

FIRST REGULAR SESSION

# HOUSE BILL NO. 783

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCGAUGH.

1790H.02I

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 115.127, 115.205, 115.284, 115.427, 115.430, and 115.637, RSMo, and to enact in lieu thereof seven 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Section A. Sections 115.127, 115.205, 115.284, 115.427, 115.430, and 115.637, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 115.127, 115.205, 115.284, 115.427, 115.430, 115.637, and 115.638, to read as follows:

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

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.

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 Tuesday prior to the election. If the closing date for filing a  
45 declaration of candidacy for any office in a political subdivision or special district is not  
46 required by law or charter, the closing filing date shall be 5:00 p.m., the fourteenth Tuesday  
47 prior to the election **or, if the fourteenth Tuesday prior to the election is a holiday, the**  
48 **closing filing date shall be 5:00 p.m., on the next day that is not a holiday.** The political  
49 subdivision or special district calling an election shall, before the seventeenth Tuesday, prior  
50 to any election at which offices are to be filled, notify the general public of the opening filing  
51 date, the office or offices to be filled, the proper place for filing and the closing filing date of

52 the election. Such notification may be accomplished by legal notice published in at least one  
53 newspaper of general circulation in the political subdivision or special district.

54 6. Except as provided for in sections 115.247 and 115.359, if there is no additional  
55 cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or  
56 reprinting costs, a candidate who has filed for an office or who has been duly nominated for  
57 an office may, at any time after the certification of the notice of election required in  
58 subsection 1 of section 115.125 but no later than 5:00 p.m. on the eighth Tuesday before the  
59 election, withdraw as a candidate pursuant to a court order, which, except for good cause  
60 shown by the election authority in opposition thereto, shall be freely given upon application  
61 by the candidate to the circuit court of the area of such candidate's residence.

115.205. 1. No person shall be paid or otherwise compensated for soliciting voter  
2 registration applications, other than a governmental entity or a person who is paid or  
3 compensated by a governmental entity for such solicitation. A voter registration solicitor,  
4 **other than a governmental entity or a person who is paid or compensated by a**  
5 **governmental entity for such solicitation**, who solicits more than ten voter registration  
6 applications shall register for every election cycle that begins on the day after the general  
7 election and ends on the day of the general election two years later. A voter registration  
8 solicitor shall be at least eighteen years of age and shall be a registered voter in the state of  
9 Missouri.

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

- 12 (1) The name of the voter registration solicitor;
- 13 (2) The residential address, including street number, city, state, and zip code;
- 14 (3) The mailing address, if different from the residential address; and
- 15 (4) The signature of the voter registration solicitor.

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

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

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

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 pursuant  
 17 to section 115.284, and that I be delivered an absentee ballot application for  
 18 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 to the**  
 38 **extent that such lists of applications shall not be posted or displayed in any area open to**

39 **the general public, nor shall such lists of applications be shown to any person who is not**  
40 **entitled to see such lists of applications, pursuant to any other provisions of law.**

115.427. 1. Persons seeking to vote in a public election shall establish their identity  
2 and eligibility to vote at the polling place or, if voting absentee in person under section  
3 115.277, at the office of the election authority or other authorized location designated by the  
4 election authority by presenting a form of personal photo identification to election officials.  
5 No form of personal photo identification other than the forms listed in this section shall be  
6 accepted to establish a voter's qualifications to vote. Forms of personal photo identification  
7 that satisfy the requirements of this section are any one of the following:

- 8 (1) Nonexpired Missouri driver's license;
- 9 (2) Nonexpired or nonexpiring Missouri nondriver's license;
- 10 (3) A document that satisfies all of the following requirements:
  - 11 (a) The document contains the name of the individual to whom the document was  
12 issued, and the name substantially conforms to the most recent signature in the individual's  
13 voter registration record;
  - 14 (b) The document shows a photograph of the individual;
  - 15 (c) The document includes an expiration date, and the document is not expired, or, if  
16 expired, the document expired after the date of the most recent general election; and
  - 17 (d) The document was issued by the United States or the state of Missouri; or
  - 18 (4) Any identification containing a photograph of the individual which is issued by  
19 the Missouri National Guard, the United States Armed Forces, including the Space Force, or  
20 the United States Department of Veteran Affairs to a member or former member of the  
21 Missouri National Guard or the United States Armed Forces, including the Space Force, and  
22 that is not expired or does not have an expiration date.

23 2. (1) An individual who appears at a polling place without a form of personal  
24 identification described in subsection 1 of this section and who is otherwise qualified to vote  
25 at that polling place shall be allowed to cast a provisional ballot. The election judges shall  
26 make a notation on the provisional ballot envelope to indicate that the voter's identity was not  
27 verified.

28 (2) **For an individual requesting an absentee ballot in person, such individual**  
29 **shall be entitled to cast a provisional ballot if the individual appears to vote without a**  
30 **form of personal identification described in subsection 1 of this section and is otherwise**  
31 **qualified to vote.**

32 (3) No person shall be entitled to receive a provisional ballot until such person has  
33 completed a provisional ballot affidavit on the provisional ballot envelope. All provisional  
34 ballots shall be marked with a conspicuous stamp or mark that makes them distinguishable  
35 from other ballots.

36 [~~3~~] (4) The provisional ballot envelope shall be completed by the voter for use in  
37 determining the voter's eligibility to cast a ballot.

38 3. The provisional ballot envelope shall provide a place for the voter's name, address,  
39 date of birth, and last four digits of his or her Social Security number, followed by a  
40 certificate in substantially the following form:

41 I do solemnly swear that I am the person identified above and the  
42 information provided is correct. I understand that my vote will not be  
43 counted unless:

44 (1) (a) I return to this polling place today between 6:00 a.m. and 7:00 p.m.  
45 and provide one of the following forms of identification:

- 46 a. Nonexpired Missouri driver's license;
- 47 b. Nonexpired or nonexpiring Missouri nondriver's license;
- 48 c. A document that satisfies all of the following requirements:

  - 49 (i) The document contains my name, in substantially the same form as the
  - 50 most recent signature on my voter registration record;
  - 51 (ii) The document contains my photograph;
  - 52 (iii) The document contains an expiration date and is not expired, or if
  - 53 expired, the document expired after the date of the most recent general
  - 54 election; and
  - 55 (iv) The document was issued by the United States or the state of Missouri;
  - 56 or
  - 57 d. Identification containing my photograph issued to me by the Missouri
  - 58 National Guard, the United States Armed Forces, including Space Force, or
  - 59 the United States Department of Veteran Affairs as a member or former
  - 60 member of the Missouri National Guard or the United States Armed Forces
  - 61 that is not expired or does not have an expiration date; or
  - 62 (b) The election authority verifies my identity by comparing my signature
  - 63 on this envelope to the signature on file with the election authority and
  - 64 determines that I was eligible to cast a ballot at this polling place; and
  - 65 (2) This provisional ballot otherwise qualifies to be counted under the laws
  - 66 of the State of Missouri.

Signature of Voter	Date

Signature of Election Officials	

72 Once voted, the provisional ballot shall be sealed in the provisional ballot envelope and  
73 placed in a separate secured container by the election judge.

74 4. The provisional ballot cast by such voter shall not be counted unless:

75 (1) (a) The voter returns to the polling place during the uniform polling hours  
76 established by section 115.407 and provides a form of personal identification that allows the  
77 election judges to verify the voter's identity as provided in subsection 1 of this section; or

78 (b) The election authority verifies the identity of the individual by comparing that  
79 individual's signature to the signature on file with the election authority and determines that  
80 the individual was eligible to cast a ballot at the polling place where the ballot was cast; and

81 (2) The provisional ballot otherwise qualifies to be counted under section 115.430.

82 5. The secretary of state shall provide notice of the personal photo identification  
83 requirements described in subsection 1 of this section on the official state internet website of  
84 the secretary of state.

85 6. (1) Notwithstanding the provisions of section 136.055 and section 302.181 to the  
86 contrary, the state and all fee offices shall provide one nondriver's license at no cost to any  
87 otherwise qualified voter who does not already possess such identification and who desires  
88 the identification for voting.

89 (2) This state and its agencies shall provide one copy of each of the following, free of  
90 charge, if needed by an individual seeking to obtain a form of personal photo identification  
91 described in subsection 1 of this section in order to vote:

92 (a) A birth certificate;

93 (b) A marriage license or certificate;

94 (c) A divorce decree;

95 (d) A certificate of decree of adoption;

96 (e) A court order changing the person's name;

97 (f) A Social Security card reflecting an updated name; and

98 (g) Naturalization papers or other documents from the United States Department of  
99 State proving citizenship.

100

101 Any individual seeking one of the above documents in order to obtain a form of personal  
102 photo identification described in subsection 1 of this section for voting may request the  
103 secretary of state to facilitate the acquisition of such documents. The secretary of state shall  
104 pay any fee or fees charged by another state or its agencies, or any court of competent  
105 jurisdiction in this state or any other state, or the federal government or its agencies, in order  
106 to obtain any of the above documents from such state or the federal government.

107 (3) Any applicant who requests a nondriver's license for voting shall not be required  
108 to pay a fee. The state of Missouri shall pay the legally required fees for any such applicant.

109 The department of revenue and a local election authority may enter into a contract that allows  
 110 the local election authority to assist the department in issuing nondriver's license photo  
 111 identifications.

112 7. The director of the department of revenue shall, by January first of each year,  
 113 prepare and deliver to each member of the general assembly a report documenting the number  
 114 of individuals who have requested and received a nondriver's license photo identification for  
 115 the purposes of voting under this section. The report shall also include the number of persons  
 116 requesting a nondriver's license for purposes of voting under this section, but not receiving  
 117 such license, and the reason for the denial of the nondriver's license.

118 8. The precinct register shall serve as the voter identification certificate. The  
 119 following form shall be printed at the top of each page of the precinct register:

120 VOTER'S IDENTIFICATION CERTIFICATE

121 Warning: It is against the law for anyone to vote, or attempt to vote, without having a  
 122 lawful right to vote.

123 PRECINCT

124 WARD OR TOWNSHIP \_\_\_\_\_

125 GENERAL (SPECIAL, PRIMARY) ELECTION

126 Held \_\_\_\_\_, 20 \_\_\_\_\_

127 Date

128 I hereby certify that I am qualified to vote at this election by signing my name and  
 129 verifying my address by signing my initials next to my address.

130 9. The secretary of state shall promulgate rules to effectuate the provisions of this  
 131 section.

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

140 11. If any voter is unable to sign his name at the appropriate place on the certificate or  
 141 computer printout, an election judge shall print the name and address of the voter in the  
 142 appropriate place on the precinct register, the voter shall make his mark in lieu of signature,  
 143 and the voter's mark shall be witnessed by the signature of an election judge.



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

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

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

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

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

(3) The voter shall have the duty to appear and vote at the correct polling place. If an election judge determines that the voter is not eligible to vote at the polling place at which a voter presents himself or herself, and if the voter appears to be eligible to vote at another polling place, the voter shall be informed that he or she may cast a provisional ballot at the current polling place or may travel to the correct polling place or a central polling place, as established by the election authority under subsection 5 of section 115.115, where the voter may cast a regular ballot or provisional ballot if the voter's eligibility still cannot be

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

75

\_\_\_\_\_  
(Signature of Voter)

77

\_\_\_\_\_  
(Current Address)

78

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

80

\_\_\_\_\_  
(Signature of Election Official)

81

82

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

85 5. (1) Prior to counting any provisional ballot, the election authority shall determine  
86 if the voter is registered and eligible to vote and if the vote was properly cast. The eligibility  
87 of provisional votes shall be determined according to the requirements for a voter to cast a  
88 ballot in the election as set forth in sections 115.133 and 115.135. A provisional [~~voter~~] ballot  
89 shall not be eligible to be counted until the election authority has determined that:

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

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

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

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

99 (2) When the ballot boxes are delivered to the election authority from the polling  
100 places, the receiving teams shall separate the provisional ballots from the rest of the ballots  
101 and place the sealed provisional ballot envelopes in a separate container. Teams of election  
102 authority employees or teams of election judges with each team consisting of one member of  
103 each major political party shall photocopy each provisional ballot envelope, such photocopy  
104 to be used by the election authority to determine provisional voter eligibility. The sealed  
105 provisional ballot envelopes shall be placed by the team in a sealed container and shall remain  
106 therein until tabulation.

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

111 the election authority shall make an inquiry of the registration agency to determine whether  
112 the provisional voter is properly registered and eligible to vote in the election.

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

117 (a) The name of the provisional voter;

118 (b) The name of the reviewer;

119 (c) The date and time; and

120 (d) A description of evidence found that supports the voter's eligibility.

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

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

128 (a) The name of the provisional voter;

129 (b) The name of the reviewer;

130 (c) The date and time;

131 (d) A description of why the voter is ineligible.

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

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

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

147           7. (1) After the election authority completes its review of the provisional voter's  
148 eligibility under subsection 5 of this section, the election authority shall deliver the  
149 provisional ballots and copies of the provisional ballot envelopes that include eligibility  
150 information to bipartisan counting teams, which may be the board of verification, for review  
151 and tabulation. The election authority shall maintain a record of such delivery. The record  
152 shall include the number of ballots delivered to each team and shall include a signed receipt  
153 from two judges, one from each major political party. The election authority shall provide  
154 each team with a ballot box and material necessary for tabulation.

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

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

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

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

184 counting the provisional ballots, the provisional ballot envelopes, or the copies of the  
185 provisional ballot envelopes that include the eligibility information provided by the election  
186 authority.

187 9. The certificate of ballot cards shall:

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

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

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

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

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

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

206 14. In accordance with the Help America Vote Act of 2002, any individual who votes  
207 in an election as a result of a court order or any other order extending the time established for  
208 closing the polls in section 115.407 may vote only by using a provisional ballot, and such  
209 provisional ballot shall be separated and held apart from other provisional ballots cast by  
210 those not affected by the order. Such ballots shall not be counted until such time as the ballots  
211 are determined to be valid. No state court shall have jurisdiction to extend the polling hours  
212 established by law, including section 115.407.

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

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



115.638. 1. A person commits the offense of tampering with an election official if, with the purpose to harass or intimidate an election official in the performance of such official's official duties, such person:

(1) Threatens or causes harm to such election official or members of such election official's family;

(2) Uses force, threats, or deception against or toward such election official or members of such election official's family;

(3) Attempts to induce, influence, or pressure an election official or members of an election official's family to violate any provision of this chapter;

(4) Engages in conduct reasonably calculated to harass or alarm such election official or such election official's family, including stalking pursuant to section 565.225 or 565.227;

(5) Disseminates through any means, including by posting on the internet, the personal information of an election official or any member of an election official's family.

2. The offense of tampering with an election official shall be a class D felony. If a violation of this section results in death or bodily injury to an election official or a member of the official's family, the offense shall be a class B felony.

3. For purposes of this section, the following terms mean:

(1) "Election official", includes election judges, challengers, watchers, and other volunteers or employees of an election authority;

(2) "Personal information", includes a home address, home telephone number, mobile telephone number, personal email address, Social Security number, federal tax identification number, checking and savings account numbers, credit card numbers, marital status, or identity of a child under eighteen years of age.

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