

SECOND REGULAR SESSION

HOUSE BILL NO. 1450

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE STACY.

3818H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.137, 115.155, 115.157, 115.163, 115.225, 115.249, 115.279, 115.287, 115.327, 115.349, 115.351, 115.363, 115.395, 115.397, 115.409, 115.429, and 115.770, RSMo, and to enact in lieu thereof nineteen new sections relating to political party primary elections, with penalty provisions and a delayed effective date.

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

Section A. Sections 115.137, 115.155, 115.157, 115.163, 115.225, 115.249, 115.279, 2 115.287, 115.327, 115.349, 115.351, 115.363, 115.395, 115.397, 115.409, 115.429, and 3 115.770, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known 4 as sections 115.137, 115.155, 115.157, 115.163, 115.168, 115.225, 115.249, 115.279, 5 115.287, 115.327, 115.349, 115.351, 115.363, 115.395, 115.397, 115.409, 115.429, 115.628, 6 and 115.770, to read as follows:

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

5 2. Any person who and only persons who fulfill the ownership requirements shall be 6 entitled to vote in elections for which ownership of real property is required by law for voting.

7 **3. Notwithstanding any other provision of law to the contrary, no person shall be** 8 **entitled to vote in a primary election of an established political party unless he or she is** 9 **affiliated with such party, as evidenced by his or her voter registration on the twenty-** 10 **third Tuesday preceding any political party primary election, including a presidential** 11 **preference primary.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

115.155. 1. The election authority shall provide for the registration of each voter.

2 Each application shall be in substantially the following form:

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APPLICATION FOR REGISTRATION	
Are you a citizen of the United States?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
Will you be 18 years of age on or before election day?	
<input type="checkbox"/> Yes	<input type="checkbox"/> 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

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	Registered
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Last four digits of Social Security Number (Required for registration unless no Social Security number exists for Applicant)	Under What Name
<hr/>	
Remarks:	When
Political Party Affiliation (You shall be unaffiliated unless you designate an affiliation. Affiliation permits you to vote in a designated political party primary.)	<input type="checkbox"/> Constitutional <input type="checkbox"/> Democrat <input type="checkbox"/> Green <input type="checkbox"/> Libertarian <input type="checkbox"/> Republican <input type="checkbox"/> Unaffiliated
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.	
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Signature of Voter	Date

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_____ Signature of Election Official

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2. The options for political party affiliation required by the application described in subsection 1 of this section shall include all established political parties and an option to be unaffiliated. If an applicant does not designate an affiliation, the election authority shall mark the applicant's form as unaffiliated.

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3. 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.

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~~[3-]~~ **4.** 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.

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~~[4-]~~ **5.** 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 file a complaint with the elections division of the secretary of state's office under and pursuant to section 115.219. 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.

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~~[5-]~~ **6.** The secretary of state shall 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

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109 registrations, name changes and transfers of registrations within the state may take place as
110 allowed by law.

111 ~~[6.]~~ 7. All voter registration applications shall be preserved in the office of the
112 election authority.

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

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

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

34 3. Except as provided in subsection 6 of this section, the election authority shall
35 furnish, for a fee, electronic media or a printout showing the names, dates of birth [~~and~~],
36 addresses, **and political party affiliations** of voters, or any part thereof, within the
37 jurisdiction of the election authority who voted in any specific election, including primary
38 elections, by township, ward or precinct, provided that nothing in this chapter shall require
39 such voter information to be released to the public over the internet.

40 4. Except as provided in subsection 6 of this section, upon a request by a candidate, a
41 duly authorized representative of a campaign committee, or a political party committee, the
42 secretary of state shall furnish, for a fee determined by the secretary of state and in
43 compliance with section 610.026, media in an electronic format or, if so requested, in a
44 printed format, showing the names, addresses, [~~and~~] voter identification numbers, **and**
45 **political party affiliations** of voters within the jurisdiction of a specific election authority
46 who applied for an absentee ballot under section 115.279 for any specific election involving a
47 ballot measure or an office for which the declaration of candidacy is required to be filed with
48 the secretary of state pursuant to section 115.353, including primary elections, by township,
49 ward, or precinct. Nothing in this section shall require such voter information to be released
50 to the public over the internet. For purposes of this section, the terms "candidate", "campaign
51 committee", and "political party committee" shall have the same meaning given to such terms
52 in section 130.011.

53 5. The amount of fees charged for information provided in this section shall be
54 established pursuant to chapter 610. All revenues collected by the secretary of state pursuant
55 to this section shall be deposited in the state treasury and credited to the secretary of state's
56 technology trust fund account established pursuant to section 28.160. In even-numbered
57 years, each election authority shall, upon request, supply the voter registration list for its
58 jurisdiction to all candidates and party committees for a charge established pursuant to
59 chapter 610. Except as provided in subsection 6 of this section, all election authorities shall
60 make the information described in this section available pursuant to chapter 610. Any
61 election authority who fails to comply with the requirements of this section shall be subject to
62 the provisions of chapter 610.

63 6. Any person working as an undercover officer of a local, state or federal law
64 enforcement agency, persons in witness protection programs, and victims of domestic
65 violence and abuse who have received orders of protection pursuant to chapter 455 shall be
66 entitled to apply to the circuit court having jurisdiction in his or her county of residence to
67 have the residential address on his or her voter registration records closed to the public if the
68 release of such information could endanger the safety of the person. Any person working as
69 an undercover agent or in a witness protection program shall also submit a statement from the
70 chief executive officer of the agency under whose direction he or she is serving. The petition

71 to close the residential address shall be incorporated into any petition for protective order
72 provided by circuit clerks pursuant to chapter 455. If satisfied that the person filing the
73 petition meets the qualifications of this subsection, the circuit court shall issue an order to the
74 election authority to keep the residential address of the voter a closed record and the address
75 may be used only for the purposes of administering elections pursuant to this chapter. The
76 election authority may require the voter who has a closed residential address record to verify
77 that his or her residential address has not changed or to file a change of address and to affirm
78 that the reasons contained in the original petition are still accurate prior to receiving a ballot.
79 A change of address within an election authority's jurisdiction shall not require that the voter
80 file a new petition. Any voter who no longer qualifies pursuant to this subsection to have his
81 or her residential address as a closed record shall notify the circuit court. Upon such
82 notification, the circuit court shall void the order closing the residential address and so notify
83 the election authority.

115.163. 1. Each election authority shall use the Missouri voter registration system
2 established by section 115.158 to prepare a list of legally registered voters for each precinct.
3 The list shall be arranged alphabetically or by street address as the election authority
4 determines and shall be known as the precinct register. The precinct registers shall be kept by
5 the election authority in a secure place, except when given to election judges for use at an
6 election. Except as provided in subsection 6 of section 115.157, all registration records shall
7 be open to inspection by the public at all reasonable times.

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

10 3. (1) The election authority shall send to each voter, except those who registered by
11 mail and have not voted, a voter identification card no later than ninety days prior to the date
12 of a primary or general election for federal office, unless the voter has received such a card
13 during the preceding six months. The election authority shall send to each voter who
14 registered by mail and has not voted the verification notice required under section 115.155 no
15 later than ninety days prior to the date of a primary or general election for federal office.

16 (2) The voter identification card shall contain the voter's name, address, **political**
17 **party affiliation**, and precinct. The card also shall inform the voter of the personal
18 identification requirement in section 115.427 and may also contain other voting information
19 at the discretion of the election authority.

20 (3) The voter identification card shall be sent to a voter, except those who registered
21 by mail and have not voted, after a new registration or a change of address. If any voter,
22 except those who registered by mail and have not voted, shall lose his **or her** voter
23 identification card **or change political party affiliation**, he **or she** may request a new ~~[one]~~
24 **card** from the election authority.

25 (4) The voter identification card authorized pursuant to this section may be used as a
26 canvass of voters in lieu of the provisions set out in sections 115.179 to 115.193.

27 (5) Except as provided in subsection 2 of section 115.157, anyone, upon request and
28 payment of a reasonable fee, may obtain a printout, list and/or computer tape of those newly
29 registered voters or voters deleted from the voting rolls, since the last canvass or updating of
30 the rolls.

31 (6) The election authority may authorize the use of the postal service contractors
32 under the federal National Change of Address program to identify those voters whose address
33 is not correct on the voter registration records. The election authority shall not be required to
34 mail a voter registration card to those voters whose addresses are incorrect. Confirmation
35 notices to such voters required by section 115.193 shall be sent to the corrected address
36 provided by the National Change of Address program.

**115.168. 1. (1) If a registered voter chooses to change his or her political party
2 affiliation, the voter may notify the election authority of such change. If the change
3 happens within twenty-three weeks of any political party primary, the voter's change of
4 affiliation shall not be applied by the election authority until after the political party
5 primary election. The voter shall be entitled to vote in the current political party
6 primary based on his or her party affiliation on the twenty-third Tuesday before the
7 political party primary election. Any change of political party affiliation shall be made
8 by signed, written notice in substantially the same manner as a change of address
9 application is filed under section 115.165.**

10 (2) For purposes of this subsection, the phrase "change his or her political party
11 affiliation" shall mean changing affiliation from one established political party to
12 another established political party, changing from affiliation with an established
13 political party to unaffiliated, or changing from unaffiliated to affiliation with an
14 established political party.

15 2. Any person who was not previously registered to vote in this state and who
16 submits a voter registration application before 5 p.m. on the fourth Wednesday prior to
17 any political party primary election may choose a political party affiliation or
18 unaffiliation and may vote in the primary election.

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

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

6 (1) Permits voting in absolute secrecy;

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

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

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

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

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

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

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

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

23 (10) Has been tested and is certified by an independent authority that meets the voting
24 system standards developed by the Federal Election Commission or its successor agency. The
25 provisions of this subdivision shall not be required for any system purchased prior to August
26 28, 2002.

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

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

115.249. No voting machine shall be used unless it:

2 (1) Permits voting in absolute secrecy;

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

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

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

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

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

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

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

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

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

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

6 2. Each application shall be made to the election authority of the jurisdiction in which
7 the person is or would be registered. Each application shall be in writing and shall state the
8 applicant's name, address at which he or she is or would be registered, his or her reason for
9 voting an absentee ballot, the address to which the ballot is to be mailed, if mailing is
10 requested, and for absent uniformed services and overseas applicants, the applicant's email
11 address if electronic transmission is requested. If the reason for the applicant voting absentee
12 is due to the reasons established under subdivision (6) of subsection 1 of section 115.277, the
13 applicant shall state the voter's identification information provided by the address
14 confidentiality program in lieu of the applicant's name, address at which he or she is or
15 would be registered, and address to which the ballot is to be mailed, if mailing is requested.
16 ~~[Each application to vote in a primary election shall also state which ballot the applicant~~
17 ~~wishes to receive. If any application fails to designate a ballot, the election authority shall,~~
18 ~~within three working days after receiving the application, notify the applicant by mail that it~~
19 ~~will be unable to deliver an absentee ballot until the applicant designates which political party~~
20 ~~ballot he or she wishes to receive. If the applicant does not respond to the request for political~~

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

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

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

40 5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri
41 who resides outside the boundaries of the United States or who is on active duty with the
42 Armed Forces of the United States or members of their immediate family living with them
43 may request an absentee ballot for both the primary and subsequent general election with one
44 application.

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

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

52 (4) Not later than sixty days after the date of each regularly scheduled general
53 election for federal office, each election authority which administered the election shall
54 submit to the secretary of state in a format prescribed by the secretary a report on the
55 combined number of absentee ballots transmitted to, and returned by, absent uniformed
56 services voters and overseas voters for the election. The secretary shall submit to the Election
57 Assistance Commission a combined report of such information not later than ninety days after

58 the date of each regularly scheduled general election for federal office and in a standardized
59 format developed by the commission pursuant to the Help America Vote Act of 2002. The
60 secretary shall make the report available to the general public.

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

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

69	"STATE OF _____
70	COUNTY OF _____, ss.
71	I, _____, do solemnly swear that:
72	(1) Before becoming a resident of this state, I resided at _____
73	(residence address) in _____ (town, township, village or city) of
74	_____ County in the state of _____;
75	(2) I moved to this state after the last day to register to vote in such
76	general presidential election and I am now residing in the county
77	of _____, state of Missouri;
78	(3) I believe I am entitled pursuant to the laws of this state to vote in
79	the presidential election to be held November _____, _____
80	(year);
81	(4) I hereby make application for a presidential and vice presidential
82	ballot. I have not voted and shall not vote other than by this ballot
83	at such election.
84	Signed _____
85	(Applicant)
86	_____
87	(Residence Address)
88	Subscribed and sworn to before me this _____ day of _____, _____
89	_____
90	Signed _____
91	(Title and name of officer authorized to administer oaths)"

92 7. The election authority in whose office an application is filed pursuant to subsection
93 6 of this section shall immediately send a duplicate of such application to the appropriate

94 official of the state in which the new resident applicant last resided and shall file the original
95 of such application in its office.

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

102	"STATE OF _____
103	COUNTY OF _____, ss.
104	I, _____, do solemnly swear that:
105	(1) Before becoming a resident of this election jurisdiction, I resided
106	at _____ (residence address) in _____ (town, township, village
107	or city) of _____ county in the state of _____;
108	(2) I moved to this election jurisdiction after the last day to register to
109	vote in such election;
110	(3) I believe I am entitled pursuant to the laws of this state to vote in
111	the election to be held _____ (date);
112	(4) I hereby make application for an absentee ballot for candidates
113	and issues on which I am entitled to vote pursuant to the laws of
114	this state. I have not voted and shall not vote other than by this
115	ballot at such election.
116	Signed _____
117	(Applicant)
118	_____
119	(Residence Address)
120	Subscribed and sworn to before me this _____ day of _____, _____
121	—
122	Signed _____
123	(Title and name of officer authorized to administer oaths)"

124 9. An application for an absentee ballot by an interstate former resident shall be
125 received in the office of the election authority where the applicant was formerly registered by
126 5:00 p.m. on the second Wednesday immediately prior to the election, unless the application
127 is made in person by the applicant in the office of the election authority, in which case such
128 application shall be made no later than 7:00 p.m. on the day of the election.

115.287. 1. Upon receipt of a signed application for an absentee ballot and if satisfied
2 the applicant is entitled to vote by absentee ballot, the election authority shall, within three

3 working days after receiving the application, or if absentee ballots are not available at the
4 time the application is received, within five working days after they become available, deliver
5 to the voter an absentee ballot, ballot envelope and such instructions as are necessary for the
6 applicant to vote. **For applications for an absentee ballot to vote in a primary election,**
7 **the election authority shall deliver to the voter only the ballot that corresponds to the**
8 **established political party with which the voter is affiliated, according to his or her voter**
9 **registration, or, if the voter is unaffiliated, the unaffiliated ballot.** Delivery shall be made
10 to the voter personally in the office of the election authority or by bipartisan teams appointed
11 by the election authority, or by first class, registered, or certified mail at the discretion of the
12 election authority, or in the case of a covered voter as defined in section 115.902, the method
13 of transmission prescribed in section 115.914. Where the election authority is a county clerk,
14 the members of bipartisan teams representing the political party other than that of county
15 clerk shall be selected from a list of persons submitted to the county clerk by the county
16 chairman of that party. If no list is provided by the time that absentee ballots are to be made
17 available, the county clerk may select a person or persons from lists provided in accordance
18 with section 115.087. If the election authority is not satisfied that any applicant is entitled to
19 vote by absentee ballot, it shall not deliver an absentee ballot to the applicant. Within three
20 working days of receiving such an application, the election authority shall notify the applicant
21 and state the reason he or she is not entitled to vote by absentee ballot. The applicant may file
22 a complaint with the elections division of the secretary of state's office under and pursuant to
23 section 115.219.

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

39 pursuant to this subsection shall be present during the delivery, signing or voting and return of
40 any application or absentee ballot signed or voted pursuant to this subsection.

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

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

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

16	I, _____, a resident and registered voter of the _____ precinct of the	
17	town of _____ or the _____ precinct of the _____ ward of the city	
18	of _____, or the _____ precinct of _____ township of the county of	
19	_____ and the state of Missouri, do announce myself a candidate for	
20	the office of _____ on the _____ ticket, to be voted for at the general	
21	(special) election to be held on the _____ day of _____, 20_____,	
22	and I further declare that if nominated and elected I will qualify.	
23	_____	Subscribed and sworn
24	Signature of candidate	to before me this
25		_____ day of
26		_____, 20_____
27	_____	_____
28	Residence address	Signature of election
29		official or officer
30		authorized to

31

administer oaths

32

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

36 **2. Any person who files a declaration of candidacy as an independent candidate**
37 **or as the candidate of a new political party for election to an office shall be unaffiliated**
38 **with any established political party, as evidenced by his or her voter registration, no**
39 **later than the twenty-third Tuesday prior to any candidate filing opening date preceding**
40 **a political party primary election.**

115.349. 1. Except as otherwise provided in sections 115.361 to 115.383 or sections
2 115.755 to 115.785, no candidate's name shall be printed on any official primary ballot unless
3 the candidate has filed a written declaration of candidacy in the office of the appropriate
4 election official by 5:00 p.m. on the last Tuesday in March immediately preceding the
5 primary election.

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

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

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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
Signature of candidate	to before me this
	_____ day of
	_____, _____
_____	_____
Residence address	Signature of election
	official or other officer

27
28
29
30
31
32
33

	authorized to administer oaths

Mailing address (if different)	

Telephone Number (Optional)	

34 If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate
35 before an official authorized to accept his or her declaration of candidacy. If the declaration is
36 to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it
37 shall be subscribed and sworn to by the candidate before a notary public or other officer
38 authorized by law to administer oaths.

39 **4. Any person who files a declaration of candidacy as a party candidate for**
40 **nomination or election to an office shall be affiliated with that political party, as**
41 **evidenced by his or her voter registration, no later than twenty-three weeks prior to the**
42 **last Tuesday in February immediately preceding the primary election.**

115.351. ~~[No person who files as a party candidate for nomination or election to an
2 office shall, without withdrawing, file as another party's candidate or an independent
3 candidate for nomination or election to the office for the same term. No person who files as
4 an independent candidate for election to an office shall, without withdrawing, file as a party
5 candidate for nomination or election to the office for the same term.]~~ No person shall file for
6 one office and, without withdrawing, file for another office to be filled at the same election.
7 A person who files a request to be included on the presidential primary ballot is not prohibited
8 by this section from filing or appearing on any ballot as a party candidate for nomination to
9 another office. Receipt by the secretary of state of proper certification of nomination pursuant
10 to subsection 1 of section 115.399 constitutes withdrawal by operation of law pursuant to
11 subsection 1 of section 115.359 of any presidential or vice presidential nominee from any
12 other office for which such nominee is a candidate at the same election. Any person violating
13 any provision of this section shall be disqualified from running for nomination or election to
14 any office at the primary and general election next succeeding the violation.

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

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

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

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

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

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

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

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

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

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

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

35 (4) If a candidate for nomination to an office in which the person is the party's only
36 candidate dies after 5:00 p.m. on the tenth Tuesday prior to any primary election, withdraws
37 as provided in subsection 1 of section 115.359 after 5:00 p.m. on the tenth Tuesday prior to
38 any primary election, or is disqualified after 5:00 p.m. on the tenth Tuesday before any
39 primary election.

40 4. If a person nominated as a party's candidate who is unopposed shall die at or before
41 5:00 p.m. on the tenth Tuesday prior to the general election, is disqualified at or before 5:00
42 p.m. on the tenth Tuesday prior to the general election, or shall withdraw at or before 5:00
43 p.m. on whatever day may be fixed by law as the final date for withdrawing as a candidate for

44 the office, the party nominating committee for any established political party may select a
45 party candidate.

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

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

49 (2) For an election held pursuant to the provisions of section 105.030 to fill an
50 unexpired term resulting from a vacancy in an office that occurs within fourteen days prior to
51 the filing deadline for the primary election and not later than the tenth Tuesday prior to the
52 general election. If such vacancy occurs prior to the fourteenth day before the filing deadline
53 for a primary election, filing for the office shall be as provided for in sections 115.307 to
54 115.359.

55 **6. Any party candidate selected by a party nominating committee pursuant to**
56 **this section shall be affiliated with the political party of the committee, as evidenced by**
57 **his or her voter registration, no later than twenty-three weeks prior to the date of the**
58 **selection.**

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

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

23 candidate filed under subsection 2 of section 115.355, may draw a number at random at the
24 time of filing. If such drawing is conducted, the election authority shall record the number
25 drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names
26 of candidates filing on the first day for filing for each office on each party ballot shall be
27 listed in ascending order of the numbers so drawn.

28 3. Insofar as applicable, the provisions of sections 115.237 and 115.245 shall apply to
29 each ballot prepared for a primary election, except that the ballot information may be placed
30 in vertical or horizontal rows, no circle shall appear under any party name and no write-in
31 lines shall appear under the name of any office for which a candidate is to be nominated at the
32 primary. At a primary election, write-in votes shall be counted only for persons who can be
33 elected to an office at the primary.

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

6 2. Each voter who participates in a party primary shall be entitled to vote on all
7 questions and for any nonpartisan candidates submitted by political subdivisions and special
8 districts at the primary election. Each voter who does not wish to participate in a party
9 primary may vote on all questions and for any nonpartisan candidates submitted by a political
10 subdivision or special district at the primary election.

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

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

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

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

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

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

23 **6. In the case of any primary election, the election judges shall determine, using**
24 **the voter's registration information, whether the voter's political party affiliation is the**
25 **same as the political party holding the primary election.**

115.628. 1. This section shall be known and may be cited as the "Freedom of
2 **Association in Political Primaries Protection Act".**

3 **2. Except as provided in subsection 5 of this section, the governing body of any**
4 **established political party shall adopt a closed primary election system that shall be**
5 **enforced by the office of the secretary of state and the requisite local election authority.**
6 **The closed primary election system shall be binding upon all elections for partisan**
7 **offices in this state.**

8 **3. The secretary of state shall maintain voter registration records in accordance**
9 **with the Missouri voter registration system defined under section 115.158. No later than**
10 **nineteen weeks prior to any primary election date, the secretary of state shall distribute**
11 **a list of eligible voters for each established political party to all requisite local election**
12 **authorities. Local election authorities shall implement the closed primary system for**
13 **any primary election after January 1, 2025, by providing primary ballots indicating**

14 **political party nominees only to those individuals who are registered to vote in this state**
15 **and who appear on the lists provided by the secretary of state.**

16 **4. Any political party entitled to ballot access as established under section**
17 **115.315 shall be allowed to exempt itself from a closed primary and conduct a caucus or**
18 **primary election at its own expense. The party shall be allowed to submit a general**
19 **election candidate for the general election ballot.**

20 **5. The state shall pay the costs of implementing and providing notice of the**
21 **closed primary system under this section, with the exception of any caucus or primary**
22 **election conducted under subsection 4 of this section. The state shall end any initial**
23 **notification requirement under this section or chapter after the political party primary**
24 **election held in August 2026.**

25 **6. Local election authorities shall notify registered voters of the political party**
26 **affiliation requirements of this section prior to the August 2026 primary election by**
27 **using all current election mailings that would otherwise be mailed to registered voters.**

28 **7. Beginning January 1, 2023, the voter registration application form shall be**
29 **amended to include a choice of political party affiliation.**

30 **8. Notwithstanding any other provision of law to the contrary, this section shall**
31 **provide that initial political party registration be determined by the political party**
32 **ballot chosen by the voter in the 2024 presidential preference primary and the August**
33 **2024 primaries. Appropriate software shall be provided at voter check-in for political**
34 **party ballot selection so as to minimize later data entry for election authorities. Voters**
35 **who have not declared a party affiliation before the 2024 general election shall have the**
36 **option to do so using the appropriate software during voter check-in for such election.**
37 **The election authority shall process this initial political party registration through its**
38 **normal means of administration on or before September 1, 2025.**

39 **9. Notwithstanding any other provision of law to the contrary, all current**
40 **processes for registering voters in the various counties shall remain in place.**

115.770. The conduct of the presidential preference primary election and the count
2 and canvass of the votes cast therein shall conform as nearly as is practicable to that
3 prescribed for the conduct of the primary election for state officers. All primary election laws
4 not inconsistent with the provisions of sections 115.750 to 115.785 shall be applicable to the
5 conduct of this election, and the form of the ballot insofar as is practicable shall be
6 substantially as that prescribed by section 115.395. In a presidential preference primary, each
7 voter shall be entitled to receive **only** the ballot of ~~[one and only one established political~~
8 ~~party, designated by the voter before receiving such voter's ballot]~~ **the political party with**
9 **which such voter is affiliated, as evidenced by his or her voter registration twenty-three**
10 **weeks prior to the presidential preference primary. Each voter who participates in a**

11 presidential preference primary shall be entitled to vote on all questions and for any
12 candidates submitted by political subdivisions and special districts at the general municipal
13 election. Each voter who does not wish to participate in a presidential preference primary
14 may vote on all questions and for any candidates submitted by a political subdivision or
15 special district at the general municipal election.

Section B. The repeal and reenactment of sections 115.137, 115.155, 115.157,
2 115.163, 115.225, 115.249, 115.279, 115.287, 115.327, 115.349, 115.351, 115.363, 115.397,
3 115.409, 115.429, and 115.770 and the enactment of sections 115.168 and 115.628 of this act
4 shall become effective on January 1, 2023.

✓