records of the election authority on the deadline specified in subsection 1 of section 115.135 for registration. Such delivery shall be made by a bi-partisan team appointed by the election authority from lists submitted under the provisions of section 115.087.

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

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

(1) United States mail; or

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

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

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

PLEASE PRINT:

NAME .....

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

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

.....

Signature

.....

Residence Address

.....

Mailing Address (if different)

5. If the ballot is destroyed, spoiled, lost or not received by the voter, the voter may obtain a replacement ballot from the election authority as provided in this subsection. A voter seeking a replacement ballot shall sign a statement verified on oath or affirmation, on a form prescribed by the election authority that the ballot was destroyed, spoiled, lost or not received. The applicant shall deliver the statement to the election authority before noon on the date of the election. The applicant may mail the statement to the election authority, but, no election authority shall transmit a ballot by mail under this subsection unless the application is received prior to the close of business on the fifth day prior to the election. When an application is timely received under this subsection, the election authority shall deliver the ballot to the voter if the voter is present in the office of the election authority, or promptly transmit the ballot by mail to the voter at the address contained in the application, except when prohibited in this subsection. The election authority shall keep a record of each replacement ballot provided under this subsection.

6. A ballot must be returned by mail or received in the office of the election authority or at a site provided for receipt of ballots by the election authority no later than 7:00 p.m. on election day. The election authority shall transmit all return identification envelopes to a team or teams of judges of not less than four, with an equal number from each major political party. The judges shall be selected by the election authority from lists submitted under the provisions of section

115.087, and subscribe to the oath provided in section 115.091. Upon receipt of such envelopes the judges shall verify the signature of each voter on the return identification envelope with the signature of the voter on the voter registration records. Such verification may commence at time prior to the day of the election. The election authority shall adopt procedures for securing and accounting for all verified return identification envelopes. The secrecy envelope shall not be separated from the return identification envelope before ballots are counted. Ballots may be counted at any time on election day provided the results are not released before 7:00 p.m. on that day. Counting of ballots may be done by hand or through the utilization of automatic tabulating equipment and shall be governed by the applicable sections of this chapter.
(L. 1988 H.B. 1426 § 3)

115.658. Absentee voting, allowed, how—contest of election, procedure.—1. Any registered voter of this state may vote by absentee ballot in an election conducted pursuant to sections 115.650 to 115.660 in accordance with the provisions of this chapter concerning absentee voting.

2. Any registered voter of the subdivision wherein a mail-in election pursuant to sections 115.650 to 115.660 is conducted may contest the results of such an election in the same manner as provided in this chapter.
(L. 1988 H.B. 1426 § 4)

115.660. Secretary of state may promulgate rules.—The secretary of state may adopt rules and regulations governing the procedures and forms necessary to implement sections 115.650 to 115.660. No rule or portion of a rule promulgated under the authority of sections 115.650 to 115.660 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.
(L. 1988 H.B. 1426 § 5, A, A.L. 1993 H.B. 551 & 552 merged with S.B. 31, A.L. 1995 S.B. 3)

LOCAL ISSUES—PETITION

115.700. Local issues, petition, form and procedure, when.—When the form of a petition is not provided by law for local issues, the provisions of section 115.019 shall, as far as possible, govern the form of the petition, but not the date of the election.
(L. 1986 H.B. 1471, et al. § 1)

PRESIDENTIAL PRIMARY

115.755. Presidential primary, when held.—A statewide presidential preference primary shall be held on the first Tuesday after the first Monday in February of each presidential election year.
(L. 1998 S.B. 709, A.L. 1999 H.B. 676, A.L. 2002 S.B. 675)

115.758. Official list of candidates announced, when.—On or before the tenth Tuesday prior to the date of the presidential preference primary, the secretary of state shall announce the official list of presidential candidates for each established political party as provided in section 115.761.
(L. 1998 S.B. 709)

115.761. Official list of candidates, how included, filing fee—name removed, how—ballot form, content.—1. The official list of presidential candidates for each established political party shall include the names of all constitutionally qualified candidates for whom, on or after 8:00 a.m. on the fifteenth Tuesday prior to the presidential primary, and on or before 5:00 p.m.,

on the eleventh Tuesday prior to the presidential primary, a written request to be included on the presidential primary ballot is filed with the secretary of state along with:

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

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

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

2. The state or national party organization of an established political party that adopts rules imposing signature requirements to be met before a candidate can be listed as an official candidate shall notify the secretary of state by October first of the year preceding the presidential primary.

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

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

(L. 1998 S.B. 709, A.L. 1999 H.B. 676, A.L. 2003 H.B. 511)

115.765. Certified list of candidates, order of appearance on ballot, procedure.—On or before the tenth Tuesday prior to a presidential preference primary, the secretary of state shall transmit to each election authority a certified list containing the names of all candidates whose names shall appear on the presidential preference primary ballot of each party. The names of the candidates shall appear in the order in which their request to be included on the presidential primary ballot was received in the office of the secretary of state, except that, in the case of candidates who file a request to be included on the presidential primary ballot with the secretary of state prior to 5:00 p.m. on the first day for filing, the secretary of state shall determine by random drawing the order in which such candidates' names shall appear on the ballot. The drawing shall be conducted so that each candidate, or candidate's representative, may draw a number at random at the time of filing. The secretary of state shall record the number drawn with the candidate's request to be included on the presidential primary ballot. The names of candidates filing on the first day for filing on each party ballot shall be listed in ascending order of the numbers so drawn.

(L. 1998 S.B. 709)

115.767. Names to appear on ballot.—Each election authority shall cause the name of candidates certified by the secretary of state to appear on the presidential preference primary ballot of each party, followed by a listing for an uncommitted vote.

(L. 1998 S.B. 709)

115.770. Conduct of primary.—The conduct of the presidential preference primary election and the count and canvass of the votes cast therein shall conform as nearly as is practicable to

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

(L. 1998 S.B. 709)

115.773. Duty to notify state chair of parties.—After the count and canvass of the votes cast, the secretary of state shall notify the state chair of each of the established political parties for whom a candidate was listed, of the number of votes recorded in that established political party's primary that each candidate and uncommitted listing received.

(L. 1998 S.B. 709, A.L. 1999 H.B. 676)

115.776. Caucuses, delegates for national conventions.—The state party organization which is the state organization recognized by the national organization of that established political party shall, after the primary and before the national convention, conduct a series of caucuses culminating in congressional and state conventions. Delegates to the national conventions shall be chosen at the congressional district and state conventions pursuant to rules established by the political parties.

(L. 1998 S.B. 709, A.L. 1999 H.B. 676)

115.785. Costs of primary to be paid by state, exceptions.—All costs of a presidential preference primary shall be paid by the state, except that, pursuant to section 115.065, costs shall be shared proportionately by the state and any political subdivisions and special districts holding an election on the same day as any such primary. For any county with more than five hundred polling places, the state shall assist in assuring adequate poll workers and equipment.

(L. 1998 S.B. 709, A.L. 1999 H.B. 676)

115.801. Youth voting programs, grant, loan, or other aid program to be administered—grant program to improve federal election process—rulemaking authority.—1. Subject to appropriation from federal funds, the secretary of state shall administer a grant, loan, or other aid program for the purpose of involving youth in youth voting programs. The secretary of state may promulgate rules to effectuate the provisions of this subsection.

2. The secretary of state shall administer a grant, loan, or other aid program for the purpose of allowing election authorities to receive grants from the federal government for the purpose of improving the election process in federal elections. The secretary of state may promulgate rules to effectuate the provisions of this subsection.

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

(L. 2002 S.B. 675 §§ 115.801, 115.803, and 115.806, A.L. 2003 H.B. 511)

Chapter 116

Initiative and Referendum

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116.010. Definitions.—As used in this chapter, unless the context otherwise indicates,

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

(2) **"Election authority"** means a county clerk or board of election commissioners, as established by section 115.015, RSMo;

(3) **"General election"** means the first Tuesday after the first Monday in November in even-numbered years;

(4) **"Official ballot title"** means the summary statement and fiscal note summary prepared for all statewide ballot measures in accordance with the provisions of this chapter which shall be placed on the ballot and, when applicable, shall be the petition title for initiative or referendum petitions;

(5) **"Statewide ballot measure"** means a constitutional amendment submitted by initiative petition, the general assembly or a constitutional convention, a statutory measure submitted by initiative or referendum petition, the question of holding a constitutional convention, and a constitution proposed by a constitutional convention;

(6) "Voter" means a person registered to vote in accordance with section 115.151, RSMo.

(L. 1980 S.B. 658, A.L. 1997 S.B. 132)

116.020. Application of laws.—This chapter shall apply to elections on statewide ballot measures. The election procedures contained in chapter 115, RSMo, shall apply to elections on statewide ballot measures, except to the extent that the provisions of chapter 116 directly conflict, in which case chapter 116 shall prevail, and except to the extent that a constitutional convention's provisions under section 3(c) of article XII of the constitution directly conflict, in which case the convention's provisions shall prevail.

(L. 1980 S.B. 658)

Effective 1-1-81

116.025. Attorney general sent fair ballot language, when—statement posted at polling place.—The secretary of state within twenty days of receiving a statewide ballot measure shall prepare and transmit to the attorney general fair ballot language statements that fairly and accurately explain what a vote for and what a vote against the measure represent. Each statement shall be posted in each polling place next to the sample ballot. Such fair ballot language statements shall be true and impartial statements of the effect of a vote for and against the measure in language neither intentionally argumentative nor likely to create prejudice for or against the proposed measure. In addition, such fair ballot language shall include a statement as to whether the measure will increase, decrease, or have no impact on taxes, including the specific category of tax. Such fair ballot language statements may be challenged in accordance with section 116.190. The attorney general shall within ten days approve the legal content and form of the proposed statements.

(L. 2003 H.B. 511)

116.030. Referendum petition, form—clerical and technical errors to be disregarded, penalties for false signature.—The following shall be substantially the form of each page of referendum petitions on any law passed by the general assembly of the state of Missouri:

County .....

Page No. .....

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any referendum petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

PETITION FOR REFERENDUM

To the Honorable ....., Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and ..... County (or city of St. Louis), respectfully order that the Senate (or House) Bill No. .... entitled (title of law), passed by the ..... general assembly of the state of Missouri, at the ..... regular (or special) session of the ..... general assembly, shall be referred to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the ..... day of ....., ..., unless the general assembly shall designate another date, and each for himself or herself says: I have personally signed this petition, I am a registered voter of the state of Missouri and ..... County (or city of St. Louis), my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI, COUNTY OF .....

I, ..., being first duly sworn, say (print or type names of signers)

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Street) (City, Town or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)
(Here follow numbered lines for signers)					

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

.....

Signature of Affiant

(Person obtaining signatures)

.....

Address of Affiant

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

.....

Signature of Notary

.....

Address of Notary

Notary Public (Seal)

My commission expires .....

If this form is followed substantially and the requirements of section 116.050 are met, it shall be sufficient, disregarding clerical and merely technical errors.

(L. 1980 S.B. 658, A.L. 1986 H.B. 1471, et al., A.L. 1997 S.B. 132, A.L. 1999 H.B. 676)
Effective 6-16-99

116.040. Initiative petition for law or constitutional amendment, form—clerical and technical errors to be disregarded, penalties for false signature.—The following shall be substantially the form of each page of each petition for any law or amendment to the Constitution of the state of Missouri proposed by the initiative:

County .....

Page No. .....

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to

sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

INITIATIVE PETITION

To the Honorable ....., Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and ..... County (or city of St. Louis), respectfully order that the following proposed law (or amendment to the constitution) shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the ..... day of ....., ..., and each for himself or herself says: I have personally signed this petition, I am a registered voter of the state of Missouri and ..... County (or city of St. Louis), my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI, COUNTY OF .....

I, ..., being first duly sworn, say (print or type names of signers)

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Street) (City, Town or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)
(Here follow numbered lines for signers)					

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

.....

Signature of Affiant

(Person obtaining signatures)

.....

Address of Affiant

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

.....

Signature of Notary

Address of Notary

Notary Public (Seal)

My commission expires .....

If this form is followed substantially and the requirements of section 116.050 and section 116.080 are met, it shall be sufficient, disregarding clerical and merely technical errors.

(L. 1980 S.B. 658, A.L. 1986 H.B. 1471, et al., A.L. 1997 S.B. 132, A.L. 1999 H.B. 676)
Effective 6-16-99

116.050. Initiative and referendum petitions, requirements.—1. Initiative and referendum petitions filed under the provisions of this chapter shall consist of pages of a uniform size. Each page, excluding the text of the measure, shall be no larger than eight and one-half by fourteen inches. Each page of an initiative petition shall be attached to or shall contain a full and correct text of the proposed measure. Each page of a referendum petition shall be attached to or shall contain a full and correct text of the measure on which the referendum is sought.

2. The full and correct text of all initiative and referendum petition measures shall:

(1) Contain all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined;

(2) Include all sections of existing law or of the constitution which would be repealed by the measure; and

(3) Otherwise conform to the provisions of article III, section 28 and article III, section 50 of the constitution and those of this chapter.

(L. 1980 S.B. 658, A.L. 1997 S.B. 132)

116.060. Initiative and referendum petitions, who may sign—residents of one county only on a designated page.—Any registered voter of the state of Missouri may sign initiative and referendum petitions. However, each page of an initiative or referendum petition shall contain signatures of voters from only one county. Each petition page filed with the secretary of state shall have the county where the signers are registered designated in the upper right-hand corner of such page. Signatures of voters from counties other than the one designated by the circulator in the upper right-hand corner on a given page shall not be counted as valid.

(L. 1980 S.B. 658, A.L. 1999 H.B. 676)
Effective 6-16-99

116.070. Petitioner may sign by mark, procedure.—When any voter wishes to sign an initiative or referendum petition and is unable to sign his name, the circulator shall print the required information on the petition. The voter shall then make his mark, and the circulator shall attest to it by his signature. For purposes of this chapter, all marks made and attested in accordance with this section shall be considered signatures.

(L. 1980 S.B. 658)
Effective 1-1-81

116.080. Qualifications of circulator—affidavit, notarization, penalty.—1. Each petition circulator shall be at least eighteen years of age and registered with the secretary of state. Signatures collected by any circulator who has not registered with the secretary of state pursuant to this chapter on or before 5:00 p.m. on the final day for filing petitions with the secretary of state shall not be counted.

2. Each petition circulator shall supply the following information to the secretary of state's office:

(1) Name of petition;

(2) Name of circulator;

(3) Residential address, including street number, city, state and zip code;

(4) Mailing address, if different;

(5) Have you been or do you expect to be paid for soliciting signatures for this petition?
[ ] YES [ ] NO;

(6) If the answer to subdivision (5) is yes, then identify the payor;

(7) Signature of circulator.

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

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

4. Each petition circulator shall subscribe and swear to the proper affidavit on each petition page such circulator submits before a notary public commissioned in Missouri. When notarizing a circulator's signature, a notary public shall sign his or her official signature and affix his or her official seal to the affidavit only if the circulator personally appears before the notary and subscribes and swears to the affidavit in his or her presence.

5. Any circulator who falsely swears to a circulator's affidavit knowing it to be false is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.

(L. 1980 S.B. 658, A.L. 1999 H.B. 676)
Effective 6-16-99

116.090. Signing petition illegally, penalty.—1. Any person who signs any name other than his own to any petition, or who knowingly signs his or her name more than once for the same measure for the same election, or who knows he or she is not at the time of signing or circulating the same a Missouri registered voter and a resident of this state, shall, upon conviction thereof, be guilty of a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.

2. Any person who knowingly accepts or offers money or anything of value to another person in exchange for a signature on a petition is guilty of a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both.

(L. 1980 S.B. 658, A.L. 1999 H.B. 676)
Effective 6-16-99

116.100. Filing of petition, procedure.—The secretary of state shall not accept any referendum petition submitted later than 5:00 p.m. on the final day for filing referendum petitions. The secretary of state shall not accept any initiative petition submitted later than 5:00 p.m. on the final day for filing initiative petitions. All pages shall be submitted at one time. When an initiative or referendum petition is submitted to the secretary of state, the signature pages shall be in order and numbered sequentially by county, except in counties that include multiple congressional districts, the signatures may be ordered and numbered using an alternate numbering scheme approved in writing by the secretary of state prior to submission of the petition. Any petition that is not submitted in accordance with this section, disregarding clerical and merely technical errors, shall be rejected as insufficient. After verifying the count of signature pages, the secretary of state shall issue a receipt indicating the number of pages presented from each county. When a person submits a petition he or she shall designate to the secretary of state the name and the address of the person to whom any notices shall be sent under sections 116.140 and 116.180.

(L. 1980 S.B. 658, A.L. 1983 S.B. 234, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676)
Effective 6-16-99

116.110. Signature may be withdrawn, when, how, effect, penalty.—Any voter who has signed an initiative or referendum petition may withdraw his or her signature from that petition by submitting to the secretary of state, before the petition is filed with the secretary of state, a sworn statement requesting that his or her signature be withdrawn and affirming the name of the petition signed, the name the voter used when signing the petition, the address of the voter and the county of residence. It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, to knowingly file a false withdrawal statement with the secretary of state.

(L. 1980 S.B. 658, A.L. 1999 H.B. 676)
Effective 6-16-99

116.120. Secretary of state to determine sufficiency of form and compliance —invalid signatures not counted—signatures may be verified by random sampling, procedure and requirements.—1. When an initiative or referendum petition is submitted to the secretary of

state, he or she shall examine the petition to determine whether it complies with the Constitution of Missouri and with this chapter. Signatures on petition pages that have been collected by any person who is not properly registered with the secretary of state as a circulator shall not be counted as valid. Signatures on petition pages that do not have the official ballot title affixed to the page shall not be counted as valid. The secretary of state may verify the signatures on the petition by use of random sampling. The random sample of signatures to be verified shall be drawn in such a manner that every signature properly filed with the secretary of state shall be given an equal opportunity to be included in the sample. The process for establishing the random sample and determining the statistically valid result shall be established by the secretary of state. Such a random sampling shall include an examination of five percent of the signatures.

2. If the random sample verification establishes that the number of valid signatures is less than ninety percent of the number of qualified voters needed to find the petition sufficient in a congressional district, the petition shall be deemed to have failed to qualify in that district. In finding a petition insufficient, the secretary of state does not need to verify all congressional districts on each petition submitted if verification of only one or more districts establishes the petition as insufficient.

3. If the random sample verification establishes that the number of valid signatures total more than one hundred ten percent of the number of qualified voters needed to find the petition sufficient in a congressional district, the petition shall be deemed to qualify in that district.

4. If the random sampling shows the number of valid signatures within a congressional district is within ninety to one hundred ten percent of the number of signatures of qualified voters needed to declare the petition sufficient in that district, the secretary of state shall order the examination and verification of each signature filed.

(L. 1980 S.B. 658, A.L. 1988 S.B. 647, A.L. 1999 H.B. 676)
Effective 6-16-99

116.130. Election authorities may be requested to verify signatures either by random sampling or checking signatures, when, how.—1. The secretary of state may send copies of petition pages to election authorities to verify that the persons whose names are listed as signers to the petition are registered voters. Such verification may either be of each signature or by random sampling as provided in section 116.120, as the secretary shall direct. If copies of the petition pages are sent to an election authority for verification, such copies shall be sent pursuant to the following schedule:

(1) Copies of all pages from not less than one petition shall be received in the office of the election authority not later than two weeks after the petition is filed in the office of secretary of state;

(2) Copies of all pages of a total of three petitions shall be received in the office of the election authority not later than three weeks after the petition is filed in the office of the secretary of state;

(3) If more than three petitions are filed, all copies of petition pages, including those petitions selected for verification by random sample pursuant to section 116.120, shall be received in the office of the election authority not later than the fourth week after the petition is filed in the office of the secretary of state.

Each election authority shall check the signatures against voter registration records in the election authority's jurisdiction, but the election authority shall count as valid only the signatures of persons registered as voters in the county named in the circulator's affidavit. Signatures shall not be counted as valid if they have been struck through or crossed out.

2. If the election authority is requested to verify the petition by random sampling, such verification shall be completed and certified not later than thirty days from the date that the election authority receives the petition from the secretary of state. If the election authority is to verify

each signature, such verification must be completed, certified and delivered to the secretary of state by 5:00 p.m. on the last Tuesday in July prior to the election, or in the event of complete verification of signatures after a failed random sample, full verification shall be completed, certified and delivered to the secretary of state by 5:00 p.m. on the last Tuesday in July or by 5:00 p.m. on the Friday of the fifth week after receipt of the signatures by the local election authority, whichever is later.

3. If the election authority or the secretary of state determines that the congressional district number written after the signature of any voter is not the congressional district of which the voter is a resident, the election authority or the secretary of state shall correct the congressional district number on the petition page. Failure of a voter to give the voter's correct congressional district number shall not by itself be grounds for not counting the voter's signature.

4. The election authority shall return the copies of the petition pages to the secretary of state with annotations regarding any invalid or questionable signatures which the election authority has been asked to check by the secretary of state. The election authority shall verify the number of pages received for that county, and also certify the total number of valid signatures of voters from each congressional district which the election authority has been asked to check by the secretary of state.

5. The secretary of state is authorized to adopt rules to ensure uniform, complete, and accurate checking of petition signatures either by actual count or random sampling. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

6. After a period of three years from the time of submission of the petitions to the secretary of state, the secretary of state, if the secretary determines that retention of such petitions is no longer necessary, may destroy such petitions.

(L. 1980 S.B. 658, A.L. 1988 S.B. 647, A.L. 1995 S.B. 3, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2003 S.B. 50)

116.140. Secretary of state's authority not to count forged or fraudulent signatures.— Notwithstanding certifications from election authorities under section 116.130, the secretary of state shall have authority not to count signatures on initiative or referendum petitions which are, in his opinion, forged or fraudulent signatures.

(L. 1980 S.B. 658, A.L. 1988 S.B. 647)
Effective 6-6-88

116.150. Secretary of state to issue certificate of sufficiency of petition, when—if insufficient, certificate to state reasons.—1. After the secretary of state makes a determination on the sufficiency of the petition and if the secretary of state finds it sufficient, the secretary of state shall issue a certificate setting forth that the petition contains a sufficient number of valid signatures to comply with the Constitution of Missouri and with this chapter.

2. The secretary of state shall issue a certificate only for a petition approved pursuant to section 116.332. If the secretary of state finds the petition insufficient, the secretary of state shall issue a certificate stating the reason for the insufficiency.

3. The secretary of state shall issue a certificate pursuant to this section not later than 5:00 p.m. on the thirteenth Tuesday prior to the general election or two weeks after the date the election authority certifies the results of a petition verification pursuant to subsection 2 of section 116.130, whichever is later.

(L. 1980 S.B. 658, A.L. 1985 H.B. 543, A.L. 1988 S.B. 647, A.L. 1999 H.B. 676)
Effective 6-16-99

116.155. Official summaries and fiscal notes may be included in ballot measures, summary to be official ballot title if included.—1. The general assembly may include the offi-

cial summary statement and a fiscal note summary in any statewide ballot measure that it refers to the voters.

2. The official summary statement approved by the general assembly shall, taken together with the approved fiscal note summary, be the official ballot title and such summary statement shall contain no more than fifty words, excluding articles. The title shall be a true and impartial statement of the purposes of the proposed measure in language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure.

3. The fiscal note summary approved by the general assembly shall contain no more than fifty words, excluding articles, which shall summarize the fiscal note prepared for the measure in language neither argumentative nor likely to create prejudice for or against the proposed measure.

(L. 1999 H.B. 676)
Effective 6-16-99

116.160. Summary statement to be provided by the secretary of state if summary not provided by general assembly—content.—1. If the general assembly adopts a joint resolution proposing a constitutional amendment or a bill without a fiscal note summary, which is to be referred to a vote of the people, after receipt of such resolution or bill the secretary of state shall promptly forward the resolution or bill to the state auditor. If the general assembly adopts a joint resolution proposing a constitutional amendment or a bill without an official summary statement, which is to be referred to a vote of the people, within twenty days after receipt of the resolution or bill, the secretary of state shall prepare and transmit to the attorney general a summary statement of the measure as the proposed summary statement. The secretary of state may seek the advice of the legislator who introduced the constitutional amendment or bill and the speaker of the house or the president pro tem of the legislative chamber that originated the measure. The summary statement may be distinct from the legislative title of the proposed constitutional amendment or bill. The attorney general shall within ten days approve the legal content and form of the proposed statement.

2. The official summary statement shall contain no more than fifty words, excluding articles. The title shall be a true and impartial statement of the purposes of the proposed measure in language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure.

(L. 1980 S.B. 658, A.L. 1983 S.B. 234, A.L. 1985 H.B. 543, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676)
Effective 6-16-99
(1984) A court may not authorize the alteration or redesignation of initiative or referendum petitions in order to correct scrivener's errors. Payne v. Kirkpatrick (Mo. App.), 685 S.W.2d 891.

116.170. Fiscal note and fiscal note summary to be provided by state auditor if not provided by general assembly.—If the general assembly adopts a joint resolution proposing a constitutional amendment or a bill without a fiscal note summary, which is to be referred to a vote of the people, the state auditor shall, within thirty days of delivery to the auditor, prepare and file with the secretary of state a fiscal note and a fiscal note summary for the proposed measure in accordance with the provisions of section 116.175.

(L. 1980 S.B. 658, A.L. 1983 S.B. 234, A.L. 1993 S.B. 350, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676)
Effective 6-16-99
(1994) Words "insufficient and unfair" as used in section and applied to fiscal notes mean to inadequately and with bias, prejudice, deception and/or favoritism state the fiscal consequences of the proposed proposition. Test of fiscal note summary is not whether summary is the best language for describing effect. Burden is on opponents of language for describing effect. Burden is on opponents of language to show that language was insufficient and unfair. Hancock v. Secretary of State, 885 S.W.2d 42 (Mo. App. W.D.).

(1994) Where statute requires that cost be addressed in a fiscal note summary only in cases when a proposition has cost, fiscal note summary attached to initiative proposition was not insufficient when it did not address cost, since proposition would not generate cost or savings. Committee on Legislative Research v. Mitchell, 886 S.W.2d 662 (Mo. App. W.D.).

116.175. Fiscal impact of proposed measure—fiscal note, fiscal note summary, requirements—return of fiscal note for revision, when.—1. Except as provided in section 116.155, upon receipt from the secretary of state's office of any petition sample sheet, joint resolution or bill, the auditor shall assess the fiscal impact of the proposed measure. The state auditor may consult with the state departments, local government entities, the general assembly and others with knowledge pertinent to the cost of the proposal. Proponents or opponents of any proposed measure may submit to the state auditor a proposed statement of fiscal impact estimating the cost of the proposal in a manner consistent with the standards of the governmental accounting standards board and section 23.140, RSMo, provided that all such proposals are received by the state auditor within ten days of his or her receipt of the proposed measure from the secretary of state.

2. Within twenty days of receipt of a petition sample sheet, joint resolution or bill from the secretary of state, the state auditor shall prepare a fiscal note and a fiscal note summary for the proposed measure and forward both to the attorney general.

3. The fiscal note and fiscal note summary shall state the measure's estimated cost or savings, if any, to state or local governmental entities. The fiscal note summary shall contain no more than fifty words, excluding articles, which shall summarize the fiscal note in language neither argumentative nor likely to create prejudice either for or against the proposed measure.

4. The attorney general shall, within ten days of receipt of the fiscal note and the fiscal note summary, approve the legal content and form of the fiscal note summary prepared by the state auditor and shall forward notice of such approval to the state auditor.

5. If the attorney general or the circuit court of Cole County determines that the fiscal note or the fiscal note summary does* not satisfy the requirements of this section, the fiscal note and the fiscal note summary shall be returned to the auditor for revision. A fiscal note or fiscal note summary that does not satisfy the requirements of this section also shall not satisfy the requirements of section 116.180.

(L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2003 H.B. 511 merged with S.B. 623)
**Word "do" appears in original rolls.*

116.180. Copies of ballot title, fiscal note and fiscal note summary to designated persons, when—ballot title to be affixed to petition, when.—Within three days after receiving the official summary statement the approved fiscal note summary and the fiscal note relating to any statewide ballot measure, the secretary of state shall certify the official ballot title in separate paragraphs with the fiscal note summary immediately following the summary statement of the measure and shall deliver a copy of the official ballot title and the fiscal note to the speaker of the house or the president pro tem of the legislative chamber that originated the measure or, in the case of initiative or referendum petitions, to the person whose name and address are designated under section 116.332. Persons circulating the petition shall affix the official ballot title to each page of the petition prior to circulation and signatures shall not be counted if the official ballot title is not affixed to the page containing such signatures.

(L. 1980 S.B. 658, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676)
Effective 6-16-99

116.185. Identical ballot titles may be changed, how.—Before the ballot is printed, if the title of a ballot issue is identical or substantially identical to the title of another ballot issue that will appear on the same ballot, the election authority shall promptly notify the officer or entity that certifies the election of the identical or substantially identical title, and if such officer or entity submits a new title to the election authority, the election authority may change the title of the ballot issue prior to printing the official ballot.

(L. 1999 H.B. 676 § 1)

116.190. Ballot title may be challenged, procedure—who are parties defendant—changes may be made by court—appeal to supreme court, when.—1. Any citizen who wishes to challenge the official ballot title or the fiscal note prepared for a proposed constitutional amendment submitted by the general assembly, by initiative petition, or by constitutional convention, or for a statutory initiative or referendum measure, may bring an action in the circuit court of Cole County. The action must be brought within ten days after the official ballot title is certified by the secretary of state in accordance with the provisions of this chapter.

2. The secretary of state shall be named as a party defendant in any action challenging the official ballot title prepared by the secretary of state. When the action challenges the fiscal note or the fiscal note summary prepared by the auditor, the state auditor shall also be named as a party defendant. The president pro tem of the senate, the speaker of the house and the sponsor of the measure and the secretary of state shall be the named party defendants in any action challenging the official summary statement, fiscal note or fiscal note summary prepared pursuant to section 116.155.

3. The petition shall state the reason or reasons why the summary statement portion of the official ballot title is insufficient or unfair and shall request a different summary statement portion of the official ballot title. Alternatively, the petition shall state the reasons why the fiscal note or the fiscal note summary portion of the official ballot title is insufficient or unfair and shall request a different fiscal note or fiscal note summary portion of the official ballot title.

4. The action shall be placed at the top of the civil docket. Insofar as the action challenges the summary statement portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision certify the summary statement portion of the official ballot title to the secretary of state. Insofar as the action challenges the fiscal note or the fiscal note summary portion of the official ballot title, the court shall consider the petition, hear arguments, and in its decision, either certify the fiscal note or the fiscal note summary portion of the official ballot title to the secretary of state or remand the fiscal note or the fiscal note summary to the auditor for preparation of a new fiscal note or fiscal note summary pursuant to the procedures set forth in section 116.175. Any party to the suit may appeal to the supreme court within ten days after a circuit court decision. In making the legal notice to election authorities under section 116.240, and for the purposes of section 116.180, the secretary of state shall certify the language which the court certifies to him.

(L. 1980 S.B. 658, A.L. 1985 H.B. 543, A.L. 1993 S.B. 350, A.L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2003 H.B. 511 merged with S.B. 623)

116.195. Costs of court-ordered ballot title change to be paid by the state.—Whenever the reprinting of a statewide ballot measure is necessary as a result of a court-ordered change to the ballot language for such measure, the costs of such reprinting shall be paid by the state.

(L. 1999 H.B. 676 § 2)

116.200. Secretary of state's decision as to sufficiency of petition may be reversed, procedure—appeal.—1. After the secretary of state certifies a petition as sufficient or insufficient, any citizen may apply to the circuit court of Cole County to compel him to reverse his decision. The action must be brought within ten days after the certification is made. All such suits shall be advanced on the court docket and heard and decided by the court as quickly as possible.

2. If the court decides the petition is sufficient, the secretary of state shall certify it as sufficient and attach a copy of the judgment. If the court decides the petition is insufficient, the court shall enjoin the secretary of state from certifying the measure and all other officers from printing the measure on the ballot.

3. Within ten days after a decision is rendered, any party may appeal it to the supreme court.

(L. 1980 S.B. 658)
Effective 1-1-81

116.210. Numbering of proposed constitutional amendments.—The secretary of state shall number proposed constitutional amendments in the order in which they are passed by the general assembly, or submitted by initiative petition, or adopted by constitutional convention. He shall number the first as "Constitutional Amendment No. 1" and so on consecutively. A new series of numbers shall be started after each general election.
(L. 1980 S.B. 658)
Effective 1-1-81

116.220. Labeling of initiative and referendum measures.—The secretary of state shall label statutory initiative and referendum measures alphabetically in the order in which they are submitted by petition or in the order in which they are passed by the general assembly. The secretary of state shall label the first as "Proposition A", and so on consecutively through the letter Z, and then begin labeling as "Proposition AA" and so on. A new series of letters shall be started after each general election. In the event a measure is labeled prior to, but not voted on at, the next succeeding general election, the letter assigned to such measure shall not be reassigned until after such measure has been voted on by the people.
(L. 1980 S.B. 658, A.L. 1999 H.B. 676)
Effective 6-16-99

116.230. Sample ballots to be prepared, form.—1. The secretary of state shall prepare sample ballots in the following form.

2. The top of the ballot shall read:

"OFFICIAL BALLOT
STATE OF MISSOURI"

3. When constitutional amendments are submitted, the first heading shall read:

"CONSTITUTIONAL AMENDMENTS"

There shall follow the numbers assigned under section 116.210 the official ballot titles prepared under section 116.160 or 116.334, and the fiscal note summaries prepared under section 116.170. Constitutional amendments proposed by the general assembly shall be designated as "Proposed by the general assembly". Constitutional amendments proposed by initiative petition shall be designated "Proposed by initiative petition". Constitutional amendments proposed by constitutional convention shall be designated as "Proposed by constitutional convention".

4. When statutory measures are submitted, the next heading shall read:

"STATUTORY MEASURES"

There shall follow the letters assigned under section 116.220, the official ballot titles prepared under section 116.160 or 116.334, and the fiscal note summaries prepared under section 116.170. Statutory initiative measures shall be designated "Proposed by initiative petition". Referendum measures shall be designated "Referendum ordered by petition".
(L. 1980 S.B. 658, A.L. 1985 H.B. 543)

116.240. Certification to election authorities of notice to be published—contents.—Not later than the tenth Tuesday prior to an election at which a statewide ballot measure is to be voted on, the secretary of state shall send each election authority a certified copy of the legal notice to be published. The legal notice shall include the date and time of the election and a sample ballot.
(L. 1980 S.B. 658, A.L. 1986 H.B. 1471, et al., A.L. 1997 S.B. 132)

116.250. Publication of legal notice.—On receiving a notice under section 116.240, each election authority shall cause the legal notice to be published in accordance with subsection 2 of section 115.127, RSMo.
(L. 1980 S.B. 658)
Effective 1-1-81

116.260. Newspapers for publication of text of measures to be designated —measures to be published, how.—The secretary of state shall designate in what newspaper or newspapers in each county the text of statewide ballot measures shall be published. If possible, each shall be published once a week for two consecutive weeks in two newspapers of different political faiths in each county, the last publication to be not more than thirty or less than fifteen days next preceding the election. If there is but one newspaper in any county, publication for four consecutive weeks shall be made, the first publication to be not less than twenty-eight days next preceding the election. If there are two or more newspapers in a county, none of which is of different political faiths from another, the statewide ballot measures shall be published once a week for two consecutive weeks in any two newspapers in the county with the last publication not more than thirty or less than fifteen days next preceding the election.
(L. 1980 S.B. 658, A.L. 1983 H.B. 670, A.L. 1997 S.B. 132)

116.270. Publications fund created—payments from fund for what, how made.—1. There is hereby created a "Publications Fund" which shall be used only to pay printing, publication, and other expenses incurred in submitting statewide ballot measures to the voters.

2. The secretary of state shall certify to the commissioner of administration all valid claims for payment from the publications fund. On receiving the certified claims, the commissioner of administration shall issue warrants on the state treasurer payable to each individual out of the publications fund.
(L. 1980 S.B. 658)
Effective 1-1-81

116.280. Paper ballots for statewide measures, form.—In jurisdictions using paper ballots, election authorities shall cause the ballots for statewide ballot measures to be printed on paper not less than four inches wide and ten inches long, and all in the same color and size. Measures may be printed in more than one column.
(L. 1980 S.B. 658)
Effective 1-1-81

116.290. Printing of copies of statewide measures—to be posted at polling places—distribution, exception.—1. The secretary of state shall distribute copies of each statewide ballot measure, except proposed constitutions as published in newspapers for legal notice of the election.

2. The secretary of state shall print copies of each proposed constitution in pamphlet form.

3. From copies delivered by the secretary of state, each election authority shall post at least two copies of each notice and pamphlet at each polling place during the time the polls are open.

4. The secretary of state shall print any new language being proposed for adoption or rejection in boldface type.
(L. 1980 S.B. 658, A.L. 1983 S.B. 234)

116.300. Challengers and watchers at polling places, how designated.—Not later than the fourth Tuesday prior to an election on a statewide ballot measure, each chairman of a county campaign committee favoring a measure and each chairman of a county campaign committee opposing a measure shall file with the election authority a list of committee officers and a request to have the right to designate challengers and watchers under section 116.310. If only one committee favoring a particular measure and one committee opposing a particular measure file a list and a request, then each filing chairman shall have the right to designate challengers and watchers under section 116.310. If more than one committee favoring a particular measure or more than one committee opposing a particular measure files a list and request, then the election authority shall determine which chairman has the right to designate challengers and watchers. If

the measure was submitted by initiative or referendum petition, the person designated under section 116.100 as the person to receive notice under sections 116.140 and 116.180 shall be entitled to designate the county campaign committee chairmen's names to the proper election authorities by the fourth Tuesday prior to the election on that measure.

(L. 1980 S.B. 658)
Effective 1-1-81

116.310. Time limited for designating challengers and watchers for polling places and counting locations—effect of failure to designate by prescribed time.—1. Not later than the Tuesday prior to an election on a statewide ballot measure, each county campaign committee chairman who had the right to designate challengers under section 116.300 shall designate such challengers, who may be present at each polling place during the hours of voting. Each such chairman shall also by the same time designate a challenger for each location at which absentee ballots are counted. The challengers so designated may be present while the ballots are being prepared for counting and being counted.

2. Not later than the Tuesday prior to an election on a statewide ballot measure, each campaign committee chairman who has the right to designate watchers under section 116.300 shall designate a watcher for each place votes are counted.

3. After challengers and watchers have been designated, the provisions contained in sections 115.105, 115.107, 115.109, and 115.111, RSMo, shall apply to them.

4. Failure to designate challengers and watchers by the prescribed times shall cause the county campaign committee to forfeit its right to name such persons for those omitted locations for that election.

(L. 1980 S.B. 658)
Effective 1-1-81

116.320. Adoption of measure, vote required—effect of approval of conflicting measures.—1. Each statewide ballot measure receiving a majority of affirmative votes is adopted.

2. If voters approve two or more conflicting statutes at the same election, the statute receiving the largest affirmative vote shall prevail, even if that statute did not receive the greatest majority of affirmative votes.

3. If voters approve two or more conflicting constitutional amendments at the same election, the amendment receiving the largest affirmative vote shall prevail, even if that amendment did not receive the greatest majority of affirmative votes.

(L. 1980 S.B. 658)
Effective 1-1-81

116.330. Board of canvassers or governor to issue statement.—1. After an election at which any statewide ballot measure, other than a proposed constitution or constitutional amendment submitted by a constitutional convention, is voted upon, the secretary of state shall convene the board of state canvassers to total the abstracts. Not later than two weeks after receiving all required abstracts, the board shall issue a statement giving the number of votes cast "yes" and "no" on each question. If voters approve two or more measures at one election which are known to conflict with one another, or to contain conflicting provisions, the board shall also state which received the largest affirmative vote.

2. After an election at which a proposed constitution or constitutional amendment adopted by a constitutional convention is submitted, the governor shall proclaim the results in accordance with section 3(c), article XII of the constitution.

(L. 1980 S.B. 658)
Effective 1-1-81

116.332. Petitions for constitutional amendments, statutory initiative or referendum, requirements, procedure.—1. Before a constitutional amendment petition, a statutory initiative

petition, or a referendum petition may be circulated for signatures, a sample sheet must be submitted to the secretary of state in the form in which it will be circulated. When a person submits a sample sheet of a petition he or she shall designate to the secretary of state the name and address of the person to whom any notices shall be sent pursuant to sections 116.140 and 116.180. The secretary of state shall refer a copy of the petition sheet to the attorney general for his approval and to the state auditor for purposes of preparing a fiscal note and fiscal note summary. The secretary of state and attorney general must each review the petition for sufficiency as to form and approve or reject the form of the petition, stating the reasons for rejection, if any.

2. Upon receipt of a petition from the office of the secretary of state, the attorney general shall examine the petition as to form. If the petition is rejected as to form, the attorney general shall forward his or her comments to the secretary of state within ten days after receipt of the petition by the attorney general. If the petition is approved as to form, the attorney general shall forward his or her approval as to form to the secretary of state within ten days after receipt of the petition by the attorney general.

3. The secretary of state shall review the comments and statements of the attorney general as to form and make a final decision as to the approval or rejection of the form of the petition. The secretary of state shall send written notice to the person who submitted the petition sheet of the approval within thirty days after submission of the petition sheet. The secretary of state shall send written notice if the petition has been rejected, together with reasons for rejection, within thirty days after submission of the petition sheet.

(L. 1985 H.B. 543 § 1, A.L. 1997 S.B. 132)

(1991) That part of this section which limits submission to secretary of state of sample petitions to one year prior to the final date for filing signed petitions shortens time authorized by constitution, art. XII, Sec. 2(b), during which constitutional amendment petitions may be circulated for signatures and is invalid. State of Mo., ex rel. Upchurch v. Blunt, 810 S.W.2d 515 (Mo. banc).

116.334. Petition approval required, procedure to obtain petition title or summary statement—rejection or approval of petition, procedure—circulation of petition prior to approval, effect.—1. If the petition form is approved, the secretary of state shall within ten days prepare and transmit to the attorney general a summary statement of the measure which shall be a concise statement not exceeding one hundred words. This statement shall be in the form of a question using language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure. The attorney general shall within ten days approve the legal content and form of the proposed statement.

2. Signatures obtained prior to the date the official ballot title is certified by the secretary of state shall not be counted.

(L. 1985 H.B. 543 § 2, A.L. 1997 S.B. 132)

116.340. Publication of approved measures.—When a statewide ballot measure is approved by the voters, the secretary of state shall publish it with the laws enacted by the following session of the general assembly, and the revisor of statutes shall include it in the next edition or supplement of the revised statutes of Missouri. Each of the measures printed above shall include the date of the proclamation or statement of approval under section 116.330.

(L. 1980 S.B. 658)

Effective 1-1-81

Missouri Constitution

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ARTICLE I
BILL OF RIGHTS

Section 25. Elections and right of suffrage.—That all elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.
Source: Const. of 1875, Art. II, Sec. 9.

ARTICLE III
LEGISLATIVE DEPARTMENT

Section 8.—Term limitations for members of general assembly.—No one shall be elected or appointed to serve more than eight years total in any one house of the General Assembly nor more than sixteen years total in both houses of the General Assembly. In applying this section, service in the General Assembly resulting from an election or appointment prior to the effective date of this section shall not be counted.
(Adopted November 3, 1992)

Section 11. Time of election of senators and representatives.—The first election of senators and representatives under this constitution, shall be held at the general election in the year one thousand nine hundred and forty-six when the whole number of representatives and the senators from the districts having even numbers, who shall compose the first class, shall be elected, and two years thereafter the whole number of representatives and the senators from districts having odd numbers, who shall compose the second class, shall be elected, and so on at each succeeding general election.
Source: Const. of 1875, Art. IV, Sec. 10.

Section 12. Members of general assembly disqualified from holding other offices.—No person holding any lucrative office or employment under the United States, this state or any municipality thereof shall hold the office of senator or representative. When any senator or representative accepts any office or employment under the United States, this state or any municipality thereof, his office shall thereby be vacated and he shall thereafter perform no duty and receive no salary as senator or representative. During the term for which he was elected no senator or representative shall accept any appointive office or employment under this state which is created or the emoluments of which are increased during such term. This section shall not apply to members of the organized militia, of the reserve corps and of school boards, and notaries public.

Source: Const. of 1875, Art. IV, Sec. 12.

Section 14. Writs of election to fill vacancies.—Writs of election to fill vacancies in either house of the general assembly shall be issued by the governor.
Source: Const. of 1875, Art. IV, Sec. 14.

ARTICLE IV
EXECUTIVE DEPARTMENT

Section 17. Elective state officers—time of election and terms—limitation on reelection—selection of department heads—removal and qualifications of appointive officers.—The governor, lieutenant governor, secretary of state, state treasurer and attorney general shall be elected at the presidential elections for terms of four years each. The state auditor shall be elected for a term of two years at the general election in the year 1948, and his successors shall be elected for terms of four years. No person shall be elected governor or treasurer more than twice, and no person who has held the office of governor or treasurer, or acted as governor or treasurer, for

more than two years of a term to which some other person was elected to the office of governor or treasurer shall be elected to the office of governor or treasurer more than once. The heads of all the executive departments shall be appointed by the governor, by and with the advice and consent of the senate. All appointive officers may be removed by the governor and shall possess the qualifications required by this constitution or by law.

Source: Const. of 1875, Art. V, Sec. 2. (Amended August 4, 1970)

Section 18. Election returns—board of state canvassers—time of meeting and duties—requirement for election—tie votes.—The returns of every election for governor, lieutenant governor, secretary of state, state auditor, state treasurer and attorney general shall be sealed and transmitted by the returning officers to the secretary of state, who shall appoint two disinterested judges of a court of record of the state, and the three shall constitute a board of state canvassers. The board shall meet at the state capitol on, or at the call of the secretary of state before, the second Tuesday of December next after the election and forthwith open and canvass the returns of the votes cast and from the face thereof ascertain and proclaim the result of the election. The persons having the highest number of votes for the respective offices shall be declared elected, and if two or more persons have an equal and the highest number of votes for the same office, at its next regular session the general assembly, by joint vote and without delay, shall choose one of such persons for the office.

Source: Const. of 1875, Art. V, Sec. 3. (Amended November 7, 1978)

ARTICLE V
JUDICIAL DEPARTMENT

Section 25(b). Adoption of plan in other circuits—petitions and elections—form of petition ballots.—At any general election the qualified voters of any judicial circuit outside of the city of St. Louis and Jackson county, may by a majority of those voting on the question elect to have the circuit and associate circuit judges appointed by the governor in the manner provided for the appointment of judges to the courts designated in section 25(a), or, outside the city of St. Louis and Jackson county, to discontinue any such plan. The question of whether the circuit and associate circuit judges of any such circuit shall be so appointed shall be submitted to the voters of each county in any circuit at the next general election whenever petitions therefor signed by ten percent of the legal voters of each county in the circuit voting for the office of governor at the last election thereof are filed in the office of secretary of state at least 90 days before such election. The question shall be presented as follows: "Shall the circuit and associate circuit judges of the . . . . . judicial circuit be selected as provided in Section 25 of Article V of the Missouri Constitution? Yes ☐ No ☐ (Mark One)". The provisions of law with respect to initiative petitions shall apply insofar as applicable relative to the certification of the petitions to local officials by the secretary of state, the preparation, printing, publishing and distribution of the judicial ballots required by this section, the holding and conduct of the election, and the counting, canvassing, return, certification, and proclamation of the votes. If a majority of the votes upon the question are cast in favor of the adoption in each county comprising the circuit, the nonpartisan selection of the circuit and associate judges shall be adopted in the circuit. The question of selection of circuit and associate circuit judges in the manner provided in section 25(a) shall not be submitted more often than once every four years. If any judicial circuit adopts the nonpartisan selection of the circuit and associate circuit judges under the provisions of this section, the question of its discontinuance shall not be submitted more often than once every four years and may be submitted at any general election and shall be proceeded upon insofar as may be applicable in like manner as prescribed in this section for the original adoption of the plan.

The petition shall be in substantially the following form:

To the Honorable Officials in general charge of elections for the county of. . . . . for the state of Missouri:

We, the undersigned, legal voters of the state of Missouri, and of the county of . . . . . ., respectfully demand that the question of the discontinuance of the nonpartisan selection of the circuit and associate circuit judges be submitted to the legal voters of the . . . . . judicial circuit, for their approval or rejection, at the general election to be held on the. . . . . day of . . . . . ., A.D. 20. . . .

The ballot shall provide as follows:

"Shall the nonpartisan appointment by the governor of the circuit and associate circuit judges be discontinued in the . . . . . judicial circuit?

☐ Yes

☐ No

(Place an "X" in one square.)"

If a majority of the votes upon the question are cast in favor of such discontinuance in each county comprising the circuit, the nonpartisan selection of the circuit and associate circuit judges shall be discontinued in such judicial circuit.

If the nonpartisan selection of the judges be discontinued in any such judicial circuit, other than the city of St. Louis and Jackson county, the selection of such judges therein shall be made as otherwise prescribed by law. This section shall be self-enforcing.

(Adopted August 3, 1976)

Section 25(c)(1). Tenure of judges—declaration of candidacy—form of judicial ballot—rejection and retention.—Each judge appointed pursuant to the provisions of sections 25(a)–(g) shall hold office for a term ending December thirty-first following the next general election after the expiration of twelve months in the office. Any judge holding office, or elected thereto, at the time of the election by which the provisions of sections 25(a)–(g) become applicable to his office, shall, unless removed for cause, remain in office for the term to which he would have been entitled had the provisions of sections 25(a)–(g) not become applicable to his office. Not less than sixty days prior to the holding of the general election next preceding the expiration of his term of office, any judge whose office is subject to the provisions of sections 25(a)–(g) may file in the office of the secretary of state a declaration of candidacy for election to succeed himself. If a declaration is not so filed by any judge, the vacancy resulting from the expiration of his term of office shall be filled by appointment as herein provided. If such declaration is filed, his name shall be submitted at said next general election to the voters eligible to vote within the state if his office is that of judge of the supreme court, or within the geographic jurisdiction limit of the district where he serves if his office is that of a judge of the court of appeals, or within the circuit if his office is that of circuit judge, or within the county if his office is that of associate circuit judge on a separate judicial ballot, without party designation, reading:

"Shall Judge. . . . . .

(Here the name of the judge shall be inserted)

of the. . . . . .

(Here the title of the court shall be inserted)

be retained in office? Yes ☐ No ☐

(Mark an "X" in the box you prefer.)"

If a majority of those voting on the question vote against retaining him in office, upon the expiration of his term of office, a vacancy shall exist which shall be filled by appointment as provided in section 25(a), otherwise, said judge shall, unless removed for cause, remain in office for the number of years after December thirty-first following such election as is provided for the full term of such office, and at the expiration of each such term shall be eligible for retention in office by election in the manner here prescribed.

(Adopted August 3, 1976) (This was Sec. 29(c)(1) prior to 1976)

Section 25(c)(2). Certification of names upon declaration—law applicable to elections.—Whenever a declaration of candidacy for election to succeed himself is filed by any judge or associate circuit judge under the provisions of this section, the secretary of state shall not less than thirty days before the election certify the name of said judge or associate circuit judge and the official title of his office to the clerks of the county courts, and to the boards of election commissioners in counties or cities having such boards, or to such other officials as may hereafter be provided by law, of all counties and cities wherein the question of retention of such judge in office is to be submitted to the voters, and, until legislation shall be expressly provided otherwise therefor, the judicial ballots required by this section shall be prepared, printed, published and distributed, and the election upon the question of retention of such judge in office shall be conducted and the votes counted, canvassed, returned, certified and proclaimed by such public officials in such manner as is now provided by the statutory law governing voting upon measures proposed by the initiative.
(Adopted August 3, 1976)

ARTICLE VI
LOCAL GOVERNMENT

Section 18(i). Notice of special charter election.—The body canvassing election returns shall publish notice of the election at least once a week for at least three weeks in at least two newspapers of general circulation in the county, the last publication to be not more than three nor less than two weeks next preceding the election.

Section 26(a). Limitation on indebtedness of local governments without popular vote.—No county, city, incorporated town or village, school district or other political corporation or subdivision of the state shall become indebted in an amount exceeding in any year the income and revenue provided for such year plus any unencumbered balances from previous years, except as otherwise provided in this constitution.
Source: Const. of 1875, Art. X, Sec. 12 (Adopted November 2, 1920).

Section 26(b). Limitation on indebtedness of local government authorized by popular vote.—Any county, city, incorporated town or village or other political corporation or subdivision of the state, by vote of the qualified electors thereof voting thereon, may become indebted in an amount not to exceed five percent of the value of taxable tangible property therein as shown by the last completed assessment for state or county purposes, except that a school district by a vote of the qualified electors voting thereon may become indebted in an amount not to exceed fifteen percent of the value of such taxable tangible property. For elections referred to in this section the vote required shall be four-sevenths at the general municipal election day, primary or general elections and two-thirds at all other elections.
Source: Const. of 1875, Art. X, Sec. 12 (as adopted November 2, 1920). (Amended August 2, 1988)
(Amended April 7, 1998)

Section 26(c). Additional indebtedness of counties and cities when authorized by popular vote.—Any county or city, by a vote of the qualified electors thereof voting thereon, may incur an additional indebtedness for county or city purposes not to exceed five percent of the taxable tangible property shown as provided in section 26(b). For elections referred to in this section the vote required shall be four-sevenths at the general municipal election day, primary or general elections and two-thirds at all other elections.
Source: Const. of 1875, Art. X, Sec. 12. (Amended August 2, 1988)

Section 26(d). Additional indebtedness of cities for public improvements—benefit districts—special assessments.—Any city, by vote of the qualified electors thereof voting thereon, may become indebted not exceeding in the aggregate an additional ten percent of the value of the taxable tangible property shown as provided in section 26(b), for the purpose of acquiring rights-of-way, constructing, extending and improving the streets and avenues and acquiring rights-of-way, constructing, extending and improving sanitary or storm sewer systems. The governing body of the city may provide that any portion or all of the cost of any such improvement be levied and assessed by the governing body on property benefited by such improvement, and the city shall collect any special assessments so levied and shall use the same to reimburse the city for the amount paid or to be paid by it on the bonds of the city issued for such improvement. For elections referred to in this section the vote required shall be four-sevenths at the general municipal election day, primary or general elections and two-thirds at all other elections.
(Amended August 2, 1988)

Section 26(e). Additional indebtedness of cities for municipally owned water and light plants—limitations.—Any city, by vote of the qualified electors thereof voting thereon, may incur an indebtedness in an amount not to exceed an additional ten percent of the value of the taxable tangible property shown as provided in section 26(b), for the purpose of paying all or any part of the cost of purchasing or constructing waterworks, electric or other light plants to be owned exclusively by the city, provided the total general obligation indebtedness of the city shall not exceed twenty percent of the assessed valuation. For elections referred to in this section the vote required shall be four-sevenths at the general municipal election day, primary or general elections and two-thirds at all other elections.
Source: Const. of 1875, Art. X, Secs. 12, 12a (as adopted November 2, 1920). (Amended August 2, 1988)

Section 26(f). Annual tax to pay and retire obligations within twenty years.—Before incurring any indebtedness every county, city, incorporated town or village, school district, or other political corporation or subdivision of the state shall provide for the collection of an annual tax on all taxable tangible property therein sufficient to pay the interest and principal of the indebtedness as they fall due, and to retire the same within twenty years from the date contracted.
Source: Const. of 1875, Art. X, Secs. 12, 12a.

Section 26(g). Contest of elections to authorize indebtedness.—All elections under this article may be contested as provided by law.

ARTICLE VII
PUBLIC OFFICERS

Section 1. Impeachment—officers liable—grounds.—All elective executive officials of the state, and judges of the supreme court, courts of appeals and circuit courts shall be liable to impeachment for crimes, misconduct, habitual drunkenness, willful neglect of duty, corruption in office, incompetency, or any offense involving moral turpitude or oppression in office.
Source: Const. of 1875, Art. VII, Sec. 1 (as amended February 26, 1924).

Section 2. Power of impeachment—trial of impeachments.—The house of representatives shall have the sole power of impeachment. All impeachments shall be tried before the supreme court, except that the governor or a member of the supreme court shall be tried by a special commission of seven eminent jurists to be elected by the senate. The supreme court or special commission shall take an oath to try impartially the person impeached, and no person shall be convicted without the concurrence of five-sevenths of the court or special commission.
Source: Const. of 1875, Art. VII, Sec. 2 (as amended February 26, 1924).

Section 3. Effect of judgment of impeachment.—Judgment of impeachment shall not extend beyond removal from office, but shall not prevent punishment of such officer by the courts on charges growing out of the same matter.
Source: Const. of 1875, Art. VII, Sec. 2.

Section 4. Removal of officers not subject to impeachment.—Except as provided in this constitution, all officers not subject to impeachment shall be subject to removal from office in the manner and for the causes provided by law.
Source: Const. of 1875, Art. XIV, Sec. 7.

Section 5. Election contests—executive state officers—other election contests.—Contested elections for governor, lieutenant governor and other executive state officers shall be had before the supreme court in the manner provided by law, and the court may appoint one or more commissioners to hear the testimony. The trial and determination of contested elections of all other public officers in the state, shall be by courts of law, or by one or more of the judges thereof. The general assembly shall designate by general law the court or judge by whom the several classes of election contests shall be tried and regulate the manner of trial and all matters incident thereto; but no law assigning jurisdiction or regulating its exercise shall apply to the contest of any election held before the law takes effect.
Source: Const. of 1875, Art. VIII, Sec. 8 (as amended February 26, 1924).

Section 6. Penalty for nepotism.—Any public officer or employee in this state who by virtue of his office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, shall thereby forfeit his office or employment.
Source: Const. of 1875, Art. XIV, Sec. 13 (as adopted February 26, 1924).

Section 7. Appointment of officers.—Except as provided in this constitution, the appointment of all officers shall be made as prescribed by law.
Source: Const. of 1875, Art. XIV, Sec. 9.

Section 8. Qualifications for public office—nonresidents.—No person shall be elected or appointed to any civil or military office in this state who is not a citizen of the United States, and who shall not have resided in this state one year next preceding his election or appointment, except that the residence in this state shall not be necessary in cases of appointment to administrative positions requiring technical or specialized skill or knowledge.
Source: Const. of 1875, Art. VIII, Sec. 10 (as amended February 26, 1924).

Section 9. Disqualification by federal employment—exceptions.—No person holding an office of profit under the United States shall hold any office of profit in this state, members of the organized militia or of the reserve corps excepted.
Source: Const. of 1875, Art. XIV, Sec. 4.

Section 10. Equality of sexes in public service.—No person shall be disqualified from holding office in this state because of sex.
Source: Const. of 1875, Art. VIII, Sec. 11 (adopted August 2, 1921).

Section 11. Oath of office.—Before taking office, all civil and military officers in this state shall take and subscribe an oath or affirmation to support the Constitution of the United States and of this state, and to demean themselves faithfully in office.
Source: Const. of 1875, Art. XIV, Sec. 6.

Section 12. Tenure of office.—Except as provided in this constitution, and subject to the right of resignation, all officers shall hold office for the term thereof, and until their successors are duly elected or appointed and qualified.
Source: Const. of 1875, Art. XIV, Sec. 5.

Section 13. Limitation on increase of compensation and extension of terms of office.—The compensation of state, county and municipal officers shall not be increased during the term of office; nor shall the term of any officer be extended.
Source: Const. of 1875, Art. XIV, Sec. 8.

Section 14. Statement of actuary required before retirement benefits substantially changed.—The legislative body which stipulates by law the amount and type of retirement benefits to be paid by a retirement plan covering elected or appointed public officials or both, shall, before taking final action of any substantial proposed change in future benefits, cause to be prepared a statement regarding the cost of such change. Such statement of cost shall be prepared by a qualified actuary with experience in retirement plan financing and such statement shall be available for public inspection. The general assembly shall provide by law applicable standards and requirements governing the preparation, content, and disposition of such statements of cost.
(Adopted August 8, 1978)

Source: Const. of 1875, Art. VIII, Sec. 8 (as amended February 26, 1924).

ARTICLE VIII
SUFFRAGE AND ELECTIONS

Section 1. Time of general elections.—The general election shall be held on the Tuesday next following the first Monday in November of each even year, unless a different day is fixed by law, two-thirds of all members of each house assenting.
Source: Const. of 1875, Art. VIII, Sec. 1 (as amended February 26, 1924).

Section 2. Qualifications of voters—disqualifications.—All citizens of the United States, including occupants of soldiers' and sailors' homes, over the age of eighteen who are residents of this state and of the political subdivision in which they offer to vote are entitled to vote at all elections by the people, if the election is one for which registration is required if they are registered within the time prescribed by law, or if the election is one for which registration is not required, if they have been residents of the political subdivision in which they offer to vote for thirty days next preceding the election for which they offer to vote: Provided however, no person who has a guardian of his or her estate or person by reason of mental incapacity, appointed by a court of competent jurisdiction and no person who is involuntarily confined in a mental institution pursuant to an adjudication of a court of competent jurisdiction shall be entitled to vote, and persons convicted of felony, or crime connected with the exercise of the right of suffrage may be excluded by law from voting.
Source: Const. of 1875, Art. VIII, Sec. 2 (as amended November 4, 1958). (Amended November 5, 1974)

Section 3. Methods of voting—secrecy of ballot—exceptions.—All elections by the people shall be by ballot or by any mechanical method prescribed by law. All election officers shall be sworn or affirmed not to disclose how any voter voted, provided, that in cases of contested elections, grand jury investigations and in the trial of all civil or criminal cases in which the violation of any law relating to elections, including nominating elections, is under investigation or at issue, such officers may be required to testify and the ballots cast may be opened, examined, counted, and received as evidence.
Source: Const. of 1875, Art. VIII, Sec. 3 (as amended February 26, 1924). (Amended August 3, 1976)

Section 4. Privilege of voters from arrest—exceptions.—Voters shall be privileged from arrest while going to, attending and returning from elections, except in cases of treason, felony or breach of the peace.
Source: Const. of 1875, Art. VIII, Sec. 4 (as amended February 26, 1924).

Section 5. Registration of voters.—Registration of voters may be provided for by law.
Source: Const. of 1875, Art. VIII, Sec. 5 (as amended February 26, 1924).

Section 6. Retention of residence for voting purposes.—For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while engaged in the civil or military service of this state or of the United States, or in the navigation of the high seas or the waters of the state or of the United States, or while a student of any institution of learning, or kept in a poor house or other asylum at public expense, or confined in public prison.
Source: Const. of 1875, Art. VIII, Sec. 7 (as amended February 26, 1924).

Section 7. Absentee voting.—Qualified electors of the state who are absent, whether within or without the state, may be enabled by general law to vote at all elections by the people.
Source: Const. of 1875, Art. VIII, Sec. 9 (as amended February 26, 1924).

Section 15. Preamble.—The people of Missouri hereby state our intention that this initiative lead to the adoption of the following U.S. Constitutional Amendment.
(Adopted November 5, 1996)

ARTICLE XII
AMENDING THE CONSTITUTION

Section 2(b). Submission of amendments proposed by general assembly or by the initiative.—All amendments proposed by the general assembly or by the initiative shall be submitted to the electors for their approval or rejection by official ballot title as may be provided by law, on a separate ballot without party designation, at the next general election, or at a special election called by the governor prior thereto, at which he may submit any of the amendments. No such proposed amendment shall contain more than one amended and revised article of this constitution, or one new article which shall not contain more than one subject and matters properly connected therewith. If possible, each proposed amendment shall be published once a week for two consecutive weeks in two newspapers of different political faith in each county, the last publication to be not more than thirty nor less than fifteen days next preceding the election. If there be but one newspaper in any county, publication for four consecutive weeks shall be made. If a majority of the votes cast thereon is in favor of any amendment, the same shall take effect at the end of thirty days after the election. More than one amendment at the same election shall be so submitted as to enable the electors to vote on each amendment separately.
Source: Const. of 1875, Art. XV, Sec. 2 (as amended November 2, 1920).

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Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 3—Voter Identification

15 CSR 30-3.010 Voter Identification Affidavit

PURPOSE: This rule sets out the identification requirements a potential voter must reach before being allowed to vote.

(1) In addition to the list of acceptable forms of personal identification accepted as proof of identity in order to vote, found in section 115.427.1(6), RSMo, personal knowledge of the voter by two (2) supervisory judges, one (1) from each major political party, shall be acceptable voter identification upon the completion of an approved affidavit in substantially the following form as included herein:

VOTER'S IDENTIFICATION AFFIDAVIT

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

_____ _____

Print name of voter Signature of voter

_____

_____

Voter's Address

STATEMENT OF SUPERVISORY JUDGES

Now comes before us _____ who does not have a proper form of identification as required under section 115.427.1. We the undersigned hereby certify that we have personal knowledge of the voter.

_____ _____

Supervisory Judge Signature (Republican) Date

_____ _____

Supervisory Judge Signature (Democrat) Date

*AUTHORITY: section 115.427, RSMo Supp. 2002.*Emergency rule filed Oct. 11, 2002, effective Oct. 21, 2002, expired April 18, 2003. Original rule filed Oct. 18, 2002, effective April 30, 2003.*

**Original authority: 115.427, RSMo 1977, amended 1983, 1993, 2002.*

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 4—Postcard Voter Application and Forms

15 CSR 30-4.010 Postcard Voter Application and Forms

PURPOSE: This rule establishes requirements for the printing, distribution and acceptance of postcard voter application forms.

(1) A postcard voter application form titled Missouri Voter Registration Application shall be printed. All Missouri election authorities shall accept a completed and signed postcard voter application form as a valid application to register in their jurisdiction. In addition to the Missouri Voter Registration Application, each election authority may print and accept its own postcard voter application form which shall be substantially in the same form as the Missouri Voter Registration Application.

(2) Postcard Application Form Format and Content—

(A) The postcard application form shall be printed on white index one hundred ten (110) pound paper cut to ten inches by eight inches (10" × 8"), perforated into two (2) sections measuring five inches by eight inches (5" × 8");

(B) The format of the bottom section of the postcard voter application form shall substantially follow the guidelines provided in subsections (2)(C)–(D) of this rule;

(C) The questions asked on the postcard application form shall be identical to those questions listed below:

1. New Registration, Address Change or Name Change;
2. Male or Female;
3. Last Name;
4. First Name;
5. Middle Name;
6. Jr., Sr., II, III, or IV;
7. Address where you live (House No., Street, Apt. No. or Rural Route and Box—No PO Boxes);
8. City;
9. County;
10. Zip Code;
11. Address where you get your mail (if different from above);
12. Date of Birth;
13. Last Four Digits of Social Security Number;
14. Daytime Phone No. (optional);
15. Place of Birth (optional);
16. Name and Address on Last Voter Registration;
17. Rural Voters (complete this section if you live outside the city limits of any city) I live _____ miles N E S W of _____. Section, Township and Range _____. My neighbors are _____;
18. I hereby certify that I am a citizen of the United States and a resident of the state of Missouri. I am at least seventeen and one-half years of age. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or a misdemeanor connected with the right of suffrage, I have had the voting disabilities from such conviction removed pursuant to law. I swear under penalty of perjury that all statements made on this card are true to the best of my knowledge and belief;

19. Date; and
20. Signature

(D) The format and questions and the statement "Warning: Conviction of making a false statement may result in imprisonment for up to five years and/or a fine up to $10,000" shall be printed in black ink, except that the statement, "YOUR APPLICATION WILL BE CONFIRMED BY MAIL WITHIN SEVEN (7) BUSINESS DAYS OF ITS RECEIPT BY THE ELECTION AUTHORITY. PLEASE CONTACT THE ELECTION AUTHORITY IF YOU DO NOT RECEIVE NOTIFICATION," shall be printed in red ink not smaller than ten (10) point in size;

(E) The format of the top section of the postcard voter application form may include information as determined by the secretary of state to facilitate orderly elections, and shall substantially follow the guidelines provided in subsection (2)(F) of this rule; and

(F) The top portion of the card shall contain a statement printed in red ink explaining that the application will be confirmed by mail within seven (7) business days of its receipt by the election authority, and the following statement printed in black ink. "THIS CARD IS NOT PROOF OF REGISTRATION."

(3) Distribution of Postcard Application Forms—

(A) The postcard application form may be printed and distributed by election authorities and the secretary of state. Any private individual, group, corporation or other entity desiring to print the postcard application
form as it is set out in this rule may do so upon approval of the format by the secretary of state;

(B) To allow individual or group registration, any individual or group may request and shall receive from any election authority a sufficient number of Missouri Voter Registration Applications. The distributed postcard application forms shall contain a unique identifier. The above referenced identifier shall be printed on both sections of the card as described in subsection (2)(A) of this rule; and

(C) The secretary of state shall design a request form to be completed by any person requesting voter registration applications from the secretary of state or election authorities. Such request form shall include the requester's name, address and telephone number.

(4) Acceptance of Postcard Application Forms—

(A) The completed and signed postcard application form(s) shall be delivered to the appropriate election authority representing the area in which the applicant resides;

(B) The completed and signed postcard application form(s) may be delivered to the appropriate election authority either in person, by mail or by delivery by a third party;

(C) Upon receipt of a completed and signed postcard application form, the election authority shall process the application as required by section 115.159, RSMo; and

(D) Nothing in this rule shall be construed to authorize the rejection of any voter registration card approved by federal law.

AUTHORITY: sections 115.155.5 and 115.159, RSMo 2000. Emergency rule filed Nov. 10, 1993, effective Nov. 20, 1993, expired March 19, 1994. Emergency rule filed Feb. 23, 1994, effective March 20, 1994, expired May 8, 1994. Original rule filed Nov. 10, 1993, effective May 9, 1994. Amended: Filed Aug. 27, 1999, effective Feb. 29, 2000. Emergency amendment filed Sept. 26, 2000, effective Oct. 6, 2000, expired April 3, 2001. Amended: Filed Sept. 26, 2000, effective April 30, 2001. Rescinded and readopted: Filed Aug. 8, 2001, effective March 1, 2002.*

**Original authority: 115.155, RSMo 1977, amended 1986, 1988, 1993, 1997, 1999 and 115.159, RSMo 1977, amended 1993, 1994, 1997.*

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 5—Mail Ballot Election Procedures and Forms

15 CSR 30-5.020 Mail Ballot Election Procedures and Forms

PURPOSE: This rule provides requirements for local election authorities to fulfill for conducting Mail Ballot Elections.

(1) The election authority shall prepare a written plan setting forth the steps to be followed during the conduct of a Mail Ballot Election as follows:

(A) A plan shall be prepared for the initial Mail Ballot Election in a jurisdiction;

(B) In each county in which the county clerk is the election authority, a plan shall be prepared by any county clerk who is conducting his/her first Mail Ballot Election, regardless of whether or not it is the initial Mail Ballot Election for the jurisdiction;

(C) Subsequent to the initial Mail Ballot Election in subsection(s) (1)(A) and/or (B) of this rule, the election authority, in lieu of a written plan, may prepare a checklist. The checklist shall show compliance with the procedures and steps contained in the written plan as outlined in section (2) of this rule and with the provisions of the Mail Ballot Election Act; and

(D) Not later than the fourth Wednesday prior to the election, the plan or checklist shall be made available to the public and shall be forwarded to the political subdivision or special district official(s) responsible for calling the Mail Ballot Election.

(2) The plan shall include, but need not be limited to, the following:

(A) A checklist outlining the steps to be followed during the preparation and conduct of the Mail Ballot Election;

(B) A timetable listing projected dates for completion of various steps and procedures necessary to the conduct of the election;

(C) The procedures to ensure ballot secrecy;

(D) The procedures for mailing out ballots;

(E) The procedures for handling returned, voted ballots;

(F) The procedures for handling undeliverable ballots and for canvassing registration records;

(G) The procedures for allowing absentee votes;

(H) The procedures for replacement of ballots destroyed, spoiled, lost or not received by voters;

(I) The procedures for resolving signature conflicts;

(J) The proposed ballot, instruction sheet, secrecy envelope, ballot-return envelope, mail-out envelope and ballot replacement application; and

(K) The procedures to establish the list of qualified voters who are to receive a ballot.

(3) Printed materials, when possible, shall be printed in type not less than fourteen (14) points in size and conform to the following guidelines and formats:

(A) The secrecy envelope shall be opaque and contain on the front face the name of the political subdivision or special district calling the election and the date of the election. Also on the front face shall be the words MAIL BALLOT SECRECY ENVELOPE, prominently displayed in type not less than twenty-four (24) points in size. Instructions for marking and returning the voted ballot may be included on the back side of the secrecy envelope;

(B) The instruction sheet shall describe the voting process and include information on marking the ballot, use of the secrecy envelope and the return identification envelope, and completion of the self-administered affidavit required in section 115.655, RSMo (Cum. Supp. 1990);

(C) The application for a replacement ballot as provided for in section 115.655, RSMo shall be in substantially the following form:

State of Missouri

County (City) of _____ss

I, _____, declare that I am

Print Name

a resident and a properly registered voter residing at

_____

Residence Address *City*

I further declare that my ballot was: (circle one)

destroyed spoiled lost not received

and that I have not and will not vote more than one (1) ballot in this election.

_____ _____

Telephone Number *Date of Birth*

I wish my replacement ballot to be sent to the address listed below:

_____

Address *City* *State* *Zip*

_____

Signature of Voter

Subscribed and sworn to (affirmed)

before me, this _____ day of _____, 19_____

_____

Notary Public or other officer

authorized to administer oaths

(SEAL) My commission expires _____

RETURN THIS COMPLETED FORM TO:

Election Authority

Address

City, State, Zip

.....

For Office Use Only

Date application received _____ Date replacement ballot was mailed or delivered _____

(D) No information which encourages a vote for or against an issue shall be included with an official mail ballot delivered to any voter.

AUTHORITY: sections 115.652 and 115.660, RSMo Supp. 1990. Emergency rule filed July 15, 1988, effective July 25, 1988, expired Nov. 22, 1988. Original rule filed March 29, 1991, effective Aug. 30, 1991.*

**Original authority: 115.652, RSMo 1988 and 115.660, RSMo 1988.*

Division 30—Secretary of State
Chapter 7—Administration of Secretary of State's Technology Trust Fund

15 CSR 30-7.010 Secretary Of State's Technology Trust Fund Account

Emergency rule filed Aug. 18, 1994, effective Aug. 28, 1994, expired Dec. 25, 1994.

15 CSR 30-7.020 Centralized Voter Registration System Advisory Committee

PURPOSE: This rule establishes an advisory committee to assist the secretary of state in establishing and maintaining a centralized voter registration system.

(1) There is hereby established an advisory committee to assist the secretary of state in establishing and maintaining a centralized voter registration system. The committee shall be made up of nine (9) members appointed by the secretary of state. The secretary of state may appoint up to five (5) additional *ad hoc* members to advise the committee on matters requiring technical expertise.

(2) The committee shall meet as often as the secretary of state deems appropriate and necessary, but in no event less than once a year. The committee shall make recommendations to the secretary of state to develop a centralized voter registration system that will at least:

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

(B) Provide for the establishment and maintenance of a centralized data base for all voter registration information;

(C) Provide procedures for entering data into the centralized data base;

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

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

(F) Allow election authorities and the secretary of state access to the centralized data base for review and search capabilities;

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

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

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

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

(3) Committee members shall serve at the pleasure of the secretary of state.

(4) Committee members shall serve without compensation, except that the Office of the Secretary of State may reimburse members for reasonable and necessary expenses incurred traveling to and from meetings.

AUTHORITY: section 115.158, RSMo (1994). Original rule filed Feb. 16, 1995, effective Sept. 30, 1995.*

**Original authority 1994.*

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 8—Provisional Voting Procedures

15 CSR 30-8.010 Provisional Ballots and Envelopes

PURPOSE: This rule ensures the uniform application of section 115.430, RSMo.

(1) The following steps will be taken to determine whether a person may vote a provisional ballot:

(A) The election judge shall examine the precinct register. If the voter's eligibility cannot be immediately established, then—

(B) The election judge shall contact the election authority. If the election authority cannot immediately establish the voter's eligibility upon examination of its records on file, or if the election judge is unable to make contact with the election authority immediately, then the voter will be entitled to a provisional ballot.

(C) In the case of a voter requesting an absentee ballot, such voter shall be entitled to a provisional ballot when the voter's qualifications cannot be immediately established upon examination of the records on file with the election authority.

(2) No person shall be entitled to receive a provisional ballot until they have completed a provisional ballot affidavit on the provisional ballot envelope. The secretary of state shall produce two (2) sizes of provisional ballot envelopes and distribute them to each election authority according to their tabulating system. One (1) size, three and five-eighths inches by seven and three-fourths inches (3 5/8" × 7 3/4") shall be distributed to jurisdictions using punch card and manual tabulating systems and a second size, fourteen and one-half inches by nine and one-fourth inches (14 1/2" × 9 1/4") shall be distributed to jurisdictions using optical scan. All provisional envelopes shall be printed on a distinguishable color of paper.

(A) On each side of the outside of the provisional envelopes, produced by the secretary of state, there shall appear information in substantially the format available at the secretary of state's website. A copy of the form may be requested in writing from the Elections Division, PO Box 1767, Jefferson City, MO 65102 or in person at the Elections Division, 600 W. Main, State Information Center, Jefferson City, Missouri.

(3) After the provisional ballot is voted, it shall be placed in the provisional ballot envelope and sealed. The sealed envelope shall be placed in the ballot box.

(4) The certificate of ballot cards shall:

(A) Reflect the number of provisional envelopes delivered; and

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

(5) Upon the election authority's determination of the eligibility of the voter, each rejected provisional envelope shall be marked "rejected" with reason for rejection noted. If rejected, a photocopy of the envelope shall be made and used by the election authority as a mail-in voter registration. The actual provisional ballot envelope shall be kept as ballot material and the copy of the envelope shall be used by the election authority for registration record keeping.

(6) Provisional ballots shall not be counted until all provisional ballots are determined either eligible or ineligible. All provisional ballots cast by voters, whose eligibility has been verified, shall be counted in accordance with the rules governing ballot tabulation.

(7) If a provisional ballot is cast in the wrong congressional district, the incorrect congressional vote shall not be counted but all other votes cast on that ballot shall be counted.

AUTHORITY: section 115.430, RSMo Supp. 2002. Emergency rule filed Oct. 11, 2002, effective Oct. 21, 2002, terminated Oct. 25, 2002. Emergency rule filed Oct. 25, 2002, effective Nov. 4, 2002, expired April 18, 2003. Original rule filed Oct. 25, 2002, effective April 30, 2003.*

**Original authority: 115.430, RSMo 2002.*

15 CSR 30-8.020 Procedures to Determine Eligibility for Provisional Ballots to Be Counted

PURPOSE: This rule sets out the procedures for provisional voting in addition to those found in Chapter 115, RSMo.

(1) Prior to accepting any provisional ballot at the polling place, the election judges shall determine that the information provided on the provisional ballot envelope by the provisional voter is consistent with the identification provided by such person pursuant to section 115.427, RSMo.

(2) When the ballot boxes are delivered to the election authority from the polling places, the receiving teams shall separate the provisional ballots from the rest of the ballots and place the sealed provisional ballot envelopes in a separate container. Teams of election authority employees or teams of election judges with each team consisting of one (1) member of each major political party shall photocopy each provisional ballot envelope, such photocopy to be used by the election authority to determine provisional voter eligibility. The sealed provisional ballot envelopes shall be placed, by the team, in a sealed container and shall remain therein until tabulation.

(3) Prior to any provisional ballots being counted, the election authority shall determine the eligibility of the provisional voter. The eligibility of provisional voters shall be determined according to the requirements for a voter to cast a ballot in the election as set out in sections 115.133 and 115.135, RSMo.

(4) To determine whether a provisional ballot is valid and entitled to be counted, the election authority shall examine its records and verify that the provisional voter is duly registered and qualified to vote in the election. If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the election authority shall make an inquiry of the registration agency to determine whether the provisional voter is duly registered and qualified to vote in the election.

(5) If the election authority determines that the provisional voter is registered and qualified to vote in the election, the election authority shall provide documentation verifying the voter's eligibility. This documentation shall be noted on the copy of the provisional ballot envelope and shall contain substantially the following information:

(A) Name of provisional voter;
(B) Name of reviewer;
(C) Date and time; and
(D) Description of evidence found that supports the voter's eligibility.

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

(7) If the election authority determines that the provisional voter is not registered and/or qualified to vote in the election, the election authority shall provide documentation verifying the voter's ineligibil-

ity. This documentation shall be noted on the copy of the provisional ballot envelope and shall contain substantially the following information:

(A) Name of the provisional voter;

(B) Name of reviewer;

(C) Date and time; and

(D) Description of why voter is ineligible.

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

(9) After the election authority completes its review of the provisional voter's eligibility pursuant to sections (4), (5), and (7), of this rule, the election authority shall deliver the provisional ballots, and copies of the provisional ballot envelopes which include the eligibility information, to bi-partisan counting teams, which may be the board of verification, for review and tabulation. The election authority shall maintain a record of the delivery. The record shall include the number of ballots delivered to each team and shall include a signed receipt from two (2) judges, one (1) from each major political party. The election authority shall provide each team with a ballot box, and material necessary for tabulation.

(10) Challengers and watchers, as provided by sections 115.105 and 115.107, RSMo may be present during all times that the bi-partisan counting teams are reviewing and/or counting the provisional ballots, the provisional ballot envelopes, and/or the copies of the provisional ballot envelopes which include the eligibility information provided by the election authority. The election authority shall notify the county chair of each major political party of the time and location when the bi-partisan counting teams will be reviewing and/or counting the provisional ballots, the provisional ballot envelopes, and/or the copies of the provisional ballot envelopes which include the eligibility information provided by the election authority.

(11) If the person named on the provisional ballot affidavit is found to have been duly qualified and registered to cast a ballot in the election, the envelope shall be opened, and the ballot shall be placed in a ballot box to be counted.

(12) If the person named on the provisional ballot affidavit is found to have not been duly qualified and registered to cast a ballot in the election, or if the election authority is unable to determine such person's right to vote, the envelope containing the provisional ballot shall not be opened and the person's vote shall not be counted. The members of the team shall then follow the procedures set out in 15 CSR 30-8.010(5) for rejected provisional ballots.

(13) The vote shall then be tallied and the returns made as provided in sections 115.447 to 115.525, RSMo for paper ballots. After the vote on all ballots assigned to a team have been counted, the ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "voted provisional ballots and ballot envelopes from the election held_____, 20_____." All rejected provisional ballots, ballot envelopes and copies of ballot envelopes with the eligibility information provided by the election authority shall be enclosed in sealed containers marked "rejected provisional ballots and ballot envelopes from the election held_____, 20_____." On the outside of each voted ballot and rejected ballot container, each member of the team shall write their name, and all such containers shall be returned to the election authority. Upon receipt of the returns and ballots, the election authority shall tabulate the provisional vote.

*AUTHORITY: section 115.430, RSMo Supp. 2003.*Emergency rule filed Oct. 21, 2002, effective Oct. 31, 2002, expired April 28, 2003. Original rule filed Oct. 22, 2002, effective April 30, 2003. Amended: Filed Sept. 19, 2003, effective May 30, 2004.*

**Original authority: 115.430, RSMo 2002, amended 2003.*

15 CSR 30-8.030 Provisional Ballot Verification Procedure

PURPOSE: This rule describes Missouri's procedure for provisional voters to discern whether or not their provisional ballot was counted, as mandated by the Help America Vote Act of 2002.

(1) Provisional ballot envelopes, provided by the secretary of state's office, will have a tear away section containing a unique identification number and a toll free phone number.

(2) Individuals who cast provisional ballots may, after the election results have been certified, call the toll free phone number provided to them on the tear away section of their provisional ballot envelope. In compliance with the Help America Vote Act of 2002, this toll free phone number will be maintained and operated by the secretary of state's office. Only individuals who have cast provisional ballots are permitted to use this service to verify the status of their own provisional ballot.

(3) Upon receiving calls from provisional voters on the toll free provisional ballot inquiry line, the secretary of state's office shall transfer the call to the appropriate local election authority.

(4) The local election authority shall, using the provisional voter's unique provisional voting identification number from the tear away section of the provisional ballot envelope, inform the voter of whether or not their provisional ballot was counted or rejected.

(5) If the provisional voter's ballot was rejected the local election authority shall inform the provisional voter that their rejected provisional ballot envelope shall be used to register them to vote.

*AUTHORITY: section 115.430, RSMo Supp. 2003.*Original rule filed Sept. 19, 2003, effective May 30, 2004.*

**Original authority: 115.430, RSMo 2002, amended 2003.*

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 9—Uniform Counting Standards

15 CSR 30-9.010 Uniform Counting Standards—Punch Card Voting Systems

PURPOSE: This rule provides for standards to be used by election authorities when counting ballots cast using punch card voting systems.

(1) The election authority shall be responsible for insuring that the standards provided for in this rule are followed when counting ballots cast using punch card voting systems.

(2) Prior to tabulating ballots, all ballot cards shall be inspected by the election authority for hanging chad and/or damaged ballots.

(3) Inspection of ballot cards shall be conducted using the following guidelines:

(A) The election authority shall appoint a bipartisan team to inspect all ballots where a question exists about the condition of a ballot or existence of hanging chad;

(B) All ballot card inspections conducted pursuant to this section shall be conducted by examining the ballot card from the back of the card;

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

(D) If a chad is determined to be hanging by two (2) or less corners, it shall be removed prior to being tabulated.

(4) In jurisdictions using punch card systems, a valid vote for a write-in candidate must include the following:

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

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

(C) The name of the office for which the candidate is to be elected.

(5) Whenever a hand recount of votes is ordered of punch card ballots, the provisions of this section shall be used to determine voter intent.

*AUTHORITY: section 115.225, RSMo 2000.*Original rule filed Aug. 8, 2001, effective March 1, 2002.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995.*

15 CSR 30-9.020 Uniform Counting Standards—Optical Scan Voting Systems

PURPOSE: This rule provides for standards to be used by election authorities when counting ballots cast using optical scan voting systems.

(1) The election authority shall be responsible for insuring that the standards provided for in this rule are followed when counting ballots cast using optical scan voting systems.

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

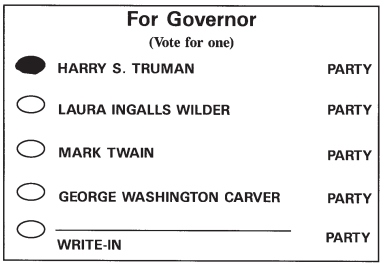
(A) In jurisdictions using precinct-based tabulators, the voter who cast the ballot shall review the ballot if rejected, to determine if he/she wishes to make any changes to the ballot or if he/she would like to spoil their ballot and receive another ballot.

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

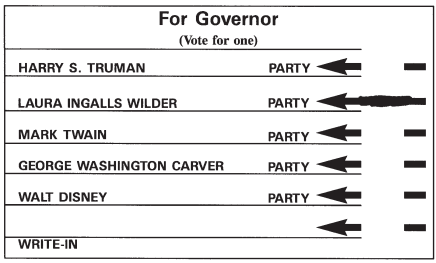
1. If a ballot is determined to be damaged, the bipartisan team shall spoil the original ballot and duplicate the voter's intent on the new ballot, provided that there is an undisputed method of matching the duplicate card with its original after it has been placed with the remainder of the ballot cards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

2. The provisions of sections (3), (4), (5) and (6) of this rule.

(3) The following marks shall be considered expressions of voter intent:

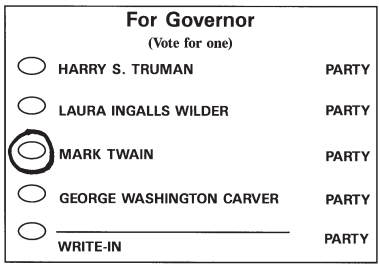


This constitutes a vote for Harry S. Truman.

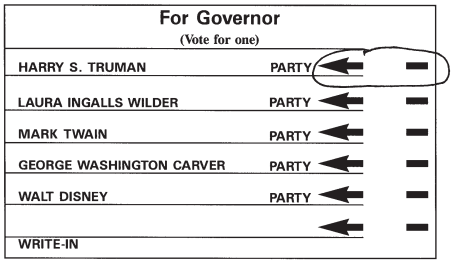


This constitutes a vote for Laura Ingalls Wilder.

(A) Any ballot which is properly marked in the target area, as specified by the ballot instructions.(B) Any ballot that is properly marked with any device other than the approved marking device which prevents a machine count shall be counted as a vote.



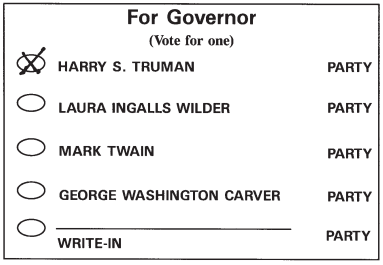
This constitutes a vote for Mark Twain.



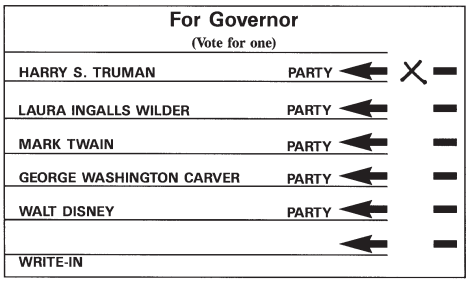
This constitutes a vote for Harry S. Truman.

(C) The target area next to a candidate or issue preference is circled.

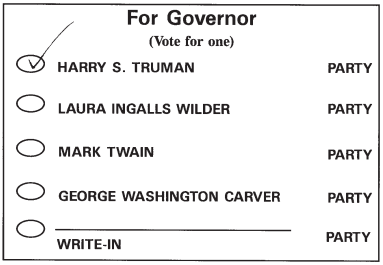
(D) There is a distinguishing mark in the target area next to a candidate or issue preference including but not limited to the following examples:



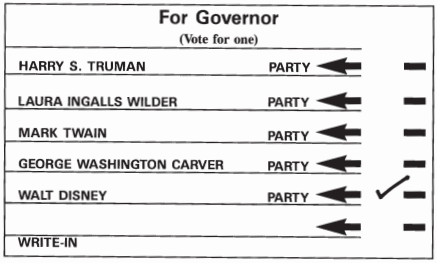
This constitutes a vote for Harry S. Truman.



This constitutes a vote for Harry S. Truman.

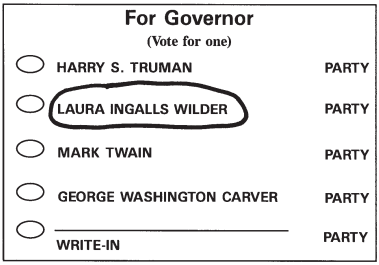


This constitutes a vote for Harry S. Truman.

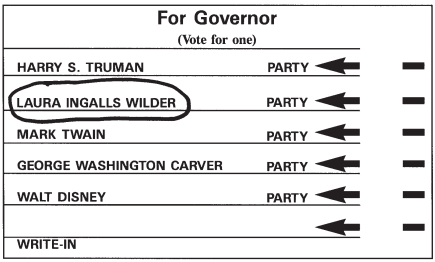


This constitutes a vote for Walt Disney.

(E) The name of a candidate or issue preference is circled.

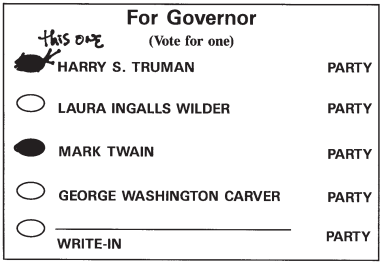


This constitutes a vote for Laura Ingalls Wilder.

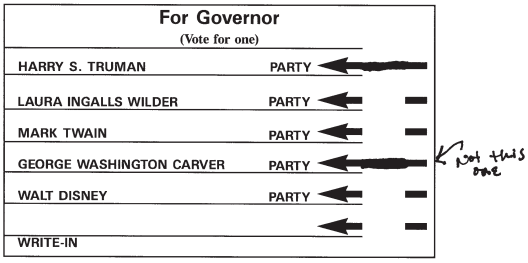


This constitutes a vote for Laura Ingalls Wilder.

(F) In the event that there are distinguishing marks for two (2) or more candidates, clarified by an additional mark or marks that appear to indicate support, the ballot shall be counted as a vote for the candidate with the additional, clarifying marks.

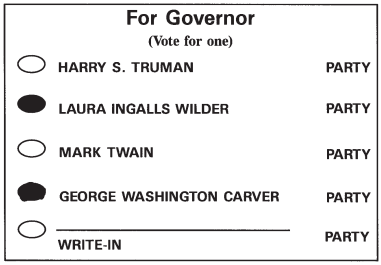


This constitutes a vote for Harry S. Truman.

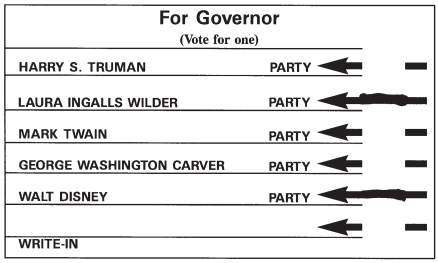


This constitutes a vote for Harry S. Truman.

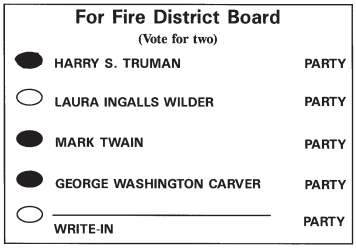
(4) If a voter marks more candidates than there are positions to be elected for that office, without any additional clarifying marks, the marks do not constitute a valid vote for any candidate in that race and the ballot shall be deemed an overvote.



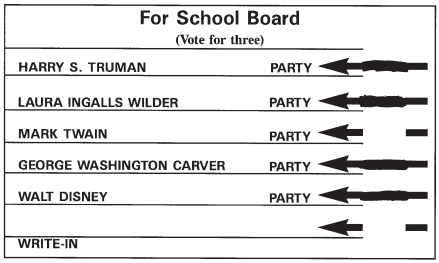
This constitutes an overvote.



This constitutes an overvote.



This constitutes an overvote.



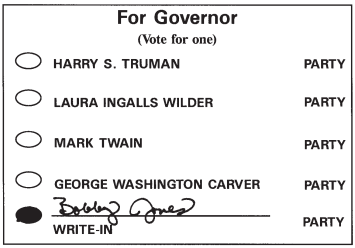
This constitutes an overvote.

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

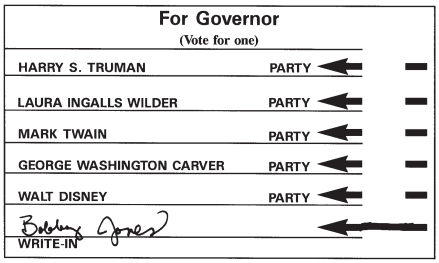
(A) A distinguishing mark in the target area next to the name of the candidate;

(B) The name of a qualified write-in candidate. If the name of the candidate, as written by the voter, is substantially as declared by the candidate it shall be counted, or in those circumstances where the names of candidates are similar, the names of candidates as shown on voter registration records shall be counted; and

(C) The name of the office for which the candidate is to be elected.



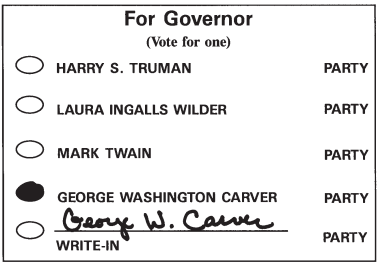
Bobby Jones is a qualified candidate. This constitutes a vote for Bobby Jones.



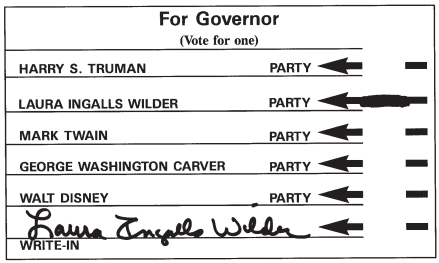
Bobby Jones is a qualified candidate. This constitutes a vote for Bobby Jones.

(6) If a voter designates a vote for a named candidate on the ballot and also provides for a write-in candidate in the same race it shall be treated as follows:

(A) If a voter designates a vote for a named candidate on the ballot and writes in the same candidate in the write-in area, the vote shall count for that candidate.

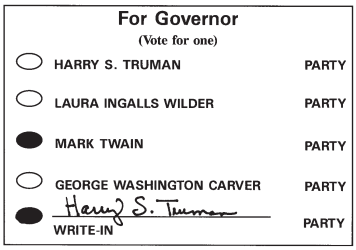


This constitutes a vote for George Washington Carver.

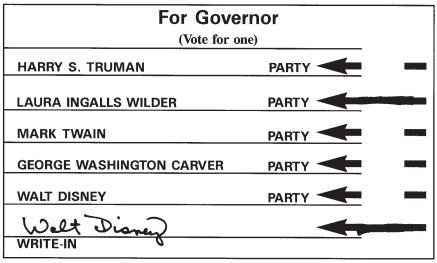


This constitutes a vote for Laura Ingalls Wilder.

(B) If a voter designates a vote for a named candidate on the ballot and writes in the name of a qualified write-in candidate or the name of a different named candidate on the ballot in that race and makes a distinguishing mark in the target area next to the name of the write-in candidate, it shall be considered an overvote with neither candidate receiving credit for the vote.

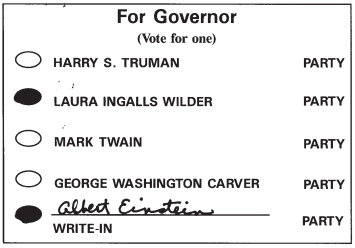


This constitutes an overvote.

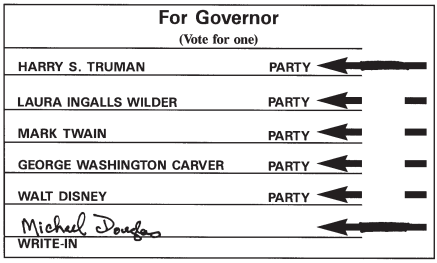


This constitutes an overvote.

(C) If a voter designates a vote for a named candidate on the ballot and writes in the name of a person who is not a qualified write-in candidate and not a named candidate on the ballot in that race, it shall be considered a vote for the named candidate.



Albert Einstein is not a qualified candidate. This constitutes a vote for Laura Ingalls Wilder.



Michael Douglas is not a qualified candidate. This constitutes a vote for Harry S. Truman.

(7) Whenever a hand recount of votes of optical scan ballots is ordered, the provisions of this rule shall be used to determine voter intent.

*AUTHORITY: section 115.225, RSMo Supp. 2005.*Original rule filed Aug. 8, 2001, effective March 1, 2002. Emergency rescission filed Feb. 2, 2006, effective Feb. 18, 2006, expired Aug. 16, 2006. Emergency rule filed Feb. 2, 2006, effective Feb. 18, 2006, terminated April 30, 2006. Emergency rule filed April 20, 2006, effective April 30, 2006, expired Aug. 16, 2006. Rescinded and readopted: Filed Feb. 2, 2006, effective July 30, 2006.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995, 2002.*

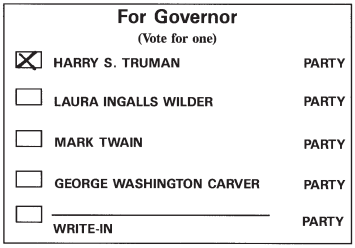
15 CSR 30-9.030 Uniform Counting Standards—Paper Ballots

PURPOSE: This rule provides for standards to be used by election authorities when counting ballots cast using paper ballots.

(1) The election authority shall be responsible for insuring that the standards provided for in this rule are followed when counting ballots cast using paper ballots.

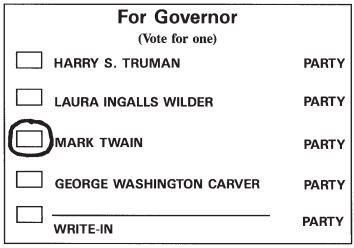
(2) The following marks shall be considered expressions of voter intent:

(A) Any ballot which is properly marked, as specified by the ballot instructions, in the target area.



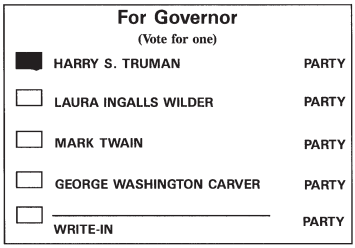
This constitutes a vote for Harry S. Truman.

(B) The target area next to a candidate or issue preference is circled.

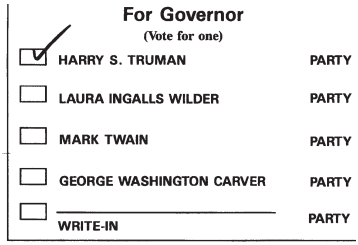


This constitutes a vote for Mark Twain.

(C) There is a distinguishing mark in the target area next to a candidate or issue preference including but not limited to the following examples:

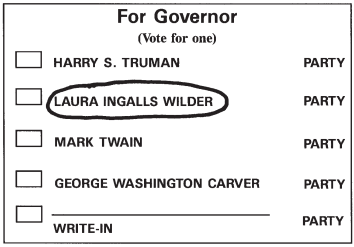


This constitutes a vote for Harry S. Truman.



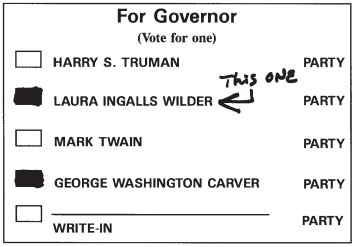
This constitutes a vote for Harry S. Truman.

(D) The name of a candidate or issue preference is circled.



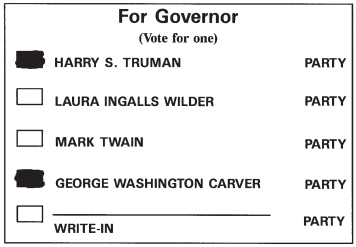
This constitutes a vote for Laura Ingalls Wilder.

(E) In the event that there are distinguishing marks for two (2) or more candidates, clarified by an additional mark or marks that appear to indicate support, the ballot shall be counted as a vote for the candidate with the additional, clarifying marks.

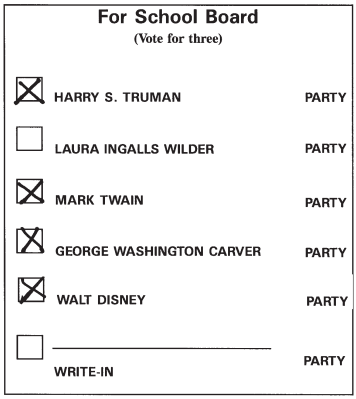


This constitutes a vote for Laura Ingalls Wilder.

(3) If a voter marks more candidates than there are positions to be elected for that office, without any additional clarifying marks, the marks do not constitute a valid vote for any candidate in that race and the ballot shall be deemed an overvote.



This constitutes an overvote.



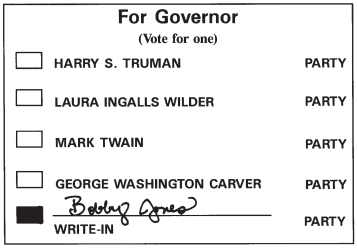
This constitutes an overvote.

(4) In jurisdictions using paper ballots, a valid vote for a write-in candidate must include the following:

(A) A distinguishing mark in the target area next to the name of the candidate;

(B) The name of a qualified write-in candidate. If the name of the candidate, as written by the voter, is substantially as declared by the candidate it shall be counted, or in those circumstances where the names of candidates are similar, the names of candidates as shown on voter registration records shall be counted.

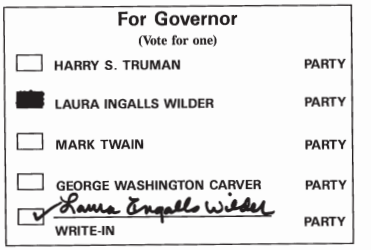
(C) The name of the office for which the candidate is to be elected.



Bobby Jones is a qualified candidate. This constitutes a vote for Bobby Jones.

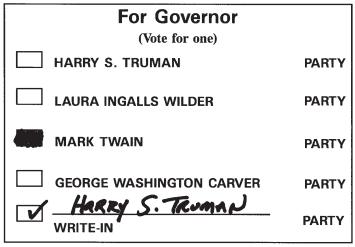
(5) If a voter designates a vote for a named candidate on the ballot and also provides for a write-in candidate in the same race it shall be treated as follows:

(A) If a voter designates a vote for a named candidate on the ballot and writes in the same candidate in the write-in area, the vote shall count for that candidate.



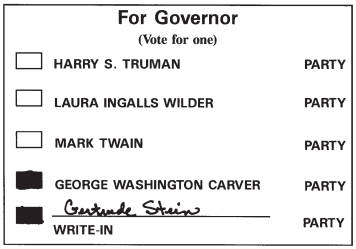
This constitutes a vote for Laura Ingalls Wilder.

(B) If a voter designates a vote for a named candidate on the ballot and writes in the name of a qualified write-in candidate or the name of a different named candidate on the ballot in that race and makes a distinguishing mark in the target area next to the name of the write-in candidate, it shall be considered an overvote with neither candidate receiving credit for the vote.



This constitutes an overvote.

(C) If a voter designates a vote for a named candidate on the ballot and writes in the name of a person who is not a qualified write-in candidate and not a named candidate on the ballot in that race, it shall be considered a vote for the named candidate.



Gertrude Stein is not a qualified candidate. This shall constitute a vote for George Washington Carver.

(6) Whenever a hand recount of votes of paper ballots is ordered, the provisions of this rule shall be used to determine voter intent.

*AUTHORITY: section 115.225, RSMo Supp. 2005.*Original rule filed Aug. 8, 2001, effective March 1, 2002. Emergency rescission filed Feb. 2, 2006, effective Feb. 18, 2006, expired Aug. 16, 2006. Emergency rule filed Feb. 2, 2006, effective Feb. 18, 2006, terminated April 30, 2006. Emergency rule filed April 20, 2006, effective April 30, 2006, expired Aug. 16, 2006. Rescinded and readopted: Filed Feb. 2, 2006, effective July 30, 2006.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995, 2002.*

15 CSR 30-9.040 Write-In Stickers

PURPOSE: This rule sets out the procedures for the process of using stickers to vote for write-in candidates.

(1) The sticker shall contain the name of a candidate, office sought, and a distinguishing mark in the square immediately preceding the name of the candidate and shall be approximately one inch by three inches (1" × 3") in size with black print on a white background.

(2) The sticker shall be placed by the voter on the write-in line designating the office sought or the sticker shall be placed by the voter on the write-in line on the secrecy envelope.

*AUTHORITY: section 115.439.5, RSMo Supp. 2002.*Emergency rule filed Oct. 11, 2002, effective Oct. 21, 2002, expired April 18, 2003. Original rule filed Oct. 18, 2002, effective April 30, 2003.*

**Original authority: 115.439, RSMo 1977, amended 1993, 2002.*

Division 30—Secretary of State
Chapter 10—Voting Machines (Electronic)

15 CSR 30-10.010 Definitions

PURPOSE: This rule provides definitions of terms in addition to those found in Chapter 115, RSMo for the conduct of elections.

(1) Election authority shall mean the county clerk or board of election commissioners. The election authority shall be the chief custodian of the electronic voting system and its components and shall be responsible for the proper maintenance and all necessary preparation for elections. The election authority is authorized to appoint as many custodians as deemed necessary and is permitted by law.

(2) Electronic voting system is a system of casting votes by use of marking devices, and counting votes by use of automatic tabulating or electronic data processing equipment and includes computerized voting systems.

(3) Automatic tabulating equipment shall mean a system consisting of a mechanical or photoelectric ballot card reader, or both, an electronic central processing unit and visually readable tabulated results of the voters' markings on the ballot card. Integral to the system is a capacity to determine the number of ballots processed and the votes cast on each candidate and each ballot question by precinct, jurisdiction total and any other needed total such as ward or township. Absentee totals shall be determinable.

(4) Program shall mean the prepared election computer program or the section of the computer program that contains the information for the particular election being tabulated. Additionally the term shall extend to all programs in the system including, but not limited to, system software, utilities software and compilers, which may be used during the operation of the application software which tabulates the ballots. The program may be stored on cards, tapes, discs, integrated circuits or other electronic, magnetic, optical or paper storage media.

(5) Ballot card is a ballot which is voted by making a punch or sensor mark which can be tabulated by automatic tabulating equipment. All types of automatic or electronic system ballots shall be known as ballot cards regardless of size or stock thickness.

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

(7) Systems which use a single unit for the ballot card and the ballot label shall conform to the rules for both.

(8) Accessible voting station is a voting station equipped for individuals with disabilities.

(9) Audio ballot is a ballot in which a set of offices and issues is presented to the voter in audible, rather than visual form.

(10) Audit trail is recorded information that allows election officials to review the activities that occurred on the voting equipment to verify or reconstruct the steps followed without compromising the ballot or voter secrecy.

(11) Audit trail for direct recording equipment is a paper printout of votes cast, produced by direct-recording electronic voting machines (DREs), which election officials may use to cross-check electronically tabulated totals.

(12) Ballot marking device is any approved device which will enable the votes cast on paper ballots to be counted by automatic tabulating equipment.

(13) Ballot style is the particular set of contests and issues to appear on the ballot for a particular election district, their order, the list of ballot positions for each contest or issue, and the binding of candidate names and issues to ballot positions.

(14) Cast vote record is the permanent record of all votes cast by a single voter whether in electronic, paper or other form.

(15) Counter is the register on each Direct Recording Electronic (DRE) unit which increments by one each time a ballot is cast on the unit. The election counter is the register which is reset for each election and records the number of ballots cast on a DRE unit in a particular election. The system counter is the register which cannot be reset and records the number of ballots cast on a DRE unit over the course of the life of the unit.

(16) DRE is an electronic voting system that utilizes electronic components for the functions of ballot presentation, vote capture, vote recording and tabulation, which are logically and physically integrated into a single unit. A DRE produces a tabulation of the voting data stored in a removable memory component and in printed hard copy.

(17) Election management system is a set of processing functions and databases within a voting system that define, develop and maintain election databases, perform election definition and setup functions, format ballots, count votes, consolidate and report results, and maintain audit trails.

(18) Electronically-assisted ballot marking device is a device that provides assistance to voters who are visually impaired, who have difficulty reading English, or who have difficulty correctly marking by hand a preprinted paper ballot that is to be counted in optical scan systems. The device marks, or assists the voter to mark, selected choices on a previously inserted, preprinted paper ballot. The device then provides audio, tactile, or visual feedback to the voter with regard to the choices the voter has made on the ballot. The completed ballots are later tabulated on the same unit that processes other paper ballots.

(19) Logic and accuracy testing is the testing of the tabulator setups of a new election definition to ensure that the content correctly reflects the election being held (i.e., contests, candidates, number to be elected, ballot styles, etc.) and that all voting positions can be voted for the maximum number of eligible candidates and that results are accurately tabulated and reported.

(20) Paper cast vote record is a paper record of all votes cast by a single voter that can be directly verified by the voter. It is the record created from the voter verifiable audit record after the selections are verified and the vote is cast by the voter.

(21) Precinct count voting system is a voting system that tabulates ballots at the polling place. These systems typically tabulate ballots as they are cast and are capable of printing the results after the close of polling.

AUTHORITY: section 115.225, RSMo 1986. Original rule filed March 31, 1972, effective April 14, 1972. Emergency rescission filed Oct. 5, 1982, effective Nov. 2, 1982. Emergency rule filed*

Oct. 5, 1982, effective Nov. 2, 1982, expired Feb. 2, 1983. Rescinded and readopted: Filed Oct. 5, 1982, effective Feb. 11, 1983. Amended: Filed Dec. 15, 1986, effective Feb. 28, 1987. Emergency amendment filed June 21, 2006, effective July 1, 2006, expires February 22, 2007.

**Original authority: 115.225, RSMo 1977.*

15 CSR 30-10.020 Certification Statements for New or Modified Electronic Voting Systems

PURPOSE: This rule provides that voting machine manufacturers file an initial affidavit stating that the voting machine complies with all applicable rules and laws and a second affidavit stating that when any changes are made in the system the voting machine's ability to continue to comply with the applicable rules and laws will not be affected and that voting machine manufacturers deposit into an escrow account the source code for each version of their voting system qualified for sale and use in Missouri .

(1) As a prerequisite to approval from the secretary of state, each manufacturer or supplier of electronic voting systems or equipment shall have completed and submitted to the secretary of state a certification statement in substantially the same form as contained in section ([3]**5**), and shall have received certification from an independent testing authority approved by the secretary of state.

(2) Beginning on July 1, 2006, when no amendments have been made to an approved system or machine subsequent to qualification, the manufacturer or supplier shall notify the Secretary of State that no amendments have been made on a semi-annual basis on January 1st and July 1st starting on the notification date immediately following approval.

(3) As a prerequisite to approval from the secretary of state, each manufacturer or supplier of electronic voting systems or equipment shall execute an escrow agreement with an escrow agent for the manufacturer's source code for each system fully qualified by the Office of the Secretary of State. At a minimum, the agreement must:

(A) Identify an escrow agency;

(B) Provide the software source code for all voting system components in a minimum of two formats (one human readable and one machine readable) to the escrow agent;

(C) Provide the software documentation to the escrow agent;

(D) Contain a statement confirming that the State of Missouri will, within seven (7) days of the occurrence of one of the following events, receive full access to the source code and unlimited rights to continue using and supporting the software at no cost to the State or the agency should the manufacturer:

1 Become insolvent; or

2 Make a general assignment for the benefit of creditors; or

3 File a voluntary petition of bankruptcy; or

4 Suffer or permit the appointment of a receiver for its business or assets; or

5 Become subject to any proceeding of bankruptcy or insolvency law, whether foreign or domestic; or

6 Wind up or liquidate its business voluntarily or otherwise and the State has reason to believe that the vendor will fail to meet future obligations; or

7 Discontinue support of the provided products or fail to support the products in accordance with its maintenance obligations and warranties.

(E) Contain a statement agreeing to notify in writing the Independent Testing Authority (ITA) that certified the system, giving the State of Missouri full access to "final build", records and test results related to the certification tests at no charge to the State; and

(F) Contain a statement agreeing that the escrow will stay in place as long as the system is used in Missouri, at no cost to the State.

(4) If any modification, deletion or improvement to approved voting or tabulating equipment, procedures or systems is made, the manufacturer, programmer or supplier shall notify the secretary of state and a certification amendment statement shall be submitted.

(A) No certification need be submitted if one (1) of the following conditions are met:

1. The equipment is not a device which—

A. Converts the intent of the voter into a data string, as an example, a card reader or scanner;

B. Changes, interprets, converts, modifies or records the data string being transmitted from the ballot counter; or

C. Manipulates data or the results of any data conversion into a report exclusive of the printer; or

2. The software only monitors system operation.

(B) Certificates from the software supplier or programmer shall always be submitted in the following cases when the additions could be used during the tabulating process:

1. Installation of a new release of system software, utilities software, or both;
2. Installation of new or expanded central processing units;
3. Installation of additional random access or read only memory (RAM or ROM); and
4. Installation of additional magnetic, electronic or optical data storage units.

(C) All systems installed as of January 1, 1987 are approved in the configuration that existed as of that date.

([3]**5**) Manufacturer's certification statement shall be completed substantially as the example which follows:

MANUFACTURER'S CERTIFICATION STATEMENT

I, _____, president of _____
(electronic voting systems company)

do hereby certify to _____, Secretary of State of Missouri that the _____ electronic voting system will permit in accordance with
(name of equipment)

section 115.225, RSMo:

1. Voting in absolute secrecy;
2. Each elector to vote at any election for all persons and offices for whom and for which s/he is lawfully entitled to vote;
3. The automatic tabulating equipment to be set to reject all votes for any office or on any measure except write-in votes when the number of votes exceeds the number the voter is entitled to cast;
4. Each elector to vote for as many persons for an office as s/he is entitled to vote for;

5. Each elector to vote for or against any questions upon which s/he is entitled to vote; and to vote, by means of a single device, where applicable, for all candidates of one (1) party or to vote a split ticket as s/he desires;

6. Each elector, at presidential elections, by one (1) punch or mark, to vote for the candidate of that party for president, vice-president and their presidential electors; and

7. The _____ electronic voting system complies with all other requirements of the election laws of the state of Missouri where they are applicable.

(Briefly describe the type of electronic voting system provided by _____, the means by which it meets the requirements of provisions 1–6. and list the areas in which the system is in use.)

I do hereby certify that the above information is true and accurate this _____ day of _____, 20___.

_____ _____

(President) *(Name of Company)*

The above signator appeared before me this _____ day of _____, 20____, and did personally sign this affidavit.

_____

(Notary)

My commission expires _____

([4]**6**) Compliance with this certification statement will assist this office when approval is requested for use of electronic voting systems in this state. After receiving this information, the secretary of state will schedule a meeting with the election official making the request to use electronic equipment and representatives of the voting equipment company to discuss approval of its use in Missouri.

([5]**7**) The certification amendment statement shall be completed substantially as the example which follows:

AMENDMENT TO CERTIFICATION STATEMENT

I, _____ _____, of

(Name) *(Office)*

_____, do hereby certify to _____, Secretary of State

(Company)

of Missouri, that the change outlined here will not affect the accuracy or legal operational requirements as outlined in section 115.225, RSMo of _____.

(*Product Name and Version*)

_____

(*Briefly describe the change.*)

_____

(*Signature*)

The above signator appeared before me this _____ day of _____, 20___ and did personally sign this affidavit.

_____ _____

(Name) (*Name of Company*)

_____

(*Notary*)

My commission expires _____

([6]8) No change in system software, utilities software, or both, may be made within [thirty (30) days] six (6) weeks prior to an election in which the automated tabulating equipment will be used for the tabulating of ballots. In the event that system software, utilities software, or both, is to be changed within thirty (30) days after

any election in which the automated tabulating equipment is used for the tabulating of ballots, the election authority shall have copies made of the original system software, utilities software, or both, and those copies shall be stored in the same manner as the ballots counted in that election.

*AUTHORITY: section 115.225, RSMo 2000. *Original rule filed March 31, 1972, effective April 10, 1972. Amended: Filed April 7, 1978, effective July 13, 1978. Emergency amendment filed Oct. 5, 1982, effective Nov. 2, 1982, expired Feb. 2, 1983. Amended: Filed Oct. 5, 1982, effective Feb. 11, 1983. Amended: Filed Dec. 15, 1986, effective Feb. 28, 1987. Rescinded and readopted: Filed Aug. 8, 2001, effective March 1, 2002. Emergency amendment filed June 21, 2006, effective July 1, 2006, expires February 22, 2007.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995.*

15 CSR 30-10.025 Election Authority's Certification Statement

PURPOSE: This rule provides a method by which the election authority and the secretary of state are assured that the systems being purchased are approved for use in Missouri.

(1) No election authority shall authorize payment for software or hardware used for the tabulation of ballots unless the following actions have been taken:

(A) They shall have on file in their office a copy of the letter of authorization from the secretary of state to the manufacturer of the equipment, software, or both, being purchased which states that the equipment, software, or both, is approved for use in Missouri; and

(B) They shall have filed with the elections division of the Secretary of State's office a sworn statement that they do have the letter referenced in section (S) in their file and they believe that the software, equipment, or both, purchased is the same as that approved by the secretary of state.

AUTHORITY: section 115.225, RSMo 1986. Original rule filed Dec. 15, 1986, effective Feb. 28, 1987.*

**Original authority: 115.225, RSMo 1977.*

15 CSR 30-10.030 Voter Education and Voting Device Preparation

PURPOSE: This rule provides for the conduct of voter education and voting device preparation.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) Before elections in which an electronic voting system is to be used for the first time, the election authority shall conduct a public information program to acquaint voters who will be using the system with the manner in which ballots are voted and counted.

(2) Vote Recording Preparation—Polling Place. In addition to those supplies required for the conduct of elections generally, the election authority shall cause to have prepared and delivered to each polling place using the electronic voting system no later than forty-five (45) minutes prior to the opening of the polls, a sufficient quantity of the following:

(A) Each polling place in a primary or general election shall be provided with at least one (1) voting device for each one hundred fifty (150) registered voters. A sufficient number of machines shall be provided for other elections. There shall always be one (1) extra specimen voting device per polling place for use in the instruction of voters. Exceptions to this regulation for specific elections may be granted upon application therefor to the secretary of state. In primary elections there shall be at least one (1) voting device for each eligible political party or ticket. The voting devices shall be put in order, set, adjusted and ready for voting when delivered to the polling places;

(B) Ballot label assemblies for use on voting devices requiring ballot labels, in the format approved by the secretary of state, properly sequenced, mounted in each voting device supplied. The type of election and the date of election shall be plainly marked on the front cover of each ballot label assembly. In preparing a voting device for an election, it shall be arranged so that it will in every particular case meet the requirements for voting and counting at that election;

(C) Ballot cards in the form required for processing by the electronic data processing equipment. The number of ballot cards supplied shall be sufficient to comply with section 115.247, RSMo;

1. The ballot card shall be in the format approved by the secretary of state. In the case of ballot cards of the 5081 size, the ballot stub and the ballot card shall not contain any common identifying mark, number or symbol which would permit them to be matched after having been detached in the voting process. Systems using larger sheets for ballot cards shall likewise be void of matching marks.

2. All arrows on the ballot label indicating where a voter may mark to designate his/her vote shall point to the center of the appropriate hole in the mask or the proper area for marking. All play in the ballot label of the 5081 size cards shall be limited so that the point of the arrow always points to the hole.

3. Demonstration ballot cards of a distinctive color, clearly marked for demonstration for use in the instruction voting device to educate the voter in the use of the system shall be supplied in such number as may be determined by the election authority.

4. Sample ballots, demonstration ballot cards or ballot labels which shall be exact copies of the official ballots except for wording indicating the sample status of the sheet.

5. All ballot cards shall be delivered to the polling places in a sealed package or container;

(D) Envelopes, sufficient in size to cover the voting area of the ballot card, if ballot cards of the 5081 format are used, made of stiff paper into which the ballot card is inserted by the voter after voting. The envelope shall cover the voting area of the ballot card and shall be of sufficient width to prevent insertion into a voting device. Ballot envelopes shall contain space so that the voter may cast write-in votes, if allowable for that election. The number of ballot envelopes shall equal the number of ballot cards supplied. Envelopes shall not be required in systems where the voter inserts the ballot card into the electronic counting device him/herself;

(E) Paper ballots, if any part of the election is to be voted on paper ballots;

(F) Ballot boxes as required by general election law;

(G) A transfer case sufficiently large to hold, transfer to the counting location from the polling place and store the ballot cards which have been voted in a polling place and the spoiled ballots envelope. The transfer case shall be constructed of metal and sealed with a numbered non-reusable seal;

(H) Envelopes and containers in which to enclose voted paper ballots, if used; spoiled ballot cards; envelopes; unused paper ballots; and unused ballot cards;

(I) A ballot card certificate, in the form set out with this rule, together with an envelope addressed to the election authority;

(J) Two (2) sample ballots of each ballot type to be voted on in the polling place;

(K) Pencils, seals and any other supplies and forms deemed necessary; and

(L) *Instruction Guide for Election Judges and Clerks* issued by the secretary of state.

AUTHORITY: section 115.225, RSMo 1986. Original rule filed March 31, 1972, effective April 10, 1972. Amended: Filed Sept. 15, 1972, effective Sept. 25, 1972. Emergency rescission filed Oct. 5, 1982, effective Nov. 2, 1982. Emergency rule filed Oct. 5, 1982, effective Nov. 2, 1982, expired Feb. 2, 1983. Rescinded and readopted: Filed Oct. 5, 1982, effective Feb. 11, 1983.*

**Original authority: 115.225, RSMo 1977.*

STATE OF MISSOURI
BALLOT CARD CERTIFICATION

This section to be completed BEFORE Polls open.

We hereby certify at the _____Election held in _____, Missouri, on _____, 19 _____ in _____ Township and _____Precinct(s) that the following information is correct.

_____ _____
(Initials of Judges)

Rep. _____ Dem. _____
Rep. _____ Dem. _____ BALLOT SERIAL NUMBERS
Rep. _____ Dem. _____

_____ _____

Color _____ Beginning No. _____ Ending No. _____ Total _____
Color _____ Beginning No. _____ Ending No. _____ Total _____

Total Ballots Received _____

This section to be completed AFTER Polls close.

Total number of spoiled ballots _____
Total number of unused ballots (all colors) _____
Total number of ballots removed from ballot box after polls close _____

Total of 3 lines above _____

Total number of signed ID cards (must equal total ballots from box) _____
Total number of envelopes containing write-in votes _____

SIGNATURES OF ELECTION JUDGES

Rep. _____ Dem. _____
Rep. _____ Dem. _____
Rep. _____ Dem. _____

Transfer Case Seal Number _____

Transfer Case has been received at the counting location and the contents have been checked in.

_____ _____ _____
(Dem.) *(Rep.)* *(Time)*

15 CSR 30-10.040 Electronic Ballot Tabulation—Counting Preparation

PURPOSE: This rule provides for procedures in connection with the preparation for vote recording and tabulation including appointment of judges, equipment and program preparation and pre-election testing.

(1) The election authority shall be responsible for insuring that the electronic tabulating system s/he chooses to use accurately records, and/or counts, all proper votes cast and complies with all applicable state statutes and rules.

(2) The election authority shall be responsible that all steps have been taken to insure that the electronic tabulating equipment operates properly at the time of the pre-election public logic and accuracy test and during the tabulation of ballots on election night.

(3) The election authority shall be responsible for making necessary arrangements for a backup ballot tabulating system.

(4) The election authority shall be responsible for providing a duplicate of the counting program for the computer system on which the ballot tabulation is to be done, regardless of the backup counting system used.

(5) Prior to each election day, the election authority shall be responsible for appointing one (1) or more bipartisan teams composed of equal numbers of members from the two (2) major parties to carry out the functions of—certifying the accuracy of the electronic tabulating equipment, receiving election materials from the polls, duplicating damaged or defective ballots, processing ballots through the electronic tabulating system and preparing election materials for final storage. Each person so appointed shall have the qualifications of and take the oath of office prescribed for election judges in section 115.091, RSMo. These persons will be selected from lists compiled as outlined in section (6) except where an election authority is a board of election commissioners, the election authority may designate persons of its own choosing.

(6) Beginning in 1987, not less than sixty (60) days prior to the first election date of each calendar year, each election authority, except as noted in section (5), shall notify by mail, the chairpersons of the two (2) major political parties within their jurisdiction of the number of persons from their parties needed for the bipartisan teams used in processing and counting ballots. Each chairperson shall have thirty (30) days to provide a list to the election authority, in writing, of twice as many persons meeting the qualifications of section 115.091, RSMo, as the election authority has indicated are necessary. If the chairpersons cannot respond in that thirty (30)-day period with the list of names or enough persons to fill all positions, the election authority shall select persons from that party to fulfill those functions. Nothing contained in this rule shall prohibit an election authority from requesting a new list of names for the bipartisan teams for each election provided that the lists are requested sixty (60) days prior to the election and that the chairpersons have thirty (30) days for response. For elections in 1986, the election authority shall select members of the bipartisan teams in a manner consistent with the way in which s/he has previously selected these personnel. If the election authority has not previously utilized automated tabulating equipment, it shall follow the same schedule as will be used in succeeding years except that the chairpersons shall be notified not later than sixty (60) days prior to the August primary.

(7) Prior to election day the election authority shall supervise a public logic and accuracy test of the electronic tabulating equipment conducted by the accuracy certification team.

(A) The logic and accuracy test shall be open to any member of the public; and the election authority, by some appropriate method, shall notify the public of the time and date of the test.

(B) Persons, other than candidates and other individuals required to be notified under section 115.233, RSMo, wishing to participate in the testing process shall file a written request with the election authority at least twenty-four (24) hours prior to the publicized beginning of the logic and accuracy test.

(C) The election authority shall prepare an appropriate logic and accuracy test deck which will include the following conditions:

1. Each ballot position must be tested;

2. No two (2) candidates for the same office may receive the same number of votes, but each candidate must receive one (1) vote;

3. No ballot question may receive the same number of votes for and against;

4. In situations where a voter can legally vote for more than one (1) person for an office, at least one (1) card shall be voted for the maximum number of allowable candidates;

5. One (1) card shall be marked to have one (1) more vote for each candidate or question than is allowable;

6. One (1) card shall have no votes recorded on it;

7. In general partisan elections, each party shall receive at least one (1) straight party vote. Additionally each party shall receive at least one (1) straight party vote where a candidate of another party receives a vote on the ballot;

8. Ballots should be punched or marked to test all name rotations, if used; and

9. One (1) card (if possible) shall contain a vote for a candidate for whom persons using that ballot format are not entitled to vote.

(D) The accuracy certification team may run the test deck as provided by the election authority again, making as many additions, subtractions or changes in the ballot cards as they desire.

(E) The public logic and accuracy team shall compare the results of the electronic test to those from a manual count of the test ballots. If the results are incorrect, then changes and/or corrections will be made until an errorless count is made. An electronic ballot tabulation machine shall not be used on election day until an errorless count is made on that machine.

(F) After the team is satisfied that the equipment is tabulating the ballots properly, each candidate on the ballot or any representative of a group which has notified the election authority pursuant to subsection (7)(B) may inspect and manually recount the test deck.

(G) If the results match with the manual count, the team shall certify that the system is accurate and properly counting ballots. All logic and accuracy test materials including the deck shall be sealed in a tamperproof container and sealed with a numbered seal. All team members shall verify, by signature or initials, the seal number on a certificate placed on the outside of the container.

(H) The election authority shall have custody of the logic and accuracy test materials including the program until called for by the accuracy certification team.

AUTHORITY: section 115.225, RSMo 2000. Original rule filed March 31, 1972, effective April 10, 1972. Amended: Filed April 7, 1978, effective July 13, 1978. Emergency rescission and rule filed Oct. 5, 1982, effective Nov. 2, 1982, expired Feb. 2, 1983. Rescinded and readopted: Filed Oct. 5, 1982, effective Feb. 11, 1983. Emergency rescission and rule filed May 12, 1986, effective Aug. 1, 1986, expired Nov. 7, 1986. Emergency rescission and rule filed April 17, 1987, effective April 27, 1987, expired Aug. 14, 1987. Rescinded and readopted: Filed April 17, 1987, effective June 25, 1987. Rescinded and readopted: Filed Aug. 8, 2001, effective March 1, 2002.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995.*

15 CSR 30-10.050 Election Procedures

PURPOSE: This rule provides for the appointment and instruction of election judges.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) The election authority shall appoint a minimum of four (4) judges for each polling place to be used in the election according to sections 115.079, 115.081 and 115.083, RSMo.

(2) All persons not previously trained in the use of the type of voting equipment being used, prior to entering into the performance of their duties as judges at the election, shall attend a course of instruction for judges in the use and operation of the electronic voting system, conducted under the authorization and supervision of the election authority. In addition to the normal duties of the judges of election, the instruction shall cover the proper use and procedures for use of the voting devices, ballot cards, marking of the ballot cards, procedures for write-in votes (when applicable), replacing spoiled ballots and procedures for safeguarding and transfer of ballot cards and other materials.

(3) The voting and marking devices, registration books, identification cards, ballots and other necessary supplies shall be delivered to the polling places prior to 5:30 a.m. on election day.

(4) Instructions to Election Judges. The election authority shall provide the *Instruction Guide for Election Judges* issued by the secretary of state to be given to election judges in each polling place. All election procedures outlined in the instruction guide will be performed by judges in polling places having electronic voting systems.

AUTHORITY: section 115.225, RSMo 1986. Original rule filed March 31, 1972, effective April 10, 1972. Amended: Filed Sept. 15, 1972, effective Sept. 25, 1972. Emergency rescission filed Oct. 5, 1982, effective Nov. 2, 1982, expired Feb. 2, 1983. Emergency rule filed Oct. 5, 1982, effective Nov. 2, 1982. Rescinded and readopted: Filed Oct. 5, 1982, effective Feb. 11, 1983.*

**Original authority: 115.225, RSMo 1977.*

15 CSR 30-10.060 Electronic Ballot Tabulation—Election Procedures

PURPOSE: This rule provides for procedures to be used by election authorities using electronic tabulating equipment to count voted ballots.

(1) Voted and unvoted ballots shall be processed using the following rules:

(A) Voted ballots shall always be handled or moved either by a bipartisan team or in the direct view of a bipartisan team;

(B) In those cases where the election authority determines it is more efficient to move voted ballots by use of a single person, those items shall be placed into a tamperproof container and sealed with a numbered seal. Members of a bipartisan team shall witness the sealing and verify the number of the seal by their signatures on a certificate placed on the exterior of the contain-

er. The container shall only be opened in the presence of a bipartisan team which shall verify the accuracy of the seal number before the seal is broken;

(C) The election authority shall be responsible for insuring that sufficient certificates are made on each transfer of ballot responsibility to accurately recreate each movement of the ballot from one (1) team to the next. Each transfer shall include a statement that no election material was added, subtracted or altered except as provided by statute or rule and that no irregularities were noticed unless otherwise noted; and

(D) The election authority or his/her representative shall be on hand at all times in the counting center when ballots are unsealed.

(2) Ballot counting shall be conducted as follows:

(A) The election authority shall have the authority to limit access by persons, other than those previously appointed to bipartisan teams, in those areas where ballots are unsealed or are being counted;

(B) Ballot duplication for damaged ballots shall be done by bipartisan teams using whatever method is selected by the election authority provided that—

1. The system provides an exact duplicate of the voter's intent, pursuant to 15 CSR 30-9.010, 15 CSR 30-9.020 and 15 CSR 30-9.030;

2. Both members of the team participate in the process;

3. Both members can review the other's work;

4. There is an undisputed method to match the duplicate card with its original after it has been placed with the remainder of the ballot cards from that precinct; and

5. Allowances are made for watchers appointed pursuant to section 115.107, RSMo to perform their statutory duties;

(C) Any changes to the operating system, application programs, files or counters used in the ballot counting shall be documented by the election authority;

(D) The last transaction with the electronic tabulating system prior to counting ballots shall be the public logic and accuracy test; and

(E) The election authority may conduct other logic and accuracy tests as s/he deems necessary including the hand count of ballots.

(3) Prior to certification of the election results, the accuracy and certification team shall recount the test deck used prior to the start of ballot tabulation on each electronic tabulating machine as follows:

(A) In the event that the counts are not identical, the team shall not certify that the electronic tabulating system was operating properly;

(B) Necessary corrections shall be made to the tabulating program until the test deck is counted properly, and all ballots shall be recounted; and

(C) If the counts are identical, the team shall certify that the system is operating properly.

(4) After the accuracy certification team has approved the count and before the ballots are sealed for final storage, the team processing the ballots shall select one (1) precinct by mutual consent to be recounted. The results of that recount shall be reported on certificates supplied by the secretary of state. One (1) copy shall be filed with the secretary of state within four (4) weeks of the election date and one (1) copy shall be filed with the public records of the election.

(5) After the recount of the selected precinct, bipartisan teams shall place all ballots and other support materials into appropriate tamperproof containers which are sealed in such a way as to prevent any undisclosed entry. If numbered seals are used, those numbers shall appear on the exterior of the container and shall be witnessed by the signatures of the team members.

AUTHORITY: section 115.225, RSMo 2000. Original rule filed March 31, 1972, effective April 10, 1972. Amended: Filed Sept. 15, 1972, effective Sept. 25, 1972. Amended: Filed Nov. 18, 1976, effective March 11, 1977. Emergency amendment filed Oct. 8, 1976, effective Oct. 18, 1976, expired Feb. 15, 1977. Amended: Filed April 7, 1978, effective July 13, 1978. Emergency rescission and rule filed Oct. 5, 1982, effective Nov. 2, 1982, expired Feb. 2, 1983. Rescinded and readopted: Filed Oct. 5, 1982, effective Feb. 11, 1983. Emergency rescission and rule filed May 12, 1986, effective Aug. 1, 1986, expired Nov. 7, 1986. Emergency rescission and rule filed April 17, 1987, effective April 27, 1987, expired Aug. 14, 1987. Rescinded and readopted: Filed April 17, 1987, effective June 25, 1987. Rescinded and readopted: Filed Aug. 8, 2001, effective March 1, 2002.*

**Original authority: 115.225, RSMo 1977, amended 1993, 1995.*

15 CSR 30-10.070 Certificates by Officers; Security Areas; Retention of Material; Independent Audit
(Rescinded June 25, 1987)

AUTHORITY: section 115.225, RSMo 1986. Original rule filed March 31, 1972, effective April 10, 1972. Emergency rescission filed Oct. 5, 1982, effective Nov. 2, 1982, expired Feb. 2, 1983. Emergency rule filed Oct. 5, 1982, effective Nov. 2, 1982, expired Feb. 2, 1983. Rescinded and readopted: Filed Oct. 5, 1982, effective Feb. 11, 1983. Emergency rescission filed April 17, 1987, effective April 27, 1987, expired Aug. 14, 1987. Rescinded: Filed April 17, 1987, effective June 25, 1987.

15 CSR 30-10.080 Absentee Balloting

PURPOSE: This rule sets out procedures for absentee balloting in addition to those found in Chapter 115, RSMo.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) All jurisdictions using electronic data processing tabulation systems may conduct absentee balloting by the same means. The requirements of Chapter 115, RSMo shall be followed.

(2) For absentee ballots to be voted within the office of the election authority, the election authority may provide voting devices equipped with ballot label assemblies as provided in 15 CSR 30-10.030 or by voting on the styrofoam-type backing in the case of the 5081 type ballot cards in the same manner as does the voter who receives an absentee ballot by mail.

(3) For absentee ballots to be voted elsewhere, the election authority shall provide:
(A) A ballot card mounted on a backing of styrofoam or other similar material to permit convenient and efficient marking of the ballot card if the 5081 type card is used. Ballot cards where the mark is by way of a pencil do not require the backing materials;
(B) A disposable marking device for marking the ballot card;

(C) A printed paper listing of the offices, candidates and questions containing reproductions of the pages of the ballot label assembly used for voting;

(D) Absentee voting instructions in substantially the same form as section (6) of this rule;

(E) Ballot card envelope, if used; and

(F) Envelope for returning voted ballot to election authority.

(4) The absentee ballots so voted shall be counted in the manner provided in section 115.301, RSMo.

(5) The absentee ballots should then be processed in accordance with the "Procedures After the Polls Close" outlined in the *Instruction Guide for Election Judges and Clerks*.

(6) Absentee voting instructions are shown in Exhibits 3A and B.

AUTHORITY: section 115.225, RSMo 1986. Original rule filed March 31, 1972, effective April 10, 1972. Amended: Filed Sept. 15, 1972, effective Sept. 25, 1972. Emergency amendment filed Oct. 8, 1976, effective Oct. 18, 1976, expired Feb. 15, 1977. Amended: Filed Nov. 18, 1976, effective March 11, 1977. Amended: Filed April 7, 1978, effective July 13, 1978. Emergency rescission filed Oct. 5, 1982, effective Nov. 2, 1982. Emergency rule filed Oct. 5, 1982, effective Nov. 2, 1982, expired Feb. 2, 1983. Rescinded and readopted: Filed Oct. 5, 1982, effective Feb. 11, 1983.*

**Original authority: 115.225, RSMo 1977.*

EXHIBIT 3A
Sample Absentee Voting Instructions
For Punch Card Voting Jurisdictions

ABSENTEE VOTING INSTRUCTIONS

READ ALL INSTRUCTIONS BEFORE VOTING

Your 'ballot packet' consists of:

- BALLOT CARD (which is mounted on styrofoam backing)
- Ballot Card Secrecy envelope (gray)
- Absentee ballot envelope in which Ballot Card and Secrecy envelope will be inserted
- Official Absentee ballot sheet listing offices, candidates and/or questions
- Absentee Voting Instructions (this sheet)
- Wire Punch device (paper clip)

If you spoil your ballot card in any manner—you may return the ballot packet to the Election Authority and request a new ballot card.

TO VOTE

Read the Official Absentee Ballot sheet noting the offices, the candidate names, questions and other special instructions. Next to the name of each candidate and question is a NUMBER or set of numbers which correspond to numbers on the ballot card.

Using the wire punch device supplied, firmly punch out the small "black dot" on the ballot card above the number of the candidate or issue.

Punch with sufficient force so that the "black dot" is completely punched out of the ballot card.

AFTER VOTING THE BALLOT CARD

- Place the ballot card in the gray secrecy envelope.
- In the presence of a notary public fill out the envelope including your signature. Let the notary sign, date and emboss the envelope.
- Place the ballot card (inside the secrecy envelope) inside the large envelope after the notary fills out his section and completes the embossing.
- Seal the large envelope.
- Return the envelope to the Election Authority either in person or by the U.S. Postal Service.

The envelope containing your ballot must be received by the Election Authority not later than 7 p.m. on the day of the election.

EXHIBIT 3B
Sample Absentee Voting Instructions
for Mark Sense Voting Jurisdictions

ABSENTEE VOTING INSTRUCTIONS

INSTRUCTIONS FOR MARKING BALLOT(S)

USE ONLY THE PENCIL PROVIDED VOTE BOTH SIDES OF BALLOT

1. On receipt of this ballot the voter, using the pencil provided, shall prepare the ballot for voting in the following manner.

*(1) Should the voter desire to vote a "straight party ticket" he shall place a cross (X) mark in the circle immediately below the party name. If the voter desires to vote for one or more candidates on more than one party ticket, by voting what is commonly known as a "split ticket" he may place a cross (X) mark in the circle immediately below one party name and mark cross (X) marks in the squares at the left of the names of candidates on other tickets for whom he wishes to vote.

[*The option to vote a "straight party ticket" was repealed in SB 1014 during the Ninety-third General Assembly, Second Regular Session (2006).]

(2) If the voter desires to vote for one or more candidates whose name or names do not appear on the printed ballot, he may do so by writing the name of the person for whom he desires to vote, and placing a cross (X) mark in the square at the left of such name on the printed ballot in the column provided for write-ins.

(3) Where there are two or more candidates for like office in a group, a cross (X) mark in the square to the left of a candidate's name automatically votes against the candidate whose name appears within the same horizontal lines in the column under the circle in which appears the cross (X) mark.

2. All candidates of the party whose circle is marked shall be counted as voted for, excepting where squares are crossed preceding the names of the candidates in other columns. If two or more candidates for the same office are thus designated, neither shall be counted. If the cross (X) is not placed in the circle immediately below the party name at the head of the column, but does appear in the squares opposite the various candidates' names, then only these names shall be counted for, and none other. A cross (X) mark is any line crossing any other line at any angle within the voting space and no ballot shall be declared void because a cross (X) mark therein is irregular in form.

3. It is unlawful to deface or tear a ballot in any manner or to erase any printed name, figure, word or letter therefrom, or to erase any mark made thereon by the voter.

4. A ballot without any marks shall not be counted. Ballots shall be counted only for the person for whom the marks thereon are applicable; when a voter places a mark against two or more names for the same office, and only one candidate is to be chosen for the office, none of the candidates is deemed to have been voted for and the ballot shall not be counted for either candidate.

5. DO NOT FOLD BALLOT. All ballots must be returned to the election authority no later than 7:00 p.m. on election day in order to be counted.

15 CSR 30-10.090 Procedure for Recount or Contested Election

PURPOSE: This rule provides program tabulating and accuracy tests in addition to those set out in 15 CSR 30-10.020 for tabulating a recount or contested election.

(1) Procedure for Recall Contest Using Electronic Data Processing System. A recall contest has two (2) parts. Part 1 consists of a yes or no vote for the recall proposal. Part 2 consists of candidates for the vacant office in the event a majority of yes votes are cast for the recall proposal. Only voters casting valid votes in Part 1 are eligible to vote in Part 2. Ballot cards which do not contain a vote in Part 1 and ballot cards which contain both yes and no votes in Part 1 represent invalid ballots not eligible to vote in Part 2, and must be manually removed from the ballot cards to be tabulated with the electronic processing system. Once the invalid ballot cards have been identified manually and have been put aside, and the total removed has been verified, the remaining valid ballot cards are processed to determine the number of yes and no votes for the recall proposal and the candidate(s) elected to succeed the incumbent.

(2) Standard electronic data processing tests and auditing procedures shall be used to test the accuracy and validity of the programming of the electronic data processing system.

AUTHORITY: section 115.225, RSMo 1986. Original rule filed March 31, 1972, effective April 15, 1972. Emergency rescission filed Oct. 5, 1982, effective Nov. 2, 1982. Emergency rule filed Oct. 5, 1982, effective Nov. 2, 1982, expired Feb. 2, 1983. Rescinded and readopted: Filed Oct. 5, 1982, effective Feb. 11, 1983.*

**Original authority: 115.225, RSMo 1977.*

15 CSR 30-10.100 Rejection of Votes
(Rescinded December 13, 1979)

AUTHORITY: section 115.225, RSMo 1978. Original rule filed Nov. 13, 1978, effective Feb. 11, 1979. Rescinded: Filed Aug. 14, 1979, effective Dec. 13, 1979.

15 CSR 30-10.110 Manual Recount

PURPOSE: This rule provides a method for the election authority, the secretary of state and the general public to compare electronically tabulated vote results with manual recounts of selected races and ballot issues in certain election precincts.

(1) Definitions.
(A) County—whenever the word county is used in this rule, it includes the cities of St. Louis and Kansas City.
(B) Precinct—the election authority, at his/her discretion, may consider polling sites containing more than one (1) precinct to be counted as a single precinct for all purposes of this rule.

(2) After the electronic recount provided for in 15 CSR 30-10.060(2)(G) and prior to the certification of the election results, the accuracy certification team shall randomly select not less than one (1) precinct for every one hundred (100) election precincts or fraction thereof, but not less than one (1) precinct, in order to conduct a manual recount of selected contested races and ballot issues in the selected precinct(s).

(3) Recount of the randomly selected precinct(s) shall be conducted in the following manner:

(A) The election authority shall select not less than one (1) manual recount team made up of not less than two (2) persons selected from lists as outlined in 15 CSR 30-10.040(6) except when an election authority is a board of election commissioners, the election authority may designate persons of its own choosing. Each person so appointed shall have the qualifications of and take the oath of office prescribed for election judges in section 115.091, RSMo. The election authority may utilize the accuracy certification team selected in 15 CSR 30-10.040;

(B) For the selected precinct(s), the manual recount team shall unseal the appropriate ballot containers and manually recount certain randomly selected contested races and ballot issues; and

(C) One (1) contested race or ballot issue to be manually recounted shall be randomly selected from each of the following categories, where applicable:

1. Presidential and Vice-Presidential electors, United States senate candidates and state-wide candidates;

2. State-wide ballot issues;

3. United States representative candidates and state general assembly candidates;

4. Partisan circuit and associate circuit judge candidates and all nonpartisan judicial retention candidates; and

5. In addition to the candidates and issues previously listed, the manual recount team shall select not less than three (3) contested races or ballot issues from all political subdivisions and special districts, including the county, in the selected precinct(s). When there are three (3) or fewer contested races or ballot issues within this category at a selected precinct, all shall be counted.

(4) The secretary of state, at his/her sole discretion, and upon the showing of good cause by an election authority not less than three (3) weeks prior to the date of an election, may waive the manual recount requirement for any political subdivision or special district holding an election on the election date.

(5) Upon completion of the manual recount, the manual recount team shall reseal the ballots and other support materials in the appropriate containers. The results of the manual recount shall be reported on certificates provided by the secretary of state. One (1) copy shall be filed with the secretary of state within four (4) weeks of the election date and one (1) copy shall be filed with the public records of the election.

AUTHORITY: section 115.225.1., RSMo 1986. Original rule filed Jan. 3, 1990, effective March 26, 1990.*

**Original authority: 115.225, RSMo 1977.*

15 CSR 30-10.120 Ballot Management Systems

PURPOSE: This rule provides that management controls shall be instituted by local election authorities on ballot cards counted by electronic ballot tabulating equipment.

(1) Definitions.

(A) Ballot cards—the computer card on which a voter indicates their votes in the case of a punch card system or the entire ballot on which a voter marks their votes in the case of an optical scan system.

(B) Destruction of ballot cards—any method which renders the cards unusable for further use as ballot cards including burning, mechanical shredding or cutting and chemical decomposition but does not include landfilling or burying.

(2) All county election officials shall develop and operate a management system to document on the public record the acquisition and usage of all ballot cards provided to them for use in automated tabulating systems.

(3) At a minimum, the system shall provide an ongoing inventory record and a signed written affidavit on the public record for the following activities:

(A) Receipt of ballot cards including date of receipt, total shipment received and serial numbers (if available) of the ballot cards;

(B) Issuance of ballot cards to each polling place including the election date, total number of ballot cards issued and serial numbers, if available;

(C) Receipt of ballot cards from each polling place following the election including election date, a reconciliation for each precinct showing total ballots issued, total ballots voted, total ballots invalidated, total ballots lost and total ballots returned unvoted. The election authority within thirty (30) days after the election shall verify by physical count the number of unvoted ballots. Unvoted ballots shall be shown by serial numbers, if available;

(D) Issuance of ballots to the election authority for the purpose of absentee ballot preparation. This record shall contain all the elements contained in subsection (3)(B). Following the election, the election authority shall complete a record containing all information contained in subsection (3)(C);

(E) Destruction of unvoted ballots for whatever purpose the election authority deems appropriate. This record shall contain the number of ballots destroyed, the method of destruction and the serial numbers of the ballot cards, if available;

(F) Issuance of ballots for educational, testing or any purposes other than those mentioned in subsections (3)(A)–(E). In every case the record shall indicate the purpose for which the ballot cards are issued, the serial numbers of the ballots, if available, and the steps taken by the election authority, including the marking of the word VOID on the face or back of the ballot card or changes to the ballot card to insure that the ballot cards will not be used in subsequent elections; and

(G) All the affidavits in this section shall be maintained in the office of the election authority for a period of two (2) years after the date on which all ballot cards from a single shipment of ballot cards have been completely issued.

(4) Each election authority shall conduct an annual inventory of all ballot cards in their custody comparing the actual number of ballot cards in their custody with the number of cards indicated as being on their inventory records.

(A) This inventory must include verification of all serial numbers if available.

(B) The election authority shall establish the date(s) of the inventory at their discretion between April 1 and June 1 of each year.

(C) Following the required inventory, the election authority shall sign an affidavit including the actual number of ballots on hand at the end of the previous inventory, the number of ballots received since the previous inventory, the number of ballots restocked following elections or other activities outlined in section (3), the number of ballots issued or destroyed since the last inventory based on previously filed affidavits, the actual number of ballots on hand as determined by the present inventory and any discrepancies. In the case of discrepancies, the election authority shall include their assessment of the reason for the discrepancy. In all cases the affidavit shall include serial numbers, if available.

(D) One (1) copy of the affidavit shall be held by the election authority in their office for five (5) years from the date of affidavit and one (1) copy shall be forwarded to the secretary of state.

AUTHORITY: section 115.225.1., RSMo 1986. Original rule filed Jan. 3, 1990, effective March 26, 1990.*

**Original authority: 115.225, RSMo 1977.*

15 CSR 30-10.130 Voter Education and Voting Device Preparation (DREs and Precinct Counters)

PURPOSE: This rule provides for the conduct of voter education and preparation of Direct Recording Electronic voting systems (DREs) and Optical Scan Precinct Count voting systems (Precinct Counters).

(1) Before elections in which a DRE or Precinct Counter is to be used for the first time, the election authority shall conduct a public information program to acquaint voters who will be using the system with the manner in which ballots are voted and counted.

(2) DREs and Precinct Counters shall be tested in accordance with section 115.233, RSMo and 15 CSR 30-10.140, using test scripts and testing procedures appropriate for the make, model, and version of the system.

(3) Each memory component must be programmed in a secured facility under the supervision of the election authority or their designated representative. Before and after programming, all memory cards shall be kept in a secure area until inserted into an assigned unit prior to the election and the local election authority must maintain a written log that records all access and transfers of all memory components.

(4) In addition to the standard displayed ballot, the election authority shall ensure that alternative format ballots are available, including, but not limited to a ballot with large print and an audio ballot for use with DREs and with electronically-assisted ballot marking devices.

(A) The election authority shall ensure that any alternative format ballot conforms to federal voting equipment guidelines, provides the same information presented to voters in the standard displayed ballot and can be cast and counted as a secret ballot.

(B) The election authority shall ensure that the order and content of any large print ballot are presented in a manner that is consistent with that of the standard ballot.

(C) The election authority shall ensure that the audio ballot is recorded correctly and that the names of the candidates are pronounced correctly in the audio recordings. The election authority shall also ensure that no candidate's name; political party, political body, or independent designation; incumbency; or other such information nor any ballot issue or answer or response thereto is emphasized, stressed or otherwise inflected in any manner to distinguish a particular candidate, party or body, issue, answer or response to a ballot issue either negatively or positively or to suggest whether to vote for or against such candidates or issues in such audio recordings.

(5) Vote Recording Preparation – Polling Place. In addition to those supplies required for the conduct of elections generally, the election authority shall cause to have prepared and delivered to each polling place using DREs and Precinct Counters no later than forty-five (45) minutes prior to the opening of the polls, a sufficient quantity of the following:

(A) In jurisdictions in which DREs are the principal system used to cast votes, each polling place in a primary or general election shall be provided with at least one (1) DRE for each one hundred fifty (150) registered voters. A sufficient number of DREs shall be provided for other elections. A sufficient number of assistive devices (i.e. sip-and-puff devices, headphones etc.) shall be provided for use with each unit provided. The DREs shall have been put in order, set, adjusted, and ready to open for voting when delivered to the polling places**;**

(B) In jurisdictions in which DREs or Electronically-assisted ballot marking devices are used to provide an accessible voting station, at least one (1) DRE or one (1) ballot marking device shall be provided in each polling location with a sufficient number of assistive devices (i.e. sip-and-puff input devices, headphones etc.). The units shall have been put in order, set, adjusted, and ready to open for voting when delivered to the polling places**;**

(C) In jurisdictions in which Precinct Counters are the principal system used to cast votes, each polling place shall be provided with at least (1) Precinct Counter. The Precinct Counter(s) shall have been put in order, set, adjusted, and ready to open for voting when delivered to the polling places**;**

(D) Voter access or activation cards or devices programmed with the correct ballot styles for each polling location, in quantities sufficient to conduct the election and delivered to the polling place in a secure container securely sealed in such a manner that if the container is opened, the seal will be broken beyond repair;

(E) Ballot boxes as required by general election law;

(F) Optical Scan paper ballots in locations using Precinct Counters, provisional ballots, provisional ballot envelopes and spoiled ballot envelopes in all locations;

(G) Pencils, seals, rolls of paper for DRE paper cast vote record printers and other supplies and forms deemed necessary;

(H) *Instruction Guide(s) for Election Judges and Clerks,* for the system(s) being used, issued by the secretary of state. In addition to the Instruction Guide issued by the secretary of state, the local election authority may include instructional materials developed by the local election authority for each system used at that polling location;

(I) A transfer case sufficiently large to hold, transfer to the central location from the polling place and store paper cast vote records, electronic media, any paper ballots which have been voted in a polling place and any spoiled ballot envelopes. The transfer case shall be constructed of durable material and tamperproof design and securely sealed in such a manner that if the container is opened, the seal will be broken beyond repair;

(J) Two (2) sample ballots of each ballot to be voted on in the polling place; and

(K) Privacy sleeves for ballots or paper cast vote records that are carried by the voter from one location in the polling place to another for verification purposes and that are not otherwise covered.

AUTHORITY: section 115.225, RSMo Supp 2004. Emergency rule filed June 21, 2006, effective July 1, 2006, expires February 22, 2007.

15 CSR 30-10.140 Electronic Ballot Tabulation – Counting Preparation and Logic and Accuracy Testing (DREs and Precinct Counters)

PURPOSE: This rule provides procedures in connection with the preparation of Direct Recording Electronic voting systems (DREs) and Optical Scan Precinct Count voting systems (Precinct Counters) for vote recording and tabulation, including equipment and program preparation and pre-election logic and accuracy testing and certification.

(1) Election authorities in jurisdictions in which DREs or Precinct Counters are used shall be responsible for ensuring that the devices accurately record and count all proper votes cast and that the systems comply with all applicable state statutes and rules.

(2) The election authority shall be responsible for taking all steps necessary to ensure that the DREs and Precinct Counters operate properly at the time of the pre-election public logic and accuracy test and during the tabulation of votes on the day of the election.

(3) The election authority shall be responsible for making necessary arrangements for a backup ballot tabulating method.

(4) The election authority shall be responsible for providing a duplicate of the counting program for the computer system on which the ballot tabulation is to be done, regardless of the backup counting system used.

(5) The election authority shall be responsible for appointing bipartisan accuracy certification team(s) pursuant to 15 CSR 30-10.040 (5) and (6).

(6) Prior to election day the election authority shall supervise a public logic and accuracy test of the DREs and Precinct Counters conducted by the accuracy certification team(s).

(A) The logic and accuracy test shall be open to any member of the public, and the election authority, by some appropriate method, shall notify the public of the time and date of the test.

(B) Persons, other than candidates and other individuals required to be notified under section 115.233, RSMo, wishing to participate in the testing process, in the manner provided in state law and this rule, shall file a written request with the election authority at least twenty-four (24) hours prior to the publicized beginning of the logic and accuracy test.

(C) The election authority shall cause each DRE and Precinct Counter to be programmed for the ballot style for the precinct(s) at which the DRE or Precinct Counter will be used and the programmed memory card assigned to that unit shall be inserted. After programming the DREs and Precinct Counters, each unit shall have such internal diagnostic tests performed as shall be directed by the election authority. Following the completion of the diagnostic tests, all units shall have an internal logic and accuracy test performed using the programmed ballot style for the election and precinct(s) for which the unit is being prepared and shall test the conditions described in 15 CSR 30-10.040 (7)(C). In addition, for DREs and electronically-assisted ballot marking devices, the test script shall include votes cast using a combination of audio and touch-screen methods.

(D) The accuracy certification team(s) shall compare the results of the electronic test to the data entered and to the results from a manual count of the paper cast vote records for the DREs and the results of a manual count of the optical scan paper ballots for the Precinct Counters. If the results are incorrect, then changes or corrections will be made to the programming until an errorless count is made. A unit shall not be used on election day until an errorless count is made on that unit.

(E) After the team(s) is satisfied that the equipment is tabulating the votes properly, each candidate on the ballot or any representative of a group which has notified the election authority pursuant to 15 CSR 30-10.140(6) (B) may inspect the paper audit trail for the DRE and inspect and manually recount the optical scan test deck.

(F) If any unit fails any of the diagnostic or logic and accuracy tests, the unit shall not be used in an election until such unit is repaired, reprogrammed and inspected and found capable of proper functioning and passes the diagnostic and logic and accuracy tests. Upon the successful completion of the logic and accuracy test, the counters shall be cleared of any accumulated vote totals for the election and a zero tape run to verify that the vote registers in the unit are set at zero. The accuracy certification team(s) shall verify that the vote registers are set at zero and make a corresponding notation on the certification form to document the successful logic and accuracy testing and the unit shall be configured for voting. The memory card shall be sealed into the unit to prevent unauthorized access using a controlled serialized seal that is tamper resistant and resistant to inadvertent breakage and the unit shall then be securely closed in its case and a numbered seal placed on its case such that the case may not be opened until and unless the seal is broken. If the unit does not have a case, the unit shall be sealed with a numbered seal placed on the unit such that the unit may not be used for voting until and unless the seal is broken. The numbers on the seals shall be entered into verifiable seal logs.

(G) The election authority shall make a certification for each DRE and Precinct Counter stating the serial number of the unit, the number on the system counter of the unit, the number on the seal with which the unit is sealed, and that the election counter and each vote register on the unit was set at zero. The case shall be appropriately labeled with the name of the polling location in which the unit is to be used and the serial number of the unit. The certification shall be retained with the records for such election and shall be stored for the same period of time and in the same manner as required by law for other election records.

(H) All logic and accuracy test materials shall be sealed in a tamperproof container securely sealed in such a manner that if the container is opened, the seal will be broken beyond repair. All members of the accuracy certification team(s) shall verify, by signature or initials, the date and time the container was sealed on a certificate placed on the outside of the container. The election authority shall have custody of the logic and accuracy test materials, including the program, until called for by the accuracy certification team.

(I) After being prepared for voting, each DRE and Precinct Counter shall be safely and securely stored until such time as the unit is transported to the polling location in which such unit is to be used.

AUTHORITY: section 115.225, RSMo Supp. 2004. Emergency rule filed June 21, 2006, effective July 1, 2006, expires February 22, 2007.

15 CSR 30-10.150 Closing Polling Places (Precinct Counters and DREs)

PURPOSE: This rule provides procedures for administering and closing polling places using Optical Scan Precinct Count voting systems (Precinct Counters) and Direct Recording Electronic voting systems (DREs).

(1) Once one vote is cast on a DRE, the poll workers shall encourage voters to cast their votes on that unit so that at least two more ballots are cast on that unit, even if not by voters needing its accessibility components, in order to protect the privacy of the voter.

(2) Abandoned Ballots

(a) If a voter leaves the polling place after making their selections on a DRE and printing their ballot, but the voter has not cast the ballot, a bipartisan team of two (2) election judges shall cast the ballot.

(b) If a voter leaves the polling place after making their selections on a DRE, but the voter has not printed or cast their ballot, a bipartisan team of two election judges shall cancel the ballot and make a corresponding notation on an Abandoned Ballot Tracking Form, initialed by both judges.

(c) If a voter places an optical scan ballot into a precinct counter and the precinct counter rejects the ballot after the voter has left the polling place and if the ballot is still in the precinct counter, a bipartisan team of election judges shall take action to ensure that the ballot is counted and deposited in the ballot box.

(d) If a voter leaves their optical scan ballot any where in the polling place other than in the precinct counter or ballot box and the voter leaves the polling place, the ballot shall not be counted. A bipartisan team of election judges shall mark the ballot "Abandoned" and place the ballot in the Spoiled Ballot Envelope. The judges shall make a corresponding notation on an Abandoned Ballot Tracking Form, initialed by both judges.

(3) Immediately after the polls close and the last voter has voted, the election judges shall close, or supervise the closing of, each of the DREs and Precinct Counters in the polling location against further voting.

(4) The election judges shall cause each DRE and Precinct Counter to print a minimum of one (1) tape showing the number of votes cast on that unit. They shall compare the number of ballots cast as shown on the tape with the number of ballots cast as shown on the election counter of the unit and with the number of voters who signed the precinct register and for precinct counters with the number of ballots marked. If these numbers are not identical, the election judges shall document the discrepancy.

(5) The election judges shall accumulate the votes recorded in each unit onto paper audit trail records for the DREs as well as the electronic medium chosen by the election authority, as appropriate for the make, model, and version of the system in use.

(6) After completing the procedures in paragraphs (3)-(5), the memory components shall be removed from any unit that will not be returned to the central location on election night or shall remain sealed in any unit that will be returned to the central location, as appropriate for the make, model and version of the system in use. The DREs and Precinct Counters shall be turned off and secured in their cases and locked or resealed. The number of each seal shall be entered on the appropriate form along with the serial number of the unit or unit case on which it is used. The units or cases shall then be secured.

(7) Any provisional ballots, optical scan ballots, spoiled ballots, paper cast vote records and memory components shall be secured in tamperproof containers securely sealed in such a manner that if the container is opened, the seal will be broken beyond repair.

(8) Audit trail tapes, voter access cards, supervisor's card, ballot encoder devices, precinct binders, numbered lists of voters, voter certificates, recap sheets, and other such paperwork shall be transported to the election authority. In the event the paper cast vote record is unreadable, the audit trail tapes shall be available as an official record when a manual recount of votes is ordered.

(9) All paper cast vote records shall be preserved and secured by election judges in the same manner as paper ballots and shall be available as an official record when a manual recount of votes is ordered and for the post-election verification of the electronically tabulated vote results required by 15 CSR 30-10.060.

AUTHORITY: section 115.225, RSMo Supp. 2004. Emergency rule filed June 21, 2006, effective July 1, 2006, expires February 22, 2007.

15 CSR 30-10.160 Electronic Ballot Tabulation – Election Procedures (Precinct Counters and DREs)

PURPOSE: This rule provides procedures to be used by election authorities using Optical Scan Precinct Count voting systems (Precinct Counters) and Direct Recording Electronic voting systems (DREs) for securing and tabulating election results at the central location.

(1) Each unit or case shall only be opened in the presence of a bipartisan team which shall verify the accuracy of the seal number before the seal is broken.

(2) The election authority shall be responsible for ensuring that sufficient certificates or log entries are made on each transfer of DREs, Precinct Counters, memory components, paper cast vote records and ballots to accurately recreate each movement of the DRE, Precinct Counter, memory components, paper cast vote records and ballots. Each transfer shall include a statement that no election material was added, subtracted or altered except as provided by statute or rule and that no irregularities were noticed unless otherwise noted.

(3) The election authority or his/her representative shall be on hand at all times in the counting center when the ballots, paper cast vote records and memory components are unsealed. The units and containers shall be unsealed in the presence of bipartisan teams which shall verify that the seal is intact, and verify the seal number where numbered seals are used, before the seal is broken. When sealing and unsealing the containers, the members of the bipartisan teams shall verify the seal numbers by their signatures on a log sheet designed for that purpose.

(4) The tabulation and consolidation shall be performed in public. The election authority may make reasonable rules and regulations for conduct at the tabulating center, including limiting access to the tabulation area, to ensure the security of the results and the returns and to avoid interference with the tabulating center personnel.

(5) Upon receiving the DREs, Precinct Counters, memory components, paper cast vote records and ballots, the election authority shall verify that the seals are intact and verify the seal number where numbered seals are used, and that there is no evidence of tampering with the units, the cases, the containers or their contents.

(6) Following acceptable procedures appropriate for the make, model, and version of the DRE or Precinct Counter in use, the election authority or his/her designee shall transfer the vote totals from the memory components into the election management system for official tabulation and consolidation.

(7) Prior to certification of the election results, the accuracy certification team(s) shall tabulate the same set of votes used in the pre-election internal logic and accuracy test performed pursuant to 15 CSR 30-10.140(6)(C) on each memory component used at the polling locations to tabulate

votes on DREs and precinct counters. This section shall not apply to any memory component on which election results are stored.

(A) If the results are not identical to those produced in the pre-election test for any memory component, the team shall not certify that the unit in which that component was used was operating properly.

(1) In the case of a precinct counter, the necessary corrections shall be made to the program until the results are identical and the ballots cast on the precinct counter in which the memory component was used shall be retabulated and the consolidated results corrected accordingly.

(2) In the case of a DRE, the paper cast vote records produced by the unit in which the memory component was used shall be hand counted and the consolidated results corrected accordingly.

(B) If the results are identical, the team shall certify that the unit was operating properly.

(8) The paper cast vote records, audit trail tapes and ballots shall be kept secured until they must be unsealed to be hand counted in the post-election verification of electronic results pursuant to 15 CSR 30-10.110 or until they must be unsealed to be hand counted when a manual recount of votes is ordered. They shall only be unsealed in the presence of bipartisan teams which shall verify that the seal is intact before the seal is broken and which shall reseal the containers in such a manner that if the container is opened, the seal will be broken beyond repair after the post-election audit or the manual recount is complete. When sealing and unsealing the containers, the members of the bipartisan teams shall verify the seal numbers by their signatures on a log sheet designed for that purpose.

AUTHORITY: section 115.225, RSMo Supp. 2004. Emergency rule filed June 21, 2006, effective July 1, 2006, expires February 22, 2007.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 12—Grievance Procedures

15 CSR 30-12.010 Statewide HAVA Grievance Procedure

PURPOSE: This rule describes the procedure for the filing of an administrative complaint to remedy grievances concerning a violation of Title III of the Help America Vote Act of 2002.

(1) Any person who believes that there is a violation of any provision of Title III of the Help America Vote Act of 2002 (HAVA), 42 U.S.C. 15481 through 15485, (including a violation that has occurred, is occurring, or is about to occur), may file a complaint with the Elections Division of the Office of the Secretary of State.

(2) Any complaint filed under this rule must be written, signed, and sworn to before a notary public commissioned by the state of Missouri.

(3) Any complaint filed under this rule must be filed within thirty (30) days of the certification of the election in which the violation is alleged to have occurred.

(4) The complaint filed under section (1) of this rule shall state the following:

(A) The name and mailing address of the person or persons alleged to have committed the violation of Title III of HAVA described in the complaint;

(B) A description of the act or acts that the person filing the complaint believes is a violation of a provision of Title III of HAVA; and

(C) The nature of the injury suffered (or is about to be suffered) by the person filing the complaint.

(5) The Elections Division shall promptly provide a copy of the complaint by certified mail to:

(A) All persons identified as possible violators of the provisions of Title III of HAVA; and

(B) The election authority in whose jurisdiction the violation is alleged to have occurred.

(6) The Elections Division may consolidate complaints filed under this rule.

(7) Once a complaint has been properly filed under this rule, the secretary of state shall appoint a presiding officer who shall conduct an investigation of the complaint.

(8) At the request of the person filing the complaint, or if the presiding officer believes that the circumstances so dictate, the presiding officer shall conduct a hearing on the complaint and prepare a record on the hearing, such hearing to be conducted within ten (10) days of the request of the person filing the complaint.

(9) The presiding officer, upon completing the investigation, shall submit the results to the Elections Division, which shall then issue a written report. The Elections Division shall provide a copy of the report by certified mail to:

(A) The person who filed the complaint;

(B) The person or persons alleged to have committed the violation; and

(C) The election authority in whose jurisdiction the violation was alleged to have occurred.

(10) The report described in section (8) of this rule shall:

(A) Indicate the date when the complaint was received by the Elections Division;

(B) Contain findings of fact regarding the alleged violation and state whether a violation of Title III of HAVA has occurred;

(C) State what steps, if any, the person or persons alleged to have committed the violation has taken to correct the violation and/or to prevent any reoccurrence;

(D) Suggest any additional measures that could be taken to correct the violation;

(E) Indicate the date a violation was corrected or is expected to be corrected; and

(F) Provide any additional information or recommendations useful in resolving the complaint.

(11) If the Elections Division determines that there is a violation of any provision of Title III of HAVA, the Elections Division shall determine and provide the appropriate remedy, if authorized to do so. If the Elections Division determines that it is not authorized by law to provide the appropriate remedy, the Elections Division shall, if possible, refer the matter to the appropriate agency or office that has jurisdiction.

*AUTHORITY: section 28.035, RSMo Supp. 2003.*Original rule filed Sept. 19, 2003, effective May 30, 2004.*

**Original authority: 28.035, RSMo 2003.*

Division 30—Secretary of State
Chapter 15—Initiative, Referendum, New Party and Independent Candidate Petition Rules

15 CSR 30-15.010 Signature Verification Procedures for Initiative, Referendum, New Party and Independent Petitions

PURPOSE: The secretary of state may make rules to ensure uniform, complete and accurate checking of initiative and referendum petition signatures. This rule provides for uniform determination of whether signatures are those of legal voters as required in Article III, Section 50 of the ***Missouri Constitution****.*

(1) Voter signatures will be rejected if—
(A) They list an address outside of the county as indicated on the petition; or
(B) They have been struck through or crossed out.

(2) Voter names will only be accepted if—
(A) The name is exactly as it appears on the voting rolls except that there is—
1. The presence or absence of a middle initial when a first name is given or the presence or absence of a first initial when a middle name is given;
2. The substitution of a common nickname for the name on the voting roll, that is, Dick for Richard, Liz or Beth for Elizabeth, Bill for William, Becky for Rebecca, etc.;
3. The presence or absence of terms such as Jr. or Sr. following a name; and
4. The use of only a first and middle initial; provided, that on either the petition or the voting rolls, both initials can be determined from the name(s) given; and
(B) They were registered to vote within the county named at the top of the petition page on the date the petition was signed.

(3) Voter addresses will be accepted if they meet one (1) or a combination of the following categories:
(A) The address is exactly as it appears on the voting rolls;
(B) The address is exactly as it appears on the voting rolls except that there is—
1. The presence or absence of a letter or number identifying an apartment; and
2. The presence or absence of a letter or grouping of letters indicating the directional location of a street, for example, "E" for east, "NW" for northwest, "S" for south;
(C) The voter resides in the same residence as indicated on the voting rolls and the local election authority can determine that only the address designation has been changed by municipal or postal authorities;
(D) The address as listed on the petition was the voter's registered address on the date the petition was signed; or
(E) The address listed on the petition is different from the address on the voting rolls but within the county named at the top of the page, provided that the local election authority who maintains the registration record of such person shall compare and determine that the individual's signatures on the petition and on the voter's registration record are sufficiently alike to identify the petition signer as the same person who is registered to vote within the jurisdiction. If otherwise valid, the signature of an individual whose address is acceptable under this subsection (3)(E) shall be counted in the totals of the local election authority who has jurisdiction over the address listed on the petition.

(4) A voter's signature will be accepted as valid if it generally appears to be in a form similar to that found on the voter rolls.

(5) In order for a name to be qualified to appear on the petition, there must be a valid voter name, address and signature. NOTE: Failure of any other information is not a reason to fail to certify a name as being qualified.

(6) A voter's signature shall not be deemed invalid on the basis of source of registration. If otherwise valid, the signature of a person who registered to vote pursuant to the provisions of sections 115.159, 115.160 or 115.162, RSMo shall be accepted as valid without respect to whether such person has previously voted in the jurisdiction or received a voter identification card, provided that each of the following must apply at the time of verification of the petition by the local election authority:

(A) The voter registration application had been received and accepted by the election authority on or before the date the petition was signed;

(B) The verification notice sent by the election authority pursuant to section 115.155.3, RSMo 1994, was not returned by the postal service to the election authority within the time established by the election authority; and

(C) The local election authority's voter registration file reflects the applicant was eligible to vote in the county named at the top of the petition page on the date the petition was signed.

AUTHORITY: sections 115.335.7, RSMo Supp. 1998 and 116.130.5, RSMo Supp. 1999. Original rule filed Nov. 22, 1985, effective March 24, 1986. Amended: Filed April 22, 1992, effective Sept. 6, 1992. Emergency amendment filed June 10, 1992, effective June 20, 1992, expired Oct. 17, 1992. Emergency amendment filed July 9, 1996, effective July 19, 1996, expired Jan. 14, 1997. Amended: Filed July 9, 1996, effective Feb. 28, 1997. Amended: Filed Aug. 27, 1999, effective Feb. 29, 2000.*

**Original authority: 115.335.7, 1977, amended 1993, 1995 and 116.130, RSMo 1980, amended 1988, 1995, 1997.*

15 CSR 30-15.020 Processing Procedures for Initiative, Referendum, New Party and Independent Candidate Petitions

PURPOSE: The secretary of state may make rules to ensure uniform, complete and accurate checking of initiative and referendum petition signatures. This rule provides for uniform processing of petitions once a determination has been made as to the validity of a name on a petition.

(1) Each local election authority shall check each signature designated by the secretary of state against voter registration records and annotate each signature, according to their findings in red ink in the left margin, on the copies of petition pages sent to him/her in the following manner:

(A) If the name, address and signature are acceptable pursuant to 15 CSR 30-15.010 R;

(B) Where possible, if the voter's address on an "R" designated signature is acceptable pursuant to 15 CSR 30-15.010(3)(E), where the address listed on the petition is different from the address on the voting rolls but within the county named at the top of the page, and the local election authority determined that the individual's signatures on the petition and on the voter's registration record are sufficiently alike to identify the petition signer as the same person who is registered to vote within the jurisdiction, the local election authority shall add to the "R" designation DA (i.e., RDA);

(C) If the name on the petition does not appear in the election authority's registration file as an eligible voter in that jurisdiction NR;

(D) If the address on the petition is not an address within the county named at the top of the petition page WA;

(E) If the name and address are acceptable pursuant to 15 CSR 30-15.010, but the signature appears different than that on file with the election authority WS;

(F) If a name selected in a random sample for a particular congressional district is actually in another district in the county and otherwise properly registered OD;
and

(G) If a person is registered, but the correct congressional district is not indicated on the petition, the incorrect number should be crossed out and the correct number entered in the right margin.

(2) In the event a duplicate signature is found on the petition, the local election authority shall call this to the attention of the secretary of state in a separate memo, noting the page number(s) and the line number(s) of the signatures.

(3) In the event a situation is identified where one (1) person has signed for him/herself and his/her spouse on one (1) line, that is, Mr. and Mrs. John Jones, the signature may be counted which appears to be that of the petition signer provided that all of the requirements of sections (1) and (2) are met. The local election authority shall call these occurrences to the attention of the secretary of state in a separate memo, noting the page number(s) and the line number(s).

(4) Each local election authority shall review all pages and signatures s/he had been asked to check by the secretary of state for apparent irregularities and call these irregularities to the attention of the secretary of state in a separate memo, noting the page number(s) and the line number(s).

(5) Each local election authority shall certify to the secretary of state, on forms provided, or by means of petition processing summary reports generated by the software provided by the secretary of state as part of the Centralized Voter Registration System authorized by section 115.158, RSMo, the total of each category enumerated in section (1) less the number of duplicate, but otherwise qualified, signatures in section (2). First class counties participating in the Centralized Voter Registration System through the electronic interface allowed by the statute may certify their totals on reports from their automated systems if the report format is approved by the secretary of state.

AUTHORITY: sections 115.335.7, RSMo Supp. 1998 and 116.130.5, RSMo Supp. 1999. Original rule filed Nov. 22, 1985, effective March 24, 1986. Amended: Filed April 22, 1992, effective Sept. 6, 1992. Emergency amendment filed June 10, 1992, effective June 20, 1992, expired Oct. 17, 1992. Emergency amendment filed July 12, 1996, effective July 22, 1996, expired Jan. 14, 1997. Amended: Filed July 12, 1996, effective Feb. 28, 1997. Amended: Filed Aug. 27, 1999, effective Feb. 29, 2000.*

**Original authority: 115.335.7, RSMo 1977, amended 1993, 1995 and 116.130, RSMo 1980, amended 1988, 1995, 1997.*

Rules of
Elected Officials
Division 30—Secretary of State
SPECIAL NOTICE
Chapters 21 Through 30

On December 19, 1977, the Missouri Supreme Court declared unconstitutional in its entirety the 1974 Missouri Campaign Finance Disclosure Law, in the case of Labor's Educational and Political Club—Independent v. Danforth 561 SW2d 339 (Mo. banc 1977). Since that time the Missouri Elections Commission as a rulemaking and enforcing agency has ceased operations. In Senate Bill 839, the Seventh-Ninth General Assembly, Second Session, repealed that same act including those sections cited by the Elections Commission as rulemaking authority. Under the authority granted by section 536.022 RSMo Supp. 1979, the secretary of state has decided to remove from the *Code of State Regulations* all rules of the Missouri Elections Commission, considering them terminated with the meaning of section 536.022, RSMo Supp. 1979.

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