

SECOND REGULAR SESSION  
[PERFECTED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2140**  
**102ND GENERAL ASSEMBLY**

3318H.02P

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 115.125, 115.127, 115.277, 115.284, 115.295, 115.430, 115.635, 115.637, 115.642, and 137.073, RSMo, and to enact in lieu thereof thirteen new sections relating to elections, with penalty provisions.

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

Section A. Sections 115.125, 115.127, 115.277, 115.284, 115.295, 115.430, 115.635, 2 115.637, 115.642, and 137.073, RSMo, are repealed and thirteen new sections enacted in lieu 3 thereof, to be known as sections 115.125, 115.127, 115.240, 115.277, 115.284, 115.295, 4 115.430, 115.635, 115.637, 115.642, 115.1200, 137.067, and 137.073, to read as follows:

115.125. 1. Not later than 5:00 p.m. on the tenth Tuesday prior to any election, 2 except a special election to decide an election contest, tie vote or an election to elect seven 3 members to serve on a school board of a district pursuant to section 162.241, or a delay in 4 notification pursuant to subsection 3 of this section, or pursuant to the provisions of section 5 115.399, the officer or agency calling the election shall notify the election authorities 6 responsible for conducting the election. The notice shall be in writing, shall specify the name 7 of the officer or agency calling the election and shall include a certified copy of the legal 8 notice to be published pursuant to subsection 2 of section 115.127. The notice and any other 9 information required by this section may, with the prior notification to the election authority 10 receiving the notice, be accepted by **email or** facsimile transmission prior to 5:00 p.m. on the 11 tenth Tuesday prior to the election, provided that the original copy of the notice and a certified 12 copy of the legal notice to be published shall be received in the office of the election authority 13 within three business days from the date of the facsimile transmission.

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.

14           2. In lieu of a certified copy of the legal notice to be published pursuant to subsection  
15 2 of section 115.127, each notice of a special election to fill a vacancy shall include the name  
16 of the office to be filled, the date of the election and the date by which candidates must be  
17 selected or filed for the office. Not later than the sixth Tuesday prior to any special election to  
18 fill a vacancy called by a political subdivision or special district, the officer or agency calling  
19 the election shall certify a sample ballot to the election authorities responsible for conducting  
20 the election.

21           3. Except as provided for in sections 115.247 and 115.359, if there is no additional  
22 cost for the printing or reprinting of ballots or if the political subdivision or special district  
23 calling for the election agrees to pay any printing or reprinting costs, a political subdivision or  
24 special district may, at any time after certification of the notice of election required in  
25 subsection 1 of this section, but no later than 5:00 p.m. on the eighth Tuesday before the  
26 election, be permitted to make late notification to the election authority pursuant to court  
27 order, which, except for good cause shown by the election authority in opposition thereto,  
28 shall be freely given upon application by the political subdivision or special district to the  
29 circuit court of the area of such subdivision or district. No court shall have the authority to  
30 order an individual or issue be placed on the ballot less than eight weeks before the date of the  
31 election.

          115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice  
2 of a special election to fill a vacancy submitted pursuant to subsection 2 of section 115.125,  
3 the election authority shall cause legal notice of the special election to be published in a  
4 newspaper of general circulation in its jurisdiction. The notice shall include the name of the  
5 officer or agency calling the election, the date and time of the election, the name of the office  
6 to be filled and the date by which candidates must be selected or filed for the office. Within  
7 one week prior to each special election to fill a vacancy held in its jurisdiction, the election  
8 authority shall cause legal notice of the election to be published in two newspapers of  
9 different political faith and general circulation in the jurisdiction. The legal notice shall  
10 include the date and time of the election, the name of the officer or agency calling the election  
11 and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction,  
12 the notice shall be published in the newspaper within one week prior to the election. If there  
13 are two or more newspapers of general circulation in the jurisdiction, but no two of opposite  
14 political faith, the notice shall be published in any two of the newspapers within one week  
15 prior to the election.

16           2. Except as provided in subsections 1 and 4 of this section and in sections 115.521,  
17 115.549 and 115.593, the election authority shall cause legal notice of each election held in its  
18 jurisdiction to be published. The notice shall be published in two newspapers of different  
19 political faith and qualified pursuant to chapter 493 which are published within the bounds of

20 the area holding the election. If there is only one so-qualified newspaper, then notice shall be  
21 published in only one newspaper. If there is no newspaper published within the bounds of the  
22 election area, then the notice shall be published in two qualified newspapers of different  
23 political faith serving the area. Notice shall be published twice, the first publication occurring  
24 in the second week prior to the election, and the second publication occurring within one  
25 week prior to the election. Each such legal notice shall include the date and time of the  
26 election, the name of the officer or agency calling the election and a sample ballot; and, unless  
27 notice has been given as provided by section 115.129, the second publication of notice of the  
28 election shall include the location of polling places. The election authority may provide any  
29 additional notice of the election it deems desirable.

30         3. The election authority shall print the official ballot as the same appears on the  
31 sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or  
32 official printed ballot shall be stricken or removed from the ballot except on death of a  
33 candidate or by court order, but in no event shall a candidate or issue be stricken or removed  
34 from the ballot less than eight weeks before the date of the election.

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

42         5. If the opening date for filing a declaration of candidacy for any office in a political  
43 subdivision or special district is not required by law or charter, the opening filing date shall be  
44 8:00 a.m., the ~~seventeenth~~ **sixteenth** Tuesday prior to the election. If the closing date for  
45 filing a declaration of candidacy for any office in a political subdivision or special district is  
46 not required by law or charter, the closing filing date shall be 5:00 p.m., the ~~fourteenth~~  
47 **thirteenth** Tuesday prior to the election, **or if the thirteenth Tuesday prior to the election**  
48 **is a state or federal holiday, the closing filing date shall be 5:00 p.m. on the next day that**  
49 **is not a state or federal holiday.** The political subdivision or special district calling an  
50 election shall, before the ~~seventeenth~~ **sixteenth** Tuesday, prior to any election at which  
51 offices are to be filled, notify the general public of the opening filing date, the office or offices  
52 to be filled, the proper place for filing and the closing filing date of the election. Such  
53 notification may be accomplished by legal notice published in at least one newspaper of  
54 general circulation in the political subdivision or special district.

55         6. Except as provided for in sections 115.247 and 115.359, if there is no additional  
56 cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or

57 reprinting costs, a candidate who has filed for an office or who has been duly nominated for  
58 an office may, at any time after the certification of the notice of election required in  
59 subsection 1 of section 115.125 but no later than 5:00 p.m. on the eighth Tuesday before the  
60 election, withdraw as a candidate pursuant to a court order, which, except for good cause  
61 shown by the election authority in opposition thereto, shall be freely given upon application  
62 by the candidate to the circuit court of the area of such candidate's residence.

**115.240. The election authority for any political subdivision or special district shall label ballot measures relating to taxation that are submitted by such political subdivision or special district to a vote of the people numerically or alphabetically in the order in which they are submitted. No such ballot measure shall be labeled in a descriptive manner aside from its numerical or alphabetical designation. Election authorities may coordinate with each other, or with the secretary of state, to maintain a database or other record to facilitate numerical or alphabetical assignment.**

115.277. 1. A registered voter of this state may cast an absentee ballot in person at a  
2 location designated by the election authority for all candidates and issues for which such voter  
3 is eligible to vote at the polling place if such voter expects to be prevented from going to the  
4 polls to vote on election day due to one of the reasons listed in subsection 3 of this section. A  
5 registered voter casting a ballot under the provisions of this subsection shall provide a form of  
6 personal photo identification that is consistent with subsection 1 of section 115.427.  
7 Beginning on the second Tuesday prior to an election, a reason listed under subsection 3 of  
8 this section shall not be required, provided that, the provisions of section 1.140 to the contrary  
9 notwithstanding, this sentence and section 115.427 shall be nonseverable, and if any  
10 provision of section 115.427 is for any reason held to be invalid, such decision shall  
11 invalidate this sentence.

12 2. Except as provided in subsections 4, 5, and 6 of this section, a registered voter of  
13 this state may cast an absentee ballot not in person at a location designated by the election  
14 authority for all candidates and issues for which such voter would be eligible to vote at the  
15 polling place if such voter expects to be prevented from going to the polls to vote on election  
16 day due to one of the reasons listed in subsection 3 of this section. An absentee ballot that is  
17 not requested and completed in person at the office of the election authority with a form of  
18 personal photo identification that is consistent with subsection 1 of section 115.427 shall have  
19 the statement on the ballot envelope notarized as required under section 115.283, except that  
20 absentee ballots requested under subdivisions (2) and (5) of subsection 3 of this section shall  
21 not require notarization. This subsection shall apply only in the case of absentee ballots that  
22 are not cast in person.

23 3. A voter may request an absentee ballot for any of the following reasons:

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

26 (2) Incapacity or confinement due to illness or physical disability on election day,  
27 including a person who is primarily responsible for the physical care of a person who is  
28 incapacitated or confined due to illness or disability and resides at the same address;

29 (3) Religious belief or practice;

30 (4) Employment as:

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

33 (b) A first responder;

34 (c) A health care worker; or

35 (d) A member of law enforcement;

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

37 (6) Certified participation in the address confidentiality program established under  
38 sections 589.660 to 589.681 because of safety concerns.

39 4. Any covered voter who is eligible to register and vote in this state may vote in any  
40 election for federal office, statewide office, state legislative office, or statewide ballot  
41 initiatives by submitting a federal postcard application to apply to vote by absentee ballot or  
42 by submitting a federal postcard application at the ~~[polling place]~~ **office of the election**  
43 **authority on election day** even though the person is not registered. A federal postcard  
44 application submitted by a covered voter pursuant to this subsection shall also serve as a voter  
45 registration application under section 115.908 and the election authority shall, if satisfied that  
46 the applicant is entitled to register, place the voter's name on the voter registration file. Each  
47 covered voter may vote by absentee ballot or, upon submitting an affidavit that the person is  
48 qualified to vote in the election, may vote at the person's polling place.

49 5. Any interstate former resident may vote by absentee ballot **or at the office of the**  
50 **election authority on election day** for presidential and vice presidential electors.

51 6. Any new resident may vote by absentee ballot **or at the office of the election**  
52 **authority on election day** for presidential and vice presidential electors after registering to  
53 vote in such resident's new jurisdiction of residence.

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

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

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

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

11 State of \_\_\_\_\_

12 County (City) of \_\_\_\_\_

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

19 \_\_\_\_\_  
20 Signature of Voter

21 \_\_\_\_\_  
22 \_\_\_\_\_

23 Voter's Address

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

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

- 33 (1) Asks to be removed from the list;
- 34 (2) Dies;
- 35 (3) Becomes disqualified from voting pursuant to this chapter; or
- 36 (4) No longer resides at the address of his or her voter registration.

37 **7. All lists of applications under this section shall be kept confidential. Such lists**  
38 **of applications shall not be posted or displayed in an area open to the general public nor**  
39 **shall such lists of applications be shown to any unauthorized person.**

115.295. 1. As each absentee ballot is received by the election authority, the election  
2 authority shall indicate its receipt on the list.

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

5           3. **The election authority shall compare the signature on the ballot envelope with**  
6 **the signature of the voter on the voter's registration record. If the signature is**  
7 **inconsistent with the voter's signature on the voter's registration record, the envelope**  
8 **shall be rejected.**

9           4. All ballot envelopes received by the election authority shall be kept together in a  
10 safe place and shall not be opened except as provided in this subchapter.

11           115.430. 1. This section shall apply to ~~[primary and general elections where~~  
12 ~~candidates for federal or statewide offices are nominated or elected and any election where~~  
13 ~~statewide issue or issues are submitted to the voters]~~ **any public election.**

14           2. (1) A voter claiming to be properly registered in the jurisdiction of the election  
15 authority and eligible to vote in an election, but whose eligibility at that precinct cannot be  
16 immediately established upon examination of the precinct register, shall be entitled to vote a  
17 provisional ballot after providing a form of personal identification required pursuant to  
18 section 115.427 or upon executing an affidavit under section 115.427, or may vote at a central  
19 polling place as established in section 115.115 where the voter may vote his or her  
20 appropriate ballot for his or her precinct of residence upon verification of eligibility or vote a  
21 provisional ballot if eligibility cannot be determined. The provisional ballot provided to a  
22 voter under this section shall be the ballot provided to a resident of the voter's precinct  
23 determined by reference to the affidavit provided for in this section. If the voter declares that  
24 the voter is eligible to vote and the election authority determines that the voter is eligible to  
25 vote at another polling place, the voter shall be directed to the correct polling place or a  
26 central polling place as established by the election authority pursuant to subsection 5 of  
27 section 115.115. If the voter refuses to go to the correct polling place or a central polling  
28 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.

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

31           (a) The election judge shall examine the precinct register as provided in section  
32 115.425. If the voter is registered and eligible to vote at the polling place, the voter shall  
33 receive a regular ballot;

34           (b) If the voter's eligibility cannot be immediately established by examining the  
35 precinct register, the election judge shall contact the election authority. If the election  
36 authority cannot immediately establish that the voter is registered and eligible to vote at the  
37 polling place upon examination of the Missouri voter registration system, or if the election  
38

29 judge is unable to make contact with the election authority immediately, the voter shall be  
30 notified that the voter is entitled to a provisional ballot.

31 (3) The voter shall have the duty to appear and vote at the correct polling place. If an  
32 election judge determines that the voter is not eligible to vote at the polling place at which a  
33 voter presents himself or herself, and if the voter appears to be eligible to vote at another  
34 polling place, the voter shall be informed that he or she may cast a provisional ballot at the  
35 current polling place or may travel to the correct polling place or a central polling place, as  
36 established by the election authority under subsection 5 of section 115.115, where the voter  
37 may cast a regular ballot or provisional ballot if the voter's eligibility still cannot be  
38 determined. Provisional ballots cast at a polling place shall be counted only if the voter was  
39 eligible to vote at such polling place as provided in subsection 5 of this section.

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

43 (5) Prior to accepting any provisional ballot at the polling place, the election judges  
44 shall determine that the information provided on the provisional ballot envelope by the  
45 provisional voter is consistent with the identification provided by such person under section  
46 115.427.

47 3. (1) No person shall be entitled to receive a provisional ballot until such person has  
48 completed a provisional ballot affidavit on the provisional ballot envelope.

49 (2) The secretary of state shall produce appropriate sizes of provisional ballot  
50 envelopes and distribute them to each election authority according to their tabulating system.  
51 All provisional ballot envelopes shall be printed on a distinguishable color of paper that is  
52 different from the color of the regular ballot. The provisional ballot envelope shall be in the  
53 form required by subsection 4 of this section. All provisional ballots shall be marked with a  
54 conspicuous stamp or other distinguishing mark that makes them readily distinguishable from  
55 the regular ballots.

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

58 4. The provisional ballot in its envelope shall be deposited in the ballot box. The  
59 provisional ballot envelope shall be completed by the voter for use in determining eligibility.  
60 The provisional ballot envelope specified in this section shall contain a voter's certificate  
61 which shall be in substantially the following form:

62 STATE OF \_\_\_\_\_

63 COUNTY OF \_\_\_\_\_

64 I do solemnly swear (or affirm) that my name is \_\_\_\_\_; that my date  
65 of birth is \_\_\_\_\_; that the last four digits of my Social Security



66 Number are \_\_\_\_\_; that I am registered to vote in \_\_\_\_\_ County or  
 67 City (if a City not within a County), Missouri; that I am a qualified  
 68 voter of said County (or City not within a County); that I am eligible to  
 69 vote at this polling place; and that I have not voted in this election.  
 70 I understand that if the above-provided information is not correct and  
 71 the election authority determines that I am not registered and eligible to  
 72 vote, my vote will not be counted. I further understand that knowingly  
 73 providing false information is a violation of law and subjects me to  
 74 possible criminal prosecution.

75 \_\_\_\_\_  
 76 (Signature of Voter)

77 \_\_\_\_\_  
 78 (Current Address)

79 Subscribed and affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

80 \_\_\_\_\_  
 81 \_\_\_\_\_  
 82 (Signature of Election Official)

83  
 84 The voter may provide additional information to further assist the election authority in  
 85 determining eligibility, including the place and date the voter registered to vote, if known.

86 5. (1) Prior to counting any provisional ballot, the election authority shall determine  
 87 if the voter is registered and eligible to vote and if the vote was properly cast. The eligibility  
 88 of provisional votes shall be determined according to the requirements for a voter to cast a  
 89 ballot in the election as set forth in sections 115.133 and 115.135. A provisional [~~voter~~] ballot  
 90 shall not be eligible to be counted until the election authority has determined that:

91 (a) The voter cast such provisional ballot at a polling place established for the voter or  
 92 the central polling place established by the election authority under subsection 5 of section  
 93 115.115;

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

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

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

100 (2) When the ballot boxes are delivered to the election authority from the polling  
 101 places, the receiving teams shall separate the provisional ballots from the rest of the ballots

102 and place the sealed provisional ballot envelopes in a separate container. Teams of election  
103 authority employees or teams of election judges with each team consisting of one member of  
104 each major political party shall photocopy each provisional ballot envelope, such photocopy  
105 to be used by the election authority to determine provisional voter eligibility. The sealed  
106 provisional ballot envelopes shall be placed by the team in a sealed container and shall remain  
107 therein until tabulation.

108 (3) To determine whether a provisional ballot is valid and entitled to be counted, the  
109 election authority shall examine its records and verify that the provisional voter is properly  
110 registered and eligible to vote in the election. If the provisional voter has provided  
111 information regarding the registration agency where the provisional voter registered to vote,  
112 the election authority shall make an inquiry of the registration agency to determine whether  
113 the provisional voter is properly registered and eligible to vote in the election.

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

- 118 (a) The name of the provisional voter;
- 119 (b) The name of the reviewer;
- 120 (c) The date and time; and
- 121 (d) A description of evidence found that supports the voter's eligibility.

122 (5) The local election authority shall record on a provisional ballot acceptance/  
123 rejection list the provisional ballot identification number and a notation marking it as  
124 accepted.

125 (6) If the election authority determines that the provisional voter is not registered or  
126 eligible to vote in the election, the election authority shall provide documentation verifying  
127 the voter's ineligibility. Such documentation shall be noted on the copy of the provisional  
128 ballot envelope and shall contain substantially the following information:

- 129 (a) The name of the provisional voter;
- 130 (b) The name of the reviewer;
- 131 (c) The date and time;
- 132 (d) A description of why the voter is ineligible.

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

135 (8) If rejected, a photocopy of the envelope shall be made and used by the election  
136 authority as a mail-in voter registration. The actual provisional ballot envelope shall be kept  
137 as ballot material, and the copy of the envelope shall be used by the election authority for  
138 registration record keeping.

139           6. All provisional ballots cast by voters whose eligibility has been verified as  
140 provided in this section shall be counted in accordance with the rules governing ballot  
141 tabulation. Provisional ballots shall not be counted until all provisional ballots are determined  
142 either eligible or ineligible and all provisional ballots must be processed before the election is  
143 certified. The provisional ballot shall be counted only if the election authority determines that  
144 the voter is registered and eligible to vote. Provisional ballots voted in the wrong polling  
145 place shall not be counted. If the voter is not registered but is qualified to register for future  
146 elections, the affidavit shall be considered a mail-in application to register to vote pursuant to  
147 this chapter.

148           7. (1) After the election authority completes its review of the provisional voter's  
149 eligibility under subsection 5 of this section, the election authority shall deliver the  
150 provisional ballots and copies of the provisional ballot envelopes that include eligibility  
151 information to bipartisan counting teams, which may be the board of verification, for review  
152 and tabulation. The election authority shall maintain a record of such delivery. The record  
153 shall include the number of ballots delivered to each team and shall include a signed receipt  
154 from two judges, one from each major political party. The election authority shall provide  
155 each team with a ballot box and material necessary for tabulation.

156           (2) If the person named on the provisional ballot affidavit is found to have been  
157 properly qualified and registered to cast a ballot in the election and the provisional ballot  
158 otherwise qualifies to be counted under the provisions of this section, the envelope shall be  
159 opened, and the ballot shall be placed in a ballot box to be counted.

160           (3) If the person named on the provisional ballot affidavit is found not to have been  
161 properly qualified and registered to cast a ballot in the election or if the election authority is  
162 unable to determine such person's right to vote, the envelope containing the provisional ballot  
163 shall not be opened, and the person's vote shall not be counted. The members of the team  
164 shall follow the procedures set forth in subsection 5 of this section for rejected provisional  
165 ballots.

166           (4) The votes shall be tallied and the returns made as provided in sections 115.447 to  
167 115.525 for paper ballots. After the vote on all ballots assigned to a team have been counted,  
168 the ballots, ballot envelopes, and copies of ballot envelopes with the eligibility information  
169 provided by the election authority shall be enclosed in sealed containers marked "Voted  
170 provisional ballots and ballot envelopes from the election held \_\_\_\_\_, 20\_\_\_\_". All  
171 rejected provisional ballots, ballot envelopes, and copies of ballot envelopes with the  
172 eligibility information provided by the election authority shall be enclosed in sealed  
173 containers marked "Rejected provisional ballots and ballot envelopes from the election held \_  
174 \_\_\_\_\_, 20\_\_\_\_". On the outside of each voted ballot and rejected ballot container, each  
175 member of the team shall write their name and all such containers shall be returned to the

176 election authority. Upon receipt of the returns and ballots, the election authority shall tabulate  
177 the provisional votes.

178 8. Challengers and watchers, as provided by sections 115.105 and 115.107, may be  
179 present during all times that the bipartisan counting teams are reviewing or counting the  
180 provisional ballots, the provisional ballot envelopes, or copies of the provisional ballot  
181 envelopes that include eligibility information provided by the election authority. Challengers  
182 and watchers shall be permitted to observe the determination of the eligibility of all  
183 provisional ballots. The election authority shall notify the county chair of each major  
184 political party of the time and location when bipartisan counting teams will be reviewing or  
185 counting the provisional ballots, the provisional ballot envelopes, or the copies of the  
186 provisional ballot envelopes that include the eligibility information provided by the election  
187 authority.

188 9. The certificate of ballot cards shall:

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

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

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

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

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

199 13. Pursuant to the Help America Vote Act of 2002, the secretary of state shall ensure  
200 a free access system is established, such as a toll-free number or an internet website, that any  
201 individual who casts a provisional ballot may access to discover whether the vote of that  
202 individual was counted, and, if the vote was not counted, the reason that the vote was not  
203 counted. At the time an individual casts a provisional ballot, the election authority shall give  
204 the voter written information that states that any individual who casts a provisional ballot will  
205 be able to ascertain under such free access system whether the vote was counted, and if the  
206 vote was not counted, the reason that the vote was not counted.

207 14. In accordance with the Help America Vote Act of 2002, any individual who votes  
208 in an election as a result of a court order or any other order extending the time established for  
209 closing the polls in section 115.407 may vote only by using a provisional ballot, and such  
210 provisional ballot shall be separated and held apart from other provisional ballots cast by  
211 those not affected by the order. Such ballots shall not be counted until such time as the ballots

212 are determined to be valid. No state court shall have jurisdiction to extend the polling hours  
213 established by law, including section 115.407.

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

6 (1) Giving, lending, agreeing to give or lend, offering, promising, or endeavoring to  
7 procure, any money or valuable consideration, office, or place of employment, to or for any  
8 voter, to or for any person on behalf of any voter, or to or for any person, in order to induce  
9 any voter to vote or refrain from voting or corruptly doing any such act on account of such  
10 voter having already voted or refrained from voting at any election;

11 (2) Making use of, or threatening to make use of, any force, violence, or restraint, or  
12 inflicting or threatening to inflict any injury, damage, harm or loss upon or against any  
13 person, in order to induce or compel such person to vote or refrain from voting at any  
14 election;

15 (3) Impeding or preventing, or attempting to impede or prevent, by abduction, duress  
16 or any fraudulent device or contrivance, the free exercise of the franchise of any voter or, by  
17 abduction, duress, or any fraudulent device, compelling, inducing, or prevailing upon any  
18 voter to vote or refrain from voting at any election;

19 (4) Giving, or making an agreement to give, any money, property, right in action, or  
20 other gratuity or reward, in consideration of any grant or deputation of office;

21 (5) Bringing into this state any nonresident person with intent that such person shall  
22 vote at an election without possessing the requisite qualifications;

23 (6) Asking for, receiving, or taking any money or other reward by way of gift, loan, or  
24 other device or agreeing or contracting for any money, gift, office, employment, or other  
25 reward, for giving, or refraining from giving, his or her vote in any election;

26 (7) Removing, destroying or altering any supplies or information placed in or near a  
27 voting booth for the purpose of enabling a voter to prepare his or her ballot;

28 (8) Entering a voting booth or compartment except as specifically authorized by law;

29 (9) On the part of any election official, challenger, watcher or person assisting a  
30 person to vote, revealing or disclosing any information as to how any voter may have voted,  
31 indicated that the person had voted except as authorized by this chapter, indicated an intent to  
32 vote or offered to vote, except to a grand jury or pursuant to a lawful subpoena in a court  
33 proceeding relating to an election offense;

34 (10) On the part of any registration or election official, refusing to permit any person  
35 to register to vote or to vote when such official knows the person is legally entitled to register  
36 or legally entitled to vote;

37 (11) Attempting to commit or participating in an attempt to commit any class one or  
38 class two election offense;

39 **(12) Threatening to harm or engaging in conduct reasonably calculated to harass**  
40 **or alarm, including stalking under section 565.227, an election judge, challenger,**  
41 **watcher, or employee or volunteer of an election authority, or a member of such person's**  
42 **family;**

43 **(13) Attempting to induce, influence, deceive, or pressure an election official or**  
44 **member of an election official's family to violate any provision of this chapter;**

45 **(14) Disseminating, through any means, including by posting on the internet, the**  
46 **home address, home telephone number, mobile telephone number, personal email**  
47 **address, social security number, federal tax identification number, checking account**  
48 **number, savings account number, credit card number, marital status, or identity of a**  
49 **child under eighteen years of age, of an election judge, challenger, watcher, or employee**  
50 **or volunteer of an election authority, or a member of such person's family, for the**  
51 **purposes listed in subdivisions (12) and (13) of this section.**

52 **2. For the purposes of this section, the term "election official" includes the**  
53 **election authority for the county, election judges, and other volunteers or employees of**  
54 **an election authority. If a violation of subdivisions (12), (13), or (14) results in death or**  
55 **bodily injury to an election official or a member of the official's family, the offense shall**  
56 **be a class B felony.**

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

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

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

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

16 (4) On the part of any candidate for election to any office of honor, trust, or profit,  
17 offering or promising to discharge the duties of such office for a less sum than the salary, fees,  
18 or emoluments as fixed by law or promising to pay back or donate to any public or private  
19 interest any portion of such salary, fees, or emolument as an inducement to voters;

20 (5) On the part of any canvasser appointed to canvass any registration list, willfully  
21 failing to appear, refusing to continue, or abandoning such canvass or willfully neglecting to  
22 perform his duties in making such canvass or willfully neglecting any duties lawfully  
23 assigned to him or her;

24 (6) On the part of any employer, making, enforcing, or attempting to enforce any  
25 order, rule, or regulation or adopting any other device or method to prevent an employee from  
26 engaging in political activities, accepting candidacy for nomination to, election to, or the  
27 holding of, political office, holding a position as a member of a political committee, soliciting  
28 or receiving funds for political purpose, acting as chairman or participating in a political  
29 convention, assuming the conduct of any political campaign, signing, or subscribing his or her  
30 name to any initiative, referendum, or recall petition, or any other petition circulated pursuant  
31 to law;

32 (7) On the part of any person authorized or employed to print official ballots, or any  
33 person employed in printing ballots, giving, delivering, or knowingly permitting to be taken  
34 any ballot to or by any person other than the official under whose direction the ballots are  
35 being printed, any ballot in any form other than that prescribed by law, or with unauthorized  
36 names, with names misspelled, or with the names of candidates arranged in any way other  
37 than that authorized by law;

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

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

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

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

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

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

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

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

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

64 (17) On the part of any person at any registration site, polling place, counting location  
65 or verification location, causing any breach of the peace or engaging in disorderly conduct,  
66 violence, or threats of violence whereby such registration, election, count or verification is  
67 impeded or interfered with;

68 (18) Exit polling, surveying, sampling, **circulating initiative or referendum**  
69 **petitions**, electioneering, distributing election literature, posting signs or placing vehicles  
70 bearing signs with respect to any candidate or question to be voted on at an election [~~on~~  
71 ~~election day~~] inside the building in which a polling place is located **on election day or**  
72 **during the absentee voting period** or within twenty-five feet of the building's outer door  
73 closest to the polling place **on election day or during the absentee voting period**, or, on the  
74 part of any person, refusing to remove or permit removal from property owned or controlled  
75 by such person, any such election sign or literature located within such distance on such day  
76 after request for removal by any person;

77 (19) Stealing or willfully defacing, mutilating, or destroying any campaign yard sign  
78 on private property, except that this subdivision shall not be construed to interfere with the  
79 right of any private property owner to take any action with regard to campaign yard signs on  
80 the owner's property and this subdivision shall not be construed to interfere with the right of  
81 any candidate, or the candidate's designee, to remove the candidate's campaign yard sign from  
82 the owner's private property after the election day.

115.642. 1. Any person may file a complaint with the secretary of state stating the  
2 name of any person who has violated any of the provisions of sections 115.629 to 115.646 and  
3 stating the facts of the alleged offense, sworn to, under penalty of perjury.

4 2. Within thirty days of receiving a complaint, the secretary of state shall notify the  
5 person filing the complaint whether or not the secretary has dismissed the complaint or will



6 commence an investigation. The secretary of state shall dismiss frivolous complaints. For  
7 purposes of this subsection, "frivolous complaint" shall mean an allegation clearly lacking  
8 any basis in fact or law. Any person who makes a frivolous complaint pursuant to this section  
9 shall be liable for actual and compensatory damages to the alleged violator for holding the  
10 alleged violator before the public in a false light. If reasonable grounds appear that the  
11 alleged offense was committed, the secretary of state may issue a probable cause statement.  
12 If the secretary of state issues a probable cause statement, he or she may refer the offense to  
13 the appropriate prosecuting attorney.

14 3. Notwithstanding the provisions of section 27.060, 56.060, or 56.430 to the  
15 contrary, when requested by the prosecuting attorney or circuit attorney, the secretary of state  
16 or his or her authorized representatives may aid any prosecuting attorney or circuit attorney in  
17 the commencement and prosecution of election offenses as provided in sections 115.629 to  
18 115.646.

19 4. (1) The secretary of state may investigate any suspected violation of any of the  
20 provisions of sections 115.629 to 115.646.

21 (2) (a) The secretary of state or an authorized representative of the secretary of state  
22 shall have the power to require the production of books, papers, correspondence, memoranda,  
23 contracts, agreements, and other records by subpoena or otherwise when necessary to conduct  
24 an investigation under this section. Such powers shall be exercised only at the specific  
25 written direction of the secretary of state or his or her chief deputy.

26 (b) If any person refuses to comply with a subpoena issued under this ~~[subsection]~~  
27 **subdivision**, the secretary of state may seek to enforce the subpoena before a court of  
28 competent jurisdiction to require the production of books, papers, correspondence,  
29 memoranda, contracts, agreements, and other records. The court may issue an order  
30 requiring the person to produce records relating to the matter under investigation or in  
31 question. Any person who fails to comply with the order may be held in contempt of court.

32 ~~[(c) The provisions of this subdivision shall expire on August 28, 2025.]~~

**115.1200. 1. This section shall be known as the "Missouri Elections Sovereignty  
2 Act".**

3 **2. The general assembly finds that regulations placed by Congress on the times,  
4 places, and manner of holding elections for representatives and the times and manner of  
5 holding elections for senators are limited only to those respective offices and do not  
6 extend to state and local elections.**

7 **3. The general assembly of the state of Missouri reserves authority to regulate  
8 both voter qualifications and the time, place, and manner for state and local elections to  
9 the maximum extent authorized by the Constitution of the United States.**

10           **4. The state of Missouri shall comply with and implement federal laws governing**  
11 **the time, place, and manner of United States representative elections and federal laws**  
12 **governing the time and manner of United States senate elections to the extent necessary**  
13 **to preserve the federal system of government and comply with the Constitution of the**  
14 **United States, but shall reserve the right to protect, preserve, and defend the integrity of**  
15 **state and local elections through lawful regulation of voter qualifications for such state**  
16 **and local elections.**

17           **5. Any differences in the regulations for time, place, and manner of holding**  
18 **elections for federal representatives, the time and manner for the senate elections, and**  
19 **state and local elections shall result in separate election procedures to ensure the**  
20 **sovereignty of the state of Missouri to conduct elections in the manner in which the**  
21 **general assembly shall deem necessary.**

**137.067. Notwithstanding any provision of law to the contrary, any ballot**  
2 **measure seeking approval to add, change, or modify a tax on real property shall express**  
3 **the effect of the proposed change within the ballot language in terms of the change in**  
4 **real dollars owed per one hundred thousand dollars of a property's market valuation.**

          137.073. 1. As used in this section, the following terms mean:

2           (1) "General reassessment", changes in value, entered in the assessor's books, of a  
3 substantial portion of the parcels of real property within a county resulting wholly or partly  
4 from reappraisal of value or other actions of the assessor or county equalization body or  
5 ordered by the state tax commission or any court;

6           (2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for  
7 each purpose of taxation of property a taxing authority is authorized to levy without a vote  
8 and any tax rate authorized by election, including bond interest and sinking fund;

9           (3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the  
10 provisions of this section or when a court has determined the tax rate; except that, other  
11 provisions of law to the contrary notwithstanding, a school district may levy the operating  
12 levy for school purposes required for the current year pursuant to subsection 2 of section  
13 163.021, less all adjustments required pursuant to Article X, Section 22 of the Missouri  
14 Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the  
15 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate  
16 ceiling is approved by voters of the political subdivision as provided in this section;

17           (4) "Tax revenue", when referring to the previous year, means the actual receipts from  
18 ad valorem levies on all classes of property, including state-assessed property, in the  
19 immediately preceding fiscal year of the political subdivision, plus an allowance for taxes  
20 billed but not collected in the fiscal year and plus an additional allowance for the revenue  
21 which would have been collected from property which was annexed by such political

22 subdivision but which was not previously used in determining tax revenue pursuant to this  
23 section. The term "tax revenue" shall not include any receipts from ad valorem levies on any  
24 property of a railroad corporation or a public utility, as these terms are defined in section  
25 386.020, which were assessed by the assessor of a county or city in the previous year but are  
26 assessed by the state tax commission in the current year. All school districts and those  
27 counties levying sales taxes pursuant to chapter 67 shall include in the calculation of tax  
28 revenue an amount equivalent to that by which they reduced property tax levies as a result of  
29 sales tax pursuant to section 67.505 and section 164.013 or as excess home dock city or  
30 county fees as provided in ~~[subsection 4 of]~~ section 313.820 in the immediately preceding  
31 fiscal year but not including any amount calculated to adjust for prior years. For purposes of  
32 political subdivisions which were authorized to levy a tax in the prior year but which did not  
33 levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the  
34 revision of tax levies mandated by law, shall mean the revenues equal to the amount that  
35 would have been available if the voluntary rate reduction had not been made.

36         2. Whenever changes in assessed valuation are entered in the assessor's books for any  
37 personal property, in the aggregate, or for any subclass of real property as such subclasses are  
38 established in Section 4(b) of Article X of the Missouri Constitution and defined in section  
39 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each  
40 political subdivision wholly or partially within the county or St. Louis City of the change in  
41 valuation of each subclass of real property, individually, and personal property, in the  
42 aggregate, exclusive of new construction and improvements. All political subdivisions shall  
43 immediately revise the applicable rates of levy for each purpose for each subclass of real  
44 property, individually, and personal property, in the aggregate, for which taxes are levied to  
45 the extent necessary to produce from all taxable property, exclusive of new construction and  
46 improvements, substantially the same amount of tax revenue as was produced in the previous  
47 year for each subclass of real property, individually, and personal property, in the aggregate,  
48 except that the rate shall not exceed the greater of the most recent voter-approved rate or the  
49 most recent voter-approved rate as adjusted under subdivision (2) of subsection 5 of this  
50 section. Any political subdivision that has received approval from voters for a tax increase  
51 after August 27, 2008, may levy a rate to collect substantially the same amount of tax revenue  
52 as the amount of revenue that would have been derived by applying the voter-approved  
53 increased tax rate ceiling to the total assessed valuation of the political subdivision as most  
54 recently certified by the city or county clerk on or before the date of the election in which  
55 such increase is approved, increased by the percentage increase in the consumer price index,  
56 as provided by law, except that the rate shall not exceed the greater of the most recent voter-  
57 approved rate or the most recent voter-approved rate as adjusted under subdivision (2) of  
58 subsection 5 of this section. Such tax revenue shall not include any receipts from ad valorem

59 levies on any real property which was assessed by the assessor of a county or city in such  
60 previous year but is assessed by the assessor of a county or city in the current year in a  
61 different subclass of real property. Where the taxing authority is a school district for the  
62 purposes of revising the applicable rates of levy for each subclass of real property, the tax  
63 revenues from state-assessed railroad and utility property shall be apportioned and attributed  
64 to each subclass of real property based on the percentage of the total assessed valuation of the  
65 county that each subclass of real property represents in the current taxable year. As provided  
66 in Section 22 of Article X of the constitution, a political subdivision may also revise each levy  
67 to allow for inflationary assessment growth occurring within the political subdivision. The  
68 inflationary growth factor for any such subclass of real property or personal property shall be  
69 limited to the actual assessment growth in such subclass or class, exclusive of new  
70 construction and improvements, and exclusive of the assessed value on any real property  
71 which was assessed by the assessor of a county or city in the current year in a different  
72 subclass of real property, but not to exceed the consumer price index or five percent,  
73 whichever is lower. Should the tax revenue of a political subdivision from the various tax  
74 rates determined in this subsection be different than the tax revenue that would have been  
75 determined from a single tax rate as calculated pursuant to the method of calculation in this  
76 subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of  
77 those subclasses of real property, individually, and/or personal property, in the aggregate, in  
78 which there is a tax rate reduction, pursuant to the provisions of this subsection. Such  
79 revision shall yield an amount equal to such difference and shall be apportioned among such  
80 subclasses of real property, individually, and/or personal property, in the aggregate, based on  
81 the relative assessed valuation of the class or subclasses of property experiencing a tax rate  
82 reduction. Such revision in the tax rates of each class or subclass shall be made by computing  
83 the percentage of current year adjusted assessed valuation of each class or subclass with a tax  
84 rate reduction to the total current year adjusted assessed valuation of the class or subclasses  
85 with a tax rate reduction, multiplying the resulting percentages by the revenue difference  
86 between the single rate calculation and the calculations pursuant to this subsection and  
87 dividing by the respective adjusted current year assessed valuation of each class or subclass to  
88 determine the adjustment to the rate to be levied upon each class or subclass of property. The  
89 adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in  
90 the manner provided in this subsection, and added to the initial rate computed for each class  
91 or subclass of property. For school districts that levy separate tax rates on each subclass of  
92 real property and personal property in the aggregate, if voters approved a ballot before  
93 January 1, 2011, that presented separate stated tax rates to be applied to the different  
94 subclasses of real property and personal property in the aggregate, or increases the separate  
95 rates that may be levied on the different subclasses of real property and personal property in

96 the aggregate by different amounts, the tax rate that shall be used for the single tax rate  
97 calculation shall be a blended rate, calculated in the manner provided under subdivision (1) of  
98 subsection 6 of this section. Notwithstanding any provision of this subsection to the contrary,  
99 no revision to the rate of levy for personal property shall cause such levy to increase over the  
100 levy for personal property from the prior year.

101 3. (1) Where the taxing authority is a school district, it shall be required to revise the  
102 rates of levy to the extent necessary to produce from all taxable property, including state-  
103 assessed railroad and utility property, which shall be separately estimated in addition to other  
104 data required in complying with section 164.011, substantially the amount of tax revenue  
105 permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be  
106 adjusted to offset such district's reduction in the apportionment of state school moneys due to  
107 its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling  
108 pursuant to this section, requiring the estimating of effects of state-assessed railroad and  
109 utility valuation or loss of state aid, discovers that the estimates used result in receipt of  
110 excess revenues, which would have required a lower rate if the actual information had been  
111 known, the school district shall reduce the tax rate ceiling in the following year to compensate  
112 for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes  
113 of this section.

114 (2) For any political subdivision which experiences a reduction in the amount of  
115 assessed valuation relating to a prior year, due to decisions of the state tax commission or a  
116 court pursuant to sections 138.430 to 138.433, or due to clerical errors or corrections in the  
117 calculation or recordation of any assessed valuation:

118 (a) Such political subdivision may revise the tax rate ceiling for each purpose it levies  
119 taxes to compensate for the reduction in assessed value occurring after the political  
120 subdivision calculated the tax rate ceiling for the particular subclass of real property or for  
121 personal property, in the aggregate, in a prior year. Such revision by the political subdivision  
122 shall be made at the time of the next calculation of the tax rate for the particular subclass of  
123 real property or for personal property, in the aggregate, after the reduction in assessed  
124 valuation has been determined and shall be calculated in a manner that results in the revised  
125 tax rate ceiling being the same as it would have been had the corrected or finalized assessment  
126 been available at the time of the prior calculation;

127 (b) In addition, for up to three years following the determination of the reduction in  
128 assessed valuation as a result of circumstances defined in this subdivision, such political  
129 subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate  
130 ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to  
131 receive had the corrected or finalized assessment been available at the time of the prior  
132 calculation.

133           4. (1) In order to implement the provisions of this section and Section 22 of Article X  
134 of the Constitution of Missouri, the term improvements shall apply to both real and personal  
135 property. In order to determine the value of new construction and improvements, each county  
136 assessor shall maintain a record of real property valuations in such a manner as to identify  
137 each year the increase in valuation for each political subdivision in the county as a result of  
138 new construction and improvements. The value of new construction and improvements shall  
139 include the additional assessed value of all improvements or additions to real property which  
140 were begun after and were not part of the prior year's assessment, except that the additional  
141 assessed value of all improvements or additions to real property which had been totally or  
142 partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, sections  
143 135.200 to 135.255, and section 353.110 shall be included in the value of new construction  
144 and improvements when the property becomes totally or partially subject to assessment and  
145 payment of all ad valorem taxes. The aggregate increase in valuation of personal property for  
146 the current year over that of the previous year is the equivalent of the new construction and  
147 improvements factor for personal property. Notwithstanding any opt-out implemented  
148 pursuant to subsection 14 of section 137.115, the assessor shall certify the amount of new  
149 construction and improvements and the amount of assessed value on any real property which  
150 was assessed by the assessor of a county or city in such previous year but is assessed by the  
151 assessor of a county or city in the current year in a different subclass of real property  
152 separately for each of the three subclasses of real property for each political subdivision to the  
153 county clerk in order that political subdivisions shall have this information for the purpose of  
154 calculating tax rates pursuant to this section and Section 22, Article X, Constitution of  
155 Missouri. In addition, the state tax commission shall certify each year to each county clerk  
156 the increase in the general price level as measured by the Consumer Price Index for All Urban  
157 Consumers for the United States, or its successor publications, as defined and officially  
158 reported by the United States Department of Labor, or its successor agency. The state tax  
159 commission shall certify the increase in such index on the latest twelve-month basis available  
160 on February first of each year over the immediately preceding prior twelve-month period in  
161 order that political subdivisions shall have this information available in setting their tax rates  
162 according to law and Section 22 of Article X of the Constitution of Missouri. For purposes of  
163 implementing the provisions of this section and Section 22 of Article X of the Missouri  
164 Constitution, the term "property" means all taxable property, including state-assessed  
165 property.

166           (2) Each political subdivision required to revise rates of levy pursuant to this section  
167 or Section 22 of Article X of the Constitution of Missouri shall calculate each tax rate it is  
168 authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate  
169 revision provided in this section and Section 22 of Article X of the Constitution of Missouri,

170 separately and without regard to annual tax rate reductions provided in section 67.505 and  
171 section 164.013. Each political subdivision shall set each tax rate it is authorized to levy  
172 using the calculation that produces the lowest tax rate ceiling. It is further the intent of the  
173 general assembly, pursuant to the authority of Section 10(c) of Article X of the Constitution  
174 of Missouri, that the provisions of such section be applicable to tax rate revisions mandated  
175 pursuant to Section 22 of Article X of the Constitution of Missouri as to reestablishing tax  
176 rates as revised in subsequent years, enforcement provisions, and other provisions not in  
177 conflict with Section 22 of Article X of the Constitution of Missouri. Annual tax rate  
178 reductions provided in section 67.505 and section 164.013 shall be applied to the tax rate as  
179 established pursuant to this section and Section 22 of Article X of the Constitution of  
180 Missouri, unless otherwise provided by law.

181         5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this  
182 section shall not be increased unless approved by a vote of the people. Approval of the higher  
183 tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires  
184 approval by more than a simple majority pursuant to any provision of law or the constitution,  
185 the tax rate increase must receive approval by at least the majority required.

186         (2) When voters approve an increase in the tax rate, the amount of the increase shall  
187 be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate  
188 does not exceed any maximum rate prescribed by law. If a ballot question presents a stated  
189 tax rate for approval rather than describing the amount of increase in the question, the stated  
190 tax rate approved shall be adjusted as provided in this section and, so adjusted, shall be the  
191 current tax rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that  
192 when applied to the current total assessed valuation of the political subdivision, excluding  
193 new construction and improvements since the date of the election approving such increase,  
194 the revenue derived from the adjusted tax rate ceiling is equal to the sum of: the amount of  
195 revenue which would have been derived by applying the voter-approved increased tax rate  
196 ceiling to total assessed valuation of the political subdivision, as most recently certified by the  
197 city or county clerk on or before the date of the election in which such increase is approved,  
198 increased by the percentage increase in the consumer price index, as provided by law. Such  
199 adjusted tax rate ceiling may be applied to the total assessed valuation of the political  
200 subdivision at the setting of the next tax rate. If a ballot question presents a phased-in tax rate  
201 increase, upon voter approval, each tax rate increase shall be adjusted in the manner  
202 prescribed in this section to yield the sum of: the amount of revenue that would be derived by  
203 applying such voter-approved increased rate to the total assessed valuation, as most recently  
204 certified by the city or county clerk on or before the date of the election in which such  
205 increase was approved, increased by the percentage increase in the consumer price index, as

206 provided by law, from the date of the election to the time of such increase and, so adjusted,  
207 shall be the current tax rate ceiling.

208 **(3) The provisions of subdivision (2) of this subsection notwithstanding, if prior**  
209 **to the expiration of a temporary levy increase, voters approve a subsequent levy**  
210 **increase, the new tax rate ceiling shall remain in effect only until such time as the**  
211 **temporary levy expires under the terms originally approved by a vote of the people, at**  
212 **which time the tax rate ceiling shall be decreased by the amount of the temporary levy**  
213 **increase. If, prior to the expiration of a temporary levy increase, voters of a political**  
214 **subdivision are asked to approve an additional, permanent increase to the political**  
215 **subdivision's tax rate ceiling, voters shall be submitted ballot language that clearly**  
216 **indicates that if the permanent levy increase is approved, the temporary levy shall be**  
217 **made permanent.**

218 **(4)** The governing body of any political subdivision may levy a tax rate lower than its  
219 tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level  
220 not exceeding the tax rate ceiling without voter approval in the manner provided under  
221 subdivision ~~[(4)]~~ **(5)** of this subsection. Nothing in this section shall be construed as  
222 prohibiting a political subdivision from voluntarily levying a tax rate lower than that which is  
223 required under the provisions of this section or from seeking voter approval of a reduction to  
224 such political subdivision's tax rate ceiling.

225 ~~[(4)]~~ **(5)** In a year of general reassessment, a governing body whose tax rate is lower  
226 than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of  
227 this section as if its tax rate was at the tax rate ceiling. In a year following general  
228 reassessment, if such governing body intends to increase its tax rate, the governing body shall  
229 conduct a public hearing, and in a public meeting it shall adopt an ordinance, resolution, or  
230 policy statement justifying its action prior to setting and certifying its tax rate. The provisions  
231 of this subdivision shall not apply to any political subdivision which levies a tax rate lower  
232 than its tax rate ceiling solely due to a reduction required by law resulting from sales tax  
233 collections. The provisions of this subdivision shall not apply to any political subdivision  
234 which has received voter approval for an increase to its tax rate ceiling subsequent to setting  
235 its most recent tax rate.

236 **(6) (a) As used in this subdivision, the following terms mean:**

237 **a. "Current tax rate ceiling", the tax rate ceiling in effect before the voters**  
238 **approved a higher tax rate in a 2023 election;**

239 **b. "Increased tax rate ceiling", the new tax rate ceiling in effect after the voters**  
240 **approved a higher tax rate in a 2023 election.**

241 **(b) Notwithstanding any other provision of law to the contrary, for the general**  
242 **reassessment performed in 2023, when the required majority of voters in a school**



243 **district serving a census-designated place with more than twenty-seven thousand but**  
244 **fewer than thirty thousand inhabitants and located in a county with more than one**  
245 **million inhabitants passes an increase in the school district's tax rate, the school district**  
246 **shall use the current tax rate ceiling and the increase approved by the voters in**  
247 **establishing the rates of levy for the tax year immediately following the election.**

248 **(c) If the assessed valuation of real property in such school district is reduced in**  
249 **such tax year immediately following the election, such school district may raise its rates**  
250 **of levy so that the revenue received from its local real property tax rates equals the**  
251 **amount the school district would have received from the increased rates of levy had**  
252 **there been no reduction in the assessed valuation of real property in the school district.**

253 **(d) Using the increased tax rate ceiling shall be revenue neutral as required in**  
254 **Article X, Section 22 of the Constitution of Missouri.**

255 6. (1) For the purposes of calculating state aid for public schools pursuant to section  
256 163.031, each taxing authority which is a school district shall determine its proposed tax rate  
257 as a blended rate of the classes or subclasses of property. Such blended rate shall be  
258 calculated by first determining the total tax revenue of the property within the jurisdiction of  
259 the taxing authority, which amount shall be equal to the sum of the products of multiplying  
260 the assessed valuation of each class and subclass of property by the corresponding tax rate for  
261 such class or subclass, then dividing the total tax revenue by the total assessed valuation of  
262 the same jurisdiction, and then multiplying the resulting quotient by a factor of one hundred.  
263 Where the taxing authority is a school district, such blended rate shall also be used by such  
264 school district for calculating revenue from state-assessed railroad and utility property as  
265 defined in chapter 151 and for apportioning the tax rate by purpose.

266 (2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk  
267 of the county commission in the county or counties where the tax rate applies of its tax rate  
268 ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a  
269 fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one  
270 dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-  
271 hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of  
272 one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to  
273 one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of  
274 a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate  
275 shall provide data, in such form as shall be prescribed by the state auditor by rule,  
276 substantiating such tax rate complies with Missouri law. All forms for the calculation of rates  
277 pursuant to this section shall be promulgated as a rule and shall not be incorporated by  
278 reference. The state auditor shall promulgate rules for any and all forms for the calculation of  
279 rates pursuant to this section which do not currently exist in rule form or that have been

280 incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for  
281 debt service shall provide data, in such form as shall be prescribed by the state auditor by rule,  
282 substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed  
283 for annual debt service requirements will be prima facie valid if, after making the payment for  
284 which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed  
285 the following year's payments. The county clerk shall keep on file and available for public  
286 inspection all such information for a period of three years. The clerk shall, within three days  
287 of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed  
288 tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen  
289 days of the date of receipt, examine such information and return to the county clerk his or her  
290 findings as to compliance of the tax rate ceiling with this section and as to compliance of any  
291 proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing  
292 authority's proposed tax rate does not comply with Missouri law, then the state auditor's  
293 findings shall include a recalculated tax rate, and the state auditor may request a taxing  
294 authority to submit documentation supporting such taxing authority's proposed tax rate. The  
295 county clerk shall immediately forward a copy of the auditor's findings to the taxing authority  
296 and shall file a copy of the findings with the information received from the taxing authority.  
297 The taxing authority shall have fifteen days from the date of receipt from the county clerk of  
298 the state auditor's findings and any request for supporting documentation to accept or reject in  
299 writing the rate change certified by the state auditor and to submit all requested information to  
300 the state auditor. A copy of the taxing authority's acceptance or rejection and any information  
301 submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority  
302 rejects a rate change certified by the state auditor and the state auditor does not receive  
303 supporting information which justifies the taxing authority's original or any subsequent  
304 proposed tax rate, then the state auditor shall refer the perceived violations of such taxing  
305 authority to the attorney general's office and the attorney general is authorized to obtain  
306 injunctive relief to prevent the taxing authority from levying a violative tax rate.

307 (3) In the event that the taxing authority incorrectly completes the forms created and  
308 promulgated under subdivision (2) of this subsection, or makes a clerical error, the taxing  
309 authority may submit amended forms with an explanation for the needed changes. If such  
310 amended forms are filed under regulations prescribed by the state auditor, the state auditor  
311 shall take into consideration such amended forms for the purposes of this subsection.

312 7. No tax rate shall be extended on the tax rolls by the county clerk unless the political  
313 subdivision has complied with the foregoing provisions of this section.

314 8. Whenever a taxpayer has cause to believe that a taxing authority has not complied  
315 with the provisions of this section, the taxpayer may make a formal complaint with the  
316 prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action

317 within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to  
318 this section and institute an action as representative of a class of all taxpayers within a taxing  
319 authority if the class is so numerous that joinder of all members is impracticable, if there are  
320 questions of law or fact common to the class, if the claims or defenses of the representative  
321 parties are typical of the claims or defenses of the class, and if the representative parties will  
322 fairly and adequately protect the interests of the class. In any class action maintained  
323 pursuant to this section, the court may direct to the members of the class a notice to be  
324 published at least once each week for four consecutive weeks in a newspaper of general  
325 circulation published in the county where the civil action is commenced and in other counties  
326 within the jurisdiction of a taxing authority. The notice shall advise each member that the  
327 court will exclude him or her from the class if he or she so requests by a specified date, that  
328 the judgment, whether favorable or not, will include all members who do not request  
329 exclusion, and that any member who does not request exclusion may, if he or she desires,  
330 enter an appearance. In any class action brought pursuant to this section, the court, in  
331 addition to the relief requested, shall assess against the taxing authority found to be in  
332 violation of this section the reasonable costs of bringing the action, including reasonable  
333 attorney's fees, provided no attorney's fees shall be awarded any attorney or association of  
334 attorneys who receive public funds from any source for their services. Any action brought  
335 pursuant to this section shall be set for hearing as soon as practicable after the cause is at  
336 issue.

337 9. If in any action, including a class action, the court issues an order requiring a taxing  
338 authority to revise the tax rates as provided in this section or enjoins a taxing authority from  
339 the collection of a tax because of its failure to revise the rate of levy as provided in this  
340 section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously  
341 paid his or her taxes in part, whether or not the taxes are paid under protest as provided in  
342 section 139.031 or otherwise contested. The part of the taxes paid erroneously is the  
343 difference in the amount produced by the original levy and the amount produced by the  
344 revised levy. The township or county collector of taxes or the collector of taxes in any city  
345 shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise  
346 the rate of levy as provided in this section shall make available to the collector all funds  
347 necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest  
348 on any money erroneously paid by him or her pursuant to this subsection. Effective in the  
349 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund  
350 any tax erroneously paid prior to or during the third tax year preceding the current tax year.

351 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
352 created under the authority delegated in this section shall become effective only if it complies  
353 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.

354 This section and chapter 536 are nonseverable and if any of the powers vested with the  
355 general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
356 disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
357 rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid  
358 and void.

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