

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 783**  
**102ND GENERAL ASSEMBLY**

1790H.05C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 115.127, 115.205, 115.284, 115.427, 115.430, 115.635, and 115.637, RSMo, and to enact in lieu thereof eight 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, 115.635, and  
2 115.637, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as  
3 sections 115.127, 115.205, 115.284, 115.427, 115.430, 115.635, 115.637, and 115.1200, to  
4 read as follows:

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.

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~~ **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 is**  
48 **a state or federal holiday, the closing filing date shall be 5:00 p.m. on the next day that is**  
49 **not a state or federal holiday.** The political subdivision or special district calling an election  
50 shall, before the ~~seventeenth~~ **sixteenth** Tuesday, prior to any election at which offices are to  
51 be filled, notify the general public of the opening filing date, the office or offices to be filled,  
52 the proper place for filing and the closing filing date of the election. Such notification may be

53 accomplished by legal notice published in at least one newspaper of general circulation in the  
54 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.

115.205. 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. **No lists of applications under this section shall be posted or displayed in any**  
38 **area open to the general public, nor shall such lists of applications be considered a**  
39 **public record under the provisions of chapter 610.**

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

(1) Nonexpired Missouri driver's license **as described under section 302.181;**  
(2) Nonexpired or nonexpiring Missouri nondriver's license **as described in section 302.181;**

(3) A document that satisfies all of the following requirements:

(a) The document contains the name of the individual to whom the document was issued, and the name substantially conforms to the most recent signature in the individual's voter registration record;

(b) The document shows a photograph of the individual;

(c) The document includes an expiration date, and the document is not expired, or, if expired, the document expired after the date of the most recent general election; and

(d) The document was issued by the United States or the state of Missouri, **including documents issued in a secure, digital format;** or

(4) Any identification containing a photograph of the individual which is issued by the Missouri National Guard, the United States Armed Forces, including the Space Force, or the United States Department of Veteran Affairs to a member or former member of the Missouri National Guard or the United States Armed Forces, including the Space Force, and that is not expired or does not have an expiration date.

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

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

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

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

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

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

44 a. Nonexpired Missouri driver's license;

45 b. Nonexpired or nonexpiring Missouri nondriver's license;

46 c. A document that satisfies all of the following requirements:

47 (i) The document contains my name, in substantially the same form as the  
48 most recent signature on my voter registration record;

49 (ii) The document contains my photograph;

50 (iii) The document contains an expiration date and is not expired, or if  
51 expired, the document expired after the date of the most recent general  
52 election; and

53 (iv) The document was issued by the United States or the state of Missouri;  
54 or

55 d. Identification containing my photograph issued to me by the Missouri  
56 National Guard, the United States Armed Forces, including Space Force, or  
57 the United States Department of Veteran Affairs as a member or former  
58 member of the Missouri National Guard or the United States Armed Forces  
59 that is not expired or does not have an expiration date; or

60 (b) The election authority verifies my identity by comparing my signature  
61 on this envelope to the signature on file with the election authority and  
62 determines that I was eligible to cast a ballot at this polling place; and

63 (2) This provisional ballot otherwise qualifies to be counted under the laws  
64 of the State of Missouri.

65 \_\_\_\_\_  
66 Signature of Voter Date

67 \_\_\_\_\_  
68 Signature of Election Officials

69  
70 Once voted, the provisional ballot shall be sealed in the provisional ballot envelope and  
71 placed in a separate secured container by the election judge.

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

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

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

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

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

83 6. (1) Notwithstanding the provisions of section 136.055 and section 302.181 to the  
84 contrary, the state and all fee offices shall provide one nondriver's license at no cost to any  
85 otherwise qualified voter who does not already possess such identification and who desires  
86 the identification for voting.

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

90 (a) A birth certificate;

91 (b) A marriage license or certificate;

92 (c) A divorce decree;

93 (d) A certificate of decree of adoption;

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

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

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

98

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

105 (3) Any applicant who requests a nondriver's license for voting shall not be required  
106 to pay a fee. The state of Missouri shall pay the legally required fees for any such applicant.  
107 The department of revenue and a local election authority may enter into a contract that allows  
108 the local election authority to assist the department in issuing nondriver's license photo  
109 identifications.

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

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

118 VOTER'S IDENTIFICATION CERTIFICATE

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

121 PRECINCT

122 WARD OR TOWNSHIP \_\_\_\_\_

123 GENERAL (SPECIAL, PRIMARY) ELECTION

124 Held \_\_\_\_\_, 20\_\_\_\_\_

125 Date

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

128 9. The secretary of state shall promulgate rules to effectuate the provisions of this  
 129 section.

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

138 11. If any voter is unable to sign his name at the appropriate place on the certificate or  
 139 computer printout, an election judge shall print the name and address of the voter in the  
 140 appropriate place on the precinct register, the voter shall make his mark in lieu of signature,  
 141 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~~  
 2 ~~candidates for federal or statewide offices are nominated or elected and any election where~~  
 3 ~~statewide issue or issues are submitted to the voters]~~ **any public election.**

4 2. (1) A voter claiming to be properly registered in the jurisdiction of the election  
 5 authority and eligible to vote in an election, but whose eligibility at that precinct cannot be



6 immediately established upon examination of the precinct register, shall be entitled to vote a  
7 provisional ballot after providing a form of personal identification required pursuant to  
8 section 115.427 or upon executing an affidavit under section 115.427, or may vote at a central  
9 polling place as established in section 115.115 where the voter may vote his or her  
10 appropriate ballot for his or her precinct of residence upon verification of eligibility or vote a  
11 provisional ballot if eligibility cannot be determined. The provisional ballot provided to a  
12 voter under this section shall be the ballot provided to a resident of the voter's precinct  
13 determined by reference to the affidavit provided for in this section. If the voter declares that  
14 the voter is eligible to vote and the election authority determines that the voter is eligible to  
15 vote at another polling place, the voter shall be directed to the correct polling place or a  
16 central polling place as established by the election authority pursuant to subsection 5 of  
17 section 115.115. If the voter refuses to go to the correct polling place or a central polling  
18 place, the voter shall be permitted to vote a provisional ballot at the incorrect polling place,  
19 but such ballot shall not be counted if the voter was not eligible to vote at that polling place.

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

22 (a) The election judge shall examine the precinct register as provided in section  
23 115.425. If the voter is registered and eligible to vote at the polling place, the voter shall  
24 receive a regular ballot;

25 (b) If the voter's eligibility cannot be immediately established by examining the  
26 precinct register, the election judge shall contact the election authority. If the election  
27 authority cannot immediately establish that the voter is registered and eligible to vote at the  
28 polling place upon examination of the Missouri voter registration system, or if the election  
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 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 \_\_\_\_\_  
76 (Signature of Voter)  
77 \_\_\_\_\_  
78 (Current Address)  
79 Subscribed and affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

80

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

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.

115.635. 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 pursuant to 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.**

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~~] **fifty** feet of the building's outer

73 door closest to the polling place **on election day or during the absentee voting period**, or,  
74 on the part of any person, refusing to remove or permit removal from property owned or  
75 controlled by such person, any such election sign or literature located within such distance on  
76 such day 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.

**115.1200. 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.**

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