

SECOND REGULAR SESSION

SENATE BILL NO. 787

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

Pre-filed December 7, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4035S.011

AN ACT

To repeal section 115.105, RSMo, and to enact in lieu thereof one new section relating to election challengers.

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

Section A. Section 115.105, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 115.105, to read as follows:

115.105. 1. The chair of the county committee of each political party
2 named on the ballot shall have the right to designate a challenger for each polling
3 place, who may be present during the hours of voting, [and a challenger for each
4 location at which absentee ballots are counted, who may be present] while the
5 ballots are being prepared for counting and counted, **and until all closing
6 certification forms are completed, all equipment is closed and taken
7 down, the transportation case for the ballots is sealed, election
8 materials are returned to the election authority or to the designated
9 collection place for a polling place, and any other duties or procedures
10 required under sections 115.447 to 115.491 are completed. A challenger
11 may also remain present at each location at which absentee ballots are
12 counted and may remain present while such ballots are being prepared
13 for counting and counted.** No later than four business days before the
14 election, the chair of each county committee of each political party named on the
15 ballot shall provide signed official designation forms with the names of the
16 designated challengers and substitutes to the local election authority for
17 confirmation of eligibility to serve as a challenger. The local election authority,
18 after verifying the eligibility of each designated and substitute challenger, shall
19 sign off on the official designation forms, unless the challenger is found not to

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 have the qualifications established by subsection 5 of this section. If the election
21 authority determines that a challenger does not meet the qualifications of
22 subsection 5 of this section, the designating party chair may designate a
23 replacement challenger and provide the local election authority with the name of
24 the replacement challenger before 5:00 p.m. of the Monday preceding the
25 election. The designating chair may substitute challengers at his or her
26 discretion during such hours.

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

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

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

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

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

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